Legal Defense of Autistic Defendants in the US: A Qualitative Analysis of the

Experiences of Legal Professionals

Carolina R. Caliman[1]* and Colleen M. Berryessa[1]

[1]Rutgers University, School of Criminal Justice, Newark, NJ
*123 Washington Street Room, Newark, NJ 07102, USA; Telephone: 973-705-5656. Email:
carolina.ribeirocaliman@rutgers.edu. ORCID: 0009-0003-6266-7580.

Author Bios:
Carolina R. Caliman is a Ph.D. candidate at the Rutgers University School of Criminal
Justice. Her research focuses on courts and sentencing, particularly examining the
perceptions and decision-making processes of courtroom actors. Carolina explores the
intersections of law and psychology, with a focus on mental health, substance addiction, and
stigma in the legal process. She holds a M.A. in Criminal Justice from Rutgers and a LL.B.
from the Federal University of Espírito Santo, Brazil, and has worked in the Brazilian
Criminal Justice System.

Colleen M. Berryessa is an Associate Professor at the Rutgers University School of Criminal
Justice. Her research, utilizing both qualitative and quantitative methods, investigates how
psychological processes, attitudes, and social contexts affect the criminal justice system,
particularly regarding courts, sentencing, and punishment. She holds a Ph.D. in Criminology
from the University of Pennsylvania and a B.A. from Harvard University. Prior to Penn, she
was a CIRGE research fellow at Stanford University.

Abstract

Autistic individuals encounter distinct barriers within the criminal-legal system, such as misinterpretations of their behaviors, a lack of accommodations, and systemic biases. Despite growing understanding of these challenges, research on how defense attorneys understand and advocate for autistic clients remains limited. This study explores how defense attorneys in the United States conceptualize autism and apply neurodiversity-informed strategies in their advocacy. Semi-structured interviews with 31 defense attorneys revealed that while most attorneys view autism through a medicalized lens, they acknowledge the need for better strategies to secure accommodations in court. Findings suggest that attorneys often rely on expert testimony and recognize the courtroom as primarily designed for neurotypical individuals. Gaps in training and understanding about neurodiversity may hinder effective defense strategies and limit access to justice for autistic defendants. This research highlights the urgent need for enhanced legal training and systemic reform to improve representation and legal experiences for autistic individuals.

Keywords: Autism, neurodiversity, advocacy, defense attorneys, criminal-legal.

Legal Defense of Autistic Defendants in the US: A Qualitative Analysis of the

Experiences of Legal Professionals

Autistic individuals face unique challenges within the criminal-legal system due to a legal framework structured around neurotypical norms and expectations of behaviors that fail to accommodate neurodivergent ways of thinking and interacting (Clasby et al., 2022). The United States (US) criminal-legal system operates on implicit expectations of behavior, communication, and courtroom decorum that align with neurotypical social norms (Ericson & Perlman, 2001). Courtroom interactions often require high-pressure social engagement, verbal fluency, and the ability to maintain eye contact—expectations that can be difficult for autistic individuals who might process information differently, communicate in non-traditional ways, or experience heightened sensory sensitivities. These rigid norms not only place autistic defendants at a disadvantage but also contribute to the potential misinterpretation of their behaviors, leading to wrongful assumptions about credibility, remorse, or intent (Berryessa, 2021; Caliman & Berryessa, 2025). Thus, the inability of the legal system to account for these differences increases the risk of unfair trial outcomes, miscommunication with legal representatives, and harsher sentencing for autistic defendants (Drapela, 2022).

Despite growing awareness of autism within legal settings, there is limited research on how defense attorneys—key advocates for autistic individuals—perceive autism and navigate these complexities in their representation (e.g., George et al., 2018; Maras et al., 2017). While significant research has examined judicial decision-making, police interactions, and forensic assessments related to autism (see Woodhouse et al., 2024), there remains a critical gap in understanding how attorneys, who serve as the primary legal representatives for autistic individuals, conceptualize autism and adapt their legal strategies to ensure fair treatment. Defense attorneys are not only responsible for providing legal representation but

also serve as crucial mediators between their autistic clients and a legal system that remains largely neurotypical in its expectations. Therefore, how attorneys conceptualize autism may directly shape their advocacy strategies, case preparation, and approach to securing accommodations in court.

To our knowledge, this study, using semi-structured interviews with a diverse sample of U.S. defense attorneys, is the first qualitative exploration of how legal counsel perceive and navigate the representation of autistic defendants in criminal cases in the U.S. Through a grounded theory approach, this research examines how attorneys, as non-experts, develop their understanding of neurodivergence and how systemic biases and misconceptions about autistic traits may influence legal strategies and courtroom interactions. Although trained and skilled legal professionals, most attorneys lack formal training in autism and neurodivergence overall (see George et al., 2018; Maras et al., 2017), as well as practical experience in recognizing potential autistic traits, understanding sensory or communication differences, or adapting legal strategies to accommodate neurodivergent clients.

Autism and the Criminal-Legal System

Autistic individuals often face unique challenges when navigating the criminal-legal system, stemming from both misinterpretations of their behaviors and the systemic inaccessibility of legal procedures. While neurodiversity has gained increasing recognition in fields such as education (Gillespie-Lynch et al., 2022; Waisman et al., 2022) and the workplace (LeFevre-Levy et al., 2023; Wen et al., 2023), the legal system remains largely structured around neurotypical norms—placing autistic defendants at a disadvantage in critical areas such as courtroom communication, legal decision-making, and sentencing outcomes (Clasby et al., 2022).

In the US, research has indicated that autistic individuals are engaging with the criminal-legal system more frequently and are overrepresented in incarcerated populations,

with an estimated 4.4% of inmates meeting criteria for an autism-spectrum disorder—

approximately four times the prevalence rate in the general population (Fazio et al., 2012).

While previous studies have shown that autistic individuals are more likely to be involved in

the justice system as victims rather than perpetrators (Beadle-Brown, 2014), the increasing

number of autistic individuals as defendants has raised concerns. These concerns focus on

legal professionals' understanding of neurodiversity and the unique ways autistic individuals

might interact with the legal system, as well as the need to support in understanding legal

terminology and the formalities of the legal process.

Although autism is not inherently linked to criminal behavior, some studies have

suggested patterns in certain types of charges—such as sexual offenses, property crimes, or

cybercrimes—often rooted in social naivety, misunderstanding of norms, or restricted

interests (Woodhouse et al., 2024). However, research has cautioned against overgeneralizing

these patterns; for example, King and Murphy (2014) found that in the majority of cases

involving autistic defendants, no clear link was evident between autism and the offense.

These findings underscore the importance of avoiding pathologizing assumptions while still

recognizing the need for individualized, informed legal responses.

Courtroom as a Neurotypical Space

Traditional courtroom environments are structured around social and communicative

norms that often align with neurotypical expectations that can pose significant challenges for

autistic defendants. These challenges arise from the interplay between the courtroom's

sensory, verbal, and behavioral demands and the social, communicative, and sensory

characteristics that might be displayed by autistic individuals (Berryessa, 2021; Caliman &

Berryessa, 2025).

Court proceedings rely heavily on nonverbal cues such as eye contact, appropriate

emotional expressions, and conversational pacing, which may be difficult for some autistic

individuals. In court, autistic individuals may struggle to maintain eye contact, speak with typical affect, or respond quickly and clearly during questioning (Allely & Cooper, 2017; Berryessa, 2021). Courtroom actors could then misinterpret these differences in communication style as signs of dishonesty, indifference, or lack of remorse (Berryessa, 2014a; Freckelton, 2013). For instance, individuals may smile or laugh inappropriately during testimony or appear disinterested or unresponsive (Berryessa, 2021; Freckelton & List, 2009).

Verbal communication can also be particularly challenging in the courtroom. Patterns of speech such as overly formal speech, echolalia, flat affect, or difficulty understanding idioms, sarcasm, or metaphors, particularly in cross-examination, may lead legal professionals to perceive autistic defendants as evasive, robotic, or manipulative (Berryessa, 2021; Freckelton, 2013). For some autistic individuals, speech may be limited or absent altogether, which can create additional barriers to full participation in testimony or courtroom exchanges. In some cases, autistic individuals may fixate on small details during questioning or respond with tangential remarks, further complicating their ability to testify effectively or to present a narrative in court (Allely & Cooper, 2017).

Additionally, the sensory environment of the courtroom can present unique challenges. The design of the courtroom with bright lights and loud noises, as well its overcrowding, can be particularly overstimulating; these stressors may exacerbate anxiety, hinder concentration, and lead to shutdowns or sensory overload, affecting a defendant's ability to participate meaningfully in their defense (Berryessa, 2021; Clasby et al., 2022). In sum, the structure and expectations of courtroom proceedings—while designed to ensure order and fairness—can inadvertently create hostile or exclusionary conditions for neurodivergent individuals. These conditions not only affect the behavior and participation of autistic defendants but can also influence how they are perceived and judged by others in the courtroom.

Legal Decision-Making Involving Autistic Defendants

Empirical research has increasingly examined how courtroom actors, particularly jurors and judges, perceive and respond to autistic defendants. In fact, research has indicated that decision-makers often struggle to accurately interpret and address cases involving autistic defendants during sentencing (Berryessa, 2014, 2016). This lack of familiarity with neurodiversity and potential previous misconceptions may negatively impact legal outcomes, as certain traits exhibited by autistic defendants may be interpreted as criminal intent or moral flaws (Freckelton, 2013).

Empirical studies examining mock juror decision-making in cases involving autistic defendants suggest that jurors' understanding of neurodivergence, particularly when informed by diagnostic labels and contextual information, significantly influences perceptions of credibility, culpability, and appropriate legal outcomes. In Berryessa et al. (2015), 623 U.S.-based jury-eligible adults evaluated a fictional assault case involving an autistic defendant. When participants were later given clinical testimony explaining the defendant's autism diagnosis and how it related to his behavior, they expressed greater empathy, attributed less moral responsibility, and were more inclined to support rehabilitative alternatives over incarceration (Berryessa et al., 2015).

Similarly, Maras et al. (2019) found that mock jurors in the United Kingdom who received both an autism label and contextual information about the individual's sensory sensitivities, communication style, and behavioral traits were more likely to interpret his actions as understandable responses to stress rather than signs of aggression or deceit. Participants not given such information tended to rely on neurotypical norms to interpret the same behaviors, resulting in more punitive and less favorable views (Maras et al., 2019). Sturges and Nuñez (2021) reinforced these findings in a U.S. sample of 422 mock jurors, demonstrating that awareness of an autism diagnosis and jurors' perceptions of greater

symptom severity—defined as the extent to which a defendant was described as having more pronounced social or intellectual impairments—significantly decreased guilty verdicts and increased support for non-carceral responses. Across studies, when jurors lacked information about autism, they were more likely to misinterpret neurodivergent traits—such as atypical affect, eye contact avoidance, or blunt communication—as dishonesty or dangerousness (Sturges & Nuñez, 2021). More recently, Burleigh et al. (2025) found that among US mock jurors, perceptions of remorse mediated the relationship between an autism diagnosis and sentencing outcomes. Autistic individuals were perceived as less remorseful, which in turn led to harsher proposed penalties; however, when jurors received educational information about autism, perceptions of remorse improved, and sentencing recommendations became less punitive (Burleigh et al., 2025).

Research with judges highlights both an openness to engaging with neurodivergent experiences and a lack of structural support, training, and clarity around how autism should inform legal decision-making. In interviews with California Superior Court judges, Berryessa (2014a, 2014b, 2016) found that while many judges recognized that autistic defendants may experience and interact with the world differently, they often struggled to incorporate this understanding into determinations of intent, culpability, and sentencing. Judges acknowledged that traits related to social communication, impulse regulation, and behavior could shape both alleged offenses and courtroom presentation, but most relied on personal impressions without formal guidance (Berryessa, 2014a). Some viewed autism as mitigating at sentencing, particularly when behaviors stemmed from cognitive or sensory differences (Berryessa, 2016), while others expressed concern about future risk related to behavioral regulation (Berryessa, 2016). Judges also reflected on the role of media portrayals— especially following high-profile incidents—in reinforcing harmful and inaccurate associations between autism and violence (Berryessa, 2014b).

Although some studies have begun to examine the views of legal decision-makers, there remains a significant gap in the empirical literature on defense attorneys' perceptions and experiences in representing autistic clients in U.S. criminal cases. Existing research is largely limited to conceptual recommendations and general guidelines on interacting with autistic defendants (Crehan & Ury, 2021; Gammichia & Johnson, 2014; Mahoney, 2021; Taylor et al., 2009). However, little empirical work explores how defense attorneys navigate these cases in practice. The potential lack of familiarity with autism and how to effectively represent autistic clients can result in ineffective advocacy and missed opportunities for reasonable accommodations. Autistic defendants may struggle to communicate with their attorneys, misunderstand legal advice, or be pressured into plea deals without fully comprehending their consequences due to challenges in processing abstract legal concepts and language, and thus, impacting their experiences with the legal system (Taylor et al., 2009; Faccini & Burke, 2021).

Defense Attorneys' Role in Representing Autistic Defendants

The role of defense attorneys in the legal system has traditionally been defined by their duty to act as zealous advocates for their clients, ensuring their legal rights are protected and that they receive a fair trial (Uphoff, 1988). Attorneys are traditionally expected to represent their clients' best interests with objectivity, loyalty, and confidentiality, all while navigating the adversarial structure of the legal system (Smith, 2013; Uphoff, 1988; Woolley, 1996). This conventional model centers on protecting legal rights and ensuring procedural fairness. Yet for neurodivergent clients, the courtroom can be a deeply disorienting and even harmful environment, marked by unfamiliar rules, overwhelming stimuli, and rigid expectations around behavior and communication. These dynamics raise questions about whether traditional defense strategies are sufficient to meet clients' needs who may experience the legal system differently. In response, legal scholars and practitioners have

proposed alternative frameworks that encourage attorneys to consider how legal processes and strategies can support, rather than undermine, clients' psychological, emotional, and cognitive needs (Wexler, 2004; Winick, 1999).

Advocacy Models in Defense Work

The traditional adversarial model of defense lawyering, prevalent in the US and other common law systems, is grounded in the idea that justice is best achieved through a structured contest between two opposing sides—the defense and the prosecution—each advocating zealously for their position before a neutral arbiter, typically a judge or jury (Smith, 2013; Woolley, 1996). In this framework, defense attorneys are tasked with acting as partisan advocates for their clients, guided by loyalty, detachment, and confidentiality principles. Their primary responsibility is to protect the defendant's legal rights, ensure procedural fairness, and challenge the state's case, regardless of their client's background or circumstances (Nicolson & Webb, 2004; Uphoff, 1988). However, it is essential to note that this model is culturally and legally specific; alternative legal systems—such as inquisitorial models found in many civil law countries—assign different roles to attorneys and rely less heavily on adversarial confrontation.

When applied to the representation of autistic clients, the assumptions underlying the adversarial model, such as a shared understanding of rational legal strategy, communication norms, and courtroom participation, can pose significant challenges. From a procedural perspective, defense attorneys must provide effective counsel by constructing the best possible defense strategy, negotiating plea deals when appropriate, and ensuring their clients are competent to stand trial. This requires legal expertise and understanding their clients' ability to participate in legal proceedings (Smith, 2013). Autistic individuals may experience sensory overload, difficulty with language, and distinct social communication styles that affect how they receive and process legal information (Faccini & Burke, 2021; Taylor et al.,

2009). For example, a client may nod in agreement while masking confusion or distress, leading attorneys to overestimate comprehension and proceed with legal strategies the client does not fully understand (Cooper et al., 2021).

In response to these limitations, alternative frameworks such as therapeutic jurisprudence have emerged to expand how legal professionals conceptualize their roles. Rather than focusing solely on legal outcomes and adversarial performance, therapeutic jurisprudence encourages attorneys to consider how legal processes and strategies affect their clients' emotional, psychological, and cognitive well-being (Wexler, 2004; Winick, 1999). For defense attorneys working with neurodivergent individuals, this might mean advocating for courtroom accommodations, using adapted communication techniques, or helping secure external supports that foster more accessible legal participation (Berryessa & Caliman, 2024). However, the extent to which attorneys should actively intervene in shaping their clients' legal experience remains a debated ethical issue.

Previous Research on Attorneys' Experiences Representing Autistic Clients

Although much of the existing literature on autism has focused on legal decision-makers' perceptions and understanding of autism, there is a limited amount of research on attorneys' experiences in representing autistic clients, which has emerged primarily from the United Kingdom (UK) and also suggests a complex and often inconsistent landscape. Maras et al. (2017) surveyed legal professionals in England and Wales, including solicitors, barristers, and judges, on their ability to support autistic defendants, as well as how these defendants perceived their legal experiences. Approximately half of the legal professionals reported feeling capable of managing their clients' autism-related challenges and expressed general satisfaction with their interactions. However, only 20% reported that formal accommodations were made during proceedings (Maras et al., 2017). Moreover, this confidence was not mirrored by autistic participants themselves, who described significant

frustration with their attorneys and legal representation. Many noted that their attorneys did not acknowledge or address their sensory, communicative, and emotional needs in the courtroom, leading to feelings of exclusion and misunderstanding (Maras et al., 2017). The study highlighted a disconnect between professional self-perception and the actual experiences of autistic defendants—raising important questions about whether attorneys are accurately assessing their clients' needs or simply relying on assumptions about capacity and behavior.

George et al. (2018) extended this inquiry to family court settings, again focusing on the UK. Their research examined the views of legal professionals, most of whom were familiar with the term autism and recognized it as a clinical or medical condition. However, despite this general awareness, most professionals had never received formal training on how to communicate effectively with autistic clients or how to advocate for necessary adjustments. Many expressed uncertainties about which accommodations were appropriate or effective, and some even questioned whether such accommodations were needed (George et al., 2018). This suggests that while knowledge of autism may be increasing in legal circles, that awareness does not necessarily translate into meaningful, neurodiversity-informed practice.

More recently, Slavny-Cross et al. (2022) conducted a cross-national study involving 93 defense attorneys, primarily based in the UK, who provided detailed information about one autistic and one nonautistic client they had represented. This study offers one of the most comprehensive empirical snapshots of how attorneys experience defending autistic individuals across the stages of the criminal-legal process. Findings showed 75% of autistic clients were not provided any reasonable adjustments during the police investigation stage, and only 60% received adjustments during trial. Sometimes, no accommodations were made even when attorneys believed they were necessary. Additionally, nearly half of the

participating lawyers reported that judges or prosecutors demonstrated a lack of understanding of autism (Slavny-Cross et al., 2022). Attorneys were 7.58 times more likely to express concern about their autistic clients' ability to participate effectively in court compared to their nonautistic clients. Notably, the study found that autism was disclosed after the start of proceedings in many cases, limiting opportunities to secure adjustments(Slavny-Cross et al., 2022).

Collectively, these studies reveal several recurring patterns. Attorneys may report confidence in their ability to represent autistic clients, but this may not reflect the actual quality of support or understanding provided. Accommodations may be inconsistently applied, and when they are absent, autistic individuals can face significant disadvantages in navigating the legal process, including misinterpretation of their behaviors, limited ability to effectively participate in proceedings, and increased risk of unjust outcomes. As there is growing recognition of the need for better accommodations and understanding of neurodivergent individuals in legal contexts (Clasby et al., 2022), it is imperative to better understand how defense attorneys —especially in the U.S., where empirical research on this topic remains limited—approach or consider their roles as advocates in cases involving autistic defendants, as well as what factors attorneys may consider when working with autistic individuals to maximize their favorable outcomes and overall well-being.

Current Study

This study is the first known empirical investigation into how US defense attorneys' implicit cognitive processes may shape their views and legal strategies when representing autistic clients. Drawing from semi-structured interviews with defense attorneys, this research examines how they conceptualize and address autism in criminal-legal proceedings to provide a deeper understanding of how they apply their knowledge in the context of criminal defense and advocacy. The study focuses on two main lines of inquiry. First, it explores how

defense attorneys navigate criminal-legal processes involving autistic clients, focusing on their perceptions, views, and how they perceive their roles as their clients' advocates. Second, this research investigates how lawyers, as "non-experts," build knowledge on autism (e.g., through media) and address potential misperceptions, particularly in courtroom environments. Thus, this study aims to address the following research questions:

1. How do defense attorneys who participated in this study perceive and understand autism in the context of criminal defense and legal representation?

2. How do attorneys come to understand autistic clients, their involvement in the legal system, and their role as advocates?

Method

Utilizing a qualitative methodology and a grounded theory analytical approach, this study is designed to uncover emerging patterns and relationships in the data to address how defense attorneys conceptualize and engage with the nuances involving autism in criminal cases. Using a comparative, iterative coding process (Strauss & Corbin, 1990, 1998), data were analyzed and organized into themes related to defense attorneys' level of knowledge on autism and perspectives on the nuances of representing neurodivergent clients.

Design

This research utilizes a qualitative study design and semi-structured interviews with defense attorneys to explore their perspectives on representing autistic clients in criminal-legal proceedings. The analysis follows an adapted constant comparative method, a qualitative approach rooted in classical grounded theory, designed to bridge traditional coding techniques and generate new theory. While the constant comparative method is closely associated with grounded theory, particularly regarding its use of coding and analytic techniques (Strauss & Corbin, 1998), its modern applications often combine inductive (positivist) and deductive (interpretive) approaches (Boeije, 2002; Kolb, 2012; Olson et al.,

2016). This adapted constant comparative method involves continuous comparison of emerging data throughout all phases of the research, unlike traditional grounded theory, which limits literature integration and data comparisons to specific stages. Some literature refers to this use of the constant comparative method in this way as interpretive grounded theory, wherein, prior knowledge and literature are used to shape flexible research questions, enhance analysis and data comparisons from the early stages of coding, and allow the researcher to interpret the data within the context of existing knowledge (Sebastian, 2019).

Indeed, in this study, prior knowledge from the neurodiversity framework and existing literature informs and enhances the analysis, creating an iterative process that strengthens findings (Fram, 2013; O'Conner et al., 2008). For this study, this adapted constant comparative method will structure the analysis of 31 defense attorney interviews, allowing for the identification of key themes related to autism and courtroom experiences involving the representation of autistic clients.

Participants and Procedure

This study employed purposive sampling (Suri, 2011) to recruit defense attorneys practicing criminal defense in the US. The purposive sampling strategy was employed to recruit defense attorneys with practical experience representing autistic clients in criminal proceedings–recognizing that while they are not clinical experts in autism, their professional experience offers valuable insight into the challenges and strategies involved in such cases.

The sample consisted of 31 defense attorneys, including 27 public defenders and four private counsels, from various jurisdictions across the US. Attorneys were primarily recruited via email outreach to public defenders across multiple states whose email information was available online. In total, 1,108 public defenders across the US were contacted and invited to be interviewed for this study. Interview requests included a study information sheet, informed consent forms, and contact information for the authors and invited attorneys with experience

representing autistic clients in criminal-legal proceedings to participate in an interview. Some attorneys in the sample, primarily private counsel, were recruited via an online listserv targeted to a legal audience or through referrals from other colleagues who received information about the study.

A $15 online gift card was offered to attorneys who completed the interview to incentivize participation. Interviews were conducted via phone or video conference, each lasting approximately 45 minutes. All interviews were digitally recorded, transcribed, and anonymized to ensure confidentiality. Verbal consent was gathered from all participants. Rutgers University Institutional Review Board approval for the study was received.

The basic demographics of the sample ($N = 31$) are presented in Table 1. While the study initially focused on recruiting attorneys with prior experience representing neurodivergent clients, a few attorneys without direct experience expressed interest in participating ($N = 4$). As a result, we decided to include these attorneys in the study to explore their general views and perspectives on autism, autistic defendants, and their level of expertise.

Table 1 Basic demographics of interview sample of defense attorneys ($N = 31$)

Demographic		*n* (% of total sample)
Sex	Female	16 (51.6)
	Male	14 (45.2)
	Non-binary	1 (3.2)
Race/Ethnicity	White	30 (96.8)
	White and Hispanic	1 (3.2)
Age (Min: 30, Max: 75 years)	30 – 40	12 (38.7)
	40 – 50	7 (22.6)
	50 – 60	6 (19.4)
	61+	5 (16.1)
	Not reported	1 (3.2)

State Geographic Jurisdiction	Alabama	3 (9.7)
	Alaska	2 (6.5)
	Arizona	1 (3.2)
	Arkansas	1 (3.2)
	Illinois	2(6.5)
	Kansas	2 (6.5)
	Louisiana	1 (3.2)
	Massachusetts	2 (6.5)
	Minnesota	2 (6.5)
	Montana	1 (3.2)
	New Jersey	1 (3.2)
	New York	1 (3.2)
	North Carolina	1 (3.2)
	North Dakota	1 (3.2)
	Pennsylvania	1 (3.2)
	Tennessee	1 (3.2)
	Utah	2 (6.5)
	Virginia	4 (12.9)
	Washington	1 (3.2)
Educacional Background	Bachelor's Degree	
	Political Science / Government	10 (32.3)
		6 (19.4)
	English / Literature / Journalism	5 (16.1)
		4 (12.9)
	History / Philosophy / Humanities	2 (6.5)
		2 (6.5)3 (9.7)
	Psychology / Social Sciences	
	Business / Administration	
	Other/ Multidisciplinary	
	No information provided	
	Master's Degree	1 (3.2)
	Public Policy	1 (3.2)
	MBA	1 (3.2)
	Public Administration English	1 (3.2)
Type of Cases	Criminal Cases	24(77.4)
	Juvenile Cases	2 (6.5)
	Other (Therapeutic, General, Mental Health Unit)	4(12.9)
	Not reported	1 (3.2)

Demographic		**Average (*SD*)**
Estimated Number of Cases Per Day	Minimum Caseload: < 5	17.35 cases (*SD* = 21.57)
	Maximum Caseload: 100	
Years as Defense Attorney	Minimum Tenure: 1.5 years	17.62 years (*SD* = 12.63)

Maximum Tenure: 48 years

Note. SD = standard deviation.

Interviews and Analysis

Interviews lasted approximately 45 minutes and encompassed question areas that permit qualitative model development in grounded theory (Patton, 2015). The semi-structured interview guide was organized around two themes: (1) questions about defenders' views of and knowledge of autism, both generally and in relation to defendants, legal representation, and courtroom settings, and (2) personal and professional experiences in interacting with autistic individuals, mainly focusing on any prior experiences representing autistic clients. Additionally, questions were asked on basic demographics. The complete semi-structured interview guide is included as Appendix. We note that the language used in the interview guide was at times medicalized or deficit-based, reflecting common legal and clinical framings of autism. This may have shaped participant responses and is addressed further in the Limitations.

The qualitative software MAXQDA was used for this analysis to organize and code the interview data. Initially, open coding was applied to a random selection of interviews. This phase involved identifying and defining key concepts, breaking the data into smaller segments, and grouping them into preliminary themes (Strauss & Corbin, 1990,1998). In line with grounded theory practices, the coding process combined data-driven codes that emerged from the interviews with theory-driven codes grounded in the research framework (Goulding, 2017). Subsequently, axial coding was applied to the entire dataset. This step involved grouping the themes identified in open coding into broader categories and refining and reorganizing them. The final stage, selective coding, focused on developing the core theoretical framework by examining how the categories interrelate and identifying patterns that explain the data in response to the research questions (Strauss & Corbin, 1990,1998).

To assess the consistency of the coding process, the first author conducted a code–recode (intra-rater) reliability check, a strategy used in qualitative research when only one coder is available (Campbell et al., 2013; Miles et al., 2014). Following the initial coding, the sole coder recorded a randomly selected 20% sample of transcripts with the validated coding scheme at a later time using a line-by-line approach consistent with grounded theory methodology . This achieved a high level of agreement (Cohen's kappa = 0.92) and confirmed the consistency of the coding scheme. In addition, the analysis was documented in accordance with the *Standards for Reporting Qualitative Research* (O'Brien et al., 2014), and reflexivity practices were employed during and after coding to ensure the findings remained grounded in the data.

Reflexivity and Positionality

As researchers examining the intersection of autism and the legal system, we approach this study from a neurodiversity-informed perspective, which emphasizes autism as a natural variation of human cognition rather than a disorder. We are a Brazilian criminal justice doctoral student and an American professor of criminology, each with an academic background in criminal justice and prior work exploring the intersections of law, psychology, and the legal system. While we do not identify as autistic, our work is informed by critical perspectives on the legal representation of autistic clients and is shaped by our cultural and professional experiences in both the U.S. and Brazil.

Results

We identified three overarching thematic domains, each encompassing sub-themes to address the two research questions guiding this study. Table 2 presents an overview of these domains and sub-themes, organized by research questions. The first domain, *Understanding of Autism Shaped by Informal Sources and Medicalized Models*, addresses how defense attorneys define and conceptualize autism, including their sources of knowledge and

experience. The second and third domains, *Navigating Neurotypical Courtroom Norms* and

Attorneys' Advocacy Role for Autistic Defendants, address the challenges and strategies

attorneys described when representing autistic clients. These domains reflect how attorneys

experience, interpret, and respond to systemic constraints in courtroom settings.

Table 2 Thematic domains and sub-themes organized by research question

Research Question	Domain	Sub-themes
RQ1: How do defense attorneys perceive and understand autism in the context of criminal defense and legal representation?	**Domain 1:** Understanding of Autism Shaped by Informal Sources and Medicalized Models	- Medicalized Definitions of Autism - Knowledge-Building Among Attorneys - Challenging Stigma Around Violence and Offense Patterns
RQ2: How do attorneys come to understand autistic clients, their involvement in the legal system, and their role as advocates?	**Domain 2:** Navigating Neurotypical Courtroom Spaces	- The Courtroom as a Neurotypical Space - Courtroom Dynamics and Biases Toward Neurodivergent Behavior - The role of expert testimony and accommodations
	Domain 3: Attorneys' Advocacy Role for Autistic Defendants	- Ensuring Effective Client Communication and Participation - Courtroom Accommodations and Defense Strategies - Attorneys' Confidence and Training in Representing Autistic Clients

Participants are identified by codes indicating their role and interview order. Private

attorneys are labeled A1 to A4, while public defenders are labeled PD1 to PD27. The

numbering reflects the order in which interviews were conducted. We also examined

variation in themes across participant characteristics (e.g., role, experience level, jurisdiction)

using MAXQDA's Code Matrix Browser but found no consistent or meaningful differences

in theme patterns. Accordingly, the results are presented at the aggregate level to reflect shared themes across the sample.

Understanding of Autism Shaped by Informal Sources and Medicalized Models

This domain explores how defense attorneys conceptualize autism and develop their understanding of it in the absence of formal training. Attorneys often relied on medicalized language when describing autism, shaped by informal learning through clients, personal experiences, and media portrayals. Additionally, attorneys shared nuanced views on autism's connection to violence and criminal involvement, often pushing back on stigmatizing assumptions.

Medicalized Definitions of Autism

Attorneys described autism primarily through a clinical or diagnostic lens, often referencing the DSM or using medicalized terms such as "disorder," "condition," "deficits," and "symptoms." Some explicitly deferred to the DSM, stating, "Well, first of all, I'll just take and incorporate the DSM definition because that's the definition and no one can improve upon it" (A4). This reliance on established diagnostic criteria shaped how attorneys discussed traits commonly associated with autism, including social communication differences, rigid routines, sensory sensitivities, and repetitive behaviors. For example, one public defender explained, "It can cause verbal delays, it can cause verbal differences and differences in facial expression, eye contact, and it can have all other kinds of sensory effects that can cause somebody to be either hypersensitive or hyposensitive to the world around them" (PD4).

Attorneys often relied on describing autism by highlighting traits such as hyper fixations or special interests of their autistic clients: "I am more adept at describing the symptoms–adherence to routine is often a symptom of particular hyper fixations or special interests." (PD 7). However, attorneys frequently used the concept of a "spectrum" to highlight how presentations might differ across individuals. As one participant explained,

"There's a, as you say, it's a spectrum. So there's some that have just very mild version, there's some that are non-communicative and maybe even non-functional" (A3). Others recognized the challenges in pinning down a concise or consistent definition. One attorney admitted, "It's like one of those things—you know what it is, but to describe it is a little different… it's a whole spectrum of behaviors, I guess, and ways of processing information, communicating information" (PD9).

Many attorneys highlighted the relevance of providing a documented diagnosis in court and the use of expert assistance when raising autism in court to legitimize the request for accommodations or mitigate misconceptions among other courtroom actors. This overreliance on formal diagnoses was flagged as a potential setback for autistic clients from marginalized groups who may not have had access to assessments or were misdiagnosed with other conditions. As PD14 explained, "Maybe my client's Black, and unfortunately, statistic-wise, our clients of color are not going to get that diagnosis when they probably should have. And so they're not going to get those services."

Knowledge-Building Among Attorneys

Attorneys reported building their knowledge about autism primarily through informal sources including personal experiences, professional interactions with clients, and the media.

Several participants described how their understanding of autism was shaped by personal experiences, particularly through relationships with family members or friends. These informal learning pathways often emerged from direct and indirect exposure to autistic individuals. For example, one attorney explained, "I have friends who have children that are on the autism spectrum. So that gives me a little more familiarity from the human standpoint" (PD 10). Another participant recalled early exposure through family members working in education: "My dad was a principal of a school and my stepmom was a teacher. Both of them worked with kids, both with learning disabilities, behavior disabilities, and they both worked

with a lot of kids on the autism spectrum [...] I was around kids that they worked with and was aware of autism" (PD 9)

Most participants, however, emphasized that their most substantial knowledge of autism came from their professional work with clients. This on-the-job learning occurred informally and incrementally, often through repeated exposure to autistic individuals within the criminal-legal system. As PD15 put it, "Just working with a lot of young men with autism for the most part, and how it brings them into the criminal-legal system." Some attorneys noted that their ability to recognize autism-related traits, such as social communication differences or unusual court demeanor, grew over time as they interacted with more neurodivergent clients. Others expressed concern that attorneys without such exposure might not be able to recognize potential indicators of autism, especially in the absence of a formal diagnosis.

Finally, several attorneys acknowledged that the media shaped their initial understandings of autism. Frequently, attorneys referred to news coverage of autistic individuals or popular movies such as *Rain Man: "*I have seen the diagnosis kind of portrayed on commercial movies like The Rain Man". (PD 22) and move recent shows that depict autistic individuals such as "a show like the big bang theory" (PD 14). Participants, however, expressed deep concerns about how media representations usually highlight stereotypical presentations of autistic individuals that may not account for the diversity in which autism may manifests:

> Probably the impact is that, as so often with media, things are stereotypic[al]. So the idea is you exhibit A, B, and C, this is the niche you fall in. So I think that one of the impacts is the lack of recognition that there are whole other levels or characteristics that may be involved in this diagnosis that aren't in your little pigeon holes (PD 10).

Additionally, some attorneys voiced concerns about the potential reinforcement of "negative stereotypes about people who are autistic" (PD 24) , particularly stereotypes linking autism with violence. They worried that introducing certain evidence or descriptions of autistic traits in court could inadvertently strengthen these associations in the minds of judges or jurors and negatively shape courtroom perceptions.. courtroom perceptions.

Challenging Stigma Around Violence and Offense Patterns

Attorneys in this study consistently challenged the notion that autistic individuals are inherently violent or pose a heightened risk of aggression. When asked about their thoughts on the association between autism and violent behavior, many attorneys emphasized that the behaviors of their autistic clients were frequently misunderstood—particularly by law enforcement—and often mischaracterized as threatening. As one attorney explained,

> I don't feel that I've seen a higher percentage of folks with autism that are kind of exhibiting violent behavior. But I certainly see a really high number of folks with autism who are being misunderstood by law enforcement and interpreted to be the violent one or the aggressor (PD25).

Similarly, another participant stated, "I don't view them as a violent person overall, but they might… react more violently when triggered on certain things than other people would" (PD13).

Attorneys often framed violence, when it did occur, as situational and reactive—tied to sensory overload, communication breakdowns, or confusion—rather than as an expression of intent or malice. PD14 explained, "It's usually because they're just not understanding what's going on... if they're pushed enough, yeah, I've had a few clients that absolutely react violently." PD17 echoed this, noting, "In general, I would say not [more prone to violence]. But I can see that certain individuals, frustration levels and lack of impulse control can

certainly affect violence… I think it's more of an amplifier than something that would cause somebody to be violent or not violent."

When asked about patterns observed in types of offenses committed by their autistic clients, attorneys provided mixed responses. While some attorneys did not report any specific pattern, some attorneys indicated that autistic clients are usually involved in offenses that reflect a misunderstanding of social boundaries and cues. Sexual crimes were among the most frequently cited by participants, though many attorneys contextualized these charges as stemming from deficits in social understanding rather than predatory behavior. One attorney observed that their autistic clients often lacked the developmental or cognitive frameworks to understand social rules related to consent fully:

> So I do think there, we definitely have some sex crimes, for sure. I think that again, can go to just experience maybe something that happened… a neurotypical person… might know that that's wrong… maybe someone… with autism… might not even understand that what was happening to them was wrong (PD14).

Aggravated assault also appeared frequently in the attorneys' accounts, particularly in institutional or mental health settings. Attorneys emphasized that these incidents often arose from dysregulation or difficulty coping with overwhelming environments rather than violent disposition. As one attorney shared, "If the person's autism is triggered by certain things, I think that can make them violent… but I don't view them as violent overall" (PD13). In fact, attorneys cautioned against overgeneralizing offense types, noting the wide range of charges they had encountered: "In my experience… I wouldn't say that there's a disproportionate representation in any area. They're pretty widespread" (PD21).

Finally, when asked whether they had observed an increase in the number of autistic individuals entering the criminal-legal system as defendants, attorneys expressed mixed views. Some participants reported a noticeable uptick in autism-related cases in recent years.

These attorneys attributed the apparent rise to increased diagnostic recognition, growing public awareness, and a broader understanding of neurodiversity: "I suspect that the number of people with autism is the same. It's just that people's awareness of whether they're on the spectrum or not has increased, especially people that are on the milder side of the spectrum that people before would just kind of dismiss as being a little bit odd. (PD 24). However, several attorneys reported not observing a particular increase over the years.

Navigating Neurotypical Courtroom Spaces

The second domain that emerged from the interview data revolves around attorneys' experiences and views on their clients' interactions with the courtroom environment and other courtroom actors. This domain explores how attorneys viewed the courtroom as a space built on neurotypical expectations and how such environments can create structural and procedural barriers for autistic defendants. Attorneys described how sensory demands, behavioral expectations, and social dynamics in courtrooms often conflicted with the needs of their autistic clients. They also highlighted the role of expert witnesses in helping translate these challenges to courtroom actors.

The Courtroom as a Neurotypical Space

Participants often described the courtroom as a structured, formal, and "highly stressful environment" (PD 17) that can be particularly overwhelming for autistic individuals. Overall, attorneys identified three key factors that can present challenges for autistic clients involved in criminal proceedings: the design of the courtroom, the structure and pacing of legal procedures, and interactions with other courtroom actors.

First, several participants emphasized that courtroom environments are rarely designed with sensory accessibility in mind, often exacerbating the challenges faced by autistic individuals. Attorneys identified features such as bright overhead lighting, loud and

crowded spaces, prolonged waiting periods, and the lack of scheduled breaks as particularly problematic. As PD25 described:

> The judge's booming voice in a microphone, but just like the cacophony of sound from, you know, defense attorneys who are talking on one side and prosecutors who are talking on the other, and then everybody else in the auditory audience kind of whispering back and forth and the doors swinging constantly.

Second, attorneys highlighted how standard courtroom expectations and procedural norms can inadvertently suppress self-regulatory behaviors—such as stimming—that many autistic individuals rely on to manage anxiety and sensory overload. Participants described how rigid behavioral expectations (e.g., sitting still, remaining silent, avoiding movement) often conflict with the needs of autistic clients. As Public Defender 23 explained:

> Yeah, the fidgeting, right, like the court officer will tell you to stop moving if you're moving too much. In my cases, the corrections officers stand right next to the client and they're like, stop moving… someone is trying to self-soothe in there and—fucking handcuffs. Like, what the hell are we doing? It is terrible to watch."

In addition to the behavioral expectations, attorneys described how unfamiliar rituals—such as the loud calls of bailiffs, standing and sitting in unison, or the use of a gavel—can disorient autistic clients:

> When you have somebody who's on the spectrum… it's a lot to take in because there are people in front of you, behind you. You've got a court reporter… and then if you don't understand and you're looking around, and you're completely out of place, it's not something that you're used to being in (PD 8).

Finally, attorneys indicated that interactions with other courtroom actors, particularly judges and prosecutors, can be traumatic. Participants described how courtroom dynamics

place autistic individuals under intense scrutiny such as rapid-fire questioning during cross-examination and being at the center of attention. As Public Defender 19 reflected:

It's very intimidating for anyone, but particularly with being singled out by the judge in a very open space that's bright lights very unfamiliar to them. And having everybody stare at them, and in waiting for them to respond and expecting to stay still and quiet and have to wait to talk until it's their turn and explain things and they're not getting explanations.

Courtroom Dynamics and Biases Toward Neurodivergent Behavior

Attorneys expressed concern that other courtroom actors—particularly judges, prosecutors, and juries—often lacked sufficient knowledge or understanding of autism, especially regarding how some autistic traits may manifest in courtroom settings. When asked to rate the level of autism knowledge among these actors, a few participants offered moderate assessments (e.g., 6 or 7 out of 10), but the majority provided low ratings, typically between 2 and 4. For example, PD3 stated, "I'd probably give that about a 4," and noted, "when you have folks that act out in court… there doesn't tend to be a lot of compassion from the other players when it comes to that stuff." Similarly, PD2 rated others' knowledge as a "3," elaborating that the tendency among judges and prosecutors is to treat autism-related behavior in a binary manner, either fully excusing the conduct or not at all, with little room for nuance:

Even if they kind of understood our client's condition… their tendency is to make it into a binary—either the person's condition 100% excuses their conduct or does not at all, and they have to take 100% responsibility. There's no nuance in those kinds of things. (PD 2)Attorneys worried that without a deeper understanding of how autism might manifest, courtroom actors might unfairly judge autistic individuals' behavior—such as poor eye contact, flat affect, or stimming—as signs of disrespect, dishonesty, or lack of remorse. As

one attorney explained, "Most actors in the court system understand the broad strokes. I don't think most actors understand the nuance of it" (PD 15). Several attorneys reported that their clients were frequently misunderstood or stigmatized during court appearances. Public Defender 23 underscored the danger of such misinterpretations:

> There will be times during the procedure where my client could be unfairly judged—not because of anything he or she has done or said—but because of how the disorder is causing them to speak, act, [or] look.

Potential misunderstandings about clients' behaviors often left defense attorneys weighing the potential benefits and risks of disclosing their clients' autism diagnoses in court. Some participants viewed disclosure as potentially helpful in contextualizing atypical behaviors and mitigating perceptions of culpability:

> If presented in the right way, it can have folks view a client with an autism diagnosis in a more positive light. [...] I think you kind of explain some things that otherwise might be strange behavior that you would be more likely to say, "Well, that's not normal, so that is more likely associated with guilty behavior." (PD 6)

However, some attorneys expressed concern that disclosing a diagnosis could increase the likelihood of bias, warning that such disclosures could work a double-edged sword. For example, PD21 emphasized how certain judges might interpret a diagnosis as evidence of dangerousness or chronic risk: "Some judges may see an autism diagnosis as an explanation. But others may see it as, 'This person has something seriously wrong with them and they're unpredictable. They need to be controlled'." In the same vein, another attorney added,

> It's a double-edged sword. I think there are times when people out of ignorance are afraid of things they don't know. [...] But if you can educate people... I do think that there's a level of understanding and compassion that can work to mitigate things. (PD 24).

The Role of Expert Assistance

Attorneys often highlighted the critical role of expert assistance in representing autistic defendants, highlighting three key areas where their involvement was especially valuable: securing necessary accommodations, reducing potential biases in legal proceedings, and supporting arguments for mitigation during sentencing. Many attorneys noted that their expertise in autism was limited and, therefore, they relied heavily on expert witnesses to provide testimony explaining the unique cognitive and behavioral traits that might be associated with autism. As one attorney noted when asked how confident they felt in representing an autistic client from 1 to 10, "Well, without an expert to help me, I would say four, but with an expert, I would say... eight and a half." (PD 16).

Dispelling misconceptions. Attorneys emphasized that expert testimony was crucial in educating courtroom actors about the cognitive and behavioral differences of autistic individuals, particularly in cases where neurodivergent traits were misinterpreted as signs of deception, lack of remorse, or defiance. Experts provided critical context, reframing behaviors such as avoidance of eye contact, literal speech, and sensory overload responses as manifestations of autism rather than indicators of guilt or disrespect. As PA4 explained, "We are attorneys, not doctors… that's why we have an expert who conducts a very thorough interview… and can render an expert opinion, and perhaps testify at a hearing." Another attorney similarly emphasized that "expert assistance is important… to better inform and instruct the court, the jury, and the district attorney on challenges that this person is experiencing in their interpretation of reality" (PD 21).

Several attorneys also described how expert witnesses played a critical role in countering pervasive stereotypes, particularly the assumption that autistic individuals are inherently violent, manipulative, or emotionally detached. For instance, PD4 noted that when autistic defendants testified or displayed visible stimming behaviors, jurors could misinterpret

these actions as signs of guilt or insincerity: "People, citizens, regular people tend to think of themselves as having a much better ability to detect lies than they actually do," the attorney said. "You wouldn't want jurors to be in the dark about something they're going to maybe chalk up to dishonesty."

Experts as educators. Attorneys underscored the role of expert assistance in contextualizing an autistic defendant's behavior within their unique sensory, social, and cognitive experiences, countering common misinterpretations associated with such traits. Experts helped educate judges and juries on the diversity of autistic experiences and how their neurological processing, communication styles, and sensory sensitivities could influence their interactions with the legal system. As PD10 emphasized, "Experts have the ability to convey information about the client's behavior and put it in the context of their spectrum, as opposed to criminal behavior or intentionally criminal behavior."

Several attorneys noted that experts were essential in explaining behavior that might otherwise seem odd or uncooperative:

> You want someone who can provide general information, but you also want someone who's actually looked at your client so they can explain to the jury in regular words and phrases: "This is why this happened this way" (PD 8).

> Without expert testimony, some attorneys expressed concern that autism might be reduced to a stereotype, PD 21 argued, that the use of expert assistance is important in order "to try to better inform and instruct the court, the jury, and the district attorney on challenges that this person is experiencing in their interpretation of reality, and why that's important, relevant, and should shape the outcome."

Ultimately, expert assistance also empowered attorneys to better understand and advocate for their own clients. Many attorneys recognized their own knowledge gaps regarding autism and felt more secure in their legal strategies when working alongside

experts. As PD10 explained, "Having an expert explain their client's behavior... makes them [the attorneys] better able to explain it to someone else, but also to engage in more fruitful discussions with the client.".

Support during sentencing and mitigation. In addition to educating courtroom actors and securing accommodations, some attorneys relied on expert evaluations to support arguments for mitigation during sentencing. Attorneys described experts as playing a crucial role in reframing autism in legal proceedings— shifting the focus away from portraying it as a justification and toward providing contextual understanding of a defendant's actions, capacity, and likelihood of reoffending: "Experts were instrumental in framing autism not as an excuse, but as a contextual factor that could explain the defendant's behavior, reduce culpability, and signal a reduced risk of recidivism." (PD 9).

Attorneys' Advocacy Role for Autistic Defendants

The third domain captures how attorneys used their role to protect and empower autistic clients while navigating the justice system. Attorneys representing autistic defendants engaged in proactive and strategic advocacy efforts to ensure their clients received fair treatment. Their advocacy extended beyond traditional legal defense, incorporating individualized client communication, courtroom accommodations, jury selection strategies, and alternative sentencing advocacy. Recognizing that autistic individuals face unique challenges in legal settings, most attorneys sought to adapt their representation to account for differences in communication, comprehension, and courtroom behavior.

Ensuring Effective Client Communication and Participation

A central aspect of attorneys' legal representation involved ensuring that autistic defendants could meaningfully participate in their defense. Attorneys noted that many clients struggled with processing complex legal language, understanding abstract legal concepts, and navigating social interactions in high-pressure environments such as courtrooms. Participants

emphasized the need to tailor their communication strategies to support autistic clients' comprehension and engagement. This included breaking down legal concepts into smaller, structured explanations, using visual aids and written materials to reinforce understanding, and allowing extra time for clients to process information before making decisions:

> You're going to want to modify how you explain things, you may want to slow things down a little bit, you may want to break information up into chunks to help them process it, especially if it's particularly complicated information about a plea arrangement or a reduction in charges or whatever it might be. I find that it's best to just kind of slow down a little bit. (PD 3).

Some participants expressed concern that autistic defendants often nodded or provided verbal affirmations even when they did not fully understand a question or legal concept. Participants noted that clients might mask their confusion or discomfort to avoid conflict, appear cooperative, or expedite uncomfortable interactions. As one attorney explained, "Because they're camouflaging and because lawyers don't understand that smart people can be severely impaired in understanding… it affects representation because lawyers have no clue there's something really going on" (A1). Others described how clients might silently accept information without expressing confusion, which could be misinterpreted as comprehension: "They might just be accepting it in a silent sense," one attorney noted, "and looking for that verbal cue… if they don't give you that cue, then you don't necessarily know that they do understand or they are following you normally" (PD 4). Beyond attorney-client interactions, attorneys frequently connected with family members to facilitate communication with their clients and emotionally support them. In some cases, attorneys secured permission for family members to be present during court proceedings to provide reassurance or assist with communication. As emphasized by PD13:

Even almost using like a parent or caregiver as almost like a translator in a sense if I

just can't seem to figure out how to get something like get it through to them. I've

asked parents before, 'Is there something that you think would help for me to explain

this?' And they might tell me… So then I'll go that route.

Attorneys often reported that allowing a caregiver or trusted family member to sit near the

defendant can help reduce anxiety and improve the defendant's ability to process courtroom

events: "I understand that sometimes our clients with autism, they've built a relationship

with, let's say, a parent, and they're going to understand it coming from them more" (PD 13).

Courtroom Accommodations and Defense Strategies

Attorneys often reported advocating for modifications to reduce stress and ensure

equitable participation for autistic defendants in courtroom proceedings. The main key

strategies cited by attorneys include sensory modifications, structural and procedural

adjustments, and strategic jury selection.

Attorneys commonly sought to minimize overwhelming sensory stimuli that could

trigger distress or emotional dysregulation for their clients. Recognizing that traditional

courtroom environments could exacerbate anxiety or sensory overload, attorneys advocated

for a variety of environmental and procedural modifications. These included requests to dim

courtroom lights, reduce ambient noise, and limit the number of individuals in the room.

When possible, attorneys arranged for clients to wait outside the courtroom or in a quieter

adjacent space until their case was called, minimizing their exposure to unnecessary stressors:

"I've asked judges to go slower. I've asked for their presence to be excused when they are not

needed in court" (PD 1).

Attorneys also secured permission for defendants to use stress-relief tools such as

fidget objects to help regulate sensory input and prevent emotional dysregulation during

proceedings:

If the lights can even be dimmed slightly, so they're not as bright if they're kind of

allowed to fidget or given something that can sort of distract them at the same time,

while they're while they're doing things or giving them some demonstrative to look at

throughout the process so that they're not hyper fixating on anything that's going on

around them necessarily might make them more comfortable (PD 19).

Attorneys described efforts to modify courtroom routines that might trigger anxiety or

disrupt participation. These strategies included waiving appearances for routine continuances,

reducing the number of people in the courtroom, and requesting accommodations similar to

those used for interpreters or juveniles: "Honestly, I think a big thing would be if we can just

waive their appearance for a lot of court hearings that are literally continuances… just the

amount of anxiety that comes with getting to court—it just really messes them up for a little

while" (PD 14).

Other attorneys discussed the benefits of altering court schedules and procedures to

reduce cognitive and sensory strain. For instance, one suggested setting aside specific, quieter

times for cases involving autistic defendants: "If the court were able to set aside special time,

so that…it would be quieter in the courtroom, and we could go at a slower pace and stuff. I

mean, that would really be ideal for folks with autism." (PD 3)

In jury trials, attorneys emphasized the importance of using *voir dire* strategically to

uncover and address juror misconceptions about autism. Rather than assuming neutrality or

familiarity with neurodivergence, attorneys indicated that crafting targeted questions to

surface implicit biases, particularly around perceived dangerousness, credibility, or moral

culpability of autistic individuals, was an important strategy. One attorney described their

approach as similar to rooting out jurors with racial or homophobic biases, explaining:

You try to screen out racist jurors, you try to screen out homophobic jurors… So on

the autism issue, what I would start really by doing is… if you hear that somebody

has a diagnosis of autism, you know, who here thinks that that means that person is just more dangerous? (PD 18)

Similarly, another participant emphasized the value of inviting jurors to reflect on their own experiences, explaining: "I'm going to ask people, you know, anyone here have any personal experience or know anyone who's experienced a mental health disorder or developmental disability?… Tell me about your experience with neurodivergent individuals" (PD 27). Finally, several attorneys argued that incarceration environments are not suited for autistic individuals, citing risks of sensory overload, isolation, victimization, and inadequate access to necessary supports. As a result, attorneys reported actively seeking diversionary pathways and alternative sentencing options to mitigate these harms. These efforts involved advocating for mental health courts, problem-solving courts, or probation with structured support, as alternatives to traditional sentencing: "I've asked my client to be released from custody because of a diagnosis: that jail is not a suitable place for a person—well, anyone—but particularly someone who's maybe experiencing sensory overload" (PD 1).

Attorneys' Confidence and Training in Representing Autistic Clients

Attorneys expressed varying levels of confidence when asked about their ability to represent autistic clients on a scale from 1 (not at all confident) to 10 (completely confident), with many acknowledging that their effectiveness often depended on prior exposure, informal learning, or access to expert assistance. For instance, one attorney noted, "I feel a 10 because I've done this enough... That being said, I'm always open to the fact that every client is different" (A4). Another attorney, PD3, reported an 8 out of 10 confidence level and attributed this to having "a lot more training and experience in this area than most of my colleagues." Others expressed moderate or low confidence, often highlighting the need for expert support or further education. For example, one attorney shared, "without an expert to help me, I would say four, but with an expert... I would say eight and a half" (PD16). Another

remarked, "I say five just because I know enough to know that I don't know anything" (PD18).

The lack of consistent, formal training across attorneys' professional development mirrored this range of self-assessed readiness. Most attorneys reported receiving little to no autism-specific training during law school or after. One attorney explained, "We have no expertise, and it's all picked up on the job, or in supplementary trainings after graduation. This is an area that needs so much more attention so that we're being diligent and ethical in our representation" (PD 21). Collectively, most attorneys, when asked if them or their peers would benefit from training opportunities on autism, voiced that more targeted training is urgently needed, as illustrated by PD21:

> I really hope to increase and would appreciate any trainings that are provided in the area of serious mental illness, intellectual or developmental disabilities—with specificity, the autism diagnosis—to help my colleagues better understand what the symptoms would look like, how they would impact the case, how that impacts comprehension and relationship... and how they could be mitigating factors.

Discussion

This study highlights the systemic challenges autistic defendants face within the U.S. legal system and the advocacy role defense attorneys play in representing and assisting autistic clients in navigating the legal process. Our results reveal that although many attorneys relied on medicalized narratives and had limited formal training on autism, their defense strategies frequently reflected neurodiversity-consistent principles, including individualized accommodations, humanizing their clients, and advocating for structural awareness and change. We highlight and discuss the four key areas of findings here.

Knowledge Sources

First, this study illustrates how attorneys build their knowledge on autism, which appears to be largely informal and shaped by lived experience rather than structured legal education. Most participants reported developing their understanding through hands-on experience working directly with autistic clients—mirroring the findings of George et al. (2018) and Maras et al. (2017) about the backgrounds of defense attorneys. Another key finding of this study concerns the critical role that expert witnesses play in supporting defense attorneys representing autistic clients. Attorneys in our sample frequently reported relying on expert input to inform their legal strategies and courtroom advocacy when representing autistic defendants. This dependence was often driven by a lack of formal training or guidance on how autism may present in legal contexts and how to translate those traits into compelling legal arguments.

This finding aligns with Berryessa's (2017) qualitative study of expert witnesses in cases involving autistic defendants, which found that experts view themselves not merely as diagnosticians but as educators, myth-dispellers, and communicators within the courtroom. Similar to what Berryessa (2017) described, experts seem to fill three different roles. First, attorneys consult experts for education purposes to provide information and guidance on to understand better the unique traits of their clients and how to best assist their needs. Second, attorneys consult experts to communicate the legal aspects of autism to the court, as well as to explain and contextualize distinctive traits of an autistic individual. Several attorneys reported adjusting their legal strategies over time, tailoring their communication methods and courtroom strategies to better align with the strengths and challenges of their autistic clients. Finally, attorneys in this study also described relying on expert testimony during the sentencing phase to support mitigation arguments, particularly when advocating for non-

carceral or rehabilitative outcomes, and support narratives that reduced perceptions of culpability or suggested a lower risk of recidivism.

The Courtroom and Structural Barriers to Autistic Participation

Under a neurodiversity-informed lens, disability is not solely located within the individual but emerges from the interaction between atypical cognitive styles and a society built around normative expectations (Botha & Frost, 2020). This tension is especially pronounced in courtroom settings, which are structured around neurotypical norms of communication, behavior, and social interaction. As previous scholarship has shown (Clasby et al., 2022; Freckelton, 2013), legal proceedings presume a shared social script: that defendants will maintain steady eye contact, express emotion in expected ways, process and respond to rapid questioning, and comprehend abstract legal language without difficulty. This study shows that defense attorneys share in these views and have significant concerns about expectations placed on autistic individuals, whose cognitive and sensory profiles may diverge significantly from such norms, in court that may leave them at a structural disadvantage from the outset. Attorneys in our study frequently highlighted the mismatch between courtroom norms and their clients' needs, with several describing how standard features of the courtroom, such as bright lighting, crowded spaces, rigid routines, and confrontational exchanges, could exacerbate their clients' anxiety, leading to withdrawal, shutdown, or unintentional behaviors that may be misread by judges and jurors. Importantly, this sensory and communicative mismatch is not merely inconvenient—attorneys described that it can be traumatizing and may require a trauma-informed approach.

A trauma-informed approach, increasingly recognized as necessary in legal and healthcare contexts, calls attention to the overlap between neurodivergence and trauma, and advocates for creating environments that minimize re-traumatization risks (Woodhouse et al., 2024). Such an approach would involve many of the factors that attorneys discussed, such as

environmental adaptations, the use of respectful and accessible language, and awareness of how power dynamics and courtroom stressors may compound distress for autistic defendants. Research has shown that autistic individuals are more likely to have experienced trauma, including in institutional settings, and that their trauma responses may be misinterpreted or overlooked due to differences in emotional expression and communication (Stack et al., 2021). In legal contexts, this becomes particularly dangerous, as distress reactions might be misread as aggression or evasiveness, further disadvantaging autistic defendants (Woodhouse et al., 2024). Thus, many defense attorneys already appear to recognize the potential traumatizing nature of court settings and procedures for autistic defendants, which likely extends to their interests in providing accommodations to their clients.

Defense Attorneys' Understanding and Framing of Autism

Another central theme in our study concerns how attorneys conceptualize autism and navigate the challenges their clients might face in the justice system. In their descriptions of autism, attorneys often relied on medicalized narratives, referring to DSM descriptions of autism and traits that could be associated with autism. It is likely that the use of clinical descriptions of autism and its "symptomology" is related to two different factors: how attorneys learn about autism and the demands of legal practice itself.

First, attorneys largely reported learning about autism through professional and personal experiences. Indeed, informal exposure, such as interactions with family members, friends, or clients on the spectrum, appeared to be foundational to their understanding of autism. While this experiential learning appeared to foster empathy and curiosity, it often lacked the depth and nuance that formal training or neurodiversity-informed education might provide. Indeed, several attorneys also acknowledged the role of media portrayals, particularly popular shows and films like *Rain Man*, in shaping their early perceptions. However, as prior research has shown (e.g., Berryessa, 2014b), these portrayals tend to

emphasize narrow, stereotypical depictions of autistic individuals while failing to represent the heterogeneity of the autistic population.

Additionally, many attorneys reported supplementing their informal knowledge with insights from expert witnesses, which actually may inadvertently reinforce deficit-based narratives of autism. Attorneys commonly described their clients as "suffering from" autism or emphasize traits such as impaired social communication or behavioral rigidity—language that aligns with courtroom expectations and judicial norms but may obscure strengths, identity-centered perspectives, or contextual nuances.

Second, attorneys' descriptions of autism could be likely shaped by the demands of legal practice itself. To successfully request accommodations, argue for mitigation, or justify alternative sentencing, attorneys must frame their clients' needs in a way that is legible—and persuasive—to judges, prosecutors, and other courtroom actors. Within the adversarial system, legal decisions often rely on formal documentation, expert validation, and alignment with established standards of evidence. As such, attorneys may feel compelled to rely on clinical terminology, medical diagnoses, and DSM-based descriptions of autism to construct arguments that will be taken seriously in court.

This translation of client experience into clinical evidence does not necessarily reflect attorneys' personal beliefs about autism, but rather a strategic adaptation to institutional norms. It is possible that terms such as "diagnosis," "symptoms," or "impairments" carry more legal weight than broader descriptions of sensory needs, identity, or social difference. In this sense, the courtroom environment incentivizes deficit-based framings of autism because they map more easily onto legal standards for mitigation and accommodation (Berryessa, 2017). While this strategy may effectively achieve specific legal goals, it also has broader implications. It reinforces a model of autism that centers on pathology rather than diversity, and it places the burden on autistic defendants to prove that their neurodivergence rises to the

level of a "disability" worthy of legal exception. This model excludes those without formal diagnoses, disproportionately affecting defendants from low-income backgrounds or racialized communities who have historically faced barriers to diagnostic access (Banks & Jackson,2025).

For Black autistic individuals, these challenges may be exacerbated by systemic inequities such as anti-Black racism and ableism (Banks & Jackson, 2025). In special education, Black children are disproportionately labeled as behaviorally disruptive rather than neurodivergent, leading to misdiagnosis or a complete lack of diagnosis. This diagnostic gap carries over into the legal system, where Black autistic defendants may be denied necessary accommodations, reinforcing patterns of exclusion and criminalization (Banks & Jackson, 2025). The legal system's reliance on medical validation places an undue burden on autistic defendants, requiring them to prove their need for accommodations rather than presuming their right to support—an expectation that disproportionately disadvantages those without formal documentation.

Advocacy Strategies and Accommodations

In response to the structural and communicative barriers described earlier, many defense attorneys in this study reported adapting their legal strategies to better support autistic clients. Observation, client interactions, or consultation with experts often informed these adaptations. Attorneys described modifying their communication styles, such as speaking more slowly, avoiding abstract language, and checking frequently for understanding. Several emphasized the importance of minimizing surprise or confusion by walking clients through each step of the legal process in advance. Others reported adjusting their questioning techniques, advocating for breaks during proceedings, or engaging family members as informal supports to help interpret behavior and reduce courtroom stress.

Not all attorneys had formally requested accommodations in court, but many expressed a willingness to do so when needed and a growing awareness of how procedural adjustments could reduce harm. For example, attorneys advocated for accommodations such as dimmed lighting, reduced sensory stimuli, the use of visual aids, or remote testimony when in-person participation would be overwhelming. While some attorneys had limited prior experience with accommodation requests, most expressed openness to learning how to create more accessible courtroom experiences, particularly when they had observed their clients struggle with stress, comprehension, or emotional regulation during legal proceedings.

This reflects what Berryessa and Chandler (2020) identify as a shift toward a therapeutic model of defense lawyering, in which attorneys are not only zealous advocates but also proactive in pursuing their clients' well-being. Within this framework, attorneys recognize that effective legal representation may involve advocating for rehabilitative or supportive interventions—even if those fall outside the traditional bounds of adversarial lawyering. In the present study, attorneys often spoke of tailoring their strategies to meet the sensory and communicative needs of autistic clients: advocating for courtroom breaks, adjusting questioning techniques, using plain language, and requesting environmental modifications. This advocacy aligns with principles of therapeutic jurisprudence, which suggest that legal actors—including defense attorneys—should seek to minimize the psychological harms of legal involvement and promote individual dignity and participation (Wexler, 2004).

Importantly, these defense strategies align with an increasingly nuanced understanding of the neurodiversity paradigm. While early critiques of the neurodiversity movement often accused it of minimizing support needs or rejecting intervention altogether, more recent scholarship challenges this binary framing. As Dwyer et al. (2024) demonstrate in their mixed-methods study, a large proportion of neurodiversity-aligned stakeholders—

including autistic individuals and their allies—support both systemic reform and individualized interventions. Rather than viewing these aims as mutually exclusive, participants embraced a social-relational model of disability, which recognizes that disability emerges not solely from within the individual, but from the interaction between neurocognitive traits and inflexible or unaccommodating environments. This framework endorses both changing societal structures (e.g., legal processes, institutional norms) and directly supporting autistic individuals through personalized tools, strategies, and services that meet their specific needs.

In this light, defense attorneys in our study enacted a form of neurodiversity-informed advocacy that bridged both levels. On the structural side, they worked to challenge or modify courtroom norms—advocating for environmental accommodations like breaks, simplified language, reduced sensory stimuli, and visual aids to enhance their clients' participation. However, equally important were their individualized supports: attorneys spent extra time preparing clients for hearings, coached them through courtroom dynamics, collaborated with family members or caregivers, and frequently adapted their own communication styles to foster trust and understanding. These strategies reflect an interactionist approach, grounded in recognizing that both the courtroom and the individual need to adapt to encourage equitable participation. Moreover, this dual approach challenges the misconception that a neurodiversity-affirming framework is incompatible with acknowledging need or impairment. On the contrary, as Dwyer et al. (2024) show, neurodiversity-informed practice can embrace clinical or therapeutic interventions—so long as those interventions are respectful, collaborative, and aligned with the person's goals and identity. Attorneys in this study exemplified that orientation: they advocated for changes that reduced harm while helping clients navigate the legal system more confidently.

Taken together, these findings highlight the potential for defense attorneys to serve not only as legal advocates but also as facilitators of equity within a system that often marginalizes neurodivergent individuals. By adapting their strategies to address both structural barriers and individual needs, these attorneys advanced a more inclusive model of practice—one that is grounded in recognition, responsiveness, and care.

Limitations and Directions for Future Research

This study does have some limitations that should be acknowledged. As with most qualitative research, the findings are not generalizable to all defense attorneys in the US (Ravitch & Carl, 2016). While diverse in terms of geography, the study's sample consists primarily of public defenders, with fewer private attorneys included. The perspectives captured here may not fully reflect the experiences of private attorneys or those in specialized legal settings. The sample also lacked racial and ethnic diversity, with all but one participant self-identifying as White Non-Hispanic, which limits this study's ability to examine how attorneys' racial or cultural backgrounds may shape their understandings of autism or influence their advocacy strategies with their clients. At the same time, certain jurisdictions may be overrepresented, and while theoretical saturation was reached, it is possible that local legal cultures or regional policies influenced attorneys' perspectives (Berryessa, 2023). Prior research has found that jurisdictional differences in legal resources, diversion programs, and sentencing practices can influence how defense attorneys construct their legal strategies (Steffensmeier et al., 1993; Ulmer, 1997). Future research should explore how these jurisdictional variations shape the experiences of autistic defendants.

This study also relies on self-reported perspectives, making it susceptible to recall bias, social desirability effects, and variations in attorneys' awareness of autism. As a result, responses may reflect what attorneys perceive as professionally appropriate rather than their true beliefs or experiences, potentially leading to underreporting of biases or oversimplified

views (Bergen & Labonté, 2020). This study is also subject to self-selection bias, as attorneys voluntarily opted to participate once invited for an interview. This may indicate that the sample overrepresents attorneys with a preexisting interest or familiarity with autism, potentially skewing the findings toward more informed or sympathetic perspectives (Robinson, 2013). Further, many attorneys in this study primarily framed autism through a medicalized lens, focusing on diagnostic criteria and impairments. This reliance on deficit-based representations may reflect how attorneys build their knowledge of broader structural biases within the legal system, where traits such as atypical eye contact or literal communication are often misinterpreted as signs of dishonesty or lack of remorse (Berryessa, 2017; Freckelton, 2013).

It is also important to note that the language used in tailoring the interview questions describes autism in ways that are not consistent with the values of the neurodiversity movement more generally (see Bottema-Beutel et al., 2021). For example, questions such as whether "most individuals with ASD also struggle with intellectual disabilities" positioned autism primarily in terms of deficits rather than identity. Therefore, it is possible that the way questions were worded might have an impact on attorneys' descriptions of autism and its intersection with the justice system. Future studies should explore how different framings of autism (e.g., clinical vs. identity-first vs. social-relational) shape the ways attorneys understand and advocate for neurodivergent clients. Additionally, research could examine whether exposure to neurodiversity-informed training influences not only attorneys' language but also their courtroom strategies and decisions about when and how to request accommodations.

Finally, this study does not include the perspectives of autistic defendants themselves, which should be prioritized in future research to foster collective identity and advance legal advocacy for such defendants (Crenshaw, 1991). While defense attorneys provide valuable

insights into legal representation, their views may not fully align with the lived experiences of autistic individuals navigating the legal system (Milton, 2014; Gillespie-Lynch et al., 2017). Truly understanding autism within legal contexts requires acknowledging the diversity of experiences among autistic individuals, including intersecting forms of marginalization that may shape their interactions with the justice system (Botha & Gillespie-Lynch, 2022).

Policy Implications for Legal Practice and Systemic Reform

This study highlights the significant role that defense attorneys' perceptions and legal strategies play in shaping autistic defendants' experiences within the criminal-legal system. Attorneys' limited training and formal education on autism, the structure and pace of the courtroom environment, and challenges in securing accommodations for their clients suggest that systemic barriers continue to hinder equitable legal representation for autistic individuals. These findings indicate that legal misinterpretations of autism, particularly stereotypes regarding emotional expression, communication styles, and courtroom behavior, may significantly impact attorneys' ability to advocate effectively for their autistic clients. These challenges are compounded for individuals who face intersecting forms of marginalization, including racism, linguistic barriers, gender bias, and poverty.

This research also underscores the urgent need for structural changes in legal education, courtroom accommodations, and legal procedures that account for the diverse ways autistic individuals navigate the legal system. Standardizing accommodations and expanding expert testimony practices could mitigate biases and misinterpretations that currently shape legal outcomes for autistic defendants. Furthermore, addressing systemic biases in sentencing and prosecution practices, as well as ensuring access to alternative sentencing options, is critical for fostering a more equitable legal environment for neurodivergent individuals—particularly those from racially and socioeconomically marginalized communities.

Further, given that many defense attorneys lack formal training on autism and neurodiversity that may reinforce medicalized views of autism that could unintentionally disadvantage autistic clients and reinforce stereotypes., comprehensive neurodiversity-informed educational programs should be implemented to equip legal professionals with the necessary knowledge to advocate for autistic clients more effectively.

 As Drapela (2022) highlights, the legal system remains largely uninformed about neurodivergence, and existing training efforts, such as Pennsylvania's mandatory autism education for juvenile court judges, demonstrate the potential benefits of structured legal education. In light of these findings, training programs should be integrated into law school curricula, public defender training programs, judicial education, and continuing legal education (CLE) requirements. These programs should focus on recognizing autism within a neurodiversity framework, understanding the diversity of autistic communication and emotional expression, addressing implicit biases that affect legal decision-making, and developing autism-informed defense strategies that challenge ableist assumptions in court. Crucially, these initiatives should go beyond merely raising autism awareness; they must be developed in direct collaboration with autistic individuals, particularly those with lived experience navigating the justice system. As Marshall et al. (2025) emphasize, interventions and policies affecting autistic individuals should be shaped by autistic expertise, ensuring that reforms are informed by those they are intended to support. Moreover, efforts to include autistic perspectives must also be inclusive of those at the margins of the autism community, such as Black, Indigenous, gender-diverse, low-income, and nonspeaking autistic individuals, whose experiences are often excluded from dominant legal narratives (Kostet, 2025). Failing to meaningfully engage autistic individuals in the development of legal education and policy risks perpetuating the very biases and misconceptions that create barriers to justice.

This study contributes to the growing literature on trauma-informed practices in the criminal justice system. Trauma-informed approaches emphasize safety, empowerment, and responsiveness to trauma histories, while acknowledging how legal procedures can retraumatize individuals (McAnallen & McGinnis, 2021). Our study extends these insights to autistic defendants—highlighting the intersection of trauma and neurodivergence in courtroom settings, a still underexamined area. Prior research has shown that autistic individuals are especially vulnerable to misdiagnosis and retraumatization in forensic contexts, reinforcing the need for screening, behavioral planning, and therapeutic safeguards tailored to individuals' specific needs (Faccini & Allely, 2021). Our study supports these recommendations, with attorneys frequently describing courtroom environments as overwhelming and distressing for autistic clients. Thus, this research underscores the importance of integrating trauma-informed, neurodiversity-sensitive practices into legal defense, courtroom procedures, and professional training. Importantly, this means going beyond recognizing past trauma to actively addressing how courtroom dynamics, such as communication style, sensory overstimulation, and rigid behavioral expectations, may create or exacerbate trauma for autistic individuals.

The current research also underscores the critical role of expert testimony in shaping courtroom perceptions of autistic defendants. However, securing expert testimony remains challenging due to limited resources and judicial discretion. Public defenders, responsible for defending the vast majority of criminal cases in the U.S., often work within severely underfunded indigent defense systems (Baćak et al., 2024; Pollitz at al.,2014). Therefore, increasing funding for indigent defense services is important in ensuring equitable access to autism experts across legal representation. The creation of a national or state-based registry of autism experts would also facilitate courts' ability to identify qualified professionals who align with neurodiversity-affirming perspectives.

Further, Gillespie-Lynch et al. (2017) argue that autistic adults often possess heightened, experientially grounded knowledge of autism that exceeds traditional expert conceptions, their perspectives remain undervalued in mainstream research and policy settings. Thus, a neurodiversity-informed approach to expert testimony should actively incorporate autistic self-advocates and researchers, whose lived experiences provide valuable insights into the challenges autistic defendants face within the justice system.

Such efforts must also consider how expertise is defined across cultures. In many countries, particularly in the Global South, formal diagnostic systems may be inaccessible or shaped by different cultural understandings of disability (Brocco, 2024; de Leeuw et al., 2020). As a Brazilian scholar conducting research within the US context, the first author recognizes both the strengths and limitations of legal systems that rely heavily on clinical diagnoses and formalized expertise. In Brazil, for example, diagnostic systems are often unevenly distributed and shaped by broader inequalities in public health and education; research has shown that families frequently rely on social media and informal support networks to navigate the diagnostic process and understand autism (Antunes & Dhoest, 2018), especially in rural or underserved areas. These dynamics suggest that community-based knowledge can serve as a critical supplement—or even a substitute—for formal expertise. Legal systems in these contexts should consider how community-based knowledge and informal advocacy networks can complement or substitute traditional expert testimony.

Finally, these findings highlight the complex influence of media portrayals on attorneys' perceptions of autism within the criminal-legal system. While some attorneys acknowledged that increased media exposure has contributed to greater public recognition of autism, they also expressed concern that popular portrayals often reinforce misleading and harmful stereotypes (Draaisma, 2009; Holton et al., 2014). Stereotypes, as well as simplified

and exaggerated depictions, may lead judges, juries, and prosecutors to misunderstand the diverse ways autism manifests in real-life legal contexts.

Despite these challenges, media representation remains a powerful tool for advocacy when handled responsibly. A critical step toward ensuring accurate, neurodiversity-affirming portrayals is to involve autistic voices in storytelling and media production. By amplifying authentic autistic perspectives, the media can help challenge misconceptions, foster greater societal understanding, and ultimately contribute to a more informed legal system. This call is especially urgent in transnational contexts, where Western media narratives often dominate public perceptions of autism (Jones et al., 2023). By amplifying authentic autistic perspectives, particularly those from underrepresented communities around the world, the media can help challenge misconceptions, foster greater societal understanding, and ultimately contribute to a more informed and inclusive legal system.

Authors Contributions

CRC: Conceptualization; data collection and analysis; writing – original draft; writing – review and editing. **CB:** Supervision; writing – review and editing.

Acknowledgements

We thank the attorneys who generously shared their time and experiences for this research.

Data Availability Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request.

Ethical Approval Statement

This study received approval from the authors' institutional review board (IRB).

Patient Consent Statement

Not applicable.

Funding Information

52

Conflict of Interest Statement

References

Antunes, D., & Dhoest, A. (2018). Autism and social media: the case of Brazil. *Observatorio (OBS*)*, *12*(4). https://doi.org/10.15847/obsobs12420181298

Allely, C. S., & Cooper, P. (2017). Jurors' and Judges' Evaluation of Defendants with Autism and the Impact on Sentencing: A Systematic Preferred Reporting Items for Systematic Reviews and Meta-analyses (PRISMA) Review of Autism Spectrum Disorder in the Courtroom. *Journal of Law and Medicine*, *25*(1), 105–123.

Baćak, V., Lageson, S. E., & Powell, K. (2024). The Stress of Injustice: Public defenders and the frontline of American inequality. *Social Forces*. https://doi.org/10.1093/sf/soae027

Banks, B.M., & Jackson, T. (In Press). The Intersectional Experiences of Racism and Ableism for Black Autistic Individuals. *Journal of Social Issues.*

Bergen, N., & Labonté, R. (2019). "Everything is perfect, and we have no problems": Detecting and Limiting social desirability Bias in Qualitative research. *Qualitative Health Research*, *30*(5), 783–792. https://doi.org/10.1177/1049732319889354

Berryessa, C. M. (2014a). Judiciary views on criminal behaviour and intention of offenders with high-functioning autism. *Journal of Intellectual Disabilities and Offending Behaviour*, *5*(2), 97–106. https://doi.org/10.1108/jidob-02-2014-0002

Berryessa, C. M. (2014b). Judicial Perceptions of Media Portrayals of Offenders with High Functioning Autistic Spectrum Disorders. *International Journal of Criminology and Sociology*, *3*, 46–60. https://doi.org/10.6000/1929-4409.2014.03.04

Berryessa, C. M. (2016). Brief Report: Judicial Attitudes Regarding the Sentencing of Offenders with High Functioning Autism. *Journal of Autism and Developmental Disorders*, *46*(8), 2770–2773. https://doi.org/10.1007/s10803-016-2798-1

Berryessa, C. M. (2017). Educator of the court: the role of the expert witness in cases involving autism spectrum disorder. *Psychology Crime and Law*, *23*(6), 575–600. https://doi.org/10.1080/1068316x.2017.1284218

Berryessa, C. M. (2021). Defendants with Autism Spectrum Disorder in Criminal Court: A Judges' Toolkit. *Drexel Law Review*, *13*(4), 841–868.

Berryessa, C. M. (2023). Examining remorse in attributions of focal concerns during sentencing: A study of probation officers. *International Journal on Responsibility*, *6*(1). https://doi.org/10.62365/2576-0955.1082

Berryessa, C. M., Milner, L. C., Garrison, N. A., & Cho, M. K. (2015). Impact of psychiatric information on potential jurors in evaluating high-functioning Autism Spectrum Disorder (hfASD). Journal of Mental Health Research in Intellectual Disabilities, 8(3–4), 140–167. https://doi.org/10.1080/19315864.2015.1040176

Boeije, H. (2002). A purposeful approach to the constant comparative method in the analysis of qualitative interviews. *Quality & Quantity*, *36*(4), 391–409. https://doi.org/10.1023/a:1020909529486

Botha, M., & Frost, D. M. (2020). Extending the minority stress model to understand mental health problems experienced by the autistic population. *Society and Mental Health*, *10*(1), 20–34. https://doi.org/10.1177/2156869318804297

Botha, M., & Gillespie-Lynch, K. (2022). Come as You Are: Examining Autistic Identity Development and the Neurodiversity Movement through an Intersectional Lens. *Human Development*, *66*(2), 93–112. https://doi.org/10.1159/000524123

Bottema-Beutel, K., Kapp, S. K., Lester, J. N., Sasson, N. J., & Hand, B. N. (2020). Avoiding ableist language: Suggestions for autism researchers. *Autism in Adulthood*, *3*(1), 18–29. https://doi.org/10.1089/aut.2020.0014

Brocco, G. (2024). Theories and practices of disability from the Global South: a critical anthropological perspective. *Frontiers in Health Services*, *4*. https://doi.org/10.3389/frhs.2024.1261091

Burleigh, L., Weber, N., Lim, A., & Young, R. L. (2025). Perceived remorse and education: their impact on mock juror judgements of autistic individuals. *Journal of Autism and Developmental Disorders*. https://doi.org/10.1007/s10803-025-06982-x

Caliman, C. R., & Berryessa, C. M. (2025). Legal Decision-makers in Criminal Cases involving Autism Spectrum Disorder: A Review of the Research and a Call for Action. In B. Bornstein & M. K. Miller (Eds.), *Advances in Psychology and Law* (Vol. 7).

Campbell, J. L., Quincy, C., Osserman, J., & Pedersen, O. K. (2013). Coding in-depth semistructured interviews. *Sociological Methods & Research*, *42*(3), 294–320. https://doi.org/10.1177/0049124113500475

Clasby, B., Mirfin-Veitch, B., Blackett, R., Kedge, S., & Whitehead, E. (2022). Responding to neurodiversity in the courtroom: A brief evaluation of environmental accommodations to increase procedural fairness. *Criminal Behaviour and Mental Health*, *32*(3), 197–211. https://doi.org/10.1002/cbm.2239

Corbin, J. M., & Strauss, A. (1990). Grounded theory research: Procedures, canons, and evaluative criteria. *Qualitative Sociology*, *13*(1), 3–21. https://doi.org/10.1007/bf00988593

Crehan, E. T., & Ury, F. S. (2021). Legal Defense in Criminal Cases [E-Book]. In F. R. Volkmar,R. Loftin, A. Westphal, & M. Woodbury-Smith (Eds.), Handbook of Autism Spectrum Disorder and the Law (1st ed., pp. 127–143). Springer. https://doi.org/10.1007/978-3-030-70913-6

Crenshaw, K. W. (1991). Mapping the Margins: Intersectionality, Identity Politics, and

    Violence against Women of Color. Stanford Law Review, 43(6), 1241.

    https://doi.org/10.2307/1229039

De Leeuw, A., Happé, F., & Hoekstra, R. A. (2020). A conceptual framework for

    understanding the cultural and contextual factors on autism across the globe. *Autism*

    Research, *13*(7), 1029–1050. https://doi.org/10.1002/aur.2276

Draaisma, D. (2009). Stereotypes of autism. *Philosophical Transactions of the Royal Society*

    B Biological Sciences, *364*(1522), 1475–1480. https://doi.org/10.1098/rstb.2008.0324

Drapela, L. A. (2022). Incorporating Neurodiversity into Therapeutic Jurisprudence:

    Exploring the Policy Diffusion Potential of Pennsylvania's Autism Training Law for

    Juvenile Court Judges. *Justice Policy Journal*, *19*(1).

Ericson, K. I., & Perlman, N. B. (2001). Knowledge of legal terminology and court

    proceedings in adults with developmental disabilities. *Law And Human Behavior*,

    25(5), 529–545. https://doi.org/10.1023/a:1012896916825

Faccini, L., & Allely, C. S. (2021). Dealing with Trauma in Individuals with Autism

    Spectrum Disorders: Trauma Informed Care, Treatment, and Forensic Implications.

    Journal of Aggression Maltreatment & Trauma, *30*(8), 1082–1092.

    https://doi.org/10.1080/10926771.2020.1853295

Faccini, L., & Burke, C. (2021). Psychological assessment of Autism Spectrum Disorder and

    the law. [E-book]. In F. R. Volkmar, R. Loftin, A. Westphal, & M. Woodbury-Smith

    (Eds.), Handbook of Autism Spectrum Disorder and the Law (1st ed., pp. 439–451).

    Springer. https://doi.org/10.1007/978-3-030-70913-

Fazio, R. L., Pietz, C. A., & Denney, R. L. (2012). An estimate of the prevalence of Autism-

    Spectrum disorders in an incarcerated population [Journal-article]. *Journal of*

    Forensic Psychology, 69–80.

Fram, S. (2015). The constant comparative analysis method outside of grounded theory. *The Qualitative Report*. https://doi.org/10.46743/2160-3715/2013.1569

Freckelton, I. (2013). Autism Spectrum Disorder: forensic issues and challenges for mental health professionals and courts. *Journal of Applied Research in Intellectual Disabilities*, *26*(5), 420–434. https://doi.org/10.1111/jar.12036

Freckelton, I., & List, D. (2009). Asperger's Disorder, criminal responsibility and criminal culpability. Psychiatry, Psychology and Law, 16(1), 16–40. https://doi.org/10.1080/13218710902887483

Gammicchia, C., & Johnson, C. (2014). Autism: Information for domestic violence and sexual assault counsellors. Maryland: Autism Society. https://www.autismsociety.org/wpcontent/uploads/files/2014/04/Domestic_Violence___Sexual_Assult_Counselors.pdf

George, R., Crane, L., Bingham, A., Pophale, C., & Remington, A. (2018). Legal professionals' knowledge and experience of autistic adults in the family justice system. *Journal of Social Welfare and Family Law*, *40*(1), 78–97. https://doi.org/10.1080/09649069.2018.1414381

Gillespie-Lynch, K., Kapp, S. K., Brooks, P. J., Pickens, J., & Schwartzman, B. (2017). Whose expertise is it? Evidence for Autistic adults as critical autism experts. *Frontiers in Psychology*, *8*. https://doi.org/10.3389/fpsyg.2017.00438

Gillespie-Lynch, K., Bisson, J. B., Saade, S., Obeid, R., Kofner, B., Harrison, A. J., Daou, N., Tricarico, N., Santos, J. D., Pinkava, W., & Jordan, A. (2021). If you want to develop an effective autism training, ask autistic students to help you. *Autism*, *26*(5), 1082–1094. https://doi.org/10.1177/13623613211041006

Goulding, C. (2017). Navigating the complexities of grounded theory research in advertising. *Journal of Advertising*, *46*(1), 61–70. https://doi.org/10.1080/00913367.2017.1281775

Holton, A. E., Farrell, L. C., & Fudge, J. L. (2014). A threatening space?: stigmatization and the framing of autism in the news. *Communication Studies*, *65*(2), 189–207. https://doi.org/10.1080/10510974.2013.855642

Jones, S. C., Gordon, C. S., & Mizzi, S. (2023). Representation of autism in fictional media: A systematic review of media content and its impact on viewer knowledge and understanding of autism. *Autism*, *27*(8), 2205–2217. https://doi.org/10.1177/13623613231155770

Kolb, S. M. (2012). Grounded theory and the constant comparative method : valid research strategies for educators. *Journal of Emerging Trends in Educational Research and Policy Studies*, *3*(1), 83–86. https://journals.co.za/content/sl_jeteraps/3/1/EJC135409

Kostet, I. (2025). The (in)visibilisation of 'ethnicity', 'race' and 'culture' as constructs of difference in Global North autism disparities research. *Autism*. https://doi.org/10.1177/13623613251355247

LeFevre-Levy, R., Melson-Silimon, A., Harmata, R., Hulett, A. L., & Carter, N. T. (2023). Neurodiversity in the workplace: Considering neuroatypicality as a form of diversity. *Industrial and Organizational Psychology*, *16*(1), 1–19. https://doi.org/10.1017/iop.2022.86

McAnallen, A., & McGinnis, E. (2021). Trauma-Informed Practice and the Criminal Justice System: A Systematic Narrative Review. *Irish Probation Journal*, *18*, 109-129.

Mahoney, M. J. (2021). Defending Men with Autism Accused of Online Sexual Offenses [E-book]. In F. R. Volkmar, R. Loftin, A. Westphal, & M. Woodbury-Smith (Eds.), Handbook of Autism Spectrum Disorder and the Law (1st ed., pp. 269–306). Springer. https://doi.org/10.1007/978-3-030-70913-6

Maras, K. L., Crane, L., Mulcahy, S., Hawken, T., Cooper, P., Wurtzel, D., & Memon, A. (2017). Brief report: Autism in the courtroom: Experiences of legal professionals and

the autism community. *Journal of Autism and Developmental Disorders*, *47*(8), 2610–2620. https://doi.org/10.1007/s10803-017-3162-9

Maras, K., Marshall, I., & Sands, C. (2019). Mock juror perceptions of credibility and culpability in an Autistic defendant. Journal of Autism and Developmental Disorders, 49(3), 996–1010. https://doi.org/10.1007/s10803-018-3803-7

Marshall, N., Clara, Kirsebom, D., & Russell, K. (in press). Applied behaviour analysis (ABA): A transformative mixed methods analysis of autistic experiences, expertise, and allyship toward improved neurodiversity-affirming supports. *Journal of Social Issues*.

Miles, M. B., Huberman, A. M., & Saldaña, J. (2014). *Qualitative Data Analysis: A Methods Sourcebook* (3rd ed.). Thousand Oaks, CA: Sage.

Milton, D. E. (2014). Autistic expertise: A critical reflection on the production of knowledge in autism studies. *Autism*, *18*(7), 794–802. https://doi.org/10.1177/1362361314525281

O'Brien, B. C., Harris, I. B., Beckman, T. J., Reed, D. A., & Cook, D. A. (2014). Standards for Reporting Qualitative research. *Academic Medicine*, *89*(9), 1245–1251. https://doi.org/10.1097/acm.0000000000000388

O'Connor, M. K., Netting, F. E., & Thomas, M. L. (2008). Grounded theory: Managing the challenge for those facing institutional review board oversight. *Qualitative Inquiry*, *14*(1), 28-45. https://doi.org/10.1177/1077800407308907

Olson, J., McAllister, C., Grinnell, L., Walters, K. G., & Appunn, F. (2016). Applying Constant Comparative Method with Multiple Investigators and Inter-Coder Reliability. *The Qualitative Report*. https://doi.org/10.46743/2160-3715/2016.2447

Patton, M. Q. (2014). *Qualitative research & evaluation methods: Integrating theory and practice*. http://ci.nii.ac.jp/ncid/BB18275167

Pollitz Worden, A., & Davies, A. L. B. (2013). Criminal defense profession. In *The Encyclopedia of Criminology and Criminal Justice* (pp. 816–828). https://doi.org/10.1007/978-1-4614-5690-2_38

Ravitch, S. M., & Carl, N. M. (2016). *Qualitative research: Bridging the conceptual, theoretical, and methodological.* Sage.

Robinson, O. C. (2013). Sampling in Interview-Based Qualitative Research: A Theoretical and Practical Guide. *Qualitative Research in Psychology*, *11*(1), 25–41. https://doi.org/10.1080/14780887.2013.801543

Sebastian, K. (2019). Distinguishing Between the Strains Grounded Theory: Classical, Interpretive and Constructivist. *Journal for Social Thought*, *3*(1). https://ojs.lib.uwo.ca/index.php/jst/article/download/4116/6633

Slavny-Cross, R., Allison, C., Griffiths, S., & Baron-Cohen, S. (2022). Autism and the criminal justice system: An analysis of 93 cases. *Autism Research*, *15*(5), 904–914. https://doi.org/10.1002/aur.2690

Smith, T. (2013). The "quiet revolution" in criminal defence: how the zealous advocate slipped into the shadow. *International Journal of the Legal Profession*, *20*(1), 111–137. https://doi.org/10.1080/09695958.2013.835906

Steffensmeier, D., Kramer, J., & Streifel, C. (1993). Gender and imprisonment decisions. *Criminology*, *31*(3), 411–446. https://doi.org/10.1111/j.1745-9125.1993.tb01136.x

Strauss, A. L., & Corbin, J. M. (1998). Basics of qualitative research : techniques and procedures for developing grounded theory. In *Sage eBooks* (Issue 1). http://lib.tums.ac.ir/site/catalogue/61151

Sturges, H. A., & Nuñez, N. L. (2021). Autism spectrum disorder in adult defendants: the impact of information type on juror decision-making. Psychology, Crime & Law, 1–17. https://doi.org/10.1080/1068316x.2021.1900180

Suri, H. (2011). Purposeful sampling in qualitative research synthesis. *Qualitative Research Journal*, *11*(2), 63–75. https://doi.org/10.3316/qrj1102063

Taylor, K., Mesibov, G., & Debbaudt, D. (2009). Autism in the criminal justice system. North Carolina Bar Journal, 14(4), 32-36.

Ulmer, J. T. (1997). *Social Worlds of Sentencing: Court communities under sentencing guidelines*. SUNY Press.

Uphoff, R. J. (1988). The role of the criminal defense lawyer in representing the mentally impaired defendant: zealous advocate or officer of the court. *Wisconsin Law Review*, *1988*(1), 65–110.

Waisman, T., Williams, Z. J., Cage, E., Santhanam, S. P., Magiati, I., Dwyer, P., Stockwell, K. M., Kofner, B., Brown, H., Davidson, D., Herrell, J., Shore, S. M., Caudel, D., Gurbuz, E., & Gillespie-Lynch, K. (2022). Learning from the experts: Evaluating a participatory autism and universal design training for university educators. *Autism*, *27*(2), 356–370. https://doi.org/10.1177/13623613221097207

Wen, B., Van Rensburg, H., O'Neill, S., & Attwood, T. (2023). Autism and neurodiversity in the workplace: A scoping review of key trends, employer roles, interventions and supports. *Journal of Vocational Rehabilitation*, *60*(1), 121–140. https://doi.org/10.3233/jvr-230060

Wexler, D. B. (2004). Therapeutic jurisprudence and the rehabilitative role of the criminal defense lawyer. St. Thomas Law Review, 17, 743–774.

Winick, B. J. (1999). Redefining the role of the criminal defense lawyer at plea bargaining and sentencing: A therapeutic jurisprudence/preventive law model. Psychology, Public Policy, and Law, 5(4), 1034–1083.

Woodhouse, E., Hollingdale, J., Davies, L., Al-Attar, Z., Young, S., Vinter, L. P., Agyemang, K., Bartlett, C., Berryessa, C., Chaplin, E., Deeley, Q., Freckelton, I., Gerry, F.,

Gudjonsson, G., Maras, K., Mattison, M., McCarthy, J., Mills, R., Misch, P., . . . Allely, C. (2024). Identification and support of autistic individuals within the UK Criminal Justice System: a practical approach based upon professional consensus with input from lived experience. *BMC Medicine*, *22*(1). https://doi.org/10.1186/s12916-024-03320-3

Woolley, A. (1996). Integrity in zealousness: Comparing the standard conceptions of the Canadian and American lawyer. *Canadian Journal of Law & Jurisprudence*, *9*(1), 61–100. https://doi.org/10.1017/s0841820900003350

Author Bios

Carolina R. Caliman is a Ph.D. candidate at the Rutgers University School of Criminal Justice. Her research focuses on courts and sentencing, examining the perceptions and decision-making processes of courtroom actors. She is particularly interested in the intersection of law and psychology, including mental health and substance addiction, as well as the impacts of expungement policies and clean slate legislation on legal outcomes and public opinion. She received a M.A. in Criminal Justice from Rutgers University and a Bachelor of Laws (LL.B.) from the Federal University of Espírito Santo in Brazil.

Colleen M. Berryessa is an Associate Professor at the Rutgers University School of Criminal Justice. She utilizes both qualitative and quantitative methods to consider how psychological processes, perceptions, attitudes, and social contexts affect the criminal justice system, particularly related to courts, sentencing, and forms of punishment broadly defined. She received a Ph.D. in Criminology from the University of Pennsylvania, a B.A. in Government and Mind, Brain, and Behavior from Harvard University, and served as a CIRGE research fellow at Stanford University.

Appendix

Interviewee Code: _____

Date of Interview: _____

Thank you for taking the time to talk with me today. I'm [insert name]. I first want to thank you again for your time and willingness to participate. Your consent to be audio-recorded is not required in order to be interviewed. Before we begin, please read the informed consent sheet.

- Do you have any questions? _____
- If you have understood and agree to the terms on this sheet, I will need your verbal consent to participate. _____
- As you see at the bottom of the consent sheet, I also will need your verbal consent to be audio-recorded. _____ Thank you.

As a brief introduction to this interview, I am conducting a research study that focuses on examining the experiences and awareness of defense attorneys in New Jersey in representing defendants diagnosed with Autism Spectrum Disorder (ASD). As a reminder, please know that your participation in this interview is completely voluntary. Feel free at any time to let me know if you need a break or if you don't want to talk about a certain topic or if you need to stop the interview at any time. You are also free to skip any questions at any time. The interview will take about 30 minutes. Interviews are confidential and the contents of the interview will be anonymized. The Rutgers University Institutional Review Board has approved the study. Do you have any questions for me before we begin?

Q1. Can you please tell me if you had any previous contact with individuals with ASD? If so, was it on a personal or professional level? Q1. Can you describe in your own words what is Autism Spectrum Disorder (ASD)?

Q2. What has shaped your views on Autism?

Q3. To the extent of your knowledge, in which ways do you think that having ASD impact an individual's ability to interact with others and live independently?

Q4: To the extent of your knowledge, do you think that most individuals with ASD also struggle with intellectual disabilities?

Q5: In your opinion, do you think ASD can be diagnosed in adulthood?

Q6. In your opinion, how does the media usually portray ASD? Do you believe it impacted your perceptions of individuals with ASD and if so, how?

Q7: Do you think individuals with ASD are particularly more prone to violence when compared with nonautistic people?

Q8: Do you think individuals with ASD are more likely to commit certain crimes?

Q9: How might a defendant's ASD affect the legal representation provided to him? How might it affect how you approach your role as his attorney?

Q10: On a scale from 1 to 10 (with 1 being not at all and 10 being completely) to what extent do you think that courtroom actors (i.e. judges, jury, and prosecutors) have previous knowledge of ASD?

Q11: In your opinion, does proving to the jury and the judge a defendant's ASD diagnosis in court, can impact their perceptions and decision-making process in a case? If so, do you think that informing a defendant's diagnosis provides a more negative or positive view on the defendant?

Q12: On a scale from 1 to 10 (with 1 being not at all and 10 being completely) to what extent do you think that courtroom actors (i.e. judges, jury, and prosecutors) have previous knowledge of ASD and its common symptomology and how it affects offending and courtroom behavior?

Q13: Do you think that the media portrayal of ASD influences the decision-making process involving defendants with ASD in court?

Q14: In your professional opinion, do you believe that the use of expert assistance is important in criminal cases in which the defendant has ASD?

Q15: Do you think defendants with ASD struggle with the courtroom environment? If so, can you list some of the difficulties you believe that defendants with ASD face during court proceedings?

Q16: Do you think defendants with ASD can benefit from accommodations and adjustments in a courtroom environment? If so, can you list any potential ones?

Q17: On a scale from 1 to 10 (with 1 being not at all and 10 being completely) how confident do you feel in your capability and knowledge in representing a defendant with ASD?

Q18: Have you attended any professional training relating to ASD and how to interact with diagnosed defendants?

Q19: Do you think you and your judicial peers would benefit from training opportunities on ASD?

Q20: Can you please tell me if you had any previous contact with individuals with ASD? If so, was it on a personal or professional level?

Q21: Can you estimate the percentage of defendants you represented that had an ASD diagnosis?

Q22: Based on your professional experience, do you believe that over the years the number of individuals with ASD as defendants has increased?

Q23: Have you attended any education seminars, conferences, or professional training relating to ASD and how to interact with diagnosed defendants? If so, how many approximately and concerning what type of information?

Q24: When representing a defendant with ASD, have you ever requested any alterations to be performed in the courtroom to accommodate your client? If so, can you give any examples?

Q25: Before bringing an autistic client before the judge and/or the jury, are there any particular steps you take either with the defendant or their family to instruct them on the proceedings? If so, can you give any examples?

Q26: Have you worked in a case with a defendant with ASD in which expert assistance has been used? Based on your experience, can you estimate the percentage of cases you represented in which an expert assistance was used?

Q.27: Please describe:
a.   Your age range: Under 30, 30 – 40, 40 – 50, 50 – 60, above 60
b.   How do you identify in terms of race and ethnicity?
c.   What is your gender identity?
d.   Year range of how long you have been a defense attorney: under 5, 10 – 15, 15 – 25, more than 25.
e.   Your broad educational background (degrees, disciplines of study, not school names).
f.   Range of how many cases you handle per day: under 5, 10 – 15, 15 – 25, more than 25 cases.
g.   The broad nature of cases over which you work with.