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A Comparison of Public Defenders vs. Private Attorneys

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A Comparison of Public Defenders vs. Private Attorneys
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Abstract

This study seeks to determine whether there are any differences in conviction rates or client satisfaction between public defenders and private attorneys in state or federal courts. Although researchers have spent time examining differences between attorney type and client satisfaction or conviction rates, little information exists on the assessment of attorney type in the federal system. The study will consist of a two-part survey with approximately twenty-seven closed-ended questions about client satisfaction, conviction, court, and attorney type. The target population will be any criminal defendant in federal or state court with an attorney. In this study, the sampling method will be a two-stage cluster, stage one will be both federal and state courts, and stage two will be defendants within the selected courts. There will be a total of one thousand cases to collect information on numerous defendants. The data will be quantitative and analyzed using regression analysis to determine whether there is a relationship between attorney type and client satisfaction or conviction rates. Based on prior research, the hypothesis is that defendants with private attorneys in the state court system would have greater client satisfaction and lower conviction rates than their counterparts.

Keywords: Private Attorneys, Public Defenders, Conviction Rates, Client Satisfaction, Criminal Courts, Federal Sentencing

Introduction

The research question at hand is, "Is there a difference in conviction rates or client satisfaction between public defenders and private attorneys in state and federal courts?" The motivation behind this question is that there is a lack of research on the phenomenon. Previous studies have only examined attorney type with either conviction rates or client satisfaction in state courts. There is very little information on federal courts. Ultimately, defendants' case dispositions are in the hands of their attorney's ability to represent them in court proceedings. Defendants have legal counsel to represent them in a fair and unbiased way, and if their legal counsel does not do so, then there is no point in having an attorney. Mass incarceration is an issue in the United States, and is it possibly because of the way that attorneys represent defendants? Defendants should be receiving the same quality of representation whether it is a public defender or private attorney. Equality is the cornerstone of the justice system. If any inequality or discrimination is happening, then we are not following our system's beliefs. Indigent defendants are already at a disadvantage. Indigent defendants do not have the same opportunities, such as education and employment, so if they are not represented equally compared to those who can hire a private attorney, then this is not right. Public defenders would be going against our nation's principles.

Literature Review

An attorney represents a defendant in the court for both criminal and civil proceedings. Attorneys are those who have passed the bar exam and are allowed to practice law in a specific jurisdiction. The two types of representation are public defenders and private attorneys. Typically, an attorney specializes in a specific type of law. Some areas of legal practice are criminal law, contract law, employment law, family law, tax law, etc. A public defender is an attorney appointed to an indigent defendant through the court. Public defenders represent defendants who qualify for counsel and cannot afford to hire an attorney. They work for a public defender office, which is a government-funded agency. A private attorney, also known as retained counsel, is an attorney hired by a defendant at their own cost. This type of attorney works for the client, not the court, and the cost may vary depending on experience and location.

There are two types of courts in the system: federal and state courts. The federal court system has three levels, which include the district, appellate, and supreme courts. Federal courts can only try certain types of cases. Typically, a case can be presented to the federal court if it involves a violation of federal law, a plaintiff is a citizen of a different state than the defendant, and lawsuits that exceed the amount of $75,000 ("Federal vs. State," 2019). The state court system contains state trial courts, state appellate courts, and state supreme courts. The state courts hear unselected cases from federal courts. There has been much research done to determine if there is a difference in effectiveness between public defenders and private attorneys. However, scarce evidence exists that suggests there is a difference in client satisfaction and conviction rates between public defenders and private attorneys in both federal and state courts. Most studies have only looked at state courts, so we know little about the federal court level.

Measuring the success of counsel in multiple ways is not only essential to know if counsel has successful conviction rates, but to know if they satisfy their defendants with their representation. It matters that the defendants are being fairly represented and not dehumanized. Client satisfaction does not just refer to whether a client receives a guilty or not guilty sentence. Client satisfaction depends on client treatment. Client treatment refers to an attorney's communication and accessibility with the client, as well as their research and investigation of a case to prepare for an oral argument in court. A client's view of their representation is a vital part of how they view the justice system. Overall, this belief in abiding by the law and authority can impact future criminal behavior (Papachristos et al., 2012).

Many researchers have been interested in the relationship between public defenders and private attorneys. Gitelman (1971) conducted one of the earliest studies regarding the differences between appointed counsel and retained counsel. He found that indigents (those with appointed counsel) plead guilty more frequently, received fewer dismissals, and received suspended sentences or probation less frequently than defendants who can hire counsel (Gitelman, 1971). Multiple studies followed to test if there was a difference in conviction rates and satisfaction between public defense and private attorneys. The results of another study found that private lawyers achieved lighter sentences than public defenders (Hoffman et al., 2005). Researchers found that one reason for poorer outcomes (public defenders) was because of less defensible cases (Hoffman et al., 2005). These findings showed that it is not just the attorney type, but the cases that each type of attorney gets can determine the sentence length. These findings corroborate from prior research conducted by Willison (1984) in which attorney type may not

impact a defendants' sentence outcome, and that there is another factor that is more influential on an outcome.

However, other studies have found that there is not much of a difference between public defenders and private attorneys. Stover and Eckart (1975) studied public and private defense attorneys in Center City. The study found that public defenders compared to private attorneys did not have much difference in sentencing and conviction rates. However, the researchers found that the only difference between attorney types was their courtroom relationship and amount of workload. Compared to the previous studies, we have conflicting findings. The previous studies state that attorney type influences sentencing and conviction, but the other suggests that attorney type only influences workload and interactions with other court workers. The vast majority of the research conducted on the differences between public defenders and private attorneys has been on sentencing outcomes. The results of another study showed that there were few differences between attorney types and sentence severity (Willison, 1984). Results suggest that case and defendant related causes, such as the seriousness of the charge, prior record, and pretrial detention status, have a more significant impact on the severity of the sentence than the attorney (Willison, 1984). This study suggests that case factors matter more than attorney type, thus enabling future studies to continue to look at whether other factors have more of an impact on conviction rates, or sentencing outcomes, rather than attorney type. Another study supports the claim that defendants who hire private attorneys are just as likely to receive a conviction, incarceration, or sentence to prison as those with public defenders (Cohen, 2014). This study advanced prior knowledge that in state courts, public defenders and private attorneys received similar sentencing outcomes.

Hartley and colleagues (2010) conducted a study to determine whether people get what they pay for in terms of quality of representation. The conclusions drawn from the study were that the counsel did not affect the outcome of a case (Hartley et al., 2010). Feeney and Jackson (1990) wrote a review piece based on several studies researched in the past about whether public defenders or retained counsel are more effective in terms of sentencing. The reviewers strongly consider prior record, evidence, and the seriousness of an offense to have a more significant impact on sentence severity (Feeney & Jackson, 1990). This review piece was a breakthrough in discovering that there could be other factors why some clients achieved lighter sentences than others. It created a thought, perhaps attorney type does not matter, and the real difference is in the court system. There is no evidence from past studies that have researched attorney types within federal and state courts.

Recently, a book written by Primus (2017) highlights the inadequacies of the public defense system. This inadequacy is because of the number of cases given to a public defender. Public defenders have higher caseloads, and this may be one reason their conviction rates are higher than private counsel. (Primus, 2017). The quality of a defendant's legal counsel should be the same regardless of if one can afford to hire their own. If their counsel cannot represent them in a fair, unbiased way, then there is an injustice and unfairness to this system. This book reiterates that policymakers need to reform the public defender system.

In addition to analyzing public and private attorneys based on their conviction rates, research has also evaluated the degree to which client satisfaction with counsel varies by public and private defense attorneys. In an early study conducted by Alpert (1979), the researcher analyzed questionnaires completed by 92 women and 80 men in the Texas Department of

Corrections. The questions asked were about the disclosure of rights, duty to confer, and the thoughts on their counsel's efforts to investigate (Alpert, 1979). Results suggested that prisoners thought their counsel did not confer or discuss the case with them (Alpert, 1979). However, ⅔ of the prisoners believed that their counsel advised them of their rights (Alpert, 1979). The prisoners thought their counsel was neither prepared enough nor appropriately for investigation of the case (Alpert, 1979). The consensus was that the prisoners thought private counsel was better prepared than public defenders (Alpert, 1979). These findings are significant because they allow insight into client-counsel relationships. Defendants need to know not only if their counsel has successful conviction rates, but if their previous representation leads to client satisfaction.

Since there is a lack of knowledge on client satisfaction with their attorneys, Sandys and Pruss (2017) conducted a study on client satisfaction with public defenders. The purpose of this study was to determine if there are changes in client satisfaction throughout the process of a defendants' case (Sandys & Pruss, 2017). The findings suggest client satisfaction with their public defender; However, the levels of satisfaction did slightly decrease towards the end of their case (Sandys & Pruss, 2017). The study found that there is a correlation between client satisfaction and attorney behavior through communication, investigation, and advocacy (Sandys & Pruss, 2017). These findings are significant because they conducted the study on public defenders; It did not include private attorneys.

Prior research conducted on client satisfaction and conviction rates between public defenders and private attorneys has not established whether there is a difference in state and federal courts. The only research known is from the Bureau of Statistics Special Report (2000). The report stated that 9/10 federal defendants got guilty findings regardless of the attorney

(Bureau of Statistics Special Report, 2000). This finding includes plea-deals, which is similar in state courts. This report provides us with statistics on conviction rates between public defenders and private attorneys in state and federal courts. However, this information needs an update since it is over a decade old. This phenomenon opens up a whole new realm into advancing what we know about client satisfaction and attorney type regarding conviction rates in state courts. It is essential to study state and federal differences with attorney conviction rates and client satisfaction. This is because there are different cases, types of defendants, crime types, and law enforcement involved. Also, there could be a difference in the number of private attorneys and public defenders that go to federal courts versus state courts.

Several researchers have analyzed attorney type and conviction rates in state courts. Others have examined the socioeconomic backgrounds of defendants and researched whether other factors have a more significant influence on conviction rates than attorney type. Some researchers have looked at client satisfaction rates through the beginning and end of a client's case between types of counsel. Overall, the researchers have provided crucial information regarding this issue; however, questions remain unanswered. The researchers conducted most of the studies in state courts, not federal courts. Ultimately, we need to examine public defenders and private attorneys to determine which type of counsel produces higher client satisfaction rates and conviction rates in both state and federal courts. The type of counsel should not affect their ability to represent a client in the best way possible. Based on evidence from past studies, this proposed study would hypothesize that defendants with private attorneys in the state court system would have greater client satisfaction and lower conviction rates than their counterparts.

The following research question got forged. Is there a difference between public defenders and private attorneys in state and federal courts regarding conviction rates and client satisfaction?

Measurement

An attorney is a legal representation of a defendant in a criminal or civil court case. The two types of representation are public defenders and private attorneys. A public defender is a government-funded attorney that is court-appointed to indigenous defendants. Another type of legal counsel is a private attorney, in which a defendant can hire at their own cost. There are two types of courts in the system: federal and state courts. The federal court system includes the district, appellate, and supreme courts. The state court system includes state trial courts, state appellate courts, and state supreme courts. Client satisfaction refers to how the services provided by an attorney reflect client expectations. Conviction rates are the ratio of convictions to court cases for attorneys. Overall, before conducting the study, the findings are unknown.

The proposed research tactic is to collect data on concepts through a survey with two parts. Both parts of the survey will use quantitative data. This study will determine attorney differences in conviction rates and client satisfaction in federal and state courts. The independent variable is attorney type, while the dependent variables are conviction rates and client satisfaction. The first part of the survey will use binary and nominal variables, and the second part of the survey will use ordinal variables. The first part of the survey will ask the participant questions such as, "Did you have representation?" followed by, "Which type of attorney did you have represent you?" Also, the survey will ask participants whether their case was processed in state or federal courts. One of the final survey questions will be whether the defendant was found guilty/not guilty in terms of their disposition. The study will take the information on convictions

based on the participants' responses and determine the conviction rate of each attorney type by the number of convictions divided by the number of criminal cases brought.

The second part of the survey will ask the participant about their satisfaction rates with their attorney and questions such as, "Overall, how satisfied are you with your attorney's communication with you?, "How satisfied are you with your attorney's knowledge about the law pertaining to your case?", "How satisfied are you with your attorney's skills to plan effectively for litigation?", "How satisfied are you with your attorney's ability to act in your best interest?, "How satisfied are you with your attorney's attention devoted to your case?", "How satisfied are you with your attorney's personal demeanor?", "How satisfied are you with your attorney's fairness to represent you?", "How satisfied are you with your attorney's accessibility?", and "How satisfied are you with the outcome of your case?". This section of the survey will use the Likert scale of opinion for response options. An example of answer options will be numbers ranked from 1 to 5 and asking the participant to circle one. One means very unsatisfied, two is not satisfied, three is neutral, four is satisfied, and five means very satisfied. The data collection will be at both state and federal courts.

This study can establish measurements of quality because it can get validated in multiple ways. Test-retest reliability is not applicable because the researchers will not be conducting the survey questions on multiple occasions. The answers of the participants will likely not change at any time throughout the research process. However, if the researcher asked each participant more than once about their attorney type throughout their case, the participants' answers could change due to various reasons such as financial circumstances. If the researcher asked each participant questions about client satisfaction, the answers could change depending on how fast the case is

moving in court and how the participant assumes the outcome will be. Conviction rates will

change quite often for attorneys since each week, they either settle cases or pick up new ones.

After the defendants' disposition court date, the defendants will receive the survey. Also,

inter-rater reliability is not relevant to survey research. The researchers only report the

participant's answers; therefore, there will be no interpretation involved.

The measure of client satisfaction uses ordinal variables, which demonstrate content

validity since the satisfaction questions must ask specifically about the defense attorney and not

other courtroom actors. The researchers will use binary measures of conviction to determine how

many convictions are in the sample, and then divide by the total number of defendants to get the

rate. The measure will demonstrate criterion validity since the researchers will be examining

disposition cases via official court documents to ensure that defendants are answering the

questions regarding attorney type, court type, and conviction correctly.

Each of the following measures has construct validity since they are capturing what the

researcher is looking to measure. Attorney and court type use a binary variable in which the

researcher is looking to find out which type of attorney/court pertains to each defendant.

Conviction rates and client satisfaction also have construct validity since the proposed study is

seeking to find out whether each of these measures has a good representation of the topic at

hand.

Sampling

The target population for this study is any criminal defendant in federal or state court

with an attorney. The research will not include individuals who defend themselves or waive

representation. In addition, clients with court appointed private attorneys will not be included in

the study. The unit of analysis for this study will be defendants tried in either state or federal courts. The relationship between an attorney and court type in correlation with conviction rates and client satisfaction will be determined using statistical analyses. The sample size will be one thousand cases. The first cluster, the court level, includes both state and federal courts being randomly selected using a number generator. The random selection of courts will come from a list of all courts in The United States. The second cluster, the disposition case level, will include defendants with both types of attorneys (public defenders and private attorneys) within those selected courts that will be randomly selected using the number generator. The random selection of defendants will come from a list of all defendants in the court in a year. Once selected, the researcher will contact the state and federal courts. These courts will have to grant permission to allow the study to take place. The randomly selected defendants will be asked to participate in the study.

A two-stage cluster sampling method is appropriate for the research question because it includes defendants who are represented by both public defenders and private attorneys in state and federal courts. A two-stage cluster sampling method is a type of probability sampling. Each defendant and court has a known likelihood of being selected to be a part of the sample. This type of sampling is systematic, and it allows a larger population to be generalized. Cluster sampling is a sampling method in which clusters of units that represent a population are known and included in the sample. A cluster sample is useful when it is difficult to compile a sampling frame. There will be more than two clusters since the courts are the first clusters. Various state and federal courts will be selected, and then some number of defendants within each. The total number of courts will be fifty state and fifty federal totaling to one hundred courts. The total

number of defendants will be one thousand, five hundred from state courts, and five hundred

from federal courts. This sampling method enables the study to not need the whole population of

defendants in every court system. This sampling method poses a realistic and practical way to

collect information on whether there is a correlation between attorney and court type and

conviction rates and client satisfaction. Two-stage cluster sampling is efficient since it represents

clusters that are a part of the population. In this study, the first clusters are the state and federal

courts. Once these clusters are randomly selected, the second clusters are the disposition cases

for defendants with either a public defender or private attorney. After random selection, the

chosen defendants within the randomly selected courts can participate. Throughout the world,

clusters exist naturally in populations, and this means that they are easily accessible.

However, there are drawbacks to a two-stage cluster sample. The two-stage cluster

sample is not guaranteed to generalize to the entire population. Primarily, the study's findings of

whether a particular type of attorney or court garners a more favorable client satisfaction or

conviction rates could not resonate or apply to other professions in the legal field. The other

professions in the legal field are judges and prosecutors. Cluster sampling is prone to bias. The

entire population could be biased if the formation of clusters were through bias too. The research

findings will apply to the state, attorneys, and the court system. These findings could target more

clients for a specific type of attorney. The sample does not include everyone in the court system

to draw conclusions. Other court actors could have an influence, such as the district attorney,

prosecutors, and the judges. This is an issue because a different court actor, not their attorney,

could influence a participant's view on the criminal justice system and their personal experience

in court. The participants could respond to the client satisfaction questions based on the court

actors' influence on the participant regardless if the survey questions specifically ask about their

attorney. Additionally, the satisfaction results pertain to only the defense counsel and not with

the court of the criminal justice system in general. This study contains high external validity

since the findings are from a sample of defendants with either a public defender or private

attorney, and within either the federal or state courts. This will apply to all defendants with either

type of attorney within every court system. The study will not be geographically restricted since

it will take place all over The United States. Overall, the study's findings will generalize to the

entire court and criminal justice population.

Methodology

Public defender and private attorney-client satisfaction and conviction rates between

federal and state courts is an important phenomenon to study. However, little information exists

on the assessment of attorney type in the federal system. Previous studies only analyzed data

from state courts. Ultimately, this study aims to determine whether there is any difference

between attorney type and court type regarding client satisfaction and conviction rates. A survey

is used to collect data to explore the relationship between attorney type and client satisfaction in

state and federal courts. A survey is a data collection method that applies a standard instrument

in a systematic way to take measures from a large number of units (Maxfield & Babbie, 2015).

This data collection method was selected because the researcher can operationalize the research

concepts by asking participants questions.

Quantitative data will be collected to examine the relationship between attorney type and

client satisfaction in state and federal courts. The researcher is looking to determine whether a

relationship exists between attorney type and conviction rates. The data collection is through the

use of a self-administered survey, taken on a provided laptop. The survey will include

approximately 27 closed-ended questions with mutually exclusive and exhaustive answer

options. There will be two sections of the survey, the first about the defendant's conviction and

attorney and court type, which will use binary variables. The second section will be about client

satisfaction, which will use ordinal variables. The first set of questions will cover the type of

legal representation, whether their cases got held in state or federal courts, and whether the

defendant was found guilty or not guilty in terms of their disposition (see Appendix. Survey

Questionnaire and Survey Responses). The second set of questions will cover client satisfaction

(see Appendix. Survey Questionnaire and Survey Responses). As a whole, the data collected

from the participants enables the researchers to access this valuable information about client

satisfaction and conviction rates across attorney and court types.

The researcher will obtain informed consent through the use of a form provided to each

participant that needs to be read through and signed before completing the survey. The consent

form will describe the study and its importance, as well as any risks or benefits to participating in

the research. Once each participant grants written consent, one participant will complete the

survey at a time. The participants will complete the survey in either a private meeting room or a

closed office. This will prevent participants from interruptions or distractions. The participants'

attorneys will not be allowed inside the room to allow the participants to answer the survey

questions honestly and not feel pressured into answering them in a specific way. The only people

present in the room will be the participant and the researcher. There will be a court translator

present outside the room in case if any of the participants do not understand English. Participants

will complete the survey after their case disposition date. There will not be any incentives for

participating in the study. The survey is expected to take no less than 30 minutes but no longer than an hour, if the participant has no questions or needs clarification.

The survey responses will be analyzed using regression analysis. Through the use of regression analysis, the researchers will be able to quantify and estimate the relationship between the independent and dependent variables. The independent variables are attorney type and the dependent variables are client satisfaction and conviction rates. The researcher's hypothesis will be supported if the regression method shows that there is a relationship between convictions and client satisfaction based on attorney type, and to see if this varies by court. Regression analysis for this study is critical because it will allow for the relationship between an attorney and court types with client satisfaction and conviction rates to be examined thoroughly and reasonably. The conclusions drawn from the regression analysis will pertain to which attorney type and the court have greater client satisfaction and lower conviction rates. After thoroughly analyzing the data, this method should conclude further information regarding this phenomenon.

Some control variables are plea bargaining, criminal history, offense severity, and pretrial detention. These control variables could influence the findings of the study. If a defendant has a criminal history, then possibly the judge would not be as lenient towards granting them a dismissal or a not guilty finding. Perhaps these defendants even have a negative and biased opinion on the criminal justice system and their attorney. Additionally, pretrial detention could pose a negative impact on a defendant. Detainees might feel as though they are already found guilty before their trial, despite the court not convicting them yet. These detainees could feel a sense of punishment. Defendants could feel that the courtroom actors have a sense of bias towards their case if they were held in detention, and this could impact the survey responses.

Plea bargains are an arrangement made by the prosecutor with the defendant to plead guilty for a lesser charge in exchange for a more lenient sentence. A defendant could be innocent of the crime, yet feels obligated or coerced into accepting the plea bargain versus awaiting a trial date. Most trial dates are months ahead, and some defendants want to close up the case as soon as possible. Offense severity could influence the judge's decision-making of a case. The defendant could have committed a serious offense and have substantial evidence to prove their guilt beyond a reasonable doubt. The opposite could be exact, as well. The defendant could have committed a less harsh offense and have enough evidence to prove their innocence. The researcher will put in the effort to keep these control variables constant so that they do not affect the outcome. In the survey, there will be a list of questions asking the participants if they were held in pretrial detention, whether or not they plead guilty through a plea bargain, and if they have other convictions. The data will consider these other factors upon analyzing the survey.

There are many benefits to utilizing a survey for data collection. The data collection will be inexpensive since the researchers are using a computer-assisted survey. This will enable multiple participants to partake in the survey, hence creating a broad reach. Each survey question contains closed-ended answer options, which will provide the findings to be in uniform. There is a controlled environment where participants will take the survey since it will take place in either a private meeting room or a closed office. Another advantage of using a survey is that the response rate will be relatively high since the participants will take the survey in front of the researcher.

While there are many benefits to using a survey, there are also drawbacks. Literacy issues can impact one's ability to understand what a question is specifically asking for, and the

participant could read or misconstrue it. If this were to happen, then the responses would be inaccurate. Not every person knows how to read or write, and this could impact the responses. Additionally, the response options are all closed-ended answers. Therefore the study will not be provided with detailed answers. This will provide the researcher with correlation, but not an explanation of why. The response options that the researcher provides must reflect all the possible answers of the participants.

This study has statistical conclusion validity since the researchers will control the variables and analyze any changes. The researchers are looking for any relationships between the variables and can identify any significant correlation between cause and effect variables. Since the researchers are using a regression, this will allow for a calculation of the court and attorney type between conviction rates and client satisfaction. This method will allow the elimination of any alternative factors that could affect the results. The research design contains internal validity since the regression method will support a cause and effect claim. The study has internal validity since there will be a random selection of both defendants and courts. Additionally, if the findings suggest a cause and effect relationship between attorney type with client satisfaction or conviction rates, then there will be even more internal validity within the study. However, the research design does have external validity since the findings can be generalized to other courts and times. The findings will apply to other courts and times since the researcher is looking to find out whether attorney type influences conviction rates and client satisfaction. If there is a relationship between these variables, then the courts will need to re-evaluate either the public defender system or private attorneys. There is a restriction in which the courts, attorneys, and clients the results apply. Despite there being a large sample to represent the population, the

findings do not represent every individual court, attorney, or client. There will be differences

across from court to court, attorney to attorney, and client to client. These findings will represent

the average of those selected for the study.

Ethics Statement

The study to analyze the relationship between public defenders' and private attorneys'

conviction rates and client satisfaction between state and federal courts should not harm anyone

involved physically. One can expect individuals not to feel comfortable addressing the topic due

to various reasons, such as their disposition and personal information getting studied.

Additionally, the purpose of this study to determine whether attorney type matters in terms of

conviction rates. The study will require obtaining sensitive information about the research

subjects; this sensitive information will be disposition cases. Attorney effectiveness could pose a

high risk for potential hazard since their reputation could get undermined. However, looking

across many attorneys like the study proposes to do, will protect the identities of individual

attorneys. The study is not reporting on the conviction rates of each attorney but of all public

defenders and private attorneys. Attorneys could feel a sense of uneasiness should the results be

published, as it could potentially affect their employment. This study would not violate the rule

against harming participants. However, participants can choose not to be a part of the study, and

they can leave at any point. Before the study, each participant will get informed about the topic

and the purpose of the research. Each participant's name will not get published with the other

findings as part of the confidentiality agreement. This confidentiality ensures protection for all of

the participants. The study will not provide false information to any of the participants. Each

participant will receive information on the topic and the purpose, as well as the importance of

analyzing the relationship between public defenders' and private attorneys' conviction rates and

client satisfaction across state and federal courts.

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Appendix. Survey Questionnaire and Survey Responses

Part 1: Please circle the response option that best represents your experience

1. Did you have representation?

    a. Yes

    b. No

2. If yes, which type of attorney did you have represent you?

    a. Public defender

    b. Private attorney

    c. Court-appointed private attorney

3. Which type of court was your case processed in?

    a. State court

    b. Federal court

4. Have you been convicted of prior felonies?

    a. Yes

    b. No

5. If yes, were you sentenced to prison?

    a. Yes

    b. No

6. Have you ever been on probation?

    a. Yes

    b. No

7. For this past case, were you held in pretrial detention?

    a. Yes

    b. No

8. What was the result of your disposition?

    a. Guilty

    b. Not guilty

9. If found guilty, did you fill out a plea bargain?

    a. Yes

    b. No

Part 2: Please indicate how well each of the following questions describes your representation

(One means very unsatisfied, two is not satisfied, three is neutral, four is satisfied, and five

means very satisfied)

1. How satisfied are you with your attorney's communication with you?

    ○ 1 - 2 - 3 - 4 - 5

2. How satisfied are you with your attorney's knowledge about the law pertaining to your

    case?

    ○ 1 - 2 - 3 - 4 - 5

3. How satisfied are you with your attorney's skills to plan effectively for litigation?

    ○ 1 - 2 - 3 - 4 - 5

4. How satisfied are you with your attorney's ability to act in your best interest?

    ○ 1 - 2 - 3 - 4 - 5

5. How satisfied are you with your attorney's attention devoted to your case?

    ○ 1 - 2 - 3 - 4 - 5

6. How satisfied are you with your attorney's personal demeanor?

    ○ 1 - 2 - 3 - 4 - 5

7. How satisfied are you with your attorney's fairness to represent you?

    ○ 1 - 2 - 3 - 4 - 5

8. How satisfied are you with your attorney's accessibility?

    ○ 1 - 2 - 3 - 4 - 5

9. How satisfied are you with your attorney's ability to listen and understand your needs?

    ○ 1 - 2 - 3 - 4 - 5

10. How satisfied are you with your attorney's ability to inform you on the status of your

    case?

    ○ 1 - 2 - 3 - 4 - 5

11. How satisfied are you with your attorney's legal advice?

    ○ 1 - 2 - 3 - 4 - 5

12. How satisfied are you with your attorney's effort to go beyond the minimum required?

    ○ 1 - 2 - 3 - 4 - 5

13. How satisfied were you with your attorney treating you as a very important client?

    ○ 1 - 2 - 3 - 4 - 5

14. How satisfied are you with your attorney's reliability to show up on time to court

    proceedings?

    ○ 1 - 2 - 3 - 4 - 5

15. How satisfied are you with you attorney's ability to meet your needs?

    ○ 1 - 2 - 3 - 4 - 5

16. How satisfied are you with your attorney's ability to have a neutral stance on your case?

○ 1 - 2 - 3 - 4 - 5

17. How satisfied are you with your attorney's ability to allow you to have a voice?

○ 1 - 2 - 3 - 4 - 5

18. How satisfied are you with the outcome of your case?

○ 1 - 2 - 3 - 4 - 5