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CRIMINAL RELEASE COUNSELING—THE ILLINOIS APPELLATE DEFENDER PROGRAM

Paul Vetter, Jr.*

The re-integration of the convict into society is one of the greatest problems facing the criminal justice system today. In this Article, through the use of illustrative case studies, Mr. Vetter details Illinois' innovative program of release counseling within the State Appellate Defender Agency. Under this program, counselors aid convicts in obtaining release or parole and in adapting to life outside the prison walls.

THE purpose of this Article is to describe an innovative supplement to the appellate process of criminal justice in Illinois, the counseling program within the State Appellate Defender Agency. This program provides services to indigent defendants who are represented by the Office of the State Appellate Defender (OSAD) in the appeal of their criminal convictions to the appellate courts. Ninety percent of the clients of the Office of the State Appellate Defender are incarcerated within the Illinois penal system.

THE CREATION OF THE STATE APPELLATE DEFENDER AGENCY

In October, 1969, the Illinois Law Enforcement Commission granted the funds necessary to create the Illinois Defender Project.¹ This project, beginning in January, 1970, established offices in Elgin, Ottawa, Springfield, and Mt. Vernon, the locations of the Illinois appellate courts in the four downstate judicial districts. In 1972, an office was established in Chicago to handle appeals from the First Judicial District located in Cook County. The primary function of the Illinois Defender Project was to appeal criminal convictions of indigent defendants.

After several years of operation, the need for a permanent state agency to continue this function became apparent. In response, the General Assembly passed Senate Bill 889,² creating the Office of

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1. Illinois Law Enforcement Commission Grant No. 2-05-0598-01.
the State Appellate Defender which assumed the work previously done by the Project in its five offices.

The Illinois Supreme Court named Theodore Gottfried, then Director of the Illinois Defender Project, as the first State Appellate Defender. The appellate offices and staff of the Illinois Defender Project became the offices and employees of this new agency. The legislature also empowered the State Appellate Defender to "co-operate and consult with state agencies, professional associations, and other groups concerning the causes of criminal conduct, the rehabilitation and correction of persons charged with and convicted of crime."3 In order to implement this provision, a counseling program was developed within the agency. The agency employed two release counselors for this program: the author of this Article who serves the Chicago and Elgin offices, and Mr. John Newman, who serves the Springfield, Ottawa, and Mt. Vernon offices of OSAD.

Need for Counseling Program in Defender Offices

Throughout the United States there presently exists a number of counseling programs operating within defender agencies at the trial level; however, the Illinois State Appellate Defender counseling program is the only counseling program known to this author that provides services to the clients of an appellate agency. Counseling services were established as a result of the growing awareness that offenders need assistance in examining alternative lifestyles subsequent to their incarceration in the prison system. Incarceration and the subsequent institutionalization process of offenders perpetuate the criminal lifestyle and high recidivism rates. Institutionalization creates an extreme sociological, psychological, and economic dependency on the institution. This symbiotic relationship de-humanizes the individual to the point where he can no longer think for himself or act responsibly. The offender is no longer capable of making crucial decisions about his or her present behavior or future goals.4

The prison system determines that the incarcerated individual must be "rehabilitated," which is too often defined as adjustment to and acceptance of a system designed by others. That is to say, that

3. ILL. REV. STAT. ch. 38, § 208-10(c)(3) (1973) (emphasis added).
other people decide among other things, in which programs the inmate will participate. The programs in the institution are primarily concerned with maintaining security. These programs also function to maintain the institution itself; to occupy the inmate's time; and to condition and/or modify the individual to be dependent, subservient, and incapable of self-government or free choice. This system demands unquestioned conformity of the inmate. Any criticism of the system is met with reprimand or punishment, frequently affecting parole release. The culture of the penal institution is a paternalistic hierarchy not normally found in the free community—yet it is in the free community that the ex-offender is expected to function upon release.5 The realization that this institutionalization left the inmate unprepared for re-entry into society was one of the major reasons the Office of the State Appellate Defender established the counseling office. Another factor in the decision to establish a counseling office was the large number of requests for a variety of non-legal assistance received by the attorneys of the State Appellate Defender. The attorneys became aware that their clients had needs which neither they nor the penal system were meeting. In attempting to answer these requests, it became obvious to the attorneys that they lacked the training, knowledge, resources, and time to service the non-legal needs of their clients. The concept of a release counselor appeared to be the solution to this dilemma.

In organizing the counseling program for the Office of the State Appellate Defender, Mr. Gottfried determined that an individual with knowledge of the correctional system and specific training in the development of a counseling program would best suit the needs of the agency. Paul Bradley, First Deputy Defender and Director of the Chicago office, selected the author of this Article as the first release counselor for the agency. The author's office is located in Chicago and serves the needs of over fifty percent of the agency's clients. The primary duties of the release counselor were defined as: (1) serving the non-legal needs of the clients who are being released or are about to be released from penal institutions in Illinois; (2) acting as a liaison for the incarcerated client between the free community and the prison system; (3) assisting clients already

in the community on parole, probation, or appeal bond; and (4) assisting the attorney and the courts in those cases which are reversed and/or remanded to the lower courts for re-sentencing or a new trial.

As a first step, the release counselor immediately compiled a list of social, psychological, and economic resources which were available to aid offenders, and prepared a guide to areas where clients may be in need of counseling services for use by the Agency attorneys.6

**Roles and Services of the Release Counselor**

The release counselor began working directly with agency clients. It soon became apparent that the counselor would function in many roles. After a three month period of operation, Dr. Bernard Raden, a consultant to the counseling office, conducted an evaluation of the counselor's job. This analysis indicated that five professional roles were being played by the release counselor: (1) psychologist (therapist, guidance-vocational-employment counselor); (2) social service community worker (including developing and maintaining social agency contacts); (3) intake evaluation; (4) ombudsman; and (5) referral agent.

An internal analysis of the Chicago-Elgin counseling office was conducted over a twelve month period after its creation.7 The results of this study indicated that over 200 cases had been referred for assistance. Ninety-seven percent of these cases involved inmates incarcerated within the penal system; the remaining three percent concerned individuals on probation or appeal bond. A closer look at these cases found the release counselor providing services in the following six general areas:

I. Assistance provided to clients appearing before the Illinois Pardon and Parole Board.

A. Social-psychological reports provided for the client to the Parole Board, prior to the parole hearing.8

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6. *See Appendix A* pp. 440-41 *infra*. Also, a comprehensive list of Socio-Psychological Services and Resources for Ex-offenders is available through Paul B. Vetter, Jr., Release Counselor, Office of the State Appellate Defender, 407 South Dearborn Street, Suite 505, Chicago, Illinois 60605.

7. This analysis was conducted by three staff members of the Chicago OSAD.

8. A socio-psychological report is an evaluation of a client in terms of re-integration/resource services specifically available to that client and the client's ability
B. Personal appearances with the client before the Parole Board.

C. Informing the Parole Board of the supportive services which will be provided to the client upon release.

II. Counseling of clients within the institution.

III. Assistance to clients released upon reversal and/or remand of their cases or upon release on parole.

IV. Assistance to attorneys in cases of re-hearings and new trials by preparing socio-psychological reports.

V. Assistance in referring clients to mental health treatment facilities in those cases requiring such assistance.

VI. Referral and recommendation of clients for participation in Department of Corrections Work Release programs.

The study analyzed the Chicago counseling office rather than the Springfield one because of the following factors. (1) the more urbanized nature of the area (the Springfield office services a rural-area clientele); (2) the severity of the cases; (3) the larger number of clients; (4) the availability of resource agencies; (5) the greater indigent population found in the Chicagoland area; and (6) the fact that the seriously mentally ill clients of the agency were referred to the Chicago counseling office.

To illustrate these six areas of service, eight case studies will be presented. These cases are indicative of the general functions of the release counselor, representing a cross-section of cases which utilize the various professional roles previously mentioned.

**CASE STUDIES**

1. **Assistance Provided to Clients Appearing Before the Illinois Pardon and Parole Board**

   **A. Socio-psychological Reports Provided for the Client to the Parole Board, Prior to the Parole Hearing**

   Client A is currently incarcerated in a maximum security institution with minimum security status on the Honor Farm. He was re-integrated into the community and utilized these services. Such a report also includes a summary of the client's institutional behavioral adjustments.

9. The following case studies are compiled from the author's experience during his employment as release counselor.
ferred to the counseling office by a staff attorney of OSAD in June, 1974. Mr. A has been incarcerated since 1960 for the crime of murder. He had appeared before the Parole Board on four separate occasions and each time was denied a parole and given a one year continuance. The rationale behind these decisions was somewhat different at each appearance. On two occasions, Mr. A was denied parole for reasons concerning his psychological stability. One of these denials requested a psychiatric examination. The third denial was attributed to the seriousness of his offense and group therapy was recommended for the client. The final decision was based on the seriousness of his offense and the community's resistance to Mr. A's parole release. Due to the psychological aspect of his denials, the client was referred to the counseling office for a socio-psychological evaluation. The release counselor, in preparing his report, conducted several in-depth interviews with Mr. A, members of his family, prison officials, and, most importantly, Mr. A's group therapy leader.

To further assist in this evaluation, the release counselor obtained all available records and reports pertaining to Mr. A's crime and institutional adjustment. Employment was secured through the trade union to which Mr. A belonged before his incarceration. In addition, the counselor enlisted the aid of Mr. A's relatives and submitted their written recommendations in his behalf to the Parole Board. A socio-psychological report was also submitted to the Board and the Counselor appeared personally before the Board in Mr. A's behalf. This appearance was for the express purpose of further expanding upon and interpreting this evaluation. The Parole Board, although highly complimentary of the report submitted by the release counselor, again continued the case due to the seriousness of this offense and the opposition of the community to Mr. A's release. Mr. A is currently residing as a minimum security inmate within a maximum security facility and is assigned to the Honor Work Farm.

B. Personal Appearance in Behalf of Client

Client B was formerly incarcerated in a maximum security institution and is residing in a private nursing home in suburban Chicago;
he was referred to the counseling office by a staff attorney of OSAD in April, 1974.

Mr. B had been incarcerated in 1968 for armed robbery. On his first appearance before the Illinois Parole and Pardon Board, his case was continued for a two month period because of unacceptable parole plans. Mr. B is sixty-three years old, and suffers from cataracts, diabetes, high blood pressure, and arthritis. Just prior to his appearance before the Board, Mr. B had been released from the prison hospital. The Parole Board wanted a stipulation upon Mr. B's release that he would live in a permanent residence with medical assistance available and that he would have adequate financial support and maintenance within this facility. At the time of this first appearance, Mr. B himself had arranged accommodations at a halfway house for ex-offenders and those released on parole. However, the Parole Board did not approve of the arrangement. After this denial of parole, the staff attorney made a request for assistance to the release counselor. After several interviews with the client at the institution, the counselor determined three potential solutions: (1) a nursing home facility, (2) social security disability benefits and/or (3) public assistance. Although Mr. B had relatives in the Chicago area, they were receiving public aid and unable to assist him. Because of the restriction imposed by the Parole Board, a nursing home facility was agreed upon by all parties concerned. Due to his erratic employment record—Mr. B had been in and out of penitentiaries over a period of thirty years—the possibility of his receiving social security benefits was questionable. However, an application was still placed with the Social Security Administration. Public aid appeared to be a more viable avenue. The Governor's Office on Human Resources was contacted for assistance in securing financial aid for the client immediately upon his release. Despite the fact that Operation DARE (Direct Action For Rehabilitation and Employment of Ex-Offenders) functions mainly as an employment agency for ex-offenders, Mr. William Hayes, a counselor for Operation DARE, assisted the release counselor in the selection of a suitable nursing home. Before this facility would approve the client for residency, the counselor was asked to supply full medical records of the client which were acquired from the Department of Corrections. After an evaluation of
Mr. B, the nursing home facility approved his application for residency. A new set of parole plans, including affirmation of residency, secured public aid and counseling services provided by OSAD were then submitted to the Parole Board. At Mr. B.’s second appearance before the Board, the counselor personally appeared in behalf of the client in order to describe the services available at this nursing home and the solution of his financial situation. The Parole Board reviewed the data presented by the release counselor and was satisfied with these new arrangements. The client was granted a parole and subsequently released.

On the day of his release, the Department of Corrections neglected to provide travel accommodations for Mr. B from the institution to his future residence. After traveling alone by bus to Chicago, Mr. B, in trying to locate the home, became disoriented and lost. Three weeks after his release, Mr. B exhausted the money given him by the institution and finally contacted the release counselor for assistance. The counselor transported Mr. B from his relatives’ home to the nursing facility. When asked why he had waited so long before contacting the counseling office, Mr. B stated that he wanted to function for himself, find his own way and secure employment so as not to require public aid. During this three week period, he had received room and board in exchange for baby-sitting with his relatives’ children.

Mr. B is presently residing at the nursing home, receiving public aid, and attempts are being made to secure some type of employment compatible with Mr. B’s medical and physical disabilities.

C. Informing the Parole Board of Supportive Services Provided to Clients Upon Release

Formerly incarcerated within a minimum security institution, Mr. C. is currently on parole and was referred to the counseling office by a staff attorney of OSAD in August, 1973.

Mr. C had been incarcerated since January, 1973 for robbery. The client was referred to the counseling office for supportive re-integration services, employment placement, and vocational training. In providing this assistance the release counselor contacted Mr. C’s former employer and Operation DARE for job opportunities. Voca-
tional counseling was conducted to determine the specific area in which Mr. C wished to further his vocational skills. In addition, the release counselor contacted the client's family to secure housing and financial support until Mr. C could secure employment. This information was compiled in a report of supportive services available to the client upon his release and was submitted to the Parole Board for its consideration. Mr. C was granted a parole and after his release, was referred to the Tri-Faith Employment Agency for job placement. He was immediately placed in a position and is currently working as a welder. The client was referred to the Division of Vocational Rehabilitation for evaluation and financial assistance in obtaining vocational training as an arc-welder. Mr. C resides with his family in the Chicago area and is in the process of going to trade school.

II. Counseling Within the Institution

Client D is currently incarcerated within a maximum security institution. He was referred to the counseling office by a staff attorney of OSAD in August, 1973. Mr. D has been incarcerated since 1972 for the crime of robbery. The client had written to his attorney objecting to his institutional classification which was hindering the continuation of his educational endeavors. In investigating the client's complaint, the release counselor was informed by the prison officials that the client had been placed in a disciplinary classification which resulted in loss of specific privileges and part of his statutory "good time." After interviewing the client, the counselor determined that the client had questionable motivation toward acquiring educational-vocational skills. In determining the sincerity of Mr. D's motivation, the counselor contacted the client's former vocational school instructor and the assistant principal. It seemed that at the beginning of his education he was highly motivated. However, prior to his arrest, there were a number of indications that Mr. D was no longer interested in his training. The release counselor, in order to establish Mr. D's release potential, referred him to the vocational counseling staff at the institution for in-depth counseling. Sessions were conducted at the institution over a period of nine months. These sessions centered around Mr. D's motivation to continue with his education. At the
end of this time, Mr. D had dropped out of his vocational training course and had applied to a community-based treatment facility known as Work Release. Currently, the client is in the process of being released to a work release center which also provides drug-related counseling as Mr. D has a past record of problems concerning drug usage.

III. Assistance to Clients Released upon Reversal and/or Remand of Their Cases or Release on Parole

Client E was formerly incarcerated in the psychiatric division of a maximum security institution and is currently residing in Michigan. He was referred to the counseling office by a staff attorney of OSAD in February, 1973. Mr. E had been incarcerated for ten years for rape and indecent liberties. An evaluation of Mr. E's psychological stability was requested by his attorney in order to determine Mr. E's fitness for release after obtaining a reversal and remand for a new trial. In making his evaluation, the release counselor contacted Mr. E's psychiatric counselor and the director of the psychiatric unit in which Mr. E was maintained. The counselor also interviewed the client extensively. From these interviews, the counselor was able to provide the attorney with an evaluation that was favorable in terms of his release. The court questioned Mr. E's ability to function if he were released after his ten years of imprisonment. The staff attorney was able to present, through the release counselor who personally appeared in court in behalf of the client, a program providing for re-integration upon release. This plan was accepted and the client was subsequently released. Due to the client's total lack of monetary resources the counselor and the attorney took a personal interest in this client and provided general financial assistance.

The release counselor had arranged three job interviews for Mr. E. However, because of Mr. E's disorientation and confusion on being released, he failed to appear at these scheduled interviews. Several days later the client contacted the counseling office for assistance. A two-hour counseling session was conducted and another job interview was arranged for the following day. Mr. E appeared at this interview and was hired. However, after one half hour on the job, Mr. E became totally disoriented, left the job, re-
turned to his residence, and locked himself in his room. Later that day, Mr. E contacted the counselor and they engaged in an extensive counseling session. The release counselor supplied reassurance, support, and served as a role-model of a released felon, who had coped with these same problems on release. The following day, Mr. E returned to work and was rehired after the release counselor had spoken to his employer and provided insights into Mr. E's erratic behavior. After a period of time, Mr. E relocated in Michigan, where he is currently residing and employed as a bartender.

IV. Assistance Provided to Attorneys in Cases of Rehearings; Preparation of Socio-psychological Reports

Client F, formerly incarcerated in a maximum security institution, was referred to the counseling office by a staff attorney of OSAD in January, 1974. He is currently residing in downstate Illinois, and is employed as an assembler.

Mr. F, guilty of voluntary manslaughter, had been incarcerated since 1968. His attorney on appeal, Mr. Ralph Ruebner, Deputy Defender of OSAD's 2nd Judicial District Office in Elgin, had contacted the release counselor for assistance in obtaining a psychological and institutional evaluation of the client. His case had been reversed and remanded to the trial court for a re-sentencing hearing. In preparing his report, the counselor conducted three extensive interviews with the client at the institution. The counselor then requested a meeting with the Assistant Warden of Program Services and several other prison officials for their impressions and evaluation of Mr. F. The counselor contacted the Intake Director of a Department of Correction halfway house facility to secure housing for the client should he be released by the court or obtain a sentence reduction which would then make him eligible for parole. In order to support and confirm this evaluation, the counselor interviewed the psychologist at the institution. At the rehearing, the release counselor appeared personally before the court with the client's attorney, amplified his evaluation of Mr. F and stated the specific services that would be provided to the client upon release. The court reduced Mr. F's sentence, thus making him eligible for immediate parole. A confirmation of residence and secured employment
was compiled in a report and submitted to the Parole Board. At this parole hearing, the counselor and the staff attorney appeared to present again their evaluation and advise the Board of the services to be provided Mr. F. The client was granted a parole. However, the company where Mr. F was to be employed incurred a production slow-down and was therefore unable to accept him for employment. At this point, the release counselor contacted the client’s parole counselor in Rockford for assistance in finding employment in that area. The parole agent helped Mr. F secure employment and Mr. F was subsequently released on parole.

Mr. F is currently residing with his parents and child in Illinois and is working in a large factory as an assembler at a salary of $9,000 per year. The Division of Vocational Rehabilitation is providing financial assistance so the client may secure the tools necessary for job betterment.

V. Assistance in Referring Clients to Mental Health Treatment Facilities

Currently incarcerated in a co-educational, medium security facility, Client G was referred to the counseling office by a staff attorney of OSAD in September, 1973. Ms. G, convicted of murder, has been incarcerated since January, 1973. Ms. G had been at the medium security institution for nine months, and during that time had attempted suicide approximately fifteen times. The institutional staff had worked with her and she had been sent to three mental hospitals for periods of thirty days. No treatment other than mild chemotherapy was administered to her; each time she was returned to the institution there were no apparent signs of improvement.

The release counselor first made contact with Ms. G in September, 1973. Over a period of three months, the Release Counselor conducted periodic therapy to stop the self-mutilations which had been inflicted over seventy-five percent of her body, and to improve the client’s mental health until proper treatment facilities could be provided. Over this three month period, three different clinical psychologists were consulted to determine an institution with a treatment modality appropriate for Ms. G. After investigating and evaluating various facilities, one was selected because
it provided a treatment modality that, in the opinion of the counselor, had the most appropriate program for dealing with the client's psychological problems. The client's medical and psychological reports were referred to this institution for their evaluation and possible future treatment. Ms. G was accepted into a treatment program for a period of six months. During this time, the counselor visited the client on several occasions to check on the progress of the treatment and improvements in the client's condition. After six months of treatment, it was agreed upon by the staff at the mental hospital, the client, the client's attorney and the release counselor that Ms. G should be committed to the Department of Mental Health for an extended period of treatment. A minor emotional upset experienced by Ms. G resulted in an infraction of the treatment facility's rules; she was then transferred to another Department of Mental Health facility for a different treatment program. After several months of treatment at this facility, the release counselor interviewed the client to determine what improvements had been achieved in the client's mental health and whether the client should be returned to the correctional facility. The release counselor met with institutional officials at the mental hospital for an evaluation of the client's ability to deal with her return to the correctional facility.

The client was subsequently returned by the Department of Mental Health to the original correctional institution to continue serving her sentence while awaiting the outcome of her appeal. Currently, she is working within this facility and seems to be making an adequate adjustment.

VI. Recommendations of Clients to Work Release Programs

Client H was formerly incarcerated at a maximum security facility and is currently residing at a medium-minimum security institution awaiting transfer to a work release program. He was referred to the counseling office by a staff attorney of OSAD in November, 1973. Mr. H has been incarcerated since 1971 for aggravated kidnapping. A request was made to the release counselor to provide possible assistance to Mr. H in his request to be transferred to a work release program. When Mr. H had previously applied for work release, his application was denied due to the nature and cir-
cumstances surrounding his crime. The release counselor conducted a number of interviews with Mr. H and also met with the leader of Mr. H's therapy group at the institution. The counselor's evaluation was that the nature and circumstances of the client's crime were no longer appropriate to warrant his present classification. The release counselor's evaluation emphasized Mr. H's awareness, motivation, and ability to cope with the institutionalization process and Mr. H's insight, growth, and maturity which had resulted from his involvement in therapy. Based upon the client's adjustment and sincerity to rehabilitate, the release counselor requested the Intake Director of the Work Release Program to re-evaluate the client's admission to work release. At a meeting with the Intake Director, the release counselor submitted a psychological report in behalf of Mr. H. Subsequently, Mr. H's application for work release was reconsidered and approved. Currently, Mr. H is awaiting transfer to a work release facility.

CONCLUSION

The counseling program of the Office of the State Appellate Defender functions as a liaison between the penal institutions and the various agencies within the community which provide ex-offenders with services. This counseling program not only is a vital and necessary service, but also is provided exclusively by the State Appellate Defender Agency in Illinois. Further, not only do the release counselors provide services previously not available to a very specific segment of the population, i.e., offenders appealing their criminal convictions, they also provide a service to the staff attorneys. This assistance frees attorneys from the frustrations of the onerous non-legal functions which, although necessary, are difficult for the attorney to perform.
APPENDIX A

GUIDE TO CLIENTS’ NEEDS

Persons within or out of the penal system may be in need of assistance in any of the following areas.

I. FAMILY
   A. Maintenance of family ties; improvement or re-establishment of relationship with family or friends.
   B. Explanation of the prison system, rules, procedures and psychological impact of imprisonment, etc. to client’s family, and possibly, to client himself.

II. LEGAL AID
   Divorce proceedings, income tax, bankruptcy, civil rights, etc.

III. PUBLIC AID
   Aid to client’s family and/or client upon release.

IV. EMPLOYMENT
   A. Renew contacts with former employers.
   B. Setup new jobs for client upon or just prior to release.
   C. Referrals to places of employment and employment agencies.

V. WORK RELEASE
   Assistance to client in obtaining work release six to eight months prior to release.

VI. VOCATIONAL TRAINING
   A. Within or outside the institution.
   B. Arrangement of financial assistance to client upon or just prior to release.

VII. EDUCATIONAL TRAINING
   A. Services available within or outside the institution.
   B. Financial assistance arranged for client upon or just prior to release.

VIII. MEDICAL AID
   Within or outside the institution.

IX. FINANCIAL ASSISTANCE
   Veterans’ benefits, social security benefits, vocational training, educational training.

X. HOUSING
   A. Assistance in securing housing just prior to or upon release.
   B. Relocation out of state.
XI Counseling
Counseling services available within or outside the penitentiary, e.g., prison staff, clinical staff, State Appellate Defender Counseling Office or agencies for any or all of the following reasons:

A. Emotional support. Need of client to know someone will assist him.
B. Drug-related problems.
C. Alcohol-related problems.
D. Vocational-educational guidance.

XII. Bonding
A. Employment.
B. Appeal bond.

XIII. Correspondence
Attorney, family, friends.

XIV. Socio-Psychological Reports
A. To the courts.
B. To the Parole Board in order to assist the client in making a parole.
C. To attorneys.
D. To other agencies.

XV. Attorney-Client Communication
Counseling services are available to establish rapport, improve communications and trust between the attorney and the client.