

A Look at The Dynamics of Public Defenders in The Courtroom Workgroup

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In the United States, those that go before the law in a criminal matter have the right to an attorney and if they cannot afford counsel, one will be provided to them. This is where the public defender comes into play. Public defenders play a crucial role in the American judicial system because they provide necessary legal assistance to those that could not afford to hire an attorney themselves. Despite their importance, over the years there has been a growing trend to view public defenders as overworked and underfunded. This has led to the commonly held belief that public defenders perform worse than privately hired attorneys. The purpose of this paper is to take a deep look into the dynamics of the public defender in a workgroup setting. This paper will make the argument that, within the courtroom workgroup environment, public defenders have an already established relationship with other legal actors that helps them to deliver legal assistance that is on par with outside counsel. Outside counsel may have more resources but they lack these connections in a courtroom setting. After attending a Southern California courthouse, observations show that there is a vital relationship between the public defender and other legal actors due to the nature of their work and their familiarity with a particular courtroom workgroup. This already established relationship helps give public defenders the ability to deliver effective legal assistance.

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Undergraduate Journal of Political Science, Vol. 7, No. 1, Spring 2023, Pp. 36
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Introduction

Clarence Earl Gideon was arrested in the state of Florida for allegedly breaking and entering in 1961. Two years later, in 1963, the legal landscape of the entire country had been changed with the decision that was delivered in the landmark case *Gideon v. Wainwright* (“*Gideon v. Wainwright*”). The United States Constitution guarantees the right to counsel through the Sixth Amendment. Yet, until 1963, this only meant that in a criminal proceeding a defendant had the right to hire an attorney. If they could not afford one, they were forced to go through the legal system themselves, as had initially happened to Clarence Gideon. The landmark decision declared in *Gideon* stated that through the Sixth and Fourteenth Amendment, criminal defendants have a guaranteed right to counsel, even if they cannot afford one. It was from this ruling that the public defender became a staple of the legal world.

Public defenders are the attorneys that are appointed to criminal defendants who cannot afford to hire a private attorney themselves. They play a very important role in the judicial system, yet there is a negative connotation that surrounds them and the work that they do. It is a commonly held belief that they are overworked and underfunded (McCausland, 2017). This belief has led to the development of the negative stereotype that if a defendant is given a public defender their case has already been lost. Public defenders are not appreciated for the work that they do and are somehow viewed as being borderline incompetent when it comes to their job. The biggest criticism of public defenders is that they are not as effective as privately hired attorneys. The idea behind this belief is that private attorneys are better funded and have more time to spend on their client than a public defender would. This also goes back to the idea that you pay what you get for. Yet, there are aspects to the role of the public defender that are often solely unique to them. A public defender has the ability to establish a relationship with other legal actors, such as a judge or prosecutor, that a private attorney cannot develop in the same manner. This thesis analyzes the dynamics of the public defender in the courtroom workgroup

environment and compares it to that of the private attorney.

When discussing the public defender, the public will often question how they are able to defend these various criminals throughout the country. Contrary to public belief, public defenders are not defending the crimes of the defendant, but rather they are protecting the rights of the defendant against an unfair persecution from the government. Public defenders ensure that a criminal defendant's constitutional rights are secured. They are not fighting for the person that committed the crime, nor are they defending the crime itself; rather they play the crucial role of safeguarding against the government. This is why the public defender is so important in the judicial system. It is their responsibility to ensure that the courts are in check. Yet despite this, there are discussions and debates over just how effective public defenders are at doing their job. This has led many to the conclusion that they are not effective at their roles in the legal system. This is a continuing discussion in the legal world and has led to many mixed answers. The purpose of this research is to add to the discussion.

The main question that this research project examines is: how does the relationship between public defenders in the courtroom compare to outside counsel in terms of effective legal assistance? Given that public defenders are often assigned to one courthouse, it is easy to see how they have the ability to create relationships with other legal actors. This already established relationship could be key to cooperation and could help the public defender do their job in a way that private attorneys cannot. That is the reasoning behind posing this question for this research project. A variety of academic journals will be used to delve deeper into the discussion of public defenders but to also discuss the social phenomenon known as in-group bias and the role it plays in a work environment.

This research project is structured around the argument that within the courtroom workgroup environment, public defenders have an already established relationship with other legal actors that helps them deliver legal assistance that is on par with outside counsel. While there is plenty

of literature that discusses how public defender and private attorney effectiveness compare to each other, there is very little that focuses on the role that relationships play when it comes to effectiveness. This thesis will seek to add to the current literature and further the discussion about public defenders. Given that public defenders have the important role of defending a person's legal rights, the way that they perform in the courtroom should be analyzed from all angles. This is why this research project examines the dynamics of the public defender in the courtroom workgroup and how this dynamic can potentially affect their performance in court.

This thesis project consists of three primary sections. The first section of this paper is the literature review. The literature review will discuss what scholarship has previously said about the subject. The first portion of the literature will discuss what scholars have said about in-group bias and how it can affect how one perceives a work environment. This portion has been added because the courtroom can be viewed as a work environment with many different moving parts. The second portion of the literature review discusses what scholars have said about the overall effectiveness of public attorneys. The final portion of the literature review discussed the role of in-group dynamics and the role of the public defender. The next major section of this thesis is methodology. The methodology used for this research is qualitative and consists of observational fieldwork at a courthouse located in Southern California. The third section of this paper is the result. In this section, I discuss my observations and findings while observing the courthouse. The final section of this thesis paper is a conclusion in which I discussed everything that was learned through this project and how it adds to the overall discussion about public defenders.

Literature Review

The purpose of this literature review is to examine the previous work that has been conducted on the topic in order to give a clear view as to what previous scholarship has said. The topic of public defenders is not a new subject. There have been many studies done on

how effective they are in the courtroom. This review will seek out how the various pieces of literature came to their conclusions and compare them with each other. Yet, this literature review will go beyond just what scholarship has said about the effectiveness of public defenders. It will analyze the sociological aspect of inter group relations. That is the focus of this section and the overall paper. It is important to include what literature has said about group dynamics because it is the way of thinking that shapes a workspace and the courtroom workgroup. The relationship between those that are classified as in-group versus those that are seen as out-group helps to come to a conclusion about how people work with each other. The first portion of this literature review will start by delving into what previous research has said about in-group dynamics and favoritism. The second portion will focus on the public defender. This section will analyze research that has studied the effectiveness of the public defender and compare it to that of outside counsel. This section will also touch upon how an already established relationship in the courtroom shifts the dynamic of the public defender's role and will connect it back to the sociological component of the research. The final section of the literature review will touch upon what research has found about relationships in the courtroom and discuss how there needs to be a greater focus on this aspect with the literature itself.

In-Group Dynamics, Favoritism, and Familiarity

One side of the literature has focused on how people function in a group setting and how this ultimately changes their perception of others. These articles are relevant to the topic, proposal, and argument because the courtroom is not only a place for justice. At its basic components, it is a workgroup full of people with many different ways of thinking. This is why it is necessary to include information on how people work together and how they perceive in-group versus out-group biases. These cognitive abilities are the driving factors when it comes to working with other people.

Working with unfamiliar people can be a

difficult situation because one perceives them as being part of the outside group. They are unfamiliar faces. This is not just a sociological effect, but a way that our brains perceive the world. The faces and actions of members that are in-group are perceived differently than those that are out-group (Molenberghs, 2013). This creates an altered view of the world and furthers pre-established biases in group situations. These biases can lead to those that are in-group being looked up more favorably than those that are out-group (Ben-Ner, Avner, et al., 2009). So, when it comes to workgroups, those that have an already established relationship are likely to work better with each other due to a strong sense of favoritism (Balliet, Daniel, et al., 2014). Along with favoritism, familiarity is also a key concept to understand group dynamics.

When working with other people, the concept of familiarity shapes how well one will work with another. Factors such as race, work ethic, and competency all play a role when it comes to how familiar one will be with another in a workgroup environment (Hinds, Pamela J., et al., 2000). Yet, another crucial factor in defining familiarity is if there has been a previously strong working relationship established (Hinds, Pamela J., et al., 2000). Familiarity in a workgroup setting is important because it will often guide one's decisions without even knowing that these biases are present. It is also logical that a person would want to work with someone that they are in favor of and have an established relationship with. They are not part of the out-group and therefore are viewed differently (Molenberghs, 2013). All of these conditions are at play when deciding how well a group will work together and how others will be perceived.

The literature on this subject is mainly consistent. There have been many studies performed on many different areas, but they all come to the general conclusion that in-group biases, favoritism, and familiarity shape a person's worldview. Not even knowing about the previous literature, it is not hard for a person to see these sociological effects play out in their daily lives. Many would consider it common practice to go with something that a person is already familiar

with or in favor of. This same logic can be applied to a group setting. When in a workgroup, established relationships and knowledge of each other leads to more cooperation between individuals (Balliet, Daniel, et al., 2014). This in-group bias has a strong effect on groups due to the effect cognitive ability can have on in-group bias (Paetzel, Fabian, and Rupert Sausgruber, 2018). Overall, the literature states that cognitive abilities are affected by factors such as in-group bias, favoritism, and familiarity.

Effectiveness of Public Defenders

Moving away from the sociological aspect of the workgroup, this section will analyze the previous literature on how effective public defenders are. There is the commonly held belief that public defenders are not effective at their job because they are often underfunded and overworked (McCausland, 2017). This is why many believe that private attorneys are more effective when it comes to criminal cases. The literature on this subject comes to different conclusions. There is a good mix of studies that have been conducted that conclude public defenders provided just as effective counsel as privately hired attorneys, while other studies conclude that private attorneys outperform public defenders in many areas. So, it would seem that the conclusion on the effectiveness of public defenders is varied. Nevertheless, the role of the public defender is crucial in the American judicial system. It is important to analyze what previous literature has stated about public defenders because this shapes how they are viewed going forward.

The literature on public defender effectiveness, especially when compared to privately hired attorneys, is mixed. The common perception of public defenders is that they are overworked, which decreases their quality of legal assistance. On the one hand, there are those who have examined the caseload of public defenders and suggest that they are overworked (Joy, 2010) and on the other hand there are those that have come to the conclusion that they are just as effective as private attorneys (Hartley, Richard D., et al., 2010). So, there is no clear answer to this question. Continuing with this notion,

subsequent studies found that public defenders did worse than private attorneys in jury trials but did have an advantage in negotiations and bargaining (Cornwell, 2015). This study would suggest that there is more to a public defender's position than the average person would perceive.

The role of the public defender is an important one. If a person happens to find themselves in a criminal proceeding, they are guaranteed the right to an attorney and if they cannot afford one, they will be provided with one. This procedure was cemented in the landmark Supreme court case *Gideon v. Wainwright* but there are those that question whether the promise of *Gideon* is being fulfilled. There are those that argue that public defenders are not effective, which a study conducted in Florida in 2013 concluded (Williams, 2013). The argument on public defenders is nowhere near a new subject. This has been a question that has been examined in the legal field for many decades and even then, the literature was mixed. In 1975, a study that consisted of personal interviews found that private attorneys and public attorneys did not differ by much in their performance, but what did differ was their client's perception of their lawyers. (Levine, 1975). Despite this study concluding that public defenders were effective, this negative perception of them is persistent.

This is one of the other challenges that public defenders face, their perception. Yet, those that hold the position do so for many intrinsic and extrinsic values. These values include a sense of defending the indigent and the Constitution and reaping the benefits of working in the public sector (Bačák, 2020). Public defenders understand what type of job they are getting into when they sign on. They know that they will face many challenges, both internally, such as caseload, and externally, such as perception, but they do it anyway.

When it comes to the criticisms of public defenders, another belief is that to reduce caseload they tend to go straight for the plea bargain. Prior research has found that public defenders saw the plea bargain as being necessary because it reduced their caseload (Metcalf, 2021). Furthermore, defendants that were represented by private

attorneys were more likely to take their case to trial than take a plea bargain (Kutateladze, Besiki L., and Victoria Z. Lawson, 2018). The process of the plea bargain has caused some to question whether public defenders can deliver proper legal counsel when it seems their default move is to go directly to the plea bargain to reduce their caseload. This also brings up the question of their caseload once again. Historically, the literature shows that the plea bargain has been overused by public defenders with studies showing that public defenders were the ones who majorly opted for the plea bargain (Champion, 1989).

Yet, despite this criticism, many articles and studies say that public defenders perform just as well as private counsel. Public defenders face many challenges and criticisms, but is it deserved? When it comes to legal assistance, one can assume that the more expensive it is the better the quality, but this is not always the case. Of course, a defendant wants the best outcome, and they deserve the best legal assistance there is, although it does not necessarily mean a hired attorney. Research shows that public defenders and private attorneys reached similar outcomes for the people they were representing (Cohen, 2014). Once again, the literature is saying that public defenders are effective at what they do.

Up to this point, the literature that has been discussed has primarily focused on public defenders in criminal proceedings in the United States, yet this is not the only area and country in which public defenders operate. A study done in urban counties in the United States for juvenile defendants concluded that they were effective in providing legal assistance (Zane, Steven N., et al., 2021). It is also important to note that studies on public defender performance have been conducted in other regions of the world. In Israel, public defenders have been found to perform similarly to private attorneys (Rattner, 2008). These studies show that public defenders do deliver effective legal assistance, but there are many instances, such as caseload and using the plea bargain, where they fall behind. Even with the literature that states they are on par with private attorneys, public defenders face a negative perception from not only the public, but their

clients as well.

The perception of the public defender is key to understanding why so much literature has been written about them. This goes back to the belief that good legal assistance can only come about by draining one's wallet. Yet, this is not the case. The literature about public defenders is mixed and it would not be far off to state that there is no definitive answer to how effective public defenders are. One study says this, and another says the opposite. Although the literature cannot change, perception of the public defender can. Clients do perceive public defenders differently (Levine, 1975) and this needs to change. To begin, public defenders need to establish a stronger connection to their clients if they wish to change the stigma that shrouds them (Campbell, Christopher, et al., 2015). By doing so, this alters how they are viewed and shifts the beliefs that they are not as qualified as private attorneys because they are. The literature on this area is not as consistent because it is difficult to gauge a system that spans the entire United States. This explains why in Florida public defenders are not effective (Williams, 2013), but in Illinois they provided similar legal counsel to that of private attorneys (Hartley, Richard D., et al., 2010). The case of the public defender is one that continues to evolve as the years go on.

In-Groups Dynamics and Public Defenders

The established relation between a public defender with other legal actors compared to that of outside counsel is an important one. Yet, there is not a lot of research that solely explores this dynamic. Many of the articles that analyze the effectiveness of the public defender often include something about the relationship between public defenders and other legal actors such as a judge or district attorney. The assumption behind this notion is that since public defenders are typically assigned to one courthouse, they spend time developing a relationship with other legal actors. This is where the sociological aspect of group dynamics comes into play. A public defender knows the judges and the district attorneys. This is an advantage that outside counsel lacks. This relationship with other members in the courtroom allows public defenders to properly

conduct their work, despite the assumptions and perceptions against them.

Prior research on this topic has found that there are established relationships in the courtroom workgroup that increased cooperation between legal actors such as the judge and district attorney (Metcalf, 2016). It would make sense why the relationship between the two actors furthers cooperation. They know each other and are already familiar with how the other person works. Other scholars focusing on judges and district attorneys found that these two legal actors share a high similarity in terms of race, gender, and political party (Haynes, Stacy Hoskins, et al., 2010). The ideas of familiarity and similarity that were first discussed at the beginning of this literature review are coming back again. As previously mentioned, the courtroom is a workgroup and the people that participate in this workgroup are not immune to the biases that everyone else encounters. Here, the literature states that an established relationship between two legal actors does play a role in their ability to cooperate with each other (Metcalf, 2016, Haynes, Stacy Hoskins, et al., 2010). Despite these findings, this literature only implies the relationship between a judge and district attorney. To further the literature, a similar examination between the public defender and other legal actors, such as the judge and district attorney, must also be performed. This relationship that a public defender has within the courtroom workgroup environment can help to explain their effectiveness of legal assistance.

Methodology

The topic of my research question examines the courtroom workgroup with an emphasis on the public defender. My goal is to determine how the already established relationship between the public defender and other legal actors, such as the judge and district attorney, affects their quality of legal counsel. My methodology will be qualitative based as I am more concerned with the type of relationship dynamic within this workgroup. This is why I believe that observational fieldwork is the best way to collect data for my research question.

Observation fieldwork consists of me going

to a courthouse and observing how these legal actors interact with each other while working. I will be paying particular attention to the dynamics between the public defender and the other legal actors. I have chosen a courthouse located in Southern California to accomplish this portion of the methodology. The courthouse discussed in this research project was selected due to my previous familiarity with the location as I had once held an internship at this courthouse. Another reason that I decided to select this particular courthouse to conduct my observational research was its proximity to my location due to time constraints. A total of twelve days were spent observing at the courthouse. I went from the hours between 8:30 AM and 12:00 PM. I went primarily on Tuesday and Thursdays, unless I had more available time, which did occur once, and I was able to go on a day that was not a Tuesday or Thursday.

Since I was only attending this one Southern California courthouse, my study can only be applied to the area in which the study was conducted. What I was able to accomplish from using this methodology was the observation of the behavior of the public defender and how they act in the courtroom workgroup. These observations are firsthand in order to get a better understanding of the relationships occurring in the courtroom. Since I am mainly concerned with the dynamics of the public defender, I observed only criminal courts as opposed to civil courts, which do not have public defenders. My intention behind this methodology was to observe both the public defender and private attorneys in criminal court proceedings.

Since I am focused on the courtroom workgroup, observations will greatly help to further my research because I was examining the courtroom in a natural environment. When attending the courthouse, I intend on only observing and interacting with the legal actors as little as possible. I wanted to be able to gain a firsthand look at how these legal bodies interact with each other and determine whether an established relationship influences the legal proceedings or not. I was looking for specific actions such as how the judge talks to the public

defender versus a private attorney or how the district attorney reacts to a public defender. I wanted to be able to get a good understanding of how these people interact with each other on a daily basis. The second part of my methodology is determining public defender effectiveness. For the purpose of this research project, effectiveness is defined as was they attorney able to get what they wanted and how difficult was it for them to do so. What the attorney wants can be something as simple as getting their preferred next court date or something big like getting their case dismissed altogether. To get an equal comparison of the two types of attorneys, I examined twenty public defenders and twenty private attorneys. I focused on what they wanted and how they were able to get what they wanted. The observational methodology is useful to determine effectiveness because I was looking for how the dynamics of the courtroom workgroup played a role when it came to how the two types of attorneys performed in the courtroom.

While I did collect some numbers, my methodology is mainly concerned and focused on the qualitative data rather than the quantitative data. I collected quantitative data when necessary, such as how many public defenders were in a courtroom and how many private attorneys there were in the courtroom. I also used quantitative data to give a percentage of how effective the public defender and private attorney were from that group of twenty that was focused on. Besides factors like this, my methodology remained primarily qualitative mainly because I was most concerned about the group dynamics and the relationship of the public defender.

When I began my observational period, I was not focused on the legal proceedings themselves, but rather how the public defender and private attorney acted in these proceedings. I was concerned with the social aspect of the courtroom and how that played a role in determining effectiveness. If a public defender was talking to a district attorney, I would write it down. If a judge seemed upset at either a public defender or private attorney, I wrote it down. It was these kinds of social dynamics that I was looking for when I began to perform my

methodology.

Results

Observations

(Note: Given the nature of this study and how it examines behavior, the judges observed will remain anonymous)

In this first portion of my results section, I give an overview of the observations that occurred during my study. Observations at the courthouse first began on February 21, 2021, which was a Tuesday. I arrived at the courthouse at 8:30 AM given that this was the time that the courthouse opened to the public. Since this courthouse handles many types of cases, such as criminal, civil, family, and juvenile, I looked for a list of the departments that only dealt with criminal matters. Given that my study involves public defenders I was most concerned with finding a department where a public defender would be present. I settled on a criminal department and then made my way there. It was here that my observational research began.

As I began my observations of the courtroom environment, I quickly realized how busy everyone was and how full the courtroom appeared to be. There were constantly people coming in and out of the room, attorneys looking for clients, and the judge presiding over all of it. This particular courtroom was presided over by Judge A 1 . Given that my research involves the courtroom work environment and how each legal actor interacts with each other, I was more concerned with the social interactions of this courtroom rather than the actual legal proceedings. When my observations began, I was interested in the overall workgroup environment, but I was paying close attention to the public and private attorneys and how they interacted with people like the judge or district attorney.

I was not expecting much, seeing that this had only been my first day at the courthouse, but I was proven wrong. As I watched attorney after attorney enter and leave the room, there entered a private attorney that stood out from the rest. The reason that this attorney stood out was because he had shown up late to his own hearing. His client had been in the courtroom since 8:30 AM, yet he himself did not show up

until almost 10:00 AM. The judge presiding over this courtroom made sure that he was aware of his error. Judge A made it explicitly clear to the attorney that their courtroom opens at 8:30 AM and that everyone is expected to be there on time. Judge A then made a comment about how the attorney's client was present, but he was not. The attorney apologized for being late, although it was easy to see that Judge A was not happy with his tardiness. The private attorney was not in the courtroom for more than ten minutes given that it was only a progress update for his client. After the judge heard and approved the progress update, the private attorney and his client left the room.

While that interaction was the most eventful one for that day, I did observe how the public defenders interacted with each other and how they interacted with the people around them. When observing the public defenders, a closer sense of familiarity could be seen. They were all familiar with each other and did not have a hard time talking to one another. In one instance, there was a moment when the judge had difficulty pronouncing a defendant's last name in order to bring the defendant into the courtroom. The public defender handling the case assisted the judge with the pronunciation of the defendant's last name. It was then that his fellow public defender jokingly made the comment about saying that name five times fast. This joke got a chuckle out of both the public defender handling the case and out of the judge. I began to see what the courtroom workgroup looked like. Another important observation that I made during this first day at the courthouse was that the number of public defenders handling criminal cases and present in the courtroom was far greater than the cases beginning handled by privately hired attorneys. I watched seven cases be called during the entire time I spent in the courtroom and of the seven cases only one was handled by a private attorney, who happened to be the one that arrived late. I spent my first day of observations only in one courtroom and only until 12:00 PM because that is when the judge called for recess.

The purpose of me giving an in-depth look at my first day at this courthouse is because the

observations that followed would be very similar to what occurred during this initial observation. I would go to other courtrooms presided by other judges, but there were a lot of similarities to how the courtroom workgroup functioned, despite it being a different room with different legal actors. The notion of there being more public defenders than privately hired counsel held up in every courtroom I observed and on every day that I went to the courthouse. I would observe how private attorneys acted in the courtroom, but the number was much smaller than the number of interactions observed by the public defenders. Even though I was able to observe a good number of public defenders, it is worthwhile to note that the public defenders often moved from courtroom to courtroom. This means that even though, at times, I was observing the same public defender it may have been in a different courtroom with a different judge or the public defender was dealing with a different district attorney. As observations went by, I became familiarized with the many public defenders because I began to see them in many locations throughout the courthouse. It was not hard to spot a public defender. They would often be rushing from courtroom to courtroom or standing around in a courtroom waiting for their case numbers to be called by the judges. This was not the situation with privately hired counsel. The private attorneys had a much more relaxed demeanor and were only there for their single client. After their case had been called and their client went up, they exited the courtroom and were not seen from again. This was in stark contrast to how the public defenders operated.

During my time at this courthouse, I would go back to the courtroom presided over by Judge A, but, as I mentioned, I would also go to different courtrooms presided over by different judges. Each courtroom served a different purpose and had their own specialty, for example, Judge C's courtroom only handled misdemeanors, yet the common thread between all the courtrooms was that they were all criminal courts where both public defenders and private attorneys could be found. In each courtroom, a stronger relationship could be observed between the public defender

and other legal actors, such as the judge or district attorney, than the relationship between that of private attorneys. The observation conducted at this courthouse shows that this notion is true.

During an observation of Judge B's courtroom, I was able to witness an interaction between a public defender and two district attorneys that was unrelated to the preceding that was taking place. The public defender and two district attorneys were off to the side in the courtroom having their own private discussion. They were all familiar with each other and began to have a conversation of their own. They were reminiscing about past cases and long trials they have had to deal with in the past. The public defender even reminded one of the district attorneys that they were once both involved in a trial. The district attorney seemed confused by this at first, but as the public defender went on to describe the trial her face lit up as she suddenly remembered what the trial was about and how long it took. The three of them were there for a few minutes just talking about the job and bantering with each other. At one point, the public defender began to joke and got a few laughs out of the two district attorneys. This was a very unique moment to observe because it was completely unrelated to what was going on in the courtroom yet is an example of the dynamics of the courtroom workgroup environment. In this brief moment, it was not a public defender and district attorneys, but rather three co-workers sharing stories about their job experiences and how they relate to one another. Not to say that it does not happen, but this type of interaction between legal actors was not observed from private attorneys.

Throughout the observational period, I noticed that the judges themselves were all familiar with the public defenders as they would often make comments outside of the court session that would suggest this. For instance, as a public defender was leaving the courtroom, Judge A told the attorney that it was nice having her in the courtroom and to come back. A similar situation occurred in Judge B's courtroom when they applauded the public defender for how they handled the case. On a different day, Judge B even got into a discussion with one of the public

defenders as they waited for the district attorney to finish up somewhere else in the courthouse. The discussion began about how one of their co-workers rode a vespa scooter then shifted subjects to how they both enjoyed biking. They discussed different models of bikes and trails that they rode. During another day, Judge C began to call the public defender by their first name when talking about the possible dismissal of a case. In this conversation there was a shift from the public defender being addressed in a formal way to an informal way which suggests that the judge and public defender were already familiar with each other.

In the courtroom, it was easy to see that everyone was familiar with each other. Despite this notion, it did not change how the public defenders operate. During the observational period, it was quick to notice that the public defenders were all over the courthouse, going from courtroom to courtroom in a matter of minutes. When in the courtroom, there was often a frantic moment when they began to search for their client. The public defenders would leave the courtroom and search the hallway or begin asking members of the public audience. There were even times when I was asked by a public defender if I was their client. This was a common occurrence. It felt as if there was never a slow moment for the public defenders. The opposite was observed for private attorneys.

Despite there being a smaller number of private attorneys at the courthouse, I was still able to observe their interactions in the courtrooms. The private attorneys did have the benefit of only being present for one client. There was no rush between the various courtrooms and there was no searching for their clients as their case number got called. They operated in a very different manner than the public defenders did. They showed up, achieved whatever needed to be done, and left the courtroom with their client. Despite what seemed to be easy for the private attorneys, they were not always looked upon favorably by the judges. As with the incident that occurred in Judge A's courtroom with the private attorney arriving late, the private attorneys were not familiar with the various Judges and their

courtroom rules. There was an instance when a private attorney was confused about the legal paperwork he needed to get from the judicial assistant. He kept on insisting that it was one form, but the judicial assistant told him that he was wrong and that he had been given the correct form. The attorney left the courtroom only to enter again moments later to wait to speak to the judge. The judge became impatient with the attorney and told him that the paperwork he had been given was correct and then asked him to leave the courtroom. This was a bizarre scene to watch because the attorney kept on insisting that he was in the right. This was the only situation where something like this occurred. For the most part, the privately hired attorneys did not bring much attention to themselves. When their work was finished, they left the courtroom and were not seen from again, by me at least.

During my observational period at this courthouse, it was easy to see early on what the courtroom workgroup environment looked like and the dynamics that made it up. Each judge was different from one another and handled their courtroom in a different manner. As I went from courtroom to courtroom I watched as different interactions unfolded each time. I watched different proceedings unfold too and how they were handled. I was able to observe preliminary hearings, arraignments, progress updates, misdemeanor cases, and even got to watch the beginning process of jury selection. Yet, I was unable to observe a jury trial take place. The public defender is the focus of my research and the purpose for my observations. At the courthouse I was able to get plenty of information about how the dynamics of the public defenders functioned in the courtroom workgroup. They all took their job seriously, but there were also plenty of moments when it was just a co-worker-to-co-worker interaction. The idea of an already established relationship and familiarity between the public defenders and the other legal actors was easy to identify. Yet, this did not slow down their pace as they rushed from one place to another or searched for a client only moments before their case number were called. There was never a dull moment for the public

defender.

Analysis

In this portion of the results section, I analyze the interactions of the public defender and private attorney to determine how each type of counsel performed in terms of effectiveness. For this research project, effectiveness is defined as was the attorney able to get what they wanted and how easy was it for them to achieve this goal. Given that my research is focused on the relationships of the public defenders, I was interested in determining whether this already established relationship played a role in how easy it was for them to get what they want. In terms of getting what they wanted, it could have been anything from having a case dismissed to getting a court date that they wanted. If the attorney was able to successfully get what they wanted, I then look at how difficult it was for them to achieve that.

Overall, the public defenders were able to get what they wanted at a much higher rate than the private attorneys. When it came to the public defenders, they had the advantage of already knowing everyone in a particular courtroom and how a certain judge operated. This already established relationship gave them a slight edge over private attorneys, who at times looked like they were lost. Because the public defender has the advantage of already knowing and being familiar with the other legal actors, it was easier for them to get what they wanted without much difficulty. For example, I was able to watch a hearing in which the public defender was able to reduce the price of bail for the defendant. Prior to the case being called before the judge, the public defender and the district attorney had been privately discussing the matter. When the case was called before the judge and everything was heard, the public defender asked for a reduced bail amount and gave an explanation to the judge. The prosecution did not object to the idea of reducing bail and the judge agreed. The public defender was able to successfully get a reduced bail for their defendant. Not all of the observations were like this one, but there were plenty of moments where the public defender was able to effectively get what they wanted.

During one week of observation, which consisted of me going to the courthouse on March 27, 28, and 29, I focused on what percentage of the attorneys were able to get what they wanted. On March 27, I saw a total number of seven public defender cases and two private attorney cases. On March 28, I saw a total number of five public defender cases and three private attorney cases. On March 29, I saw a total number of eight public defender cases and only one private attorney case. For this three-day observational period, that is twenty public defenders and four private attorneys. During these three days I focused on whether the attorney was able to get what they wanted and how difficult it was for them to do so. If they were able to get what they wanted with relative ease, they were considered effective, if they were not able to get what they initially wanted then they were not effective in doing so. Out of the twenty public defenders in this three day span they had a success rate of ninety percent. Only two public defenders did not get what they wanted, and the decision had to be made by the judge. A majority of these cases dealt with the public defender asking for a particular court date and getting it on their first request. While this request may seem simple, the public defender was able to get what they wanted with ease. Given that I was only able to observe four private attorneys during this period, I had to wait until I saw at least twenty private attorneys perform to make this analysis equal. It would not be until a few weeks later that I was able to observe twenty cases being handled by private attorneys.

When it comes to private attorneys, their success rate was slightly smaller than that of the public defenders. After viewing twenty private attorneys, they had a success rate of seventy five percent. Out of the twenty attorneys, only fifteen were able to get what they wanted without any difficulty. Similar to the public defenders, a majority of these requests were court dates, but there were instances where the attorney would ask for a case to be dismissed and were unsuccessful in doing so. Another example was during a progress update hearing and the attorney asked the judge if the program that the attorney's

client was attending could be cut short. The judge refused the attorney's request. Yet, for the most part, private attorneys were also able to get what they wanted without much interference, but not at the same rate as the public defenders were able to succeed. During this period in which twenty private attorneys were observed, a majority of them were only in the courthouse for a few brief minutes before leaving.

While the private attorneys did not fare much worse than the public defenders, it was easy to see that they lacked any relationships within the courtroom. They did not have the same relationship with the judge or prosecutor that the public defenders had. Private attorneys did not appear in court at the same rate as public attorneys did. It was easy for me to collect information on the public defenders because they were all over the courthouse. The same cannot be said of private attorneys. Even to be able to observe twenty private attorneys, I had to wait weeks before I could properly make the comparison of the two. To put it into a better perspective, there was a day where the total number of cases being heard throughout the day was seventeen. Out of those seventeen cases, fourteen of them were handled by public defenders and only three being handled by private attorneys. There was a disproportionate number of public defenders compared to privately hired counsel. Despite this, I still sought to compare the two types of attorneys and focus on their success rate to show how well they held up in the courthouse.

Like any work environment, relationships with others are often the key to success. The public defender has an easier time establishing these crucial relationships because they spend a good amount of time in the courthouse working with and getting to know everyone. This ability to create a relationship with their co-workers is beneficial in many ways, including to the public defenders themselves. Knowing other people and establishing relationships is important not only when it comes to wants, but also needs. If a public defender decided they wanted to move up to a higher position, such as the status of a judge, they are going to need recommendations from the people they worked with. In this scenario,

it is beneficial to already have an established relationship with other legal actors because it will then benefit them. So, not only does the relationship created by the public defender with other legal actors benefit their wants, but also their needs. Moreover, it makes their already heavy schedules easier to deal with when they are working with someone they already know. The question of this research study is focused on the relationships of the public defender and how it compares to outside counsel in terms of effective legal assistance. It was clear from the first day I sat in court to observe this dynamic that the public defender and private attorneys operate in a different manner. Instead of viewing the courtroom as a legal entity, I viewed it as a workspace. Within this workspace there were many different actors that all played a different role. Just as with any other work environment, it is important to know who you are working with and how they can be beneficial to your work. Public defenders are able to create these relationships with their co-workers due to the nature of their job. They are not there for only one single defendant or client. They are there to represent many throughout the entirety of the courthouse. This is very different from how privately retained counsel works. During the observations at the courthouse, I was able to witness the dynamics of the public defender unfold. Now the question at hand is whether my argument for this research study holds up or not.

My argument for this study was that within the courtroom workgroup environment, public defenders have an already established relationship with other legal actors that helps them deliver legal assistance that is on par with outside counsel. I can say with confidence that public defenders do have an already established relationship with other legal actors, but does this help them deliver legal assistance that is on par with outside counsel? This is the part of my research that is inconclusive. While I was able to witness the dynamics of the public defender in the courtroom work environment with no problem, I cannot say the same about private attorneys. There was a disproportionate number of public defenders compared to private attorneys at the

courthouse I attended. In order to come to a proper and definitive conclusion I would need more information on private attorneys. So, while it may seem that the public defenders were effective at doing their jobs, more information about private attorneys is needed in order to make it a fair comparison. As mentioned, during that three-day observation period in which the success rate was to be analyzed, I was not able to see the same number of private attorneys as I did public defenders. I had to wait in order to make that comparison. This is why when it comes to the question and argument that they are just as effective as private attorneys my research comes to the conclusion of inconclusive.

Limitations

In this final portion of the results section, I discuss the limitations of this project and suggest how it could be improved if it were to be recreated in a future study. As previously mentioned, one of the biggest limitations of this research study was the lack of privately hired attorneys at the Southern California courthouse I attended. I experienced no difficulty observing public defenders, but it was a different situation when observing private attorneys. While my study was focused on how the public defender acted in the courtroom, it also relied on observing private attorneys to make a comparison between the two types of counsel. Given a smaller proportion of private attorneys, this comparison was not impossible to make, but did make it a bit more difficult. A reason for there being a small number of private attorneys could be the demographics of the city in which the courthouse was located. This city will be referred to as City A and is located in Southern California.

According to the United States Census Bureau, City A has a median household income of \$67,549 and has a population of mainly Hispanic or Latino residents at 71.4 percent (“Quick Facts: Pomona city, California”). These demographics are all factors that could contribute as to why there was an overwhelming number of public defenders at the courthouse. It could be that those that end up going to the courthouse located in City A could not afford to hire an attorney and instead rely on their court appointed one,

which they have a right to. These demographics change when comparing it to another city. City B, which is also located in Southern California, has a median household income of \$99,847 and is composed of a mainly White population at 70.8 percent (“Quick Facts: Santa Monica city, California”). These demographics bring up an interesting subject that was not studied in this research project. It brings up the issue of wealth and race in the courtroom and how it can play a factor. But for the purpose of this paper, these demographics could be an explanation as to why there was a heavy reliance on public defenders at the courthouse located in City A. Had this study been conducted at the courthouse located in City B, for instance, there could have been a different ratio of public defenders to private attorneys. This also brings up another limitation of this research project.

Time was another limitation of this study. Every day is a different day for the courthouse but due to time constraints I was unable to be at the courthouse every day and was unable to be there for the full day. I do not think the addition of time to how this project was conducted would have changed the outcomes, but it would have given a lot more information to work with. Had there been more time, it would have been ideal to visit other courthouses too. I would have liked to visit the courthouses in neighboring cities. By doing so, the study would have been given more room to grow and expand upon. Yet, due to time constraints, I was only able to spend my time at one courthouse. Given that this study only focused on one Southern California courthouse, the findings can only be applied to the area in which the study was conducted. It is not applicable to other regions due to the limitation of it being conducted only one courthouse in this area.

If this study was to be done again it would be beneficial to go to at least two courthouses in cities with different demographics, such as City A and City B. By doing this, a better understanding of what types of counsel are present can be made. The addition of more time to the study would also be beneficial as this was one of the bigger constraints of this project. By adding multiple

courthouses and more time, it is possible to get a better understanding of how public defenders and private attorneys function in the courtroom work environment.

Conclusion

In current American culture there is a commonly held belief that a public defender is ineffective at their job. The thoughts of them being overworked, underfunded, and not as effective as a private attorney surrounds public defenders throughout the country. Despite these notions, the work of the public defender is crucial and cannot be understated. The Sixth Amendment of the Constitution guarantees the right to counsel, and it was through Supreme Court cases, such as *Gideon v. Wainwright*, that expanded upon this right. If a person happens to find themselves on the other side of the law and cannot afford to hire an attorney, one will be provided for them. The attorney provided to them will be a public defender. Given the importance of the role that public defenders play in the judicial system it is vital that American society understands the dynamics of their job. That is the purpose of this paper.

The question that was posed at the very beginning of this research study was how does the relationship between public defenders and other legal actors in the courtroom compared to outside counsel in terms of effective legal assistance? This question focuses on the public defender in a courtroom workgroup environment and how the relationships they have established affect the dynamics of their job. Given that public defenders are often assigned to one courthouse and that they spend much of their time at this one courthouse, it is logical that they have built up relationships that are unique to them and the courthouse they are operating in. That is the basis for this thesis project. With this in mind, next came the argument. The argument for this project was that within the courtroom workgroup environment, public defenders have an already established relationship with other legal actors that helps them deliver legal assistance that is on par with outside counsel. This argument came about through the belief that the already established relationships of the

public defender leads to more cooperation and an easier work experience. This question and argument would be examined and analyzed through direct observations of a Southern California courthouse.

Observations of this courthouse show that public defenders do indeed have an already established relationship with their co-workers. The dynamics of the courtroom workgroup are like that of any other work environment. Due to the nature of public defenders constantly coming back to the same courthouse and courtrooms and seeing the same judges and prosecutors, it is easy to understand why they have a relationship with the other legal actors. There is a sense of familiarity when a public defender is working with the district attorney or the judge. They all know each other and are familiar with how each individual operates. This aspect is what a private attorney lacks. Private attorneys may have more funding and are only focused on their one client when they enter the courtroom, but they lack a personal relationship with the other legal actors. When a private attorney steps into an unfamiliar courtroom they are seen as an out-group member. This does not necessarily mean they are treated differently, but they do not have the knowledge of a particular courtroom that a public defender would have.

Given that public defenders have a relationship with the other legal actors that private attorneys lack, it might be reasonable to think that this would give them the edge over private attorneys and make them just as effective. As this study showed, the answer to that notion is inconclusive for a few reasons. As discussed in earlier sections, the courthouse was full of public defenders but not so much in regard to private attorneys. A proper analysis of the performance of private attorneys was not seen that would have led to a more definitive conclusion. Yet, this study still reveals many aspects of the public defenders that warrant further discussion.

The public defenders at this courthouse were not able to escape the commonly held beliefs of the position. My observations show that they were always busy moving from floor to floor and from courtroom to courtroom. Each public

defender was handling multiple defendants at once and would lose track of who was who. This could be seen by them searching for their client right before their case number was called. There was never a dull moment for the public defender. There was non-stop movement of public defenders throughout the courthouse. While the private attorneys did not face this issue. They were there for their single client and left once that matter was concluded. These particular observations seem to line up with the overall discussion that public defenders are overworked. The discussions and debates about the effectiveness of public defenders have been going on for decades and will continue to go on. The purpose of this project was not to give a definitive answer, rather it was to further the discussion by looking at the problem through a new angle.

Whether the promise set forth by *Gideon v. Wainwright* being fulfilled or not is a popular discussion and debate in the legal field and the general public (Cader, Yasmine, and Emma Anderson, 2023). There have been many studies that focus on determining whether public defenders are effective or not and there are a lot of mixed results. This research project sought to contribute to the overall discussion about public defender effectiveness by examining the relationships they have established in the courtroom. By performing this research study, I have provided an insight into the dynamics of the public defender in the courtroom workgroup. I have shown that an established relationship does exist, and that this relationship can be used to the public defenders' benefit in many ways, whether that be their wants or their needs.

The work of a public defender cannot be overlooked. They provide counsel to those that need it the most and ensure that their rights are being protected. The role of a public defender is not to defend a defendant's crime, but rather to ensure that their rights are being secured against the prosecution. It is important to have these ongoing discussions about the work that public defenders do because their position is essential to the function of America's judicial system. While there may never be a definitive answer to public

defender effectiveness, it is important that the country as a whole continues the discussion in hopes that one day the negative stereotypes that surround the public defender will vanish from public perception.

The hope of this thesis project was to obtain a better understanding of the work that public defenders do. This study does show that public defenders are able to create relationships that are unique to them which benefits them in the long run. Not only do these relationships help public defenders achieve their wants but are useful for their future needs. I decided to analyze how the public defender performed in the courtroom due to the lack of studies previously conducted that focus solely on their dynamics. My goal of this paper was not to expose something previously unknown about public defenders, but rather to shine a light on a particular area in which previous literature does not have much to say about.

The world of a public defender is a busy one and at times it can be a harsh one. It has been said throughout this paper, but the role of public defenders cannot be understated or overlooked. Without them, the legal system would revert to a time prior to *Gideon v. Wainwright*. Yet decades later after this ruling, the subject of public defenders remains a continuous one. The purpose of this paper was not to glorify one side or the other. The purpose of this entire research project was to emphasize the importance of public defenders and the work they do for America's judicial system. Without a public defender ready to defend whoever, the legal landscape of this country would look much different than it does now. The ultimate findings of this thesis project are inconclusive, but that does not mean it is the end. The topic of the public defender has been going on for decades and I predict it will continue to go on for many more. I hope that this project is able to further that discussion.

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