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Social Psychology of Public Defenders: A Qualitative Study

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Introduction

- The right to an attorney is a one to which all U.S. citizens are entitled, in conjunction with the constitution's sixth amendment. Difficulty arose when people who were unable to provide necessary funds to hire a lawyer and, subsequently, went into trial *pro se*. Resolution was met with the creation of the public defense system -- a system which is unfortunately understudied, and sometimes regarded in a negative light, including a negative perception that public defense is a broken system. This belief sometimes bleeds into the minds of potential clients who may believe a public defender is not sufficiently competent to represent them.
- Motivations for becoming a public defender seem to fall under one of three categories: a desire for justice and a strong belief in the Constitution, a desire to help people who are less fortunate, or a desire for a steady paycheck.
- While many positives came forth through in the interviews, struggles of the career of a public defender also seemed to appear. These include a small budget for cases, a lack of time for each case because of a heavy caseload, and clients coming in with the perception that the public defender is incompetent and indifferent their case.

Research Focus

- The purpose of this study was to report the perspectives of public defenders, from their own vantage points and perspectives. The study sought to find common rationales for becoming public defenders, what motivates them to stay public defenders, and what helps them defend particularly difficult cases and/or cases with overwhelming data against their client.
- The results bring a better understanding of public defenders to the general public, as well as to those who may be represented by PDs in the future.

Participants

- Criterion sampling was used as the basis for selecting the study's participants.
- Participants in this study were obtained from public defenders offices in two Southwest Ohio counties.
- We interviewed 22 public defenders (Male = 13, Female = 9) from each of the counties.
- We interviewee 16 public defenders from the larger Ohio county and 6 public defenders from the smaller county.
- Saturation (Creswell, 2010) occurred, suggesting that our sample size was sufficient for purposes of the present qualitative design.

Method

- We conducted *semi-structured interviews* (Alvesson, 2011) due to the exploratory nature of the present research. A semi-structured protocol gave a starting point for dialogue with participants; however, their responses determined the direction of follow-up questions.
- Our research team analyzed the interview data using an *open coding* procedure (Maxwell, 2012). We studied the transcripts line by line, examining them for common words, phrases, and thoughts, and constructs.
- We results presently reported represent the commonalities among most of the participants in the study.

Results

Motivations for Becoming a Public Defender

1. A Desire for Justice and a Strong Belief in the Constitution

- Many participants held a strong belief in justice and the Constitution, and voiced this as their reason for becoming a public defender.
 - “Everybody under this Constitution has a right to be proven guilty beyond a reasonable doubt...[I’m] facilitating that.”
 - “For me it was a connection between being a lawyer and the history connection to the Constitution.”
 - “Clients just want to tell their side of the story...that’s their right.”
 - “Every client has a right to a defense, those rights are something that I fought for and I believe they’re valuable.”
 - “I’m a lawyer for the Constitution. I very vehemently believe in the U.Ss Constitution and the way it was set up.”

2. A Desire to Help People who are Less Fortunate

- Participants reported their motivation to help those who could not defend themselves.
 - “There was that desire ingrained in me to help those that were less fortunate.”
 - “There’s no way that I had it in me to use my intelligence...to make rich people richer, so I knew I was going to do something to help the common man.”
 - “The lure of being in court and helping your fellow man suckered me in to leaving a very cushy, nice, high paying job to take the Public Defender’s job.”

3. Steady Paycheck

- Many participants stated that a motivation for becoming a public defender over private practice was the security of a steady income.
 - “We don’t have to worry about money...ours is steady.”
 - “I get paid every two weeks, and there’s good benefits here.”
 - “I’m paid on a salary I’m not paid by every client, so I guess that’s one of the nice things I don’t have to worry about.”

Struggles of Public Defenders

1. Small Budget for Cases

- Participants suggested that their budgets were insufficient to be able to provide their clients with the levels of vigorous defenses that they deserved.
 - “I think I’d like seeing us have more access to experts, we just have to ask for money and we don’t always get it and that can be difficult.”
 - “A public defender’s office could always use an extra pair of hands, another attorney or a couple other attorneys. But again, it all has to do with the money that is available for this county.”
 - “It’s unfortunate that you have to pick and play favorites with your cases and tell a client ‘sorry, we can’t afford to do this thing you need because we just don’t have it in our budget.’”

Results (cont’d)

2. Client Negative Perception

- Participants noted that some their clients possess a negative perception of PDs and their competence.
 - “I had a client say, “I like you, you seem really smart, why aren’t you a real attorney?”
 - “The client doesn’t always think the same of a public defender as they do of someone they paid...they comment: “If I paid you, could I get a better result?”
 - “And then you get clients with an attitude that just say well, you’re just working for the system.”
 - “We still get called those ‘public pretenders’ and not real attorneys.”

3. Heavy Caseload

- Many participants felt overwhelmed by the caseload and the inadequate time devoted to each case.
 - “The sheer volume is the difference [from Private Defense].”
 - “If everybody has 300 cases going on we can’t say: ‘Well, we have enough. No more.’ We can’t tell the court we’re not taking any more cases.”
 - “You don’t have as much time as you would like to spend with clients.”

Conclusions

- We found common themes for public defender motivations, including altruism, a sense of justice, and job security.
- We also discovered prevailing negative perceptions of public defenders and the public defense system from clients.
- Additionally, many public defenders wished they had more time per case, a lower caseload, and a more suitable budget.

Limitations & Future Research

- Our population involved public defenders from two counties in Southwest Ohio.
- Qualitative research, by its nature, is context-specific.
- The sample contained limitations regarding the number and types of minorities who worked in PD roles.
- Future studies should expand samples to different regions of the country, locations that serve large minority populations, and compare the perceptions of PDs who work in rural, suburban, and large city contexts.
- Future researchers should construct a comparative study—interviewing private practice attorneys—and examine their reported motivations regarding the constructs explored in the present study

Contact

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