

Evaluating the Effectiveness of the Los Angeles County Public Defense System at Representing
Indigent Defendants During the Plea Bargaining Stage of Litigation For Violent Felonies

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Abstract

Pursuant to the 6th Amendment of the United States Constitution, the Supreme Court of the United States ruled that indigent defendants have a right to an attorney in crucial stages of the adversarial proceedings of criminal trials in *Gideon v. Wainright* in 1963. However, no normative structures were left to define what indigent representation entailed. Over the next half century, new rulings on these standards continued to define the nature of indigent public defense. In 1970, the Supreme Court case *McMann v Richardson* found that plea bargaining was a critical stage of trial development, and thus clients had the right to counsel during the plea-bargaining stage. However, as of 2011, 94% of trials adjudicated in California state courts are disposed of during the plea-bargaining stage (Cornwell, 2015). While the Supreme Court ruled that effective representation was a right to all persons in the plea-bargaining stage of criminal proceedings, no research as of yet has been presented to address whether or not these standards have been addressed. The last and most recent Indigent Defense standards address in 2008 of Los Angeles, California found the county to be “adequately funded, well-staffed and meeting all current standards,” however the methods of standards assessment focused on the aggregate of cases, ignoring the specificities of the plea bargaining stage, as well as looked only at resources instead of actual outcomes achieved for their clients (The American Bar Association, 2010, p.16). This study thus looks specifically at the effectiveness, as defined by *Strickland v Washington*, of public defenders in the plea-bargaining stage in Los Angeles for the years 2013 through 2016.

Introduction

The 6th Amendment right to a fair trial, as well as the 14th Amendment right to equal protection under the law have influenced the provision of indigent defense, or municipal attorneys for those who cannot afford to hire a private lawyer, as it is a necessary component to due process under the law. These attorneys represent their clients from their first appearance before the judge, at which time charges are presented, through sentencing. During this time, many defendants go through plea bargaining, a stage of arbitration prior to trial whereat defendants can negotiate with prosecutors to reduce charges in exchange for a guilty plea. Nationally, 95% of defendants plead guilty to charges as a result of plea bargaining, a statistic which has risen year over year (Justice Policy Institute, 2011). As a result, there is a renewed interest in the rights of these defendants, and the implications of indigent defense during this stage of the criminal proceedings.

Case Law Review

Beginning in 1932 with *Powell v Alabama*, questions regarding the right to indigent defense have centered around the 6th Amendment right to a fair trial, and the 14th Amendment right to equal protection under the law. In the case of *Powell v Alabama*, nine African-American men were convicted of rape, having had insufficient time to consult with counsel, thus violating their 14th Amendment right to due process of the law. While Justice Sutherland, writing for the opinion of the court, held that the proceedings violated the rights guaranteed by the 14th amendment, the 6th Amendment was absent from mention in the opinion of the court. Ten years later, in the case of *Betts v Brady* (1942), the Supreme Court of the United States found that defendants had no guaranteed right to municipally provided counsel, barring special circumstances, citing that unless one's right to an attorney was actively suppressed the 6th

Amendment rights to a fair and speedy trial were not violated. The ruling in *Betts* was, however, overruled by the Supreme Court in 1963, in the case of *Gideon v Wainright*.

In the case of *Gideon*, the Court held in the opinion of Justice Black, that the right to an attorney in all criminal proceedings was essential to satisfy the protections of the 6th and 14th Amendments. However, the opinion of the Court in *Gideon* left only the requirement to provide counsel. The new ruling required the representation of defendants from the first appearance stage of trial whereat determination of indigency is made, to the sentencing, where the ultimate sentence is handed down. The determination of indigency is a system in which the court determines whether the defendant is in fact, financially burdened enough that they cannot afford to hire a private attorney.

Little specificity for the exact quality standards for indigent defense, nor structure for its provision was left in the opinion of *Gideon*. The only basis for which public defense structures could be built was the subjective standard of “competent counsel.” Continuing through the twenty first century, the exact boundaries of what *Gideon* defines as competent counsel have been continually defined. In 1970, the case of *McMann v Richardson* determined that the plea-bargaining stage of trial was also a critical stage of the proceedings and thus the same rights protected in *Gideon* were also extended to the plea bargaining stage. If the prosecution and defense come to an agreement during plea-bargaining, the defendant then pleads guilty or no contest in court, allowing prosecutors to dispose of a case more quickly.

A major contribution to understanding the standards asserted by *Gideon* came in 1984, in the case of *Strickland v Washington*. In the case of *Strickland*, David Washington plead guilty to murder, even though his attorney had not sought remedy to reduce his sentence. As such, Washington sought *habeas corpus* relief, or acquittal because of a due process of the law

violation. While Washington's petition was denied, from the ruling of *Strickland* came the Ineffective Assistance of Counsel, or IAC standards, which defined ineffective counsel by whether the results would have differed had the defendant been represented by another attorney as well as whether the attorney provided a reasonable standard of representation under professional norms. One year later, in 1985, the ruling found in *Hill v Lockhard* found that the IAC standards determined in *Strickland* applied to the plea-bargaining, in accordance with the ruling found in *McMann*. While several cases have been presented before the Supreme Court since *Hill*, they have had little collective impact on the standards for indigent defense in the plea-bargaining stage of criminal felonies.

In the absence of an effective indigent defense system, not only can those who were innocent, or deserving of a lesser sentence be inequitably punished, but those who were legitimately guilty are able to evade prison sentences by *Habeas Corpus* relief.

In most common law jurisdictions, when a person believes they have been prosecuted unfairly, or that trial irregularities have affected the outcomes of their case, convicts may recourse to a petition for *Habeas Corpus* relief, wherein a court reviews the irregularity and may remove a sentence, should the court deem the irregularity critically undermined the legitimacy of the trial. In such a case, the defendant would be acquitted of the charges pressed against them. One of the irregularities which can give cause to relief is a violation of IAC standards, as in the case of *Strickland v Washington*. While Washington's petition for relief was denied, an inadequate system of defense can result in violent criminals being released back into society as a result of a legal technicality.

Literature Review

While the legal standards for indigent defense during the plea-bargaining stage are well defined as a result of *Hill* and previous cases, no significant empirical study has been done to measure actual compliance with the standards set forth in *Hill*. Between the 1960's and the 1980's, new studies emerged to investigate the effectiveness of indigent defense. However, these studies were largely inconclusive as a result of the unique nature of each defense program and a series of complex confounding variables. Furthermore, as *Gideon* left no structure for indigent defense organizations, researchers had difficulty defining the construct of "effectiveness" in any tangible way. Without a clear understanding of what attorney effectiveness meant in a legal sense, creating methodologies and metrics which measured attorney efficacy proved challenging. In 1967, one study looked specifically at the sociological nature of indigent defense, but it was unable to establish a meaningful metric for effectiveness, and instead looked at the abstract concepts of indigent defense (Skolnick). Another early attempt to qualify the American indigent defense system came in a 1981 study regarding the efficiency of several different structures of public defender program (Gilboy). Even though the new study worked with actual and practical procedures of the trial, the metrics used were unable to come to conclusive results as the metrics assumed a relationship between trial outcome and trial procedure. While the study compared the number of motions filed by two types of attorneys, the number of hours spent working on the case, and number of times the attorney met with their client, no clear results were given. The values used as metrics, while factors of competent counsel, were not directly related to the outcome of the trial and thus were incomplete in the holistic view of attorney skill.

Researchers continued to study the abstract systems of indigent defense until the early 21st Century wherein new methodology emerged, allowing for an objective and legally

substantiated measure for attorney effectiveness nearly 40 years after the opinion returned in *Gideon*. A 2004 study of indigent defense effectiveness used the reduction of possible time sentenced as the dominant metric for lawyer effectiveness, becoming one of the first studies to effectively quantify the quality of an attorney's outcomes in criminal trials (Hoffman, Rubin, & Shepherd). By measuring reduction in time served as the metric for effectiveness, Hoffman et al.'s study adhered to the standards of efficacy set forth in *Strickland* and *Hill* as a lower reduction in sentencing time by one type of attorney would suggest that had the defendant chosen a different type of attorney, they may have achieved different outcomes, one of the major tests of attorney effectiveness. Through these methods, along with interview with defendants and attorneys, Hoffman et al. concluded that in the jurisdiction of Denver for the year 2002, most indigent defendants for violent crimes were only *marginally indigent* and could have afforded for themselves private counsel if they were faced with more severe charges or had more faith in the defensibility of their case. While Hoffman et al.'s study was an advancement in the quantification of lawyer effectiveness, it was localized to the specific jurisdiction of Denver, and thus the results were not generalizable due to the unique criminal procedures of the Denver jurisdiction. Furthermore, the study did not delineate between a criminal trial and a criminal plea deal, so the actual fault of the public defense system could not be associated with a specific phase of the trial.

Largely important studies came in 2012 and 2015, however. In 2012, a study of the jurisdiction of Philadelphia, Pennsylvania, used clear variables for establishing attorney effectiveness, using sentence time as well as odds of receiving life in prison (Anderson & Heaton). Furthermore, their study looked specifically at the trials of murder defendants, as to avoid the confounding variables associated with differing charges. While the research on

Philadelphia offered more definitive results than previous studies about attorney efficacy, the study compared public defenders to assigned counsel, both of which are types of municipal indigent defense. As such, the paper made no conclusions or assertions on the quality of indigent defense compared to the quality of results obtained by private counsel. Additionally, the paper was structured around the unique arraignment procedures in Philadelphia, and thus the results were not generalizable to other jurisdictions. The methods employed in the study, however, provide a normative procedure for evaluating attorney effectiveness. The first generalizable study to utilize these established, normative and quantifiable procedures, however, came in 2015 (Cornwell). In this study, 314 defendants from 4 different jurisdictions were analyzed using the acquittal rates, as well as the judge's assessment of guilt. Using the judge's assessment of guilt, the author is able to determine how the defendant would have fared in a bench trial, furthermore allowing the author to determine how the lawyering skills of the defender impacted the trier of fact. In doing so, the study addressed effectiveness as the influence of private attorneys on juries meant that indigent defendants could have potentially received different charges had they been represented by private counsel. However, this study looked only at trials, which represent only 5% of cases adjudicated in the United States (U.S Bureau of Justice Assistance, 2011). As a result of the study's limited scope, the results are not generalizable across a range of crimes or adjudication procedures, but rather across different jurisdictions.

While procedural standards for indigent defense research have moved markedly toward quantifiable metrics and normative methods, research which specifically pertains to the plea-bargaining stage of adjudication is largely absent or based on speculation. The aforementioned 1967 study from Skolnick proposed that prosecutors may offer better benefits to public defenders in search of a future *quid pro quo* agreement, as well as more socialization in Court house

premises (Skolnick). However, this study gave only anecdotal accounts of this phenomenon. Similar theories were expressed in Eisenstein and Jacob (1991) and Wice (2005). However, in both cases the theory was presented without any correlational evidence associated with it. To this extent, no meaningful study has been conducted in regard to the plea-bargaining stage of criminal adjudication. This is especially significant, as the overwhelming majority of existing research has found a fundamental disparity in the outcomes of public and private representation. The positions thus offered in regards to attorney effectiveness during plea-bargaining could potentially differ with the whole of research on the topic of indigent defense at large.

The county of Los Angeles, California, as of the most recent IAC audit in 2008, was found to be adequately funded and meeting all resource standards (The American Bar Association, 2010). However, these findings were from an audit designed for all counties and may not have been well adapted to Los Angeles' large population. In contrast, Los Angeles County Superior Court judges attested in that same year that their public defense department was underfunded (Justice Policy Institute, 2011). As 94% of trials in Los Angeles result in a guilty plea as a result of plea bargaining, the understanding of effectiveness in relation to the plea-bargaining stage is crucial to the Sixth Amendment right to counsel, guaranteed in *Gideon* (Cornwell, 2015). Furthermore, as stated by the Los Angeles Public Defenders office's website, "LA County Public Defenders represent only those people accused of a crime in a state criminal court who cannot afford to pay for an attorney" (Los Angeles County Public Defender's Office Website). Due to the standards of indigency, which place certain restrictions on which socio-economic brackets qualify for representation by a public defender, any disparity in quality of representation would unequally effect those of lower income brackets and challenge the equal protections clause of the 14th Amendment.

Question

Pursuant to the outcome of *Gideon*, and the tradition of existing scholarship on indigent defense efficacy, the question remains: How effective, as a function of time sentenced, is the Los Angeles County public defense structure at representing the indigent during plea bargaining for violent criminal felonies?

Hypotheses*Alternative Hypothesis*

Private counsel will be significantly more effective at representing their clients during the plea-bargaining stage, as represented by higher reduction in time served as well as more consistent results.

Null Hypothesis

There will be no significant difference in the outcomes achieved by public defenders and private defenders during the plea-bargaining stage, in neither terms of sentence reduction nor consistency.

Methods

This study was conducted using all homicide cases from the years 2013 through 2016 wherein the defendant was charged with murder, having been disposed of second-degree murder or a less serious crime after the plea-bargaining stage. These methods were adapted from Anderson and Heaton's study, as well as Hoffman et al's study. This data was provided pursuant to a California Public Records act (PRA) request to both the Los Angeles District Attorney's office, as well as the Los Angeles County Public Defender's office.

The standard of second-degree murder was used for two reasons. First, second-degree murder is the most common charge of murder, making it the easiest and most accurate from which to measure variance. Second degree murder carries a minimum sentence of 15 years in the state of California. The second being that the California State Penal code allows the use of the death penalty to punish first degree murder, meaning the results achieved by attorneys during arbitration of guilty pleas are incongruent and non-comparable to the results achieved in other felonies. Not only is the death penalty not measured in years, but the death penalty also changes the structure of the adversarial proceedings. According to the American Bar Association as of 2003, representing those in the face of capital punishment requires “extraordinary time and effort necessary to ensure effective and zealous representation.” As such, first degree murder is outside of the regular proceedings for violent felonies.

Furthermore, defendants who plead guilty to more than one crime, plead guilty alongside another defendant, or were represented by more than one type of attorney over the course of their proceedings were not included in this study. While the names of the defendants were not provided as part of the PRA request, defendants who did not meet the inclusion criteria were not present in the list generated in response to the request.

These cases were then divided into two separate groups: Those represented by the public defender’s office, and those represented by private counsel. Using this data, the mean reduction in sentencing was calculated for both sets of defendants. Sentencing reduction was used as it was established as a normative and quantifiable method of effectiveness evaluation in Hoffman et al.. As the legal definition surrounding effectiveness focuses on whether one’s outcomes were significantly hurt by the attorney, reduction in time sentenced serves this purpose by measuring two things. First, a significant difference in results would suggest that type of attorney plays an

impactful role in outcomes for Los Angeles defendants. Second, it would show that indigent defendants were or were not possibly negatively affected by this difference, thus suggesting whether IAC standards could have been violated. In order to determine whether these results were statistically significant, a single tailed Welch's Unequal variances t-test was taken from the data, using the standard p-value of <0.05 as the mark of statistical significance. A Welch's Unequal Variances t-test was used as opposed to a standard students t-test as the two data sets, those represented by public and private counsel, were of differing sizes and had different variances. One degree of freedom was allowed in order to compensate for the dual data sets.

Furthermore, the standard deviation of the results achieved by both types of attorney was compiled in order to determine which type of attorney achieved more consistent results. While the metric for effectiveness used in this study is based on the reduction of sentencing time, in years, the deviant metric was used in order to ensure that outliers in the data, nor an inconsistent and broad range of data could not have a significant impact on the interpretation of results.

Limitations

The limitations were the result of confounding variables in the data. Under the California Public records act, or PRA (California Government Code § 6250 et seq.), certain information about the data is either not recorded, or not disclosable. The Los Angeles county Prosecutors office, in accordance with the PRA, does not maintain records of who the representing attorney in any given case was. Instead, to determine which defendants were represented by public defenders, a separate PRA request was filed with the Los Angeles County Public Defender's office, and cross referenced with the list provided by the prosecutor's office by charge and sentencing. All persons not represented by a public defender were assumed to have employed private counsel for their defense. However, while not common, it is legal to represent oneself *pro*

se, or without a lawyer, and as such it is impossible to determine that any given case was the work of a private attorney. It is unlikely however that any of the defendants included in the data set went *pro se*, as the Bureau of Justice Statistics has reported that, as of the year 2007, “nearly all defendants for felonies in federal and large state courts were represented by some variety of attorney” (Bureau of Justice Statistics, 2010, pg. 7).

Furthermore, while the methods of this study are adapted from Hoffman, Rubin and Shepherd’s study, certain aspects of their study were unable to be adapted. As Paul H. Rubin, one of the researchers in the study, is a judge in Denver, CO, his position as an officer of the court made more information available, such as names of defendants. As a result, this study was unable to conduct interviews with defendants nor attorneys, as Hoffman et al. was. Additionally, the unique criminal procedures of Los Angeles California make the results of this study localized, and are not directly generalizable to all jurisdictions in the United States. Finally, regardless of whatever relationship the data in this study may suggest, the evidence is correlational and cannot definitively prove causation, as too many confounding variables could affect the outcomes the attorneys achieved.

Results and Discussion

The objective of this study is to build upon the understanding of indigent defense and assess whether or not the Los Angeles public defense structure is effective in its representation of indigent defendants during plea bargaining. Notwithstanding the limitations of the data collection procedure, two themes suggest themselves as primary features of the public defense structure in Los Angeles; First, that Public defenders achieve less beneficial results for their clients, and second that public defenders achieve less consistent results than their private counterparts.

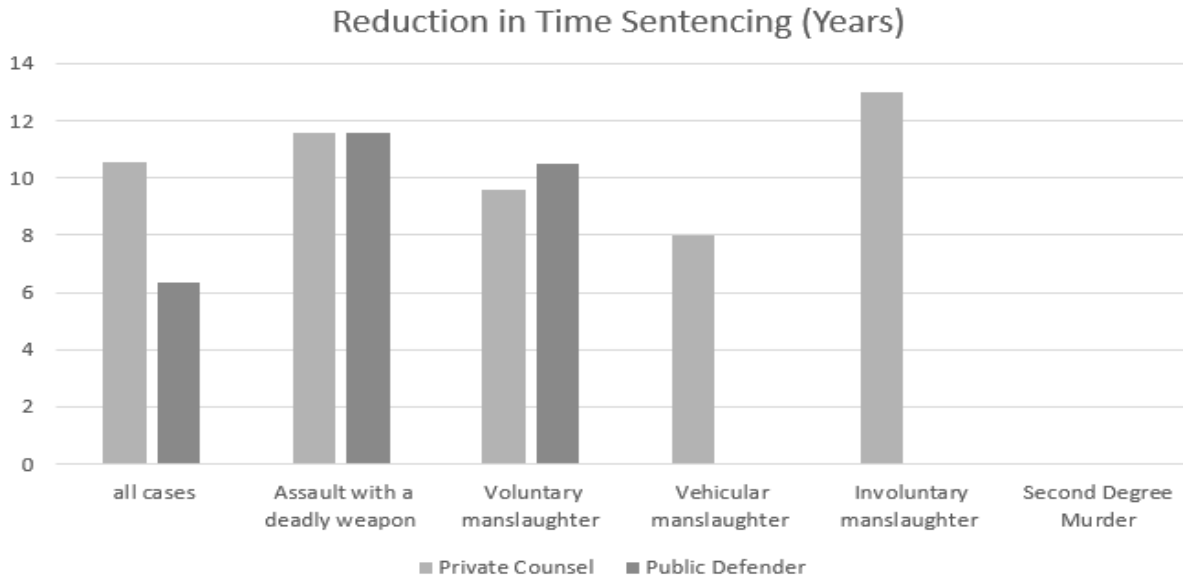
Quality of Results achieved

Figure 1: reduction in time served achieved by Private Counsel and Public Defenders

Of the 41 cases from the years 2013 through 2016 which aligned with the inclusion criteria for this study, 12 were represented by private counsel while the remaining 29 were represented by the public defender's office. Of the 12 represented by private counsel, five were disposed with the charge of voluntary manslaughter, five with the charge of assault with a deadly weapon, one with involuntary manslaughter, and one with vehicular manslaughter. The average reduction in sentencing for each of these crimes is displayed in *Figure 1* above. The average sentencing time reduction for all included cases from years 2013 to 2016, represented by a private attorney, was 10.58 years.

Of the 29 cases represented by public defenders, seven were convicted of second-degree murder, seven were convicted of assault with a deadly weapon, two were convicted of vehicular manslaughter, and 13 were convicted of voluntary manslaughter. The average sentence

reductions given for these crimes is represented above in *Figure 1*. The average reduction in sentencing time, for all included cases from the years 2013 through 2016 represented by public defenders, was approximately 6.34 years.

The Welch's T-Test yielded a p-value of 0.010386, meaning there is only a 1.0386 % chance that these results are not the result of a relationship between type of attorney and outcome. The p-value produced by the data set is significantly less than the common .05 limit for data sets with one degree of freedom, meaning the results are statistically significant. As such, it is reasonable to reject the null hypothesis, and note a correlation between the type of defense attorney, and the quality of outcomes achieved for their clients.

The possible reasons for the disparity in results have been theorized by many previous studies. According to the Justice Policy Institute (2011), more experienced attorneys are more likely to go into private practice as they seek higher salaries and a reduced workload. In fact, a 2007 census of public defender programs in 49 states and the District of Columbia found that nearly 28% of attorneys within the indigent defense structure across the nation are within the first 10 years of legal practice (Justice Policy Institute). The number of experienced attorneys within the indigent defense system is much lower than in other fields of criminal law. In a 2015 study, it was suggested that this relative inexperience of many public defenders is responsible, at least in part, for the less favorable outcomes which public defense attorneys receive (Cornwell). The impact of inexperience on plea bargaining could prove especially consequential, as a 2016 paper on the nature of plea-bargaining in the 21st century notes that plea bargaining requires a developed understanding of the relationship between defense attorneys and prosecutors, one

which inexperienced attorneys may not have cultivated (King & Wright, 2016). In the absence of experience, the public defense attorneys are at a potential disadvantage in plea bargaining.

Another possible explanation for the comparatively poor results achieved by public defenders relates to the resources available for public defense attorneys in Los Angeles. Many previous studies have attributed the results achieved by public defense departments to overwhelming caseloads exceeding the capacity of small staffs of public defenders, as well as insufficient investigatory tools per lack of funding, all of which is the result of resource shortages. As the Justice Policy Institute (2011) noted in 2008, “states like California attempt to save money by...shrinking their attorneys and staff” (p. 8) to the point wherein 70% of California judges, including those of Los Angeles, reported that their indigent defense program was under resourced. Furthermore, because California allows capital punishment in felony cases, large portions, up to \$4 billion since 1978, of the indigent defense budget are reserved for representing those who could be sentenced to execution (Alarcon and Mitchell, 2011). The large sums of resources which are dedicated to representing first degree murder defendants thus detract from the resources available to public defenders for other cases. As private counsel are paid per case, their resources in any given criminal proceeding are dictated by the needs of the client, which is a stark contrast to the resources available to Los Angeles’ indigent defendants. For violent crimes, financial assets are particularly important to privately funded investigation. When public defenders organizations do not have adequate funding, the first positions to be removed come from the department’s investigative staff, which can greatly inhibit the argument offered by the defense. The lack of resources thus serves as one possible explanation for the seemingly inferior results achieved by the public defenders of Los Angeles County.

The relationships between results and effectiveness in this study does not, however, consider one important confounding variable that may explain the results achieved by public defenders: Evidence. According to Hoffman et al (2004), in their review of all criminal cases filed in Denver, Colorado for the year 2002, “one explanation for poor public defender outcomes may be that public defender clients, by self- selection, tend to have less defensible cases.” In the study, they found that those who were represented by public defenders were often only *marginally indigent*, as they could have afforded private representation if the charges had been more lofty, or if they believed they had a better chance of achieving innocence given the crimes they were charged with. This study could explain, or at least partially explain the disparity in results achieved by private defenders, as the more easily defended clients may polarize the clientele of private counsel at one end of the defensibility spectrum. However, the study referenced above only looked at trials of murder cases, while the consideration of plea-bargaining, as a structural procedure, would suggest that the defendant has a predisposed belief that they would not fare well in court, as they submit to a guilty plea as opposed to a verdict. Considering the different procedural nature of plea bargaining, there is little empirical evidence to suggest that said results are mirrored here, nor is it within the scope of this study’s methodology to draw conclusions on the sociological shifts within the *marginally indigent*.

Consistency of outcomes achieved

	Average Reduction in sentencing (years)	Percentage of sentence reduced	Standard Deviation (years)	Number of Clientele Represented	Number of Clientele Represented
Public Defenders	6.345	42.30%	4.55	12	12
Private Counsel	10.58	70.53%	2.40	29	29
Both	7.59	50.60%	4.422	41	41

Figure 2: Summary of sentence reduction data

The standard deviations of the results, measured in years, which both types of attorneys achieved were used as a representative of the consistency which that type of attorney achieves in cases. The standard deviation for public defenders was 4.55 years, while the standard deviation for private counsel's results was 2.40 years. These two values suggest that private counsel achieve more consistent results for their clientele. It is noteworthy that private counsel across the Los Angeles County are employed in different offices, with different resources and different clients of differing levels of wealth, while still maintaining relatively consistent outcomes in the plea-bargaining stage. In contrast, all public defenders are provided the same resources, work for the same office or are on contract with the same office and represent clientele of an economic status which qualifies them for indigent defense services.

The disparity in consistency may be in part due to the experience of private counsel, who are often more experienced attorneys. While the range of age and experience for attorneys across the public defender's department largely fluctuates, private counsel working in the field of criminal law are often former public defenders or prosecutors who have since moved to private practice, which greatly concentrates the ages of said private attorneys. While the experience levels of the attorneys who represented the defendants included in this study's data considerations are not known, statistics from the aforementioned general censuses of America's public defense departments suggest it is more than likely that some of those defendants were represented by less experience attorneys.

Another possible explanation for the differing levels of consistency is again in reference to Hoffman et al's 2004 paper, which postures that those who believe that the evidence against them is insufficient will choose to be represented by private counsel, more often than not. As a result, the evidence proffered against private counsel's clientele is of a smaller range in terms of loft and weight of probative value, resulting in more consistent results.

Conclusion

Continuing the tradition of indigent defense research which began in the aftermath of *Gideon v Wainright*, the results of this study show a defined and marked disparity in effectiveness between the private defenders of Los Angeles County, and their private counsel counterparts during plea-bargaining, thus displaying a possible violation of the standards for Ineffective Assistance of Counsel presented in *Hill v Lockhard* and *Strickland v Washington*. As the data suggests that many defendants would have achieved more favorable results had they been represented by private counsel, the main components of the IAC standards appear to have been violated. While there is a strong correlation between the type of attorney and the results

achieved, it is beyond the scope of this study and its limitations to definitively state a relationship. The results achieved by public defenders were not only less favorable, as suggested by a lower mean reduction in sentencing time, but also less consistent as suggested by a higher standard deviation. While private counsel achieved an average reduction in sentencing of 10.58 years with a standard deviation of 2.39, public defenders achieved a standard reduction in sentencing of 6.344 years with a standard deviation of 4.55 years. These results, which represent plea bargaining, would thus apply to 94% of cases disposed of in Los Angeles every year, as mentioned above. Ultimately, when considering the results, along with the standards for indigency, it is possible that the current state of the Los Angeles public defenders department is liable to ineffectively represent their clients, while also increasing the possibility of guilty persons being acquitted inequitably. As such, it can be reasonably concluded that the Public Defenders of Los Angeles County are less effective than their private counsel counterparts. However, without future research which involves a more comprehensive data set, the causes of the disparity are unknown. Without knowing the cause of said issue, determining a course for mitigation is difficult.

Future Directions

This study has laid the foundation for a more in-depth study of the Los Angeles County structure of indigent defense. While it looks at the outcomes which the public defender's department achieves, further research is required to understand the impetus of those results. Discussed are the possible causes which contribute to realities of the indigent defense structures, however without access to more in-depth financial data from the public defenders department, more information on the attorneys working at the department, and more information about the cases which were compiled as data, such conclusions are speculative. While this study is able to

make basic conclusions regarding the effectiveness of Los Angeles county indigent defense structures, a critical next step in developing solutions to the problem in Los Angeles is further research.

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