

## **THE MYTH THAT “MY LAWYER HAS THIS COVERED”**

### **Why This Belief Is So Common**

One of the most common and understandable assumptions people make after conviction is this: “My lawyer will handle the PSR.”

I believed that myself when I was first convicted. Many of the people I met inside believed the same thing. And to be clear, this belief does not come from laziness or arrogance. It comes from fear, trust, and a natural desire to hand responsibility to someone who understands the system better than you do.

Defense attorneys play a critical role. They understand the law, sentencing guidelines, and courtroom strategy. But the PSR is not primarily a legal document. It is an investigative and administrative document, written by a probation officer and relied upon long after your attorney’s role ends.

Understanding the influence of the PSR can lead to better preparation, and save problems later..

### **What Defense Attorneys Do Well—and Where the Gap Exists**

Most defense attorneys are highly focused on:

- » Negotiating plea agreements
- » Litigating trial issues
- » Arguing sentencing factors before the judge

Those skills are essential. But many attorneys spend far less time on the downstream consequences of the PSR—how it will be used by the Bureau of Prisons, classification officials, and probation officers years later.

This is not a criticism of lawyers. It’s a reality of how representation works. Once sentencing is complete, the attorney’s formal role usually ends. The PSR, however, becomes the document that governs your life inside the system.

I've seen attorneys tell clients that the PSR is "just a formality" or that it "won't affect the sentence." Sometimes that's true in a narrow sense. But it ignores everything that happens after the sentence is imposed.

## **Why Personal Preparation Still Matters**

No one knows your life better than you do. No one else can fully explain your background, your decisions, your health history, your substance use, or your family circumstances with the same accuracy and nuance.

Probation officers gather information from many sources. If you do not prepare and document your own story carefully, the PSR will rely more heavily on the government's version of events and whatever information is easiest to verify.

That doesn't mean you should speak recklessly or without guidance. It means you should understand the process well enough to participate responsibly and strategically.

Your lawyer cannot do that work for you.

## **When Attorneys Aren't Present at the PSR Interview**

Another reality people are often surprised by is that defense counsel is not always present during the PSR interview. Sometimes this is a strategic decision. Sometimes it's a resource issue. Sometimes it's simply how the process unfolds.

Even when counsel is present, the probation officer is still gathering information directly from you. Your answers, tone, and preparation matter.

If you enter that interview unprepared, no one can retroactively fix what was said or how it was recorded.

## **Shared Responsibility, Not Delegation**

The most effective outcomes I've seen come when people treat the PSR as a shared responsibility.



Your attorney handles legal strategy, objections, and advocacy. You handle preparation, documentation, and accuracy. When those roles align, the PSR is far more likely to reflect reality rather than assumption.

When they don't align, gaps form. And those gaps often become permanent.

## **Taking Ownership at the Right Time**

I'm not suggesting you distrust your lawyer. I'm suggesting you understand the limits of delegation, and you do your best to work collaboratively with your lawyer in preparation of your PSR..

The PSR is one of the few moments in the process where your preparation—or lack of it—will follow you long after everyone else has moved on.

In the next lesson, I'll walk you through how the PSR investigation actually works, including timelines, interviews, and what probation officers do before they ever speak with you. Understanding that process will help you prepare with clarity instead of fear.



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Prison Professors Charitable Corporation / PO Box 50996 / Irvine CA 92619  
IRS 501c3 #85-2603315 / [www.PrisonProfessors.org](http://www.PrisonProfessors.org)  
Email: [Impact@PrisonProfessors.org](mailto:Impact@PrisonProfessors.org)