



Public Defender Programs

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Institute of Law Enforcement and Criminal Justice
Correctional Assistance Administration
United States Department of Justice

National Criminal Justice Reference Service
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PUBLIC DEFENDER PROGRAMS

A Selected Bibliography

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National Criminal Justice Reference Service

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National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
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INTRODUCTION

Prior to the Supreme Court decision in Gideon v. Wainwright (1963), the indigent defendant in a felony trial was not assured representation by legal counsel. The Gideon decision was thus considered a landmark case in that the Supreme Court recognized the constitutional right to counsel in felony cases, and the courts were required to provide attorneys for indigent defendants. This right was extended in the next decade regarding the inadmissibility of confessions where the defense counsel was absent during custodial questioning (Miranda v. Arizona, 1966), the right of a defendant to counsel at hearings and trial in juvenile court (In re Gault, 1967), the right of the indigent to appointed counsel at preliminary hearings (Coleman v. Alabama, 1970), and finally, the right of counsel for any person who may be imprisoned (Argersinger v. Hamlin, 1972).

Within 10 years the criminal justice system has had to develop a new function to fulfill this now constitutional right to counsel. Jurisdictions either assign attorneys in private practice to defend indigents on a case-by-case basis or they appoint salaried public defenders.

This bibliography provides references to works that review and evaluate the experiences of various jurisdictions' public defender systems. In the first section the documents compare public defenders with private retained counsel. Some of these comparisons report opinion surveys of the defendants served by a particular public defender system, others are studies of case dispositions. The second section contains formal evaluations of specific public defender services and many of these documents also include recommendations for improving these services. The final section provides descriptions and suggestions of areas for further growth, including internships with public defenders for law students and the provision of public defender services in appellate courts. Within each section the citations are arranged alphabetically by author.

All of the documents in this bibliography have been selected from the data base of the Nation Criminal Justice Reference Service and must be considered a representative sample of the significant literature emerging on this subject.

Information about how to obtain the documents cited may be found on the following page.

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All of the documents in this bibliography are included in the collection of the National Criminal Justice Reference Service. The NCJRS Reading Room (Suite 400, 1015 20th Street, N.W., Washington, D.C.) is open to the public from 9:00 a.m. to 5:00 p.m. All of the documents cited are also available in at least one of the following three ways:

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PUBLIC VS. PRIVATE DEFENDER

1. ATKINS, B. M. and E. W. BOYLE. Prisoner Satisfaction With Defense Counsel. Criminal Law Bulletin, v. 12, n. 4: 427-450. July-August 1976.
(NCJ 36182)

This reports the study conducted among inmates in South Carolina correctional institutions to uncover factors determinative of satisfaction with the performance of defense counsel. Interviews were conducted by the State Department of Corrections officials among a stratified random sample of prisoners at two medium security correctional facilities. Findings indicate that clients represented by public defenders were almost twice as likely to be satisfied with the attorney, even though clients represented by private counsel entered fewer guilty pleas than those represented by public defenders, irrespective of offense seriousness. The authors conclude that prisoner satisfaction with counsel is related primarily to the length of sentence imposed. Clients who plea bargain and avoid due process tend to be satisfied with counsel since they assume that by plea bargaining they are receiving shorter sentences.

2. BERGER, E. J. and R. HANDBERG. Symbolic Justice: Disappointed Clients' View of Their Attorneys. Criminal Justice Review, v. 2, n. 1: 113-117. Spring 1977.
(NCJ 42010)

This brief paper looks at how prisoners in a short term (1 year or less) prison viewed the efforts of their attorneys, particularly in relation to plea bargaining. The impressions of those prisoners who had a privately retained counsel and those who had a court appointed public defender are compared. The private attorney was clearly perceived as being more beneficial than the public defender, possibly reflecting the private attorney's ability to appear more "interested" in the client while the public defender tends toward greater impersonality because of his greater case load. The first impression phenomena influences the consideration of which type of attorney is best able to plea bargain. The private attorney is clearly identified as the more able to actually bargain even though the evidence is contrary to the prisoners' perceptions.

3. DAHLIN, D. C. Toward a Theory of the Public Defender's Place in the Legal System. South Dakota Law Review, v. 19: 87-120. Winter 1974.
(NCJ 12800)

This article delineates defendant attitudes toward both public defenders and retained private counsel and offers possible explanations of these attitudes as guides for reform. After identifying the attitudes of defendants toward public defenders as compared with private counsel, the author analyzes alternative explanations which might account for the different attitudes. Five possible ex-

planations are offered: public defenders are less able than private counsel, the role of the public defender is different and less desirable than that of private counsel, the bureaucratic nature of the public defender position forces public defenders to act in ways that are different and less desirable than private counsel, the general character of the public defender's clientele makes the job of representation more difficult, and the general nature of the office of the public defender makes it more difficult for indigents to relate to the public defender. The author reviews prior studies and surveys and concludes that the least accurate explanation was the inferiority of the public defender, who was found to be as qualified as private counsel.

4. NAGEL, S. S. Effects of Alternative Types of Counsel on Criminal Procedure Treatment. Indiana Law Journal, v. 48, n. 3: 404-426. Spring 1973. (NCJ 42506)

The ways in which defendants with certain types of counsel differ in their criminal procedure treatment from defendants with other types of counsel were studied. Comparisons were drawn between counsel versus no counsel; hired counsel versus provided counsel; public defender versus assigned counsel; and early-obtained counsel versus late-obtained counsel. Data were extracted from 1,101 grand larceny cases prosecuted in 194 counties nationwide in 1962. These figures had been examined in a larger study conducted by Leo Silverstein for the American Bar Foundation. The findings indicate that having an attorney is especially important in receiving a preliminary hearing, being released on bail, and receiving a short sentence. The presence of a hired attorney rather than a court provided attorney has a great impact on questions concerning bail, suspended sentences, and probation in guilty verdicts. Having a public defender rather than assigned counsel may mean obtaining an attorney more quickly, having one's case processed faster, and being better represented in plea bargaining. With regard to early-obtained counsel versus late-obtained counsel, the author found that early-obtained counsel is usually court provided counsel rather than hired counsel, especially in more urban counties. Among indigents studied, early-obtained counsel is usually a public defender rather than assigned counsel.

5. NEWMANN, D. J. Pleading Guilty for Considerations: A Study of Bargain Justice. In G. F. Cole, Criminal Justice--Law and Politics. Belmont, California, Wadsworth Publishing Company, Inc., 1972. 14 p. (NCJ 25803)

This study of plea bargaining describes the incentives which influence defendants to plead guilty, and the effect the presence of both

retained and assigned counsel has on the negotiations. Of a sample group of 97 convicted felons, the author found that 93 of the convictions were the result of guilty pleas. The author discusses the reasons for retention or nonretention of counsel and why many defendants change not guilty pleas to guilty. Many defendants refused to retain counsel because they thought the prosecutor and judge would be annoyed. Defendants who pleaded guilty without lawyers, and those who retained counsel are discussed. Also covered are the types of bargaining involving an attorney and informal conviction agreements.

6. RHODES, R. P. A Comparison of Effectiveness for Privately Retained Counsel and Public Defender: Final Report. Erie County (Pa.) Court of Common Pleas. Erie, Pennsylvania, Northwest Regional Office of the Governor's Justice Commission, 1974. 27 p. (NCJ 42531)

This report is an evaluation of public defender services, an assessment of the scope of need for additional resources, and a look at what the impact of such resources might be. After comparing rates of dismissal-acquittal between the public defender and retained counsel, the evaluators conclude that the public defender office is as effective in its defense counsel as that of retained counsel, except in the area of personal crime, in which differences are not severe.

7. SMITH, G. W. Comparative Examination of the Public Defender and Private Attorneys in a Major California County. Doctoral Dissertation, University of California, Berkeley, 1969. 275 p. (NCJ 07252)

This unpublished dissertation is a comparative study of the public defender and the private attorney concerning the operations, the functions, and the effectiveness of each. Recent Supreme Court decisions have expanded the responsibility of the State to provide assigned counsel to indigent defendants. The public defender system was initiated because of the need for more attorneys. This study is an attempt to systematically analyze and evaluate the need for, as well as the operation and function of, the public defender system in the United States. Because of the absence of statistical data on the operations of the public defender systems in this country, this study was undertaken as an exploratory effort to supply such data. A detailed analysis is presented of data collected from one public defender system in a major California county. The data can be used to answer three basic inquiries: Who is served by the public defender? How do public defenders dispose of their cases? What happens to the cases handled by public defenders?

8. STOVER, R. V. and D. R. ECKART. Systematic Comparison of Public Defenders and Private Attorneys. American Journal of Criminal Law, v. 3, n. 3: 265-300. Winter 1975. (NCJ 30880)

Process and outcome variables are used to compare public defenders and private attorneys in an undesignated city and to indicate the similarity in the quality of criminal defense. Initially, the study focuses on patterns of thought and behavior commonly related to criminal defendants. This analysis is based primarily on evidence gathered through interviewing and observing private and public criminal lawyers. Data on felony cases collected over a 6-month period are used to compare the outcomes of the conviction and sentencing records for the two types of defense attorneys. The investigation of adherence to the norm of advocacy, use of fact investigation, concentration of practice in associations and time, and experience produced little evidence of superiority in either group of attorneys. The analysis of three important outcome variables concluded that attorney type had little important effect on severity of conviction, type of punishment, or probable length of incarceration.

9. U. S. DEPARTMENT OF JUSTICE. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Comparison of Counsel for Felony Defendants, Volume 1. By J. G. Taylor, and T. P. Stanley. Arlington, Virginia, Institute for Defense Analyses, 1972. 169 p. (NCJ 05832)
- Stock No. PB 209 626

This report is a comparison of privately retained counsel, counsel from the practicing bar, and counsel from publicly supported defender organizations. Systems for legal representation of the indigent have been compared unfavorably with the defense available to those who can afford to retain private counsel. The felony courts in Denver, Colorado, and San Diego, California, were studied in depth to determine the relationships between the type of counsel and the time and manner of case processing and disposition. The data collected for each city are analyzed separately, and then the data for both cities are compared. Among the particular areas studied were disposition, sentencing, time elapsed between arrest and final disposition, and appeal rates. Defendants were compared on the basis of such variables as offense, prior record, and race, as well as by type of counsel. This volume analyzes and discusses the findings of the study and presents the major results in tabular form. NCJ 05824, A Comparison of Counsel for Felony Defendants, Volume 2, contains the detailed reports for each city and a discussion of the statistical methodology which the study employed.

10. _____ . Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Statistical Analysis of Public Defender Activities. By G. W. Smith. Columbus, Ohio State University, 1970. 163 p. (NCJ 01702)

Stock No. PB 197 648

This study is a comparison of the disposition of cases handled by different types of defense attorneys. Increased recognition of the need for assigning counsel to indigent defendants has raised questions about the best available methods of affording representation. This study compares the disposition of cases handled by public defenders and private attorneys using over 27,000 criminal cases processed in the Superior Court of Los Angeles County (California) during 1968. The statistical data are organized around three factors--the recipient of public defender services, the method of disposition, and the type of sentence. The initial chapter focuses on the history of the methods of indigent representation, states opinions of the value of the public defender, and discusses numerous judicial decisions. The following sections describe the methodology of the study and provide the results of a statistical comparison of public defenders and private attorneys based on 18 demographic variables. In addition, by using an ordinal weighting scale as a measure of effectiveness, the sentences of public defender cases are compared with those of private attorneys. Appended material includes statistical tables. This study reveals that similar cases argued by either public or private defenders result in similar sentences after conviction. Thus, when major demographic characteristics such as offense and prior convictions are held constant across defense attorney categories, there are only marginal differences in the actual dispositions.

EFFECTIVENESS OF THE PUBLIC DEFENDER

11. ALASKA JUDICIAL COUNCIL. Alaska Public Defender Agency in Perspective: An Analysis of the Law, Finances, and Administration, 1969-1974. Anchorage, Alaska, 1974. 150 p. (NCJ 12738)

An evaluation is presented of the history, growth, and functional weaknesses and strengths of the Alaska Public Defender Agency. Chapter 1 contains a history of the agency in Alaska. Chapter 2 describes and analyzes the Public Defender Act. Chapter 3 examines finances and administration. Chapter 4 considers the quality of representation, and Chapter 5 presents recommendations for the public defender service's operation and management.

12. ALLISON, J. L. Relationship Between the Office of Public Defender and the Assigned Counsel System. Valparaiso University Law Review, v. 10, n. 3: 399-422. Spring 1976 (NCJ 38557)

A combined public defender-assigned counsel system in which the public defender acts as an administrator in coordinating the indigent criminal caseload and assigning cases to staff attorneys and local counsel is advocated. It is suggested that the combined system may be the most effective method of providing legal services to indigent defendants and may be advantageous to both indigents and lawyers. An administrative overview offers guidelines for implementing the combined public defender-assigned counsel system and suggests standards by which judiciaries can review the effectiveness of the plan.

13. BAZELON, D. L. Defective Assistance of Counsel. Cincinnati Law Review, v. 42, n. 1: 1-46. 1976 (NCJ 11236)

This article discusses the deficiencies in the process of indigent representation and presents proposals to remedy ineffective assistance at both the trial and the appellate court level. The author examines the activities of the defense counsel, the prosecutor, and the trial judge, as well as the system and the guilty plea, as they contribute to the problem of ineffective representation. Drawing on his own experience in the U.S. Court of Appeals for the District of Columbia, the author discusses the public defender service and private attorneys, with emphasis on the neophyte lawyer. Proposals for improving the assistance of counsel include the certification of criminal law specialists and the shifting of the power of appointment from trial judges to a public agency, independent of the courts. In pointing out the shortcomings of the judicial system, the author considers reasons why appellate courts avoid the problem of inadequate representation of indigent defendants. The author recommends a reappraisal of the role of defense to the indigent defendant at the time of sentencing. The District of Columbia Public Defender

Service's use of the assistance of the Offender Rehabilitation Division (ORD) is described. Social workers in ORD, in cooperation with counsel, put together a program of rehabilitation, training, family counseling and assistance, mental health services, and employment to present to a sentencing judge. ORD also provides information to supplement presentence reports and suggests alternative dispositions.

14. CASPER, J. D. Did You Have a Lawyer When You Went to Court? No, I Had a Public Defender. In Cole, G. F., Criminal Justice: Law and Politics. (NCJ 25794). Belmont, California, Wadsworth Publishing Company, Inc., 1972. 11 p. (NCJ 25806)

A description of the functions and effectiveness of the public defender from the defendants' perspective indicates that most defendants consider the public defender as part of the prosecution team. Excerpts from the 72 interviews on which this study is based are presented. As these convicted offenders saw it, the behavior of law enforcement officials was essentially the same as the behavior of law violators. Many of these people saw the public defender as a surrogate for the prosecutor rather than as their own representative. Factors which generated mistrust of the public defender were the short amount of time spent with the public defender, the assumed career aspirations of the defenders, and the fact that the defender is paid by the State. It was found that although almost equal sentences were given when offenders were represented by public and private defenders, the offenders felt that they had received better representation from the private attorneys. The author suggests that an alternative defender system which does not involve obvious and direct payment by the State to defense lawyers be employed. Voucher systems, for example, could enable defendants to choose and "pay" their own attorneys, thereby convincing them that they had a lawyer who truly represented them.

15. HERSEY, J. Plea Bargaining in the Pit. Skeptic, n. 4: 32-35. November-December 1974. (NCJ 32677)

The controversy over the relative merits of Legal Assistance Association lawyers and public defenders is explained. Judges and court administrators prefer the services of public defenders, who, while turning in a high percentage of plea-bargaining guilty pleas, speed the processing of defendants through the system. The judges and court administrators think that Legal Assistance Association lawyers needlessly complicate matters with endless motions and protracted voir dire examinations. Clients, however, when given the choice, prefer to be defended by Legal Assistance Association lawyers over public defenders by a margin of two to one.

16. INDIGENTS' DISSATISFACTION WITH ASSIGNED COUNSEL. In Shultz, Jon S. and Jon P. Thames, Eds., Criminal Justice Systems Review. (NCJ 30751). Buffalo, New York, William S. Hein and Company, Inc., 1974. 15 p. (NCJ 30771)

A review is presented of lower Federal court decisions on the definition of effective assistance of counsel, the duty of the court to provide effective assistance, and defendant remedies before, during, and after trial. Also considered are standards for appeals based on indigent defendant allegations of faulty representation. The author concludes that a reappraisal of the court's imprecise definition of effective representation is required; that restrictions of the right to effective representation through the application of a rigid standard on review is inappropriate; and that the most effective and efficient representation for indigent defendants would be provided through the implementation of a public defender program with investigative services that provides lawyers experienced in criminal trials.

17. LIGDA, P. Defender Workloads: The Numbers Game. NLADA Briefcase, v. 34, n. 1: 23-25. October 1976. (NCJ 37173)

This article reports on the methods used and the results of a study of resources in work-hours represented by each deputy defender in Solano County (California) as a means of testing estimates made by other studies. This study was undertaken in response to proposals to adopt workload standards for individual attorneys in defenders' offices. The estimates and computation methods of other defenders' offices are discussed.

18. MASSACHUSETTS DEFENDERS COMMITTEE. Evaluation Report of the National Legal Aid and Defender Association on the Massachusetts Defenders Committee. Chicago, Illinois, National Legal Aid and Defender Association, undated. 161 p. MICROFICHE (NCJ 26189)

This report is an assessment of the personnel, administration, operations, facilities, services, and community relations of the public defender groups serving Boston and other areas of Massachusetts. The Massachusetts Defender Committee (MDC) is a statewide, State-financed organization created by statute to provide representation, except in capital cases, to indigent criminal defendants. The Roxbury Defenders, Inc., is a defender project funded by an LEAA grant to MDC which provides representation and referral services to residents of the Roxbury area of Boston. The evaluation activities consisted of firsthand observation of all MDC offices and the Roxbury project;

observation of court proceedings; the examination of court and office office records; and over 200 interviews with defenders, staff, members of various courts, and clients. The evaluation showed that the MDC administration, personnel policies, salaries, file-flow, offices, services to clients, and use of students and paraprofessionals were inadequate. Especially faulted was the lack of administrative initiative and innovation. Similarly, juvenile representation and representation at bail and probation hearings were found to be insufficient. Branch offices of the MDC experienced many of the same problems. The Roxbury Defenders, Inc., was found to be quite successful in meeting project goals, and has high office morale and effective public relations. A series of 102 recommendations for the improvement of these defender groups is included.

19. NATIONAL CENTER FOR DEFENSE MANAGEMENT. New Hampshire: Evaluation of the Offices of the Public Defender. By J. P. Hickey and G. Goldberger, Washington, 1975. 34 p. MICROFICHE (NCJ 40316)

This is the report by the National Center for Defense Management of an evaluation of New Hampshire's two public defender offices, conducted from March 24-26, 1975. The evaluation consisted of an onsite examination; a review of relevant records and case files; and interviews with attorneys, judges, court clerks, and prosecutors. The goal was to improve the efficiency of the two public defender offices in Concord and Manchester. The consultants recommended a more productive utilization of the attorneys' time, increased supportive staff, more effective training procedures for the student-investigators, greater interaction between the two public defender offices, and an improved time-recording system.

20. NATIONAL COUNCIL ON CRIME AND DELINQUENCY. Legal Defense Services for the Indigent Defendant: A Comparison of the Effectiveness of the Offender Advocate and Court-Appointed Counsel in the Defense of Indigents -- Polk County, Iowa. By R. D. Steggerda and A. L. McCutcheon. Des Moines, Iowa, 1974. 66 p. (NCJ 15728)

This publication describes the research and evaluation of two systems that provide counsel for those who are unable to pay. Following a legal history of the provision of legal services for the indigent offender, the authors discuss the procedural implications of the law and prior research findings. The research design focuses on a description of the populations served by the defense systems, a comparison of the various defense systems on the basis of certain project objectives, and an identification of other factors which relate to the effectiveness of the legal defense systems. The evaluation of the effectiveness of the court-assigned counsel system and the offender advocate project (public defender) is based upon

comparisons of the two systems with respect to length of time between arrest and adjudication, conviction rate, sentence severity, and cost. Comprehensive data were collected for all persons represented by the offender advocate and by court-appointed counsel. The results indicate that 76 percent of all indigent defendants received defense services from the offender advocate and 24 percent from court-appointed counsel. The office of the offender advocate receives a variety of cases in terms of seriousness of allegations, while assignment of cases to court-appointed counsel occurs almost exclusively for more serious crimes. Cases represented by the offender advocate took significantly less time than either of the other defense systems. No differences were found for persons originally charged with felony or indictable misdemeanor offenses. Convicted clients of the offender advocate and private counsel are incarcerated in jail or prison at a significantly lower rate than convicted clients of court-appointed counsel. The costs of legal representation were far less for the offender advocate than for court-appointed counsel. Recommendations for defense of indigents being provided by the offender advocate and the combination of the operations of the offender advocate and the Polk County Legal Aid Society are made. The appendix contains evaluation codesheets for the study.

21. NORTH CAROLINA COMMITTEE ON LAW AND ORDER. Final Report of the Special Committee on Indigent Legal Services Delivery Systems. Raleigh, North Carolina Bar Association Foundation, 1976. 104 p.

MICROFICHE (NCJ 38252)

Presented in this document are detailed recommendations for ensuring effective and economical representation of indigents based on an analysis of the existing State system for providing civil, legal, and criminal defense services to the poor. The system overview concluded that the overwhelming majority of poor North Carolinians have no practical expectation of ever being able to consult an attorney when they are faced with a civil/legal problem. In addition, it was found that the criminal defender system had no uniform standards to determine indigent eligibility, no functional training programs for assigned counsel relating to their qualifications to represent indigents, no comprehensive plan for determining the competence of counsel to handle particular types of criminal cases, no unified public defender system, no centralized assigned-counsel system, and no definitive guidelines as to what types of cases require the appointment of counsel. A total of 30 recommendations are presented and discussed dealing with civil/legal service, the indigent criminal defense system, and combining civil and criminal services within the same organization. A plan is recommended which provides for local offices that retain their separate identities and are supervised by local boards of directors. A central statewide office would establish board policies, receive and allocate funds from State, Federal, and private sources to the local offices, and eval-

uate progress to assure a high level of performance and compliance with established policies. Appended materials include the articles of incorporation and the bylaws of the proposed legal services corporation, copies of the judicial and inmate questionnaires used in the system analysis, tabular data on the distribution of poor persons and attorneys in the State, a comparison of assigned counsel and public defenders, and attorney participation in the assigned-counsel system. (author abstract modified)

22. NORTH DAKOTA COMBINED LAW ENFORCEMENT COUNCIL. Regional Public Defender Project: An Evaluation. By L. Kraft, R. Erickson, and J. Hill, Harrisburg, Pennsylvania Supreme Court State Capitol, 1973. 62 p.
MICROFICHE (NCJ 15672)

This project, which began in 1971, employs two full-time attorneys and a secretary to provide defense services for all indigent defendants in a 10-county region around Bismarck, representing a population of over 100,000. Evaluators compared the number and types of cases handled in the current project year with the year preceding the grant; ascertained the opinions of judges, prosecutors, attorneys, and clients on program effectiveness; and analyzed the program as a cost-effective alternative to the prior system of court-appointed counsel. The research methods used involved legal research into the rights of indigents and State efforts to protect those rights, field surveys of project operations, a study of cases to which attorneys were appointed in a comparison county, and an examination of selected case files. Study results indicate that the program provides better than average defense services, employs dedicated personnel, and should be continued. However, the public defender system costs more than assigned counsel. The project failed to compile necessary case and caseload statistics. Recommendations cover expansion of program services to include juvenile, municipal, and Federal courts; utilization of law students to provide additional manpower, and increased allocations for attorney salaries. Appended materials include a State-by-State public defender cost comparison and an outline of the advantages and disadvantages for both types of indigent defense services.

23. READIO, S. Client Perceptions of Attorneys Assigned to Them by the Island County (Wash.) Defenders Association. Bellingham, Washington, Northwest Regional Council, 1977. 9 p. (NCJ 42411)

The majority of the 39 respondents to a questionnaire felt that their assigned attorneys were thorough and efficient. Case disposition and the amount of time the assigned counsel spent on the case dramatically affected client perception of his attorney. It was apparent that all of the clients whose attorneys spent at least 10 hours on

their cases understood what was going on in court and generally had positive perceptions of their counsel's worth. Predominantly, respondents believed that their attorneys were on their side. More than half of all respondents said they would have the same attorney again if needed. The questionnaire and its results are included in the report.

24. SAN FRANCISCO COMMITTEE ON CRIME. Report on the San Francisco Public Defender's Office. San Francisco, California, 1970. 32 p.
(NCJ 17920)

The San Francisco Public Defender's Office provides representation in both felony and misdemeanor cases, in hearings on the commitment of the mentally ill, and in juvenile court. This program evaluation was based on the observations of two separate study teams; interviews with judges, public defender attorneys, private lawyers, and clients; and on-the-scene evaluations of office and courtroom procedures. Evaluators discovered that the program had a history of mediocre leadership in the top position of public defender and was held in low esteem by the minority groups that furnish most of its clients. It was concluded that these problems were caused by a combination of increased arrests, new court decisions on the rights of the accused, and difficulty in obtaining money for adequate staffing. Reasons cited for discontent with the public defender office--the belief that it pleads most of its clients guilty as a result of plea bargaining; insensitivity of the incumbent public defender to the duties, purposes, and proprieties of his office; small minority representation on the public defender staff; and failure of the office to be closer to the localities from which its clients come--are investigated and analyzed. Recommendations for improvement of these conditions are made. Evaluators found no evidence to support the claim that, in handling felony cases, the office overpleaded its clients guilty or failed to represent them properly. Also examined are the problems faced by the public defender's office in representing its clients. Twenty separate recommendations are made including changing the office of public defender from elected to appointed, providing for an increased number of staff attorneys and secretarial help, recruitment of minority lawyers and investigators, and making it possible for misdemeanor defendants to have sufficient time before their court appearance to have personal interviews with their attorneys.

25. SEATTLE MODEL CITY PROGRAM. Seattle-King County Public Defender Association Evaluation Project: Final Report. Sacramento, California, Arthur Young and Company, 1975. 110 p. MICROFICHE (NCJ 19466)

The evaluators conclude that the Defender Association is providing legal services to indigent defendants that are as good or better than those presently being provided by the private bar to nonindigent defendants. This report contains an introduction, a description of the present operations of the Defender Association, a brief description of three other public defender offices surveyed during the project (Sacramento (California), Portland (Oregon), and San Diego, California), an evaluation of the Defender Association, and recommendations for improvements in the daily operations of the association. The evaluators found that the cost per client of the Defender Association was relatively high, but could probably be reduced with more efficient internal management and clerical procedures.

26. SUMPTER, J. L. Look Inside the "Court Appointed Attorney" Situation. Case and Comment, v. 80, n. 4: 19-22. July-August 1975.

(NCJ 26366)

An examination of the existing means by which the defense counsel, the prosecutor, and the judge may abuse the court appointed attorney system is presented. The specific forms of abuse discussed by the author include defense counsel misuse or overuse of the fee system, judicial bias in appointing certain types of lawyers (those less likely to cause additional work by bringing a case to trial), and judicial appointment of incompetent attorneys who may be paid extremely low rates. The author suggests the creation of a public defender's office or a blind draw system of competent attorneys to avoid these abuses.

27. TWENTIETH CENTURY FUND. Counsel for the Poor: Criminal Defense in Urban America. By R. Hermann, J. Boston, and E. Single. New York, 1977. 257 p. (NCJ 44589)

This project set out to examine indigent defense systems in Los Angeles, New York City, and Washington, D.C. The research was designed to answer three questions. First, is there a 2-track system of justice so that people who hire their own lawyers obtain more favorable treatment than people with appointed lawyers? It was found that case outcomes were nearly equivalent among defendants who had different types of lawyers. Second, do any of the various types of defender systems provide better representation and greater client satisfaction than any of the others? Evidence indicates that institutional offices on the whole obtain somewhat better case out-

comes than programs of individual assignment, but the differences were minimal. Interviews with legal professionals, as well as the case outcome data, suggested that the distinction between private and public institutional offices made little, if any, difference in terms of how effective the organization is or what clients think of it. Third, what do criminal defendants think about defense representation of the poor? A pervasive antipathy was found toward publicly paid defense lawyers, primarily those who work for the first-line defender system, and it rapidly became evident that these antipathies were based on defendants' suspicions about the loyalties and the abilities of these lawyers. The study concludes that, if there are wealth-based inequalities in the urban court system, they are not due to differences in the kinds of lawyers people get, except for the very wealthiest clients and costliest lawyers, both of whom were rarities in the systems studied. Supporting statistics are presented.

28. U.S. DEPARTMENT OF JUSTICE. Law Enforcement Assistance Administration. Analysis of Indigent Defense Services: Marion County (Indianapolis), Indiana. By N. Lefstein, J. D. Schullenberger, and L. O. Frost, Jr. Washington, American University Institute for Studies in Justice and Social Behavior, 1977. 75 p. MICROFICHE (NCJ 40398)

This report contains an analysis of and recommendations for Marion County public defender services. Interviews were held with 13 public defenders and 15 prisoners at the Marion County Jail to obtain their opinions on the public defender operation. The study team also observed court processing in the juvenile, municipal, and criminal courts. The report recommends a major overhaul of the public defender system and either a quasi-public organization authorized by law or a private nonprofit corporation. The report explains how such a new public defender system would be operated.

29. _____ . Law Enforcement Assistance Administration. Clark County Public Defender: Las Vegas, Nevada. Evaluation Report. By J. Darrah, J. Packel, P. Haynes, G. Goldberger, and B. Rayborn. Chicago, National Legal Aid and Defender Association, 1976. 89 p. (NCJ 36077)

An evaluation of the Clark County (Nevada) Public Defender's Office is presented which measures performance against specific goals, objectives, and standards as outlined in the National Legal Aid and Defender Association's (NLADA) evaluation design. The evaluation was undertaken to provide a full-scale study of office operations, as well as to test NLADA's evaluation design. The methodology used consisted of evaluation team members interviewing persons who had observed the work of the public defender, observing defenders at work

both in and out of court, reading the work product of the office, analyzing statistics prepared from office files, and observing the office operation. Recommendations are made concerning the quality of representation and specific management areas. For the evaluation design, see NCJ 36019. For a public defender office self-evaluation manual and an executive summary of both documents, see NCJ 36018 and NCJ 36073, respectively.

30. _____ . Law Enforcement Assistance Administration. Comprehensive Plan for Provision of Defense Counsel for Indigent Accused in the State of New Mexico. By A. Bowman, P. J. Hughes, and R. A. Green, Jr. Washington, American University Institute for Studies in Justice and Social Behavior, undated. 30 p. MICROFICHE (NCJ 39825)

This analysis discusses the adequacy of counsel provided by a pilot public defender program, the advantages and disadvantages of assigned counsel and contract counsel, and the need for a statewide public defender program. Onsite visits to the pilot program led to the conclusion that contract defenders were providing effective defense services. However, two problems were cited--the part-time nature of the defenders' employment and the fact that defenders do not enter a case until after formal appointment. A review of existing practices indicated that the quality of appointed counsel representation was being jeopardized by inadequate compensation rates. Other advantages of a public defender system discussed are the provision of effective legal representation at all levels of the judicial process, widespread geographic availability of indigent defense counsel, and the potential for training and close supervision of young lawyers. A comprehensive statewide public defender system is recommended to provide indigent defense services consistent with the sixth amendment. The State defender would be selected by a commission of lawyers, judges, and judicial officers; would be a full-time employee; and would have a staff that was supported by 13 regional public defender offices. Staffing structures and positions are outlined.

31. _____ . Law Enforcement Assistance Administration. Minnesota Defender Evaluation. By J. J. Cleary, P. J. Hughes, S. C. Van Ness, V. J. Zicardi, T. A. Gottfried, B. R. Jacob, and J. D. Schullenberger. Washington, American University Institute for Studies in Justice and Social Behavior, 1973. 70 p. MICROFICHE (NCJ 39828)

An analysis, dated July 1973, is presented of the Minnesota Public Defender System which consists of two independent and seven State-administered operations. The Minnesota judicial system and the inception of the public defender system are described. The State public defender program, as well as the various district defender services, are evaluated by such aspects as office structure, per-

sonnel, office facilities, caseloads, training programs, recordkeeping systems, and clients' and public officials' attitudes toward the defender system. Juvenile court defender services and various Minnesota law school clinical programs such as the misdemeanor program, the juvenile law course, and the legal assistance to Minnesota prisoners program are also discussed. The consultants recommend elimination of local judicial control of public defender offices, unification of defender service at State or judicial district levels, use of full-time in lieu of part-time defense attorneys, and adoption of a rule requiring the district court to notify sentenced defendants about their right to appeal. Appendixes include a partial list of persons interviewed, a map of Minnesota judicial districts, and a model case diary and of time sheet.

32. _____ . Law Enforcement Assistance Administration. Montana Statewide Defender Systems Development Study. By M. D. Harris, S. Huffaker, J. Darrah, A. Parlapiano, and P. Eaton. Chicago, National Legal Aid and Defender Association, 1976. 50 p.

MICROFICHE (NCJ 40320)

An evaluation, dated December 1976, is presented of Montana legal services for indigent defendants, including recommendations for a new defense services system. The report first presents a descriptive overview, including perceptions of attorneys and court personnel interviewed by the consultants in a large urban district, an intermediate-sized urban area, and a rural area. Funding, independence of the defender, support services, early representation, availability of experienced attorneys, and caseload and cost reporting are topics discussed for each of the three areas. Recommendations include legislation to create the Montana Defender Corporation; a contract by the Montana public defender with one or more attorneys in each of the districts for handling cases on a full-time basis; the establishment of a central office to handle criminal appeals and supportive research; the maintenance of one or more specialized trial attorneys by the State for complicated cases; the maintenance of a list of available assigned counsel to draw from in case of co-defendants of overload; the mobilization of community support by circuit defenders; the provision of sufficient support services; and the provision of orientation, training, and continued legal education to defenders and panel attorneys. Sample budgets and cost-effectiveness evaluations are included. Appendixes contain technical assistance requests and consultants' resumes.

33. _____ . Law Enforcement Assistance Administration. National Study Commission of Defense Services--Draft. Report and Guidelines for the Defense of Eligible Persons. Volumes 1 and 2. Chicago, National Legal Aid and Defender Association, 1976. 1,639 p.
MICROFICHE (NCJ 32709)

A massive collection is presented of recommendations and guidelines concerning the effective delivery of defense services to eligible persons by legal aid societies, public defender associations, and court-appointed counsel. Topics covered include the scope of services, eligibility, and recoupment; the mixed system and the assigned-counsel system; the defender system structure; organization and management of defender systems; budget, workload, and personnel needs for defender offices; and the defense attorney's role in diversion and plea bargaining. The appendixes include a model defender act of the National Study Commission of Defense Services and a State-by-State compilation of defender and assigned counsel statutes.

34. _____ . Law Enforcement Assistance Administration. Other Face of Justice: Report of the National Defender Survey. By L. A. Benner and B. L. Neary. Chicago, National Legal Aid and Defender Association, 1973. 172 p.
(NCJ 12189)

This is a survey of indigent defense services provided by 3,110 counties. The first two chapters present, in tabular form, the structure, operation, and capabilities of the two basic systems currently in use. These are the defender systems, which employ contract or public employees who provide legal services on a regular basis, and the assigned counsel systems, which rely on private attorneys appointed by the court on an ad hoc basis. The following chapter presents the opinions of judges, prosecutors, and attorneys concerning the effectiveness and viability of the various defense systems. The findings of the first three chapters are analyzed in light of the standards proposed by the National Advisory Commission on Criminal Justice Standards and Goals and other nationally recognized organizations. Also discussed are the indigency determination process, the scope of representation provided by present indigent defense services, and costs and methods of financing. The appendixes contain data on the survey methodology, the counties participating, and an analysis of the indigency rate in 207 counties using the assigned counsel system.

35. _____. Law Enforcement Assistance Administration. Recommendations on Administration and Evaluation of the Pilot Public Defender Project in the State of Virginia. By S. Singer, J. Gramenos, and N. Goldberg. Washington, American University Institute for Studies in Justice and Social Behavior, 1974. 60 p. MICROFICHE (NCJ 39838)

This report, dated January 1974, analyzes the Virginia pilot public defender project that was designed to represent indigents at the juvenile, misdemeanor, felony, and postconviction levels. The project has pilot field offices in Waynesboro and Virginia Beach and a proposed site in Fairfax County. The Public Defender Commission consists of five lawyers who are in charge of the project and is staffed by a full-time public defender, a full-time secretary, and a full-time investigator at each of the two operating offices. Five assistant defenders are part-time and work out of private offices. To ensure that defenders cover their cases, it is recommended that each office develop a case docket system and collect data routinely on standardized forms. Suggested general operation improvements include the full-time employment of all attorneys when the grant is renewed, the development of a staff to explore alternatives to incarceration and bond money, and the development of greater appellate and post conviction capability. Methods using statistical information are suggested to evaluate the speed of case disposition, the quality of representation, and the results for the client. Appendixes contain recommended forms and an annual report from the Office of the Public Defender for the State of Maryland.

36. _____. Law Enforcement Assistance Administration. Report and Evaluation on Public Defender Programs in the State of Georgia. By J. Young, L. McGough, and J. Delgado. Washington, American University Institute for Studies in Justice and Social Behavior, 1976. 101 p. MICROFICHE (NCJ 39710)

A 1975 analysis is presented of eight Georgia public defender systems which were established as a result of the Supreme Court law requiring indigent defense services. This report covers the following offices: the Consolidated Government of Columbus Public Defender's Office, Atlantic Judicial Circuit Defender Office, Houston Judicial Circuit--Houston County Public Defender Office, Brunswick Judicial Circuit--Glynn County Public Defender Office, Conasauga Circuit Public Defender Office, Ogeechee Judicial Circuit Public Defender Office, Northern Judicial Circuit Public Defender Office, and Waycross Judicial Circuit Public Defender Office. Each is analyzed by office organization, staff, client eligibility and caseload, case entry, office independence, and local evaluations. Recommendations include independence of the public defender from the judiciary, lighter caseloads, more supporting services, defender salaries comparable to those of prosecutors, appointments of defenders at an early stage in the trial process, standard determination of indigent eligibility,

and more efficient recordkeeping. Appendixes include interviews and a model attorney monthly record. Geographic maps of the jurisdiction of each circuit are also included.

37. _____. Law Enforcement Assistance Administration. Report on Criminal Defense Services in the District of Columbia. Washington, District of Columbia Circuit, 1975. 196 p. MICROFICHE (NCJ 25859)

This publication presents an investigation and discussion of the administration of District Criminal Justice Acts, the role of the public defender service, and the quality of representation provided to indigent defendants. Examined are the coverage of the Criminal Justice Acts, the standards of indigency, the appointment and removal of counsel, utilization of the nonvolunteer bar, the role of law students in providing defense services, the voucher system, and the adequacy of compensation. A discussion of the role of the public defender service considers the statutory authority of the service, the quality of representation, and the relationship of the public defender service to the court and to the local government. Issues explored concerning the quality of indigent representation are the performance of Criminal Justice Act counsel and the defendant's choice of counsel. Recommendations include the establishment of a District of Columbia defender agency to administer the appointed counsel program and the public defender service; the utilization of nonvolunteer counsel; the inclusion of law school clinics in the Criminal Justice Acts (CJA) budgets; increasing CJA appropriations and raising levels of compensation; and expanding the role of the public defender service.

38. _____. Law Enforcement Assistance Administration. Systems Development Study of Indigent Defense Delivery Systems for the State of South Dakota. Final Report, January 1977. By L. Durand, B. L. Herr, J. M. Thompson, P. Eaton, and J. R. Neuhard. Washington, National Center for Defense Management, 1977. 144 p.

MICROFICHE (NCJ 40393)

This report provides an overview of present indigent defense services, presents perceptions of these services, presents a statewide data system, discusses legal implications, and provides recommendations for a State public defender. Three sample areas were visited for interviewing key persons and gathering statistical data: Penn-ington County, Sioux Falls and Aberdeen, and Pierre-Huron. The report recommends that a statewide public defender system be provided to replace the present court-ordered defender system for areas that need centrally managed defender services, and that such services be delivered in accordance with appropriate national standards. Appendixes include technical assistance correspondence,

consultant's resumes, fee schedule and rules, an attorney distribution map, draft legislation, and an inmate survey questionnaire.

39. U.S. DEPARTMENT OF JUSTICE. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Columbus (Ohio): Legal Aid and Defender Society--Criminal Division. Evaluation Report. By W. R. Higham, J. Kaufman, C. R. Rouselle, T. A. Gottfried, and C. R. Parker. Chicago, National Legal Aid and Defender Association, 1976. 112 p. (NCJ 36076)

This evaluation of the Columbus (Ohio) Public Defender's Office measures performance against specific goals, objectives, and standards as outlined in the National Legal Aid and Defender Association's (NLADA) evaluation design. The evaluation was undertaken to provide a full-scale study of defender services provided to indigents in Franklin County (Ohio), as well as to test NLADA's evaluation design. A preevaluation onsite visit was used to gather factual and statistical data from which a docket and case file analysis study was initiated and interviewees were selected. The onsite evaluation included investigation through interview, observation, and additional data gathering. Between 90 and 100 interviews were conducted among officials in the local criminal justice system, defender society staff members, interested members of the public, and former clients. Recommendations for change are divided into priority and general categories. For the evaluation design, see NCJ 36019. For a public defender office self-evaluation manual and an executive summary of both documents, see NCJ 36018 and NCJ 36073, respectively.

40. _____ . Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Evaluation Design for Public Defender Offices. By R. Rovner-Piecznik, A. Rapoport, and M. Lane. National Legal Aid and Defender Association. Washington, U.S. Government Printing Office, 1977. 454 p. (NCJ 36019)
Stock No. 027-000-00596-9

This publication presents four handbooks to assess the quality of services being delivered by public defenders through evaluation of the delivery of legal and supportive services, the quality of representation, and the performance as an adversary. The evaluation design focuses upon both office and attorney performance, and uses a variety of techniques to gather information--interviews, observation, case file and docket studies, and a management analysis. It is constructed around the activities of an independent evaluation team which engages in both presite and onsite data gathering, analyzing, and synthesizing. It should be stressed that the evaluation design developed is appropriate for the small-sized (1-5 attorneys) and the medium-sized (6-25 attorneys) office. The evaluation of a large

office would entail more evaluators, more days onsite, and additional issues of substance to account for those elements which come with increased size (e.g., decentralization, suprastructures). Handbook 1, Preliminary Evaluation Period, details activities which are preliminary to the onsite visit of the entire evaluation team. Handbook 2, Statistical Study of Defender and Court Case Files, outlines the procedures to be undertaken for two statistical studies--a study of case files in the defender office, and a study of cases handled by the court before which defenders appear. Handbook 3, On-Site Evaluation--Quality Representation, presents the approach to be taken during the site visit by the evaluation team. It specifies the data to be gathered and provides instructions for its synthesis and analysis. It also contains the format for the final report of the evaluation team. Handbook 4, On-Site Evaluation--Management Analysis, sets the stage and specifies the activities for a management analysis of the previous three. These handbooks constitute basic background reading for the individual directing an evaluation of a defender office. Three additional handbooks should be organized for use by the evaluation team; Team Captain Handbook; Team Member Handbook--Quality; and Team Member Handbook--Management. Instructions for the preparation of these three handbooks appear in the last section of this volume. Taken together, these handbooks provide a method of determining whether a defender office is achieving the above goals, and present an evaluation design and format for results which should be helpful to an evaluation team and useful to the defender office. For a Manual for Public Defender Office Self-Evaluation, see NCJ 36018. For a project summary report, see NCJ 36073.

41. _____ . Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. How Does Your Defender Office Rate? Self-Evaluation Model for Public Defender Offices. By R. Rovner-Piecznik, A. Rapoport, and M. Lane. National Legal Aid and Defender Association. Washington, U.S. Government Printing Office, 1976. 187 p. (NCJ 36018)
Stock No. 027-000-00597-7

This manual provides an instrument by which public defenders can assess the quality of representation afforded by their offices by comparing office performances with performance standards established by the profession. This manual is primarily intended for the chief defender or the administrative officer who desires to evaluate the quality of client representation given by the office, as well as some of its management functions. It has been constructed to highlight important defender issues; specify activities against which performance should be evaluated; provide a method by which an office can determine whether it is operating according to expected levels of performance; and suggest a general approach to office improvement. The self-evaluation manual consists of a series of 14 topics on which a defender office can evaluate itself, beginning with a major

or topic question is followed by a series of questions to guide the assessment on that topic, suggestions for reorganization if standards are not met, and methods of obtaining answers to questions for which data are not readily available. Topics related to planning, organization, administration, and control within a public defender's office, are covered. An appendix contains various national standards relating to the provision of defense services. For a model evaluation design intended for use by outside consultants evaluating performance of a public defender's office, see NCJ 36019. For a project summary, see NCJ 36073.

42. UTAH LAW ENFORCEMENT PLANNING AGENCY. Judicial Systems: The Defense.
Salt Lake City, 1974. 25 p. MICROFICHE (NCJ 34848)

Eleven standards for the improvement of Utah public defender services are outlined, covering such issues as personnel, working conditions, workloads, and other aspects relating to public defender competence. This pamphlet is one of a series of reports of the Utah Council on Criminal Justice Administration. The standards and recommendations contained in these reports are based largely on the work of the National Advisory Commission on Criminal Justice Standards and Goals. Standards are provided for such areas as the establishment of a State public defender office; criteria for determining too much indigency; methods of obtaining public defender services; the defense of convicted offenders; the compensation, selection, duties, workload, and education of public defenders; public defender community relations; and support personnel and facilities. For each standard, the nature of the standard, the status of Utah regarding the standard, and methods of implementing the standard are discussed.

43. VIRGINIA DIVISION OF JUSTICE AND CRIME PREVENTION. Roanoke (Virginia) Public Defender: Evaluation. By W. D. Wilson. McLean, Virginia, PRC Public Management Services, Inc., 1977. 14 p. (NCJ 41158)

An evaluation of a grant to fund the public defender office in Roanoke, Virginia, is presented. The project provides an alternative to the court appointed or assigned case system, the cost of which has dramatically risen following the U.S. Supreme Court's decisions mandating indigent legal assistance in felony and misdemeanor criminal prosecutions. The Roanoke Public Defender Office represents a direct cost-saving of as much as \$75,000, and includes other benefits such as using recent law school graduates. The evaluator recommends that the project be refunded and that attention be given to analyzing future personnel needs.

44. WICE, P. B. and P. SUWAK. Current Realities of Public Defender Programs: A National Survey and Analysis. Criminal Law Bulletin, v. 10, n. 2: 161-183. March 1974. (NCJ 13487)

The caseloads, capability, quality, and effectiveness of public defender programs in nine urban areas are evaluated in this article. Public defender programs in St. Louis, Detroit, Chicago, San Francisco, Oakland, Washington, D.C., Philadelphia, Baltimore, and Los Angeles are compared, using institutional and procedural variables. The institutional variables considered are budget, size of the legal staff, staff experience, and number of investigators. Procedural variables included determination of indigency, jurisdiction, time and content of the initial meeting, and the relationship between the prosecutor and the public defender. Also mentioned is the presence of an assembly line process, in which the defendant is represented by a different lawyer at each stage of the criminal justice system. Program-effectiveness is rated according to a formula based on the percentage of acquittals, the percentage of dismissals, and the percentage of the city's total caseload accepted by the program. The authors suggest that the institutional resources (public defender caseload, investigator caseload, and per-case expenditure) are the most significant factors in determining program-effectiveness.

45. WISCONSIN OFFICE OF THE STATE PUBLIC DEFENDER. Report of the Office of the State Public Defender: State of Wisconsin. Madison, Wisconsin, 1974. 26 p. (NCJ 13254)

A review of agency operations is presented, including office expansion, appellate and postconviction representation, parole and prisoner rights cases, the library, and clinical interns. Data are presented on caseload, case dispositions, origin of case referrals (prisoners, parolees), and budget.

BEYOND THE PUBLIC DEFENDER

46. MONDALE, W. F. Trial Lawyer and . . . Legal Aid. Trial, v. 7, n. 4: 11, 47. July-August 1971. (NCJ 04724)

This article discusses the Office of Economic Opportunity's Legal Services Program, the kinds of reprisals against it, and new legislation to create a private, nonprofit national legal services corporation.

47. PENNSYLVANIA GOVERNOR'S JUSTICE COMMISSION. Philadelphia: Defender Association--Interns Project. Final Evaluation Report. By B. N. Schoenfeld. Harrisburg, Pennsylvania, 1974. 38 p.

MICROFICHE (NCJ 19324)

This project was designed to provide law student interns with a broad range of experience while freeing staff attorneys to perform more difficult legal services. The design of this program called for law students to perform the initial interviewing of clients; assist in performing research in appellate proceedings; assist attorneys in handling postconviction matters and mental health commitments; and assist staff social workers in preparing parole plans, presentence reports, and social history workups. This program was evaluated using personal interviews and responses of interns and supervisors to questionnaires. Evaluators concluded that the project did achieve its objective of freeing its legal staff. However, interns did not receive adequate orientation and training, and were largely restricted to in-office interviewing. Recommendations suggested formal orientation and training for all interns, rotation of interns in order to give them complete experience coverage, and increased hours of training for the internship.

48. SENNA, J. J. Social Workers in Public Defender Programs. Social Work, v. 20, n. 4: 271-277. July 1975. (NCJ 27236)

A description is presented of the public defender program as a setting for social work, including a report on the results of a limited national survey on the use of social workers in such settings. The survey indicated that many defender programs presently have or plan to add social caseworkers as part of their professional staff. Federal funding is necessary if the defender programs are to be able to afford these services. Social workers provide valuable evaluations of clients, enabling defenders to offer custom rehabilitation plans in court. Offenders also receive casework services from the social workers while awaiting disposition of their cases, permitting treatment earlier than would otherwise be possible.

49. U.S. DEPARTMENT OF JUSTICE. Law Enforcement Assistance Administration. Evaluation of the Alternative to Incarceration Project, Public Defender Office of Omaha. By G. Goldberger, W. E. Absher, L. E. Nelson, and Y. Avichai. Washington, National Center for Defense Management, 1975. 51 p. MICROFICHE (NCJ 34908)

This is an evaluation of the Douglas County (Nebraska) Public Defender's Office project which provides employment opportunities for criminal offenders to help make them more functional as members of society. The program depended on the ability of attorneys within the public defender's office to establish contact with area employers and obtain positions for offenders assigned to them to increase their probability of probation by appearing in court with a job placement in hand. The program planners also stressed the economic benefits to the community, not from incarcerating offenders, but by making them productive wage earners and taxpayers. The evaluators studied goals, implementation, and actual results of the program and concluded that as the program was currently operating, positive answers could not be supplied to such questions as: Has something new been learned? Has some new approach been demonstrated with the project? Their recommendations include leaving the project under the auspices of the public defender office, appointing an administrative head and an attorney-coordinator, developing client selection criteria, and modifying, redesigning, and simplifying research design.

50. _____. Law Enforcement Assistance Administration. Law Student Intern Program in District Attorney and Public Defender Offices. By S. Lowell. Santa Clara County, 1973. 400 p. MICROFICHE (NCJ 36333)

A program allowing second-and third-year students from the law schools of two California universities to gain in-court experience, unattainable under law school structure, is discussed. Students chosen for participation worked closely with deputy district attorneys and public defenders, who supervised them through all phases of actual prosecutions and defenses in courts. Material developed for clinical seminars included training material, video tapes, and syllabuses to lectures, critiques, and evaluations. A tracking system was developed to allow additional students to take advantage of course materials at a lower cost. Appendixes contain district attorney and public defender seminar discussions, training manual outlines, and student evaluations of the project. Also included are the public defender syllabus, a reprint of an article by a participating Santa Clara County public defender, and a description of public defender presentation tapes produced as a teaching aid.

51. _____ . Law Enforcement Assistance Administration. Rehabilitative Planning Services for the Criminal Defense. Washington, Georgetown University Law Center, 1970. 210 p. MICROFICHE (NCJ 00359)

A community action program to provide defense and rehabilitative planning for indigent criminal defendants is proposed. The purposes of the project were to provide defense attorneys with social background information on indigent defendants for use in the criminal process; to work with those defendants to develop rehabilitation plans based on community, social and rehabilitative services; and to embody the social information and planning in reports for the attorneys' use in facilitating, where appropriate, negotiated dispositions before trial or community-based sentences for convicted defendants. The project utilized college-educated nonprofessionals and indigenous and ex-offender personnel supervised by professional social workers.

52. _____ . Law Enforcement Assistance Administration. Systems Development Study of Alternative Legal Defense Services: Montgomery County (Tennessee). Final Report, May 1976. By M. Nathanson, G. Goldberger, E. J. Sharp, W. R. Higham, P. Eaton, and C. S. Groom. Washington, National Center for Defense Management, 1976. 132 p. MICROFICHE (NCJ 40394)

A report is presented on the technical assistance provided by the National Center for Defense Management to the Montgomery County (Tennessee) courts to prepare a development study for indigent defense systems addressing problems unique to the county. The study involved describing the existing system, predicting future needs, developing choices among legal defense systems, and analyzing the impact of such alternatives, as well as the resources required. Two preliminary onsite visits were conducted in August and November 1975. A consulting team of attorneys and a system analyst conducted interviews, gathered administrative data, and initiated a docket study in December 1975. Their report addresses constitutional requirements and legal precedents for quality indigent defense; requirements of the coordinated-assigned counsel (CAC) system, a defender system, and a mixed system with components of both; qualitative and cost benefits of the systems described; and recommendations to Montgomery County on viable courses of action for implementing a mixed system.

53. _____ . Law Enforcement Assistance Administration. Systems Development Study of an Appellate Defender Program for the State of North Carolina. By B. Herr, L. B. Barr, B. Stratton, and W. R. Higham. Washington, National Center for defense Management, 1976. 104 p.
MICROFICHE (NCJ 40317)

This presents a description of the structure and cost-effectiveness of the present North Carolina appellate counsel system and includes recommendations for a pilot appellate defender system. In addition, the consultant team was concerned with determining the indigency rate as it exists in the client community. Evaluation was accomplished through the use of interviews, statistical surveys, and onsite visits. The pilot system is to provide quality representation to indigent appellants in criminal, juvenile, and mental commitment appeals. Specific guidelines suggest that appellate representation be extended to 50 percent of all indigent criminal appeals; that a State-sponsored, nonprofit corporation directed by a board of practicing attorneys effectuate the program; that an independent advisory commission be established; that appellate defenders and assigned counsel receive adequate compensation; that defenders have the authority to determine load and nature of casework; and that ongoing internal evaluations be implemented for the Office of the Appellate Defender. Appendixes include request for technical assistance correspondence, a list of persons interviewed, consultant resumes, relevant standards and goals, a description of the proposed library for the appellate defender, and descriptions of other States' defender programs.

54. _____ . Law Enforcement Assistance Administration. Systems Development Study for an Appellate Defender Program for the State of North Dakota. By W. R. Higham, T. A. Gottfried, and P. A. Eaton. Washington, National Center for Defense Management, 1976. 72 p.
MICROFICHE (NCJ 40315)

This report, dated February 1976, describes the North Dakota criminal appellate system and analyzes the need for an appellate defender system for indigents. Consultants found that the present assigned counsel system for serving indigents appears to function well at a reasonable cost and with no significant delay. Little support for a statewide appellate-level defender systems exists, while the need for a trial-level defender system is well supported by the State bar and judiciary. No advantages and excessive cost are predicted by the consultants if an appellate system were established by the state. However, advantages might be realized if such a program were included as part of a trial defender system. Cost analyses projecting budgets and other statistical data are included. Appendixes contain correspondence concerning technical assistance, diagrams, a description of a proposed library, and North Dakota defender legislation.

55. U.S. DEPARTMENT OF JUSTICE. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Paralegals: A Resource for Public Defenders and Correctional Services. A Prescriptive Package. By J. H. Stein. Washington, U.S. Government Printing Office, 1976. 563 p. MICROFICHE (NCJ 31721)
Stock No. 027-000-00399-1

Designed for use by public defender agencies and inmate legal assistance programs, this manual offers practical suggestions on the appropriate roles, responsibilities, recruitment, and training of paralegals. The objectives of this manual are to tell administrators where successful paralegal projects are, to guide administrators to other sources of information, to describe optimum paralegal roles in defender offices and corrections legal services programs, and to describe methods of hiring, training, and supervising paralegals. The information on roles, supervision, and training was drawn from the experience of attorneys and paralegals actually involved in paralegal programs. Defender paralegal services are discussed first. For each service--case intake, early care processing, diversion, client interviews, planning of community services for clients, trial preparation, plea negotiations, preparing sentencing recommendations, and appeals and collateral attacks--the following information is provided: the paralegals' duties, potentials for upgrading, special considerations of the job, and a list of defender organizations known to have paralegals performing this kind of work. Paralegal services for sentenced inmates are then examined. The possible role of the paralegal in general civil/legal services is discussed. Use of paralegals in providing specialized services, such as disciplinary hearings, classification and transfer hearings, lifting encumbrances, and parole hearings, are explored as well. Finally, possible uses for paralegals in criminal representation and in promoting correctional law reform are investigated. Guidelines on preparing a paralegal program, recruiting paralegals, designing and presenting an orientation program for the new paralegal, on-the-job training, and inservice training are also included.

APPENDIX A--LIST OF SOURCES

1. Warren, Gorham, and Lamont, Inc.
210 South Street
Boston, MA 02111
2. Georgia State University
School of Urban Life
Atlanta, GA 30303
3. University of South Dakota
Vermillion, SD 57069
4. Indiana University
School of Law
Bloomington, IN 47401
5. Wadsworth Publishing Company,
Inc.
10 Davis Drive
Belmont, CA 94002
6. Available only through
NCJRS Document Loan Program.
7. University Microfilms
300 North Zeeb Road
Ann Arbor, MI 48106
8. University of Texas
School of Law
Austin, TX 78705
9. National Technical Information
Service
5285 Port Royal Road
Springfield, VA 22151
10. Same as No. 9.
11. Alaska Judicial Council
303 K Street
Anchorage, AK 99501
12. Valparaiso University
School of Law
Valparaiso, IN 46383
13. University of Cincinnati
Clifton Avenue
Cincinnati, OH 45221
14. Same as No. 5.
15. Forum for Contemporary History,
Inc.
812 Anacapa Street
Santa Barbara, CA 93101
16. William S. Hein and Company,
Inc.
1285 Main Street
Buffalo, NY 14209
17. National Legal Aid and
Defender Association
1155 East 60th Street
Chicago, IL 60637
18. Same as No. 17.
19. National Center for Defense
Management
2100 M Street, N.W.
Washington, DC 20037
20. National Council on Crime
and Delinquency
615 East 14th Street
Des Moines, IA 50311
21. North Carolina Bar Association
Foundation
1025 Wade Avenue
Raleigh, NC 27605

22. Available only through NCJRS Microfiche Program and NCJRS Document Loan Program.
23. Northwest Regional Council
1000 Forest Street
Bellingham, WA 98225
24. Same as No. 22.
25. Arthur Young and Company
520 Capitol Mall
Sacramento, CA 95814
26. Lawyers Co-Operative Publishing Company
Aqueduct Building
Rochester, NY 14603
27. D.C. Heath and Company
125 Spring Street
Lexington, MA 02173
28. Same as No. 29.
29. Same as No. 17.
30. Same as No. 29.
31. Same as No. 29.
32. Same as No. 17.
33. Same as No. 17.
34. Same as No. 17.
35. Same as No. 29.
36. American University Law Institute
Criminal Courts Technical Assistance Project
4900 Massachusetts Avenue, N.W.
Washington, DC 20016
37. Same as No. 6.
38. Same as No. 19.
39. Same as No. 17.
40. Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20402
41. Same as No. 40.
42. Same as No. 22.
43. PRC Public Management Services, Inc.
7600 Old Springhouse Road
McLean, VA 22101
44. Same as No. 1.
45. Wisconsin Office of the State Public Defender
123 West Washington Avenue
Madison, WI 53702
46. American Trial Lawyers Association
20 Garden Street
Cambridge, MA 02138
47. Same as No. 22.
48. National Association of Social Workers
1425 H Street, N.W.
Washington, DC 20005
49. Same as No. 19.
50. Same as No. 22.
51. Same as No. 22.
52. Same as No. 19.
53. Same as No. 19.
54. Same as No. 19.
55. Same as No. 40.

APPENDIX B—RESOURCE AGENCIES

The following organizations may be able to supply additional information on public defender systems.

American Bar Association
1800 M Street, NW
Washington, DC 20036

American Bar Foundation
1155 East 60th Street
Chicago, IL 60637

American Judicature Society
Suite 1606
200 West Monroe Street
Chicago, IL 60606

American Trial Lawyers Association
20 Garden Street
Cambridge, MA 02138

District of Columbia Public
Defender Service
601 Indiana Avenue, NW
Washington, DC 20004

Institute for Studies in Justice
and Social Behavior
American University
4900 Massachusetts Avenue, NW
Washington, DC 20016

Law and Society Association
University of Denver
College of Law
200 West 14th Avenue
Denver, CO 80204

National Center for Defense Management
2100 M Street, NW
Washington, DC 20037

National Center for State Courts
300 Newport Avenue
Williamsburg, VA 23185

National College of Criminal Defense
Lawyers and Public Defenders
College of Law
University of Houston
Houston, TX 77004

National District Attorneys Association
211 East Chicago
Chicago, IL 60611

National Legal Aid and Defender
Association
1155 East 60th Street
Chicago, IL 60637

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WASHINGTON, D.C. 20531

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