
Unnoticed, Untapped, and Underappreciated: Clients' Perceptions of their Public Defenders

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The challenge of providing high-quality public defense services continues to be a concern at federal, state, and local levels. Some scholars have alluded to a potential solution in client-centered representation, but research in this area is sparse at best. Such a lack of understanding leaves in its place speculation, particularly as to the potential importance of client perceptions in shaping broader system legitimacy. To fill this gap and create an empirical platform for future research, an exploratory pilot study was launched with the Hamilton County, Ohio Public Defender's Office, which used mixed methodologies to assess client attitudes toward public defenders as a potential resource for aiding the improvement of indigent representation. Findings from this pilot study suggest that there are five factors a public defense attorney should address that may prove to be very important in obtaining client satisfaction and cooperation: engaging the client for input, listening to the client, examining the prosecutor's evidence, focusing on the client's case during meetings, and informing the client of potential consequences. Implications for practice and future research are discussed. Copyright © 2015 John Wiley & Sons, Ltd.

Research has recognized the difficulties faced by indigent people in dealing with criminal justice agents. Citizens of low socioeconomic status (i.e., structurally disadvantaged or indigent) have long been shown to experience undue conflict at virtually every step in their interactions with justice systems (Barak, Leighton, & Flavin, 2010; Cole, 1999; Reiman & Leighton, 1990). One area in particular where problematic experiences arise is in the criminal courts. Indigent defendants routinely find themselves in difficult interactions with the courtroom workgroup – prosecutors, judges, or defense counsel. As prosecutors focus on convicting defendants, and judges have the task of sentencing, occasional conflict with those stakeholders may be understandable (see Barak *et al.*, 2010; Feeley, 1979). Interactions with the public defender (PD) are different, however. The PD's job is to advocate for the defendant's best interest. Therefore, a more cooperative interaction should be expected.

Yet the quality of PD–client interactions often goes unnoticed by policymakers, untapped by researchers, and underappreciated by many practitioners. Debates over public defense policy are rarely informed by inquiry into the specific interests and concerns

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held by PD clients. Studies that focus on this population often must rely on secondary data collected by justice agencies, leaving their qualitative characteristics far from scholarly journals and associated readership. Similarly, practitioners (i.e., PDs) commonly overlook such nuances or view them as unimportant to completing their jobs. Limited attention to client perceptions of the attorney–client relationship and of PD performance may stem from the inherent difficulty in isolating the scope and impact of problematic interactions. Regardless of the reasons why client perceptions are unnoticed, untapped and underappreciated, however, the majority of criminal defendants are of low socioeconomic status and qualify for public defense services (Harlow, 2000). Their experiences should not be taken so lightly.

Problems associated with indigent representation are far from new; problems have plagued delivery of service since the inception of public defense in the United States (Moore, 2013; National Right to Counsel Committee, 2009). Multiple causes include excessive workloads and inadequate resources (Wright, 2004), nonexistent or weak standards for attorney qualification, training, and performance (National Right to Counsel Committee, 2009), as well as a democracy deficit at the intersection of race, crime, and poverty (Dripps, 1993; Moore, 2014; Stuntz, 2001). Inadequate resources and weak performance standards in particular have been documented as a problem in supplying adequate (much less high quality) indigent defense services (Benner, 2008; Mann, 2010). Indeed, court cases have showcased the juncture of these two problems while molding controversial performance expectations. *Strickland v. Washington* (1984) for instance, set such a low constitutional bar that lawyers have hurdled it while asleep (*Muniz v. Smith*, 2011), habitually drunk (*Frye v. Lee*, 2000), and failing to present readily available evidence of actual innocence (*Scanlon v. Harkleroad*, 2012).

These systemic issues are important, but discussion of shortcomings in resources and standards tends to overshadow specific effects on clients and their perceptions of their lawyers and of broader system legitimacy. As indigent defendants are the point of intersection for standard and resource issues, they have a unique perspective and therefore a potentially empowering role. Specifically, client insights can clarify how problems with standards and resources create adverse consequences, including wrongful convictions or inappropriate sentences, for those whom the PD system is intended to help. The clients' role is potentially empowering in that it may provide a unique point of triangulation for identifying and remedying problems associated with resources and standards.

Drawing from works grounded in social psychology and procedural justice further highlights the client role as a new focal point for policymakers, researchers and practitioners who intend to improve public defense representation. The current study uses such literature to examine clients' perceptions of satisfaction with their PDs' performance. This research has two primary aims: to identify the best research method for obtaining perspectives of indigent defense clientele; and to explore the status of client perspectives and satisfaction with PDs in Hamilton County, Ohio.

Our methodologies included mixed modalities of quantitative and qualitative data collection. Client satisfaction surveys were used along with focus group interviews with past PD clients. Each method aimed to gain a specific insight into the client's expectations and desires regarding attorney performance. Data from these methodologies can be of huge value in empirically recognizing the importance of client-centered representation. The combination of quantitative and qualitative methods produce detailed information on the essential factors for maintaining higher-quality (rather than merely

constitutionally sufficient) indigent defense systems. What follows is a brief discussion of background information regarding the Hamilton County project, a review of the current state of the literature on the client-centered approach to representation, and research justifications for the current methodology. The design, scope, and implementation of the study are then explained, along with the quantitative and qualitative results and associated discussion.

HAMILTON COUNTY PILOT PROJECT

Many systems of indigent defense struggle with the serious problems discussed in the previous section. Lacking resources and enforceable standards for attorney qualification, training, and performance, such systems fail to provide a level of service that meets minimal constitutional requirements, let alone client-centered, best-practice criteria. Hamilton County, Ohio, is one of many jurisdictions that have struggled with these problems. In 2006, the Cincinnati-based Hamilton County Public Defender's Office (HCPD) was included in a special state-wide task force investigation by the Ohio Supreme Court (Adkins *et al.*, 2006). In 2008, continuing problems prompted the Hamilton County Board of Commissioners to ask the National Legal Aid and Defender Association (NLADA) to conduct a study focused specifically on HCPD. Despite the many recommendations from the Ohio Supreme Court Task Force for improving indigent defense services throughout the state, the NLADA still concluded that the quality of service in Hamilton County violated the federal constitution (NLADA, 2008).

The findings from these evaluations of HCPD reflected similar problems found across the nation. On the whole, PD offices are often held to a relatively loose standard of operational minimums. Such minimums tend to involve more instrumental or functional characteristics, such as expenditures and administrative resources (see Beeman & Spangenberg, 2004; Saubermann, Spangenberg, Newhouse, & Shepard, 2006; Spangenberg *et al.*, 2002; Spangenberg, Riggs, & Jacobstein, 2008). Since the mid-1990s, however, there has been a push by some legal scholars, practitioners, and activist groups to incorporate a more holistic, client-centered approach (Exum *et al.*, 1993; Flemming, 1986; Nelson, 1996; Steinberg & Feige, 2002; Winick, 1999). This approach focuses on attorney–client relations that include client trust and satisfaction. Similarly, the evaluations by the Ohio Supreme Court Task Force and the NLADA have emphasized the need for performance-based measures, as well as the development of more client-centered representation practices (Adkins *et al.*, 2006; National Legal Aid & Defender Association, 2008). While there have been mission statements, report recommendations, and legal scholarship written about client-centered representation, the concept has remained relatively abstract. The sparse empirical literature on this concept is generally confined to a few researchers (Boccaccini, Boothby, & Brodsky, 2002, 2004; Boccaccini & Brodsky, 2001, 2002).

In an attempt to respond to issues raised in the reports on Hamilton County and simultaneously fill a void in what is known about client-centered representation, the project presented here was launched in late 2009. Researchers from Washington State University's Division of Governmental Studies and Services, in conjunction with the Ohio Justice Policy Center (OJPC), implemented a pilot study to test the methodology on the client population and to develop a base from which to construct a more generalizable model of indigent defense training and client-centered practice. Additionally,

this study sought to map the landscape of client perceptions of PD performance, attorney–client communication, client participation, and overall client satisfaction based on respondent experience with the HCPD. In addition to these broader goals, the research was designed in part to support the training of local law students in empirically based, client-centered best practices through an Indigent Defense Clinic that the OJPC had recently launched in cooperation with the HCPD and two local law schools.

REVIEW OF THE LITERATURE

Traditionally, client input on defense counsel duties and procedures has been viewed as an unnecessary, normative element that does not have a direct effect on the performance of an attorney or the outcome of a case (Friedman, 1986). In recent decades, however, this view has been changing in response to the slow accumulation of contrasting empirical evidence. There has been a correspondingly gradual increase in the recognition that positive attorney–client relationships are necessary and beneficial, including relationships involving publicly paid defense attorneys (Blumberg, 1967; Casper, 1971; Exum *et al.*, 1993; Flemming, 1986; Friedman, 1986; Nelson, 1996; Winick, 1999). In the majority of the work done before 2001, however, the operationalization (i.e., the organized methodology and definition used to measure a variable) for client-centered representation among PDs was relatively weak.

For instance, Flemming (1986) interviewed 150 criminal defense attorneys about their attorney–client relationships. The interviews revealed that attorneys recognized their clients' willingness to trust and cooperate as important factors in their relationship. Flemming's findings emphasized the importance of legitimacy and highlighted that there is often a disconnection between the PDs and clients regarding trust. This disconnection was not thoroughly explored, nor was it tied to client satisfaction and its potential benefits. The limits of Flemming's (1986) findings reverberated in a later report published by the American Bar Association (ABA) on prosecution and defense functions. In the report, the ABA emphasized that trust and confidence are essential tools to the defense attorney as well as an expected element of professionalism. Unfortunately, similar to Flemming the ABA did not define these terms with much detail and omitted ways to assess their existence and quality (Exum *et al.*, 1993).

In addition to Flemming's observations, other research has noted that citizen perceptions of legitimacy are important to generating compliance with the law and with court systems (Lind & Tyler, 1988). Tyler's work on procedural justice and legitimacy has shed particular light on the fact that, across time and setting, certain elements must be present for a person to comply with a rule or decision made through court processes. In multiple studies Tyler found that compliance depends on whether people perceive the justice agent (e.g., judge, attorney, or law enforcement officer) and the corresponding system as: (1) legitimate or having authoritative power; (2) trustworthy; (3) providing fair procedures that allow people moving through the system adequate time and opportunities to voice their concerns; and (4) distributing outcomes fairly (i.e., on a non-discriminatory basis) (Blader & Tyler, 2003; Casper, Tyler, & Fisher, 1988; Lind & Tyler, 1988; Tyler, 1990, 2001). In other words, the more a person identifies a justice agent as legitimate, trustworthy, and fair, while also allowing for the person to have a voice (i.e., participate), then the more likely the person is to be satisfied and voluntarily comply with orders or recommendations from that agent.

Most notably, these findings highlighted the fact that, in spite of unfavorable outcomes, people still judge their experiences of a system through the perceived fairness of its actors and procedures. Thus, when clients of PDs view their counsel as trustworthy, fair, and legitimate, the clients are more likely to comply and show deference to counsel recommendations. Such positive perceptions also promote client engagement. Through engagement, a reciprocal exchange of information, deliberation, and cooperative action can occur. Thus, such perceptions and associated acts can serve as potential variables in evaluating the quality of client–attorney relationships.

Paralleling the research in procedural justice, Boccaccini et al. published a number of studies that sought to explore empirically the connection of trust between clients and defense lawyers (Boccaccini & Brodsky, 2001, 2002; Boccaccini *et al.*, 2002, 2004). In their earlier work, Boccaccini and Brodsky (2001, 2002) asked prison inmates about their thoughts regarding the attorney–client relationship. From their first study (Boccaccini & Brodsky, 2001), inmates described how the “ideal” defense attorney would influence their relationship. Inmates noted that having such an attorney would prompt them to be more “open” and “cooperative” in their interactions. Boccaccini and Brodsky (2002) later developed a 24-item Attorney–Client Trust Scale (ACTS) using self-report data from prison inmates. Using the ACTS to devise trust scores, the researchers found that higher trust levels were associated with greater satisfaction with the attorney’s performance and with case outcomes. Moreover, these associations were present before and after case characteristics (e.g., attorney type and case outcome type) were taken into account (Boccaccini & Brodsky, 2002).

In their latest study, Boccaccini *et al.* (2004) established a trust process they termed the congruent model of trust development (CMTD). According to this model, the level of client trust depends on both the client’s willingness to participate and the attorney’s allowance of participation. Therefore, if the client wants to participate and the attorney dismisses or ignores the attempts, then the client will be untrusting and dissatisfied with both the attorney and the case outcome. Using responses from prison inmates, the researchers found that client trust is a predictor of later satisfaction with attorney performance and with case outcome. This conclusion is consistent with Tyler’s repeated findings that trust can be an even greater factor in gaining satisfaction (in addition to compliance) than a favorable outcome. In accordance with CMTD, Boccaccini *et al.* (2004) concluded that the level of client participation (e.g., inclusion of client opinions in the plea bargaining process and decisions to move forward to trial) was a main predictor of the client viewing the attorney as trustworthy. Therefore, if the willing client was not allowed to participate or was not included in the process of his or her own case, then the client probably viewed the attorney as untrustworthy and would subsequently be unsatisfied with the overall experience (Boccaccini *et al.*, 2004).

Each of these studies stressed the important practical implications of trust and satisfaction variables. Specifically, if a client is reluctant to cooperate when defense counsel is perceived as untrustworthy, promoting subsequent dissatisfaction, then there is a high probability that the defense lawyer will not obtain the necessary information needed to win the case in court (Boccaccini & Brodsky, 2002; Boccaccini *et al.*, 2004). Despite the trail-blazing efforts by Boccaccini and his colleagues, client-centered representation remains widely understudied and underused as both an orientation of defenders in practice and as a theoretical tool (e.g., Nelson, 1996). Client perception of PD services is a particularly important factor that lacks robust empirical examination. In fact, none of the studies mentioned here have investigated these issues

specifically with regard to indigent defendants and PDs. Drawing from research on procedural justice, this study provides an exploratory examination of the nature of the client–attorney relationship from the perspective of indigent clients. Additionally, this study investigates how perceptions of this relationship may interact with the client’s level of satisfaction with PD performance. Ultimately, this study will expand on the literature, by highlighting the state of PD–client interactions, client responses, and how best to study these phenomena.

QUANTITATIVE METHODOLOGY

Setting, Sample and Methods

Given the unfavorable findings presented in the HCPD evaluations, the OJPC sought empirical evidence on client perceptions of service quality and on possible methods of strengthening client voice in the struggle to improve defense services. These concerns also related to the OJPC’s promotion of evidence-based, client-centered best practices through clinical legal education programs. Therefore, the OJPC solicited the help of Washington State University’s Division of Governmental Studies and Services to conduct a pilot study in the summer of 2009. Ultimately, the OJPC planned to supply HCPD clients with a “client rights” information card that would help them understand what their PDs should be doing and ask questions if those expectations were not met. As the OJPC sought to provide this “client rights” list as soon as possible, the pilot study was given a relatively short timeline of a few months.

Aside from time being a limiting factor, other factors such as the transient nature of the indigent client population drove the determination that a convenience sample was the most efficient way of obtaining the needed data. In conjunction with the HCPD, a randomly selected address list was compiled, consisting of 568 clients’ names, addresses, and phone numbers. As there is virtually no prior literature suggesting how to gain input from PD clientele who are not incarcerated, we employed multiple methods as part of the pilot design. Surveys were then administered to this randomized list using mailed questionnaires and postcards with the survey’s internet link, and telephone surveys. Other methods included face-to-face administration as well as self-administered handouts. The different types of data collection methodologies were used in an attempt to maximize our resources and to provide input on efficiencies in similar future studies. With the aid of a paid consultant, we were able to collect a total of 156 respondents through face-to-face, telephone, and self-administered pencil-paper handouts.

Administering the surveys directly to participants proved to be the most successful method for generating valid survey responses with a total of 134 respondents. This method was used in three venues. Two included the display of signs directing HCPD clients to the location where the survey was being administered. Sixty-eight completed forms came directly from the courthouse, and 11 came from Cincinnati Metropolitan Public Housing Authority. Fifty-five respondents completed a survey that was informally handed to them at the HCPD and promptly collected. The least effective methods included the mailed surveys, for which only 12 responded out of the 300 mailed. However, this was to be expected, as members of this client population often lack a permanent address. Also among the least effective were the telephone

(10 responses of 50 attempts) and the internet link sent via postcard (zero recorded responses out of 218 mailed). Like the mailed questionnaires, these low response rates were to be expected due to the disproportionate lack of internet access and a permanent address among members of this population.

Of the surveys that were collected, the average respondent was a male between the ages of 29 and 35 years, a high school graduate, and reported that the most recent case for which he was an HCPD client was a misdemeanor. The complete breakdown of the demographics can be found in Table 1. As shown in the table, 24% were felony cases and 10 respondents indicated that their case was reduced from a felony to a misdemeanor.

Quantitative Items

Given the setting and time restrictions for this pilot study, the items used were limited to those targeted by the OJPC for the distribution of client rights cards. Hence, variables accounted for included five client-centered measures that were identified in consultation with the OJPC: client satisfaction with attorney's performance; client feels as if he/she is being listened to; attorney is investigating client's case; attorney is using time efficiently; and attorney is informing client of possible outcomes. These variables were noted by the OJPC as being essential to providing adequate representation and are based on the client's perceptions. The items were measured through the questions shown in Table 2, which used a five-point Likert scale ranging from strongly agree to strongly disagree, with a neutral option.

From this list of items, we sought to gain further perspective on other aspects of the literature. However, it is possible for indigent populations to match that of the average jailed and imprisoned population (Smith & DeFrances, 1996). Therefore, it is also likely that they have, on average, a lower education level and greater potential to suffer from mental illness than the general public. All of these characteristics suggest that

Table 1. Demographic breakdown

	Percent ^a (N = 156)
Age (years)	
19–24	21
25–30	19
31–35	10
36–40	12
41–50	21
51+	18
Male	77
Highest education completed	
Grade school	3
Some high school	33
High school graduate	31
Some college/trade school	21
College/advanced graduate	13
Recent case description	
Felony	24
Misdemeanor	70
Reduced: felony to misdemeanor	7

^aPercentages may not add up to 100% exactly, due to rounding errors and some missing values.

Table 2. Measurement breakdown

Domain focus	Items
Satisfaction with attorney	Overall, I am satisfied with the way my attorney handled my case.
Clients feels listened to (participation/voice)	My attorney wanted to know all of the details of my case. My attorney asked for my opinion on issues regarding my case.
Attorneys are investigating clients' cases (performance expectations)	My attorney listened carefully to what I said. My attorney investigated my case.
Time used efficiently (performance expectations).	My attorney looked into the prosecutor's evidence. Every time my attorney met with me, we focused on my case.
Attorneys explain all possible outcomes to clients (performance expectation)	My attorney always used our meeting time efficiently My attorney told me about everything that could happen with my case. My attorney explained what the consequences were for each possible outcome of my case.

indigent defense clients are less likely to read through a long survey, otherwise known as experiencing survey fatigue (Dillman, Smyth, & Christian, 2008). As a result, the survey was restricted to the measures of interest to the OJPC as well as a few others suggested by the literature. For instance, trust, participation (also referred to as “voice”; Tyler, 1990), and overall client satisfaction were additions to the OJPC focus.

While there was not a direct attempt to duplicate or test the 24-item ACTS or CMTD proposed by Boccaccini *et al.* (2002, 2004), there are measures that will allow an indirect assessment of client-centered representation that is central to this literature. The objectives of this study also did not focus on the connection between case outcome favorability and the client's overall satisfaction with the PD. This was due to the strict timeline and limited budget available for the project. Not including case outcome measures may seem counterintuitive when considering the common assumption we term as the “outcome hypothesis,” which states that people will be more satisfied with an experience that yields a positive outcome. However, several examples found in the literature show that satisfaction is not based on outcome favorability (Casper *et al.*, 1988; Greenberg, 1993; Lind & Tyler, 1988, 1992; Tyler, 1990; Tyler *et al.*, 2007). Given the limited influence that outcome favorability has on the individual's sense of satisfaction, we believe that satisfaction suffices as a dependent variable for study purposes.

Analytical Plan

Analysis of the survey data included several steps that were both applied in the interest of filling gaps in the research, as well as fulfilling the needs of our consulting client, the OJPC. As such, we utilize methods that cover the primary focus of the study, as well as statistical analyses that test the importance of voice. Specifically, correlations and factor analyses were used to explore the parameters of measures, particularly those such as “voice.” Additional, multinomial logistic regression was completed to identify the most important measures of client-centered representations as posited by the OJPC basic expectations of PD performance.

Quantitative Findings

The primary focus of this study was to gain a broad understanding of the current status of client perceptions of their PDs, with a specific emphasis on overall satisfaction. Therefore, we provide the breakdown of frequency percentages for each of the domain questions in Table 3. As shown in the table, a slight majority (52.1%) of respondents was satisfied with the way their PD handled the case, while a third (32.1%) were dissatisfied and 15% were indifferent. The most notable aspect of this table is that, for almost every subsequent domain item, at least 25% indicated that the expected behavior was not present in their interactions with their PD. Among those responses, the least present PD behavior was that of asking the client's opinion, with 63% of the respondents indicating they were not consulted on issues regarding their own case.

Drawing from the literature, a reasonable hypothesis regarding these expectations of PD performance is that they should be indicative of client satisfaction. That is to say, the items listed earlier should predict when a client is satisfied with the way the case is handled. To test this, Kendall's tau correlations were examined to identify the relationship between these variables and to assess the relational strength. Positive and significant (one-tailed, $p < 0.01$) relationships were found between satisfaction and all other variables except age and education level, which were not significant. From these correlations, a multinomial logistic regression was conducted to further assess the nature of these relationships across all items with the dependent variable set as satisfaction. The results yielded no significant predictors of satisfaction, although two items associated with "voice" (my attorney wanted to know details of my case, and asked for my opinion) were marginally significant ($p = 0.066$ and 0.076 respectively) and yielded a weak odds ratio.

Given the importance of voice in the procedural justice literature, the participation/voice items were examined as a potential scale. The items were put into a maximum likelihood factor analysis. The sampling adequacy was weakly verified (KMO = 0.597), correlations were deemed sufficient for a factor analysis (Bartlett's test of sphericity, $\chi^2 = 173.48$, $p < 0.001$), one latent factor had an eigenvalue of 1.84 after extraction, explained 61% of the variance, and yielded adequate reliability (Cronbach's alpha = 0.734). Once the items were weighted relative to their importance for the new voice scale, the multinomial regression was run again. This time the only significant variables were "looking into the prosecutor's evidence" and "informing of all consequences," each indicating that the more these behaviors were present, the more satisfied was the client.

Table 3. Breakdown by domain items

(<i>N</i> = 156)	Agree	Neutral	Disagree
Satisfied overall	52.6%	15.4%	32.1%
Listened to	57.1%	17.3%	25%
Wanted to know case details	43.6%	32.7%	23.7%
Asked my opinion	35.9%	0%	63.5%
Investigated my case	62.8%	11.5%	22.4%
Looked into prosecutor's evidence	50%	21.2%	28.2%
Focused on my case during meetings	41%	27.6%	28.2%
Used meeting time efficiently	50.6%	23.7%	25%
Told me everything that could happen	61.5%	14.7%	22.4%
Told me all possible outcomes	44.9%	19.9%	33.3%

The lack of importance associated with the voice scale leaves more questions for future research into the investigation of normative procedural justice measures as discussed in Tyler's work. For this study, we explain the lack of support for a voice scale as an indication that there may be more important combinations to account for when determining client satisfaction. Thus, to complete the analysis, the larger set of client-centered expectations was further investigated as a potential scale. This model was informed largely by Boccaccini *et al.*'s (2004) work, as they identified multiple factors that could be associated with client-centered representation. Accordingly, we sought to test these items as a predictive scale of client-centered representation by way of expected performance and inclusion of voice. In other words, according to the work by Boccaccini, the measures suggested by the OJPC should predict client satisfaction as a scale. Given this logic, a similar process was conducted in creating what we have called the client-centered representation (CCR) scale. Following the same operational steps and tests, the CCR scale was shown to be far superior to the voice scale (KMO = 0.944, Bartlett's test of sphericity, $\chi^2 = 1,315.28$, $p < 0.001$), with one latent factor (eigenvalue = 6.91 post-extraction, explaining 69% of the variance), and yielding high reliability (Cronbach's alpha = 0.856) after dropping two items ("wanting to know details" and "focused on the case during meetings") and utilizing a factor score weighting scheme. Ultimately, the CCR scale consisted of five items ("asked client's opinion," "listened," "look into prosecutor's evidence," "meeting focus was efficient," and "informed of consequences"), which was then used for assessment through multinomial regression, which is shown in Table 4.

The analysis revealed that the CCR scale is a significant predictor of the odds of a client being satisfied. Those clients whose experience ranked low and moderate on the CCR

Table 4. Multinomial logistic regression with the client-centered representation (CCR) scale

		B (SE)	Odds ratio
Satisfied versus dissatisfied			
Intercept		2.01 (3.13)	–
CCR scale	Low	–5.76 (2.21)**	0.003
	Moderate	–3.54 (1.76)*	0.02
Wants to know case details	Present	1.48 (1.50)	4.39
Told client everything about case	Present	1.49 (1.34)	4.47
Investigated the client's case	Present	1.57 (1.20)	4.81
Meetings focused on client's case	Present	3.44 (1.51)*	31.42
Case description	Felony	–3.92 (2.14)	0.02
Education	High school	–.360 (1.30)	0.69
Age	19–25 years	–2.44 (1.66)	0.08
Indifferent versus dissatisfied			
Intercept		–3.41 (3.44)	–
CCR scale	Low	–1.27 (2.19)	0.28
	Moderate	–1.33 (1.91)	0.26
Wants to know case details	Present	1.94 (1.75)	7.02
Told client everything about case	Present	.96 (1.23)	2.63
Investigated the client's case	Present	–1.97 (1.17)	0.14
Meetings focused on client's case	Present	3.42 (1.72)*	30.72
Case description	Felony	–1.44 (1.90)	0.24
Education	High school	–1.45 (1.34)	0.23
Age	19–25 years	1.42 (1.88)	4.16

$R^2 = 0.68$ (Cox & Snell), 0.79 (Nagelkerke); model $\chi^2(44) = 158.56$, $p < 0.001$.

* $p < 0.05$,

** $p < 0.01$.

scale were much more likely to be dissatisfied with their experience than those who ranked high. This model suggests that the more a PD asks for their client's opinion, listens to the client's concerns, looks into the prosecutor's evidence when applicable, and informs the client of all possible consequences with the case, the more likely it is that the client will be satisfied with the overall handling of the case. The only other significant predictor of client satisfaction was the attorney's efficient use of meeting time, which suggests that if this behavior is present, the chances of the client being satisfied increase.

QUALITATIVE METHODOLOGY

Focus Group

Gaining a qualitative grasp of client perceptions was both the crux of the OJPC's research question and a general need indicated by the literature. Therefore, we also conducted a focus group that included detailed discussions with seven former HCPD clients. Participants comprised a convenience sample from survey respondents. As respondents completed the survey portion of this study, they were asked if they would like to participate in a discrete group discussion about their experience with the HCPD, with any identifiable information remaining confidential. The participants were all African American males, mostly young or middle-aged (late 20s to 40s).

The focus group was included in the data collection for two essential reasons. First, there is little research in the area of client satisfaction and evaluation of PDs. Qualitative methods such as focus groups have been recognized as a strong mechanism of exploratory research, as they offer the potential to yield information not yet realized in the field's literature (Creswell, 2003; Patton, 2008). Secondly, qualitative research can supply data that exceed the limited scope of quantitative methods. By not limiting the data collection to certain variable constraints, we allow participants to expand on their experiences, thereby gaining information that would have been overlooked by quantitative research alone (Patton, 2008).

Although the focus group is an open-ended exchange of thoughts and experiences, the dialogue was facilitated and coded to mirror the variables investigated by the survey, to allow further insight into why a client might be satisfied or unsatisfied with their PD. Among the variables listed earlier, a few were viewed as the most important according to the clients interviewed: perceived indifference and effort, lack of inclusion and information on case outcomes, and creating distrust. These areas are not only identified as commonplace in their experiences, but they are also points of attempted rationalization by the participants. That is, the participants sought to articulate and comprehend explanations for their experiences, as well as their feelings toward those experiences.

Indifference and Effort

A recurring point that reverberated among the focus group participants was frustration with PDs who simply did not listen to them. Their irritation was characterized by a perceived lack of care on the part of the attorney. Attorney indifference was identified as a key issue for participants "going in the door feeling defeated" [Participant 5 (P-1)] and feeling apathetic toward the judicial process as a whole, as well as toward the attorney. Some of the indifference was attributed to the attorney's age and inexperience. Participants pointed

out that they can often tell the difference between new, young attorneys fresh out of law school and experienced attorneys. As one focus group participant reported:

Though I do have a lengthy record, I have felt once or twice that they had my best interests at heart. I'm not gonna tell you that everybody in there is like that. You have some of them that pretty much just get started, you know public defender just getting started in his job. He wanna do his job right, he wanna prove himself, so might catch that guy or that girl, but after they been there a while, [laughs], it's just a [ching-ching sound, laughs], after 8, 9 to 5, I'll see you in the morning. It's over you know? (P-5)

Others explained their frustration with any perceived indifference and lack of effort by the attorney, by contrasting them with what the participants supposed would be the experience of a paying client. This was apparent in the expectation that attorneys should participate with clients and show some attempt to "fight" for them. These experiences and perceptions were often based upon the quantity and quality of time defenders spent with clients during meetings. For instance, participants explained:

I mean you spend five minutes in his office, or in her office, and that's it... [I think,] If he's with me, then he's on my time. Am I right? It's like a paid lawyer. 'You pay for this time so what you want to do? I wanna do this.' He gonna sit back and listen. He ain't gonna say nothing to you. He's going to sit back and say nothing and after you tell him what's going on, he's gonna tell you our best route. [...] Public defender ain't gonna do that. You come in there and sign a paper and he tell you 'I'm gonna see you in court.' You look at him like 'OK.' I feel like I was sold. I was sold to the judge. Know what I'm sayin? We didn't really sit down and talk about the case or nothing. Next thing I know when I came to court – 'sign this,' which says no contest. (P-2)

[Public defenders] pretty much just go on what the police report is and bam they gonna show up on court date and it is what it is. (P-3)

Participants stated that their problems with defense attorneys' lack of effort and indifference stem from the clients' disappointed expectations of fairness. When alluded to, fairness is often referred to as something that ought to be both present in the system's procedures and, most importantly, maintained by those representing the client. As one participant put it:

Again, my statement is due process and equal justice under the law. I mean come on, man. I understand I don't have the money to pay for this lawyer, and the state's payin' it, but I still deserve to be treated like anybody else, like he said, black, white, rich, yellow, it doesn't matter, you know what I mean? Fair is fair. And you all want me to state that I'm willing to give you the uh maximum where this other guy comes in with a paid lawyer he get probation. Wait a minute, hold up, back up. (P-1)

Expected equal treatment and fair court procedures, particularly between those with private and public counsel, seem to set an informal client standard for the level of interest and effort that defense attorneys should exert.

Including and Informing the Client

In addition to abstract standards of perceived fairness, interest, and effort by PDs, clients were also clear on more objective aspects of their experiences. This was particularly true when participants focused on how much they were included in, or informed about, case processes and outcomes. Participants indicated that they were never told what

would happen during and following the court proceedings. Courtroom workgroup processes seem to remain a hidden aspect in the PD–client relationship:

Once they see what you in there for, they already know, they just come down there with a paper and it's got your name on it, all your charges, all your history on it, and he's tellin' you 'we gonna plead this.' Wait a minute, dude, we ain't even talk. 'And if we plead this the judge already said that he would do this.' When did that happen?! Where was I at?! (P-4)

Still likening PDs to private defense attorneys, participants emphasized a lack of information provided by PDs through discussion of expectations regarding responsibility. That is, PDs are expected to inform clients of rights, process, and outcomes, as is expected in the performance of private counsel toward paying clients. In many situations, the participants explained that they did not realize that they had certain rights that are fundamental to mounting a defense in court. For instance, none of the participants stated that they knew they were allowed to question what was going on with the evidence in their cases, including the information that the prosecutor had or would use in court.

Frustrations associated with this lack of information are also expressed in portrayals of Packer's assembly-line Crime Control Model of criminal justice practice (Packer, 1968). As the process having a significant impact on an individual's life is completed without his or her presence or even awareness, perceptions of fairness and voice can be completely degraded:

The only time you see [the public defender] is when you get locked up. The next time you see him you're standing in front of the judge and he's telling you to 'sign this.' 'Like, what is this?' He'll whisper to you, 'I already talked to the judge, we gonna...' because you're standing there in front of the judge. [...] I'm signing away my life. I mean, is there any way I could have got this reduced or maybe even got it dismissed? Because I don't know. How would you know that if you don't have any dialogue with your public defender about what's really going on and what's in your best interest for you to do with this thing? (P-6)

Trust

Further problems with distrust and frustration arose from the recognition that there is very little investigation undertaken or completed by the PD in the typical participant's felony case. Participants stressed that if the PDs made an effort to investigate the case by merely visiting the incarcerated client and talking with him, they might find there is something in the case worth working with that may not be in the police report. This is a common colloquial argument, as PDs may not trust the client to be truthful or know what is best, while the client lacks trust in the PD and therefore is less willing to offer more information about the case which may be helpful in mounting a defense. The statements of two participants exemplify the problem:

Will one of them take the time and say that, this is what I see we can do? Come to the cell block, talk to me and say, 'uh, ok, what happened here?' Have me explain exactly what happened, so he can get an idea of, 'hey I might actually have something to work with here.' That don't happen. (P-6)

[I]t shows me that you are at least interested in my behalf and try to get me the best result out of this because it may be again, some type of way, some type of small way, in getting this charge reduced, that I may not know about, and if you're not, what, concerned. If you're not willing, and I'm not important to you to even concern yourself with it. (P-3)

Distrust was also evident in participants' recognition of the potential influence of race and class. These factors are presumed to affect PDs as well as private defense counsel, who remain predominantly middle-class and Caucasian, whereas indigent criminal defendants are disproportionately impoverished African Americans (see Walker, Spohn, & DeLone, 2012). Such traits were a tongue-in-cheek undertone in participants' discussion of trust:

I'm standing in front of a Caucasian guy looking at me basing my life on that record, that thing that he got there, not looking at the circumstances, the situation that put you there, and they know it, but they're not willing to look at it. (P-1)

In spite of these issues regarding trust, attorney effort, communication, and inclusion of the indigent client in core case processes, it should be noted that the participants were not oblivious to some of the hardships that PDs face. For example, there was repeated acknowledgement of PDs' very high case loads as well as of their limited financial rewards:

And you may get represented. He may come in with a different attitude. [...] If you got a public defender that, I think it's a lot about money. Well he's not making as much money, he's got a case load that's ridiculous, he doesn't have the time and I think it comes down to time. They don't have the time to put into an individual. (P-2)

There's not enough of 'em to go around to all the guys that can't afford attorneys so they're using one public defender for a whole pile of people. That's why I say he's got a bunch of cases he gotta do because they're just ain't enough because everybody can't afford a lawyer.

While the qualitative analysis was limited to a single seven-person semi-structured focus group, we were able to develop a more keen understanding of the clients' perceptions of, and experience with, the HCPD. As expected, and as was later supported by the quantitative analysis, the clients voiced more concern about the defense attorneys' attempt to collaborate with them than about the actual outcomes of their cases. This is not to say that case outcome is insignificant, but rather that client–lawyer communication is also important, as suggested by the procedural justice literature. Moreover, if the attorney failed to explain the client's situation, options, and consequences, the client would seek answers elsewhere – usually from other inmates. This pattern seemed to lead to misconceptions about the legal process and feelings of procedural injustice.

These data support the need for more client–attorney collaboration. They also indicate the possible utility of strengthening client voice through “client rights” information and client feedback protocols, as well as the need to supplement client perspectives with enforceable standards for evaluating attorney performance. Each of these steps may improve the ability of service providers, researchers, policymakers, and the public to assess the quality of PD systems.

Limitations

There are many limitations to this study, and, as a result, the findings presented here should be interpreted with caution. First and foremost is the response rate, which for this study was relatively low (approximately 27% across all quantitative methods). While this is reason for some concern regarding potential bias in the responses, we argue that such a response rate is expected in a pilot focused on new methods and

population, and is therefore not necessarily indicative of bias. That is to say, given that the exploratory goals of this pilot study included the testing of separate potential methods for contacting and surveying indigent defense clientele, many inherently difficult methods were used in order to rank and rule out less effective methods (e.g., mailed postcards with an online link to the survey). Such methods systematically suppress the response rate of this population while not necessarily indicating inherent biases in those who respond to the survey.

That said, this bias is also possible for the convenience sample of surveys. However, we find that this is a necessary risk due to the inherent difficulty in contacting this population. It could be argued that those who were willing to fill out the survey in the convenience sample were merely those who were most likely to voice problems or who had unfavorable experiences, rather than a representation of the average client. While this is a valid concern, we argue that this is not likely to be the case, as the majority of respondents were satisfied with their overall experience. These concerns about bias are also applicable to the focus group sample. As this exploratory study used just seven participants in the focus group, it is important to note that the qualitative component of this study is specifically to provide additional context to the quantitative analysis and not to increase external validity.

An additional limitation involves the construction of scales from the responses. Although we used diagnostic tests in examining the adequacy of sample size for both the voice and CCR scales, the limited sample size may still be an issue in the overall ability to extract one or more factors from these items. Similarly, the number of items used in this study means these scales have great potential for expansion, which is encouraged in future research. Examples include the role of demographics, such as race, gender, socioeconomic differences, and ethnicity, as well as information on case characteristics, such as outcomes and point in the process. The absence of these factors creates additional limitations with regard to these findings in terms of interpretation and external validity. In spite of these shortcomings, however, this pilot study lays the groundwork for new research in the area of client-centered representation, by soliciting the client's input and identifying the best methods for reaching this population.

Another limitation is the issue of excluding case outcome measures. As we argued previously, there are ample reports in the literature establishing the fact that satisfaction is not necessarily based on the favorability of the outcome (Casper *et al.*, 1988; Greenberg, 1993; Lind & Tyler, 1988, 1992; Tyler, 1990; Tyler *et al.*, 2007). Nevertheless, it is possible that outcome favorability could account for some level of respondent satisfaction. For instance, it could be argued that the fact that a majority of respondents reported that their attorney did not ask for their opinion is an indication of poor client-centered focus. According to the literature's logic, there should be an equal proportion of unsatisfied clients. Yet less than half were dissatisfied with their representation in this sample. Admittedly, it is possible that outcome measures (e.g., plea bargains and charge reductions) that were weakly accounted for in this pilot study could explain the differences in these breakdowns. However, the findings of Boccaccini *et al.* (2004) suggest otherwise. Given that asking the defendant's opinion is only a portion of the CCR scale, it still may be more an issue of the client's willingness to participate and the subsequent attorney's allowance for client participation that determines client satisfaction. In other words, attorneys may have asked for clients' opinions when the clients appeared more willing to participate. If so, while the specific sources of those perceptions warrant additional research, they would seem to lend support to the CMTD (Boccaccini *et al.*, 2004). Ultimately, due to the reasons mentioned

previously, these outcome measures were not part of this study. We encourage their inclusion in future research on client perceptions.

A final concern has to do with the many differences between jurisdictions and their indigent defense systems. Some systems involve state-wide, relatively centralized systems, while others are county-based. Some systems are dominated by full-time salaried attorneys, while others rely heavily on private lawyers who accept court appointments. While Ohio functions primarily as a county-based system, the state has a general oversight office that exercises some oversight of the various indigent defense service systems throughout all 88 counties. In addition to these structural differences, workload and resource levels vary widely across the nation, as do the existence and enforceability of standards for attorney qualification, training, and performance. Given all of these potentially significant differences, the findings of this pilot study cannot have a wide external validity. Indeed, one of the purposes of pilot studies is to encourage more research and interdisciplinary discussion on the topic. We recommend that future research should investigate the potential effects that structural and other differences may have on client perceptions of attorney performance and system legitimacy.

DISCUSSION

The primary purpose of this assessment was to gain an empirical perspective on the need for and benefits of client-centered representation among PDs. Several indicators of client-centered representation were assessed: client satisfaction, perceptions of defender performance in time efficiency and investigation efforts, and client participation factors (e.g., being informed of possible consequences and whether or not the attorney listens to the client). This pilot study confirms through other means what has been found in the majority of the scant literature on this topic: that client satisfaction, trust, and participation are important elements of supplying not merely constitutionally effective, but also client-centered, high-quality defense counsel for indigent defendants. Given what is known from research in areas such as social psychology, without these elements it can be expected that the client may not fully cooperate with or confide in the PD. This lack of trust and lack of cooperation may, in turn, lead to an incomplete defense in court and suboptimal outcomes for clients, their communities, and the broader public. Moreover, it appears that while client voice and participation may be important for clients, these things are most important when coupled with an attorney who actively encourages the client's input and takes account of their overall well-being in the case.

Implications

The potential implications and benefits of ensuring a better client-centered approach among PDs involve decreased overall recidivism among clients and increased client compliance with outcomes. Research on procedural justice and previous research on client perceptions of trust in PDs have shown that increased perceptions of legitimacy and fairness in a criminal justice process and its agents lead to a higher overall satisfaction level with the process, as well as a higher likelihood that the law will be obeyed (Johnson, 2007; Lind & Tyler, 1988; Tyler, 1990; Tyler *et al.*, 2007; Winick, 1999). By increasing the client's level of satisfaction with the PD, the individual's perception of legitimacy, fairness, and satisfaction with the criminal justice system as a whole will

also increase, and therefore enhance the person's propensity to adhere to laws as well as court orders in the future.

Yet another noteworthy finding and implication from the qualitative component of this pilot study is the need for better training of incoming PDs. Such training should include elements of client-centered representation by optimizing inclusion of the willing client in case processes, in the exchange of information, and in strategic decision-making. To an extent compatible with attorneys' ethical obligations to provide zealous representation within adversarial criminal justice systems, it should be possible simultaneously to promote efficient use of the courtroom workgroup and procedures. As intimated in the literature, utilizing training techniques for young PDs as well as providing periodic recertification seminars for experienced attorneys are effective mechanisms for relaying the importance of the attorney–client relationship and advice on how to better achieve it (Boccaccini *et al.*, 2002). In the same regard, empirically sound evaluation of client satisfaction, trust, and participation may be a strong tool of ongoing assessment in performance measures within the PD offices, as well as in evaluation research focusing on indigent defense systems.

An additional implication of this work is the possibility of using client perspectives in triangulation with objective performance measures to improve PD representation, client–attorney relationships, and overall system outcomes. This is an important aspect of this research, as measures for PD performance continue to be sought after and developed. Some states, such as North Carolina, have already taken steps to create such a system of measures where PD training and client-centered expectations are ingrained and sustained throughout the employment of the attorney by the state. Such steps are integral to the development of overall performance measures, as well as to establishing a system of client-centered representation (Gressens & Atkinson, 2012).

Lastly, these findings and overall implications may lend support to the use of therapeutic jurisprudence (see Winick, 1999). This refers to the use of specialty courts (e.g., drug courts) to address the needs of defendants and the potential root causes of criminal behavior rather than simply finding guilt and administering punishment. The altered focus of these courts shifts the dynamic of the courtroom workgroup as well as the role of defense counsel (McLeod, 2012). While these courts are outside the scope of this research, they are an important component of many criminal justice systems, and future research should examine their influence on client perceptions of indigent defense service quality and system legitimacy.

Future Research

Given these areas of importance, future research should emphasize the need to connect client satisfaction and the measures provided in this study to system outcomes such as felony reductions to misdemeanors or acquittals, as well as client complaints, appeals, and post-conviction proceedings, particularly where clients raise claims related to inadequate defense service. Each of these outcome measures has an impact at the individual and system levels, and serves as an indicator of strong defense performance. Such an outcome focus should also examine connections between the procedural justice literature and both private and public defense representation research. Variables such as perceived fairness, legitimacy, and distinctions in specific levels of satisfaction experienced by clients with respect to processes, individual PDs and their performances are all key in bridging gaps in these areas and ultimately strengthening support for client-centered representation.

Similarly, the outcome hypothesis should be further examined. One interesting yet marginal quantitative finding in this study involved the outcome hypothesis. While most practitioners expect that the case outcome will drive the client's level of satisfaction, as mentioned in the review of the literature, the procedural justice literature argues the opposite. This outcome hypothesis has received relatively little attention, except for that of a few researchers in social psychology, and though we offer neither explicit case outcome measures nor definitive findings for this hypothesis, there was one option in the survey where clients could indicate whether their case was reduced to a misdemeanor from a felony. Approximately four of the 10 respondents to this question indicated that they were dissatisfied with how their case was handled, and one client was indifferent. Among the five who were satisfied, all but one had an experience that ranked high on the CCR scale, while dissatisfied clients' experiences ranked either low or moderate on the CCR scale. This suggests possible support for the procedural justice literature argument. However, further research is clearly needed.

Finally, important aspects of indigent defense that are often overlooked in evaluation research and other literature on public defense, but which require close attention, are the factors of race, gender, and class. As suggested in the qualitative portion of this pilot study, factors of perceived intimidation and patronization accompany the disproportionate numbers of indigent defendants who are of lower socioeconomic status and who belong to a minority race or ethnic group. These factors probably vary in effect based on individual experiences and perceptions. Nevertheless, they will inevitably influence levels of client trust in and satisfaction with indigent defense service providers. Measuring the social and cultural competency of PDs as well as any training methods that aim to increase awareness of these factors could further strengthen the research into and realized benefits of client-centered representation.

REFERENCES

- Adkins, J., Asbury, M., Bodiker, D., Bray, B., Carpenter, B., Dann, M., ... Wall, M. (2006). *Report and recommendations of the Supreme Court of Ohio: Task force on pro se & indigent litigants*. Columbus, OH: The Supreme Court of Ohio.
- Barak, G., Leighton, P., & Flavin, J. (2010). *Class, race, gender, and crime: The social realities of justice in America*. Lanham, MD: Rowman & Littlefield Publishers.
- Blader, S. L., & Tyler, T. R. (2003). A four-component model of procedural justice: Defining the meaning of a "fair" process. *Personality and Social Psychology Bulletin*, 29, 747–758.
- Beeman, M. L., & Spangenberg, R. L. (2004). *A review of Wichita County indigent defense system: Findings and recommendations*. West Newton, MA: The Spangenberg Group.
- Benner, L. A. (2008). The presumption of guilt: Systemic factors that contribute to ineffective assistance of counsel in California. *California Western Law Review*, 45, 263.
- Blumberg, A. S. (1967). The practice of law as a confidence game: Organizational cooptation of a profession. *Law & Society Review*, 1, 15–40.
- Boccaccini, M. T., Boothby, J. L., & Brodsky, S. L. (2002). Client-relations skills in effective lawyering: Attitudes of criminal defense attorneys and experienced clients. *Law and Psychology Review*, 26, 97.
- Boccaccini, M. T., Boothby, J. L., & Brodsky, S. L. (2004). Development and effects of client trust in criminal defense attorneys: Preliminary examination of the congruence model of trust development. *Behavioral Sciences and the Law*, 22, 197–214.
- Boccaccini, M. T., & Brodsky, S. L. (2001). Characteristics of the ideal criminal defense attorney from the client's perspective: Empirical findings and implications for legal practice. *Law and Psychology Review*, 25, 81–117.
- Boccaccini, M. T., & Brodsky, S. L. (2002). Attorney-client trust among convicted criminal defendants: Preliminary examinations of the attorney-client trust scale. *Behavioral Sciences and the Law*, 20, 69–87.
- Casper, J. D. (1971). Did you have a lawyer when you went to court? No, I had a public defender. *Yale Review of Law and Social Action*, 4, 4–8.

- Casper, J. D., Tyler, T. R., & Fisher, B. (1988). Procedural justice in felony cases. *Law & Society Review*, 22, 483–508.
- Cole, D. (1999). *No equal justice: Race and class in the American Criminal Justice System*. New York, NY: The New Press.
- Creswell, J. W. (2003). *Research design: Qualitative, quantitative, and mixed methods approaches* (Vol. 2). Thousand Oaks, California: Sage Publications.
- Dillman, D. A., Smyth, J. D., & Christian, L. M. (2008). *Internet, mail, and mixed-mode surveys: The tailored design method*. New York, NY: Wiley & Sons, Inc..
- Dripps, D. (1993). Criminal procedure, footnote four, and the theory of public choice; Or, why don't legislatures give a damn about the rights of the accused? *Syracuse Law Review*, 44(1079), 1089–1092.
- Exum, J. G. J., Lefstein, N., Krantz, S., Bender, M. L., Sonner, A. L., & Sonnett, N. R. (1993). *ABA standards for criminal justice: Prosecution function and defense Function* (Vol. 3). Washington, DC: American Bar Association.
- Feeley, M. M. (1979). *The process is the punishment: Handling cases in a lower criminal court*. New York: Russell Sage Foundation.
- Flemming, R. B. (1986). Client games: Defense attorney perspectives on their relations with criminal clients. *American Bar Foundation Research Journal*, 11, 253–277.
- Friedman, R. I. (1986). The creation of the attorney-client relationship: An emerging view. *California Western Law Review*, 22, 209.
- Frye v. Lee, 235 F. 3d 897 (Court of Appeals, 4th Circuit 2000).
- Greenberg, J. (1993). The social side of fairness: Interpersonal and informational classes of organizational justice. In R. Cropanzano (Ed.), *Justice in the workplace: Approaching fairness in human resource management* (pp. 79–103). Hillsdale, New Jersey: Lawrence Erlbaum Associates, Publishers.
- Gressens, M. A., & Atkinson, D. V. (2012). *The challenge : Evaluating indigent defense -- North Carolina systems evaluation project performance measures guide*. Durham, NC: North Carolina Office of Indigent Defense Services. Retrieved from <http://cdm16062.contentdm.oclc.org/cdm/ref/collection/p249901coll22/id/720706>
- Harlow, C. W. (2000). *Defense counsel in criminal cases*. NCJ 179023. Washington, D.C.: Bureau of Justice Statistics.
- Johnson, J. (2007). When the poor police themselves: Public insecurity and extralegal criminal-justice administration in Mexico. In T. R. Tyler (Ed.), *Legitimacy and criminal justice* (pp. 167–185). New York: Russell Sage Foundation.
- Lind, E. A., & Tyler, T. R. (1988). *The social psychology of procedural justice*. New York: Plenum Press.
- Mann, P. E. (2010). Ethical obligations of indigent defense attorneys to their clients. *Missouri Law Review*, 75, 715.
- McLeod, A. (2012). Decarceration Courts: Possibilities and Perils of a Shifting Criminal Law. *Georgetown Law Journal*, 100, 1587.
- Moore, J. (2013). G forces: *Gideon v. Wainwright* and Mathew Adler's move beyond cost-benefit analysis. *Seattle Journal for Social Justice*, 11, 1025.
- Moore, J. (2014). Democracy enhancement in criminal law and procedure. *Utah Law Review*, 543–612.
- Muniz v. Smith, 647 F. 3d 619 (Court of Appeals, 6th Circuit 2011).
- National Legal Aid & Defender Association (NLADA) (2008). *Taking Gideon's pulse: An assessment of the right to counsel in Hamilton County, Ohio*. Washington, DC: NLADA.
- National Right to Counsel Committee (2009). *Justice denied: America's continuing neglect of our constitutional right to counsel*. Washington D.C.: The constitution Project and the National Legal Aid & Defender Association.
- Nelson, N. C. (1996). *Connecting with your client: Success through improved client communications techniques*. Chicago, IL: American Bar Association.
- Packer, H. L. (1968). *The limits of the criminal sanction*. Stanford, CA: Stanford University Press.
- Patton, M. Q. (2008). *Utilization-focused evaluation* (Vol. 4). Thousand Oaks, CA: Sage Publications.
- Reiman, J. H., & Leighton, P. (1990). *The rich get richer and the poor get prison: Ideology, class, and criminal justice*. New York: Macmillan.
- Saubermann, J. M., Spangenberg, R. L., Newhouse, D. J., & Shepard, R. M. (2006). *Initial interim report to the Texas task force on indigent defense: An analysis of the newly established Bexar and Hidalgo public defender offices*. West Newton, MA: The Spangenberg Group.
- Scanlon v. Harkleroad, 740 F. Supp. 2d. 706 (U.S. Court of Appeals, Fourth Circuit 2012).
- Smith, S. K., & DeFrances, C. J. (1996). *Indigent defense*. NCJ-158909, Washington, D.C.: Bureau of Justice Statistics.
- Spangenberg, R. L., Murphy, D., Newhouse, D. J., Schnider, M. R., & Riggs, J. W. (2002). *A study of indigent defense in Pierce County: The performance of the department of assigned counsel*. West Newton, MA: The Spangenberg Group.
- Spangenberg, R. L., Riggs, J. W., & Jacobstein, R. A. (2008). *Proposal to conduct a weighted caseload study of the Washoe and Clark County public defender offices*. West Newton, MA: The Spangenberg Group. Retrieved from www.co.washoe.nv.us
- Steinberg, R., & Feige, D. (2002). Cultural revolution: Transforming the public defender's office. In *Public Defense: Papers from the Executive Session on Public Defense*(pp. 1–7).
- Strickland v. Washington, 466 U.S. 668 (Supreme Court 1984).
- Stuntz, W. J. (2001). The pathological politics of criminal law. *Michigan Law Review*, 100, 505–600.
- Tyler, T. R. (1990). *Why people obey the law*. New Haven: Yale University Press.

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- Tyler, T. R. (2001). Public trust and confidence in legal authorities: What do majority and minority group members want from the law and legal institutions?. *Behavioral Sciences & the Law*, *19*, 215–235.
- Tyler, T. R., Braga, A., Fagan, J., Meares, T., Sampson, R., & Winship, C. (2007). Legitimacy and criminal justice: International perspectives. In T. R. Tyler (Ed.), *Legitimacy and criminal justice* (pp. 9–29). New York: Russell Sage Foundation.
- Lind, E. A., & Tyler, T. R. (1992). A relational model of authority in groups. *Advances in experimental social psychology*, *25*, 115–92.
- Walker, S., Spohn, C., & DeLone, M. (2012). *The color of justice: Race, ethnicity, and crime in America*. Belmont, CA: Wadsworth Publishing Co..
- Winick, B. J. (1999). Redefining the role of the criminal defense lawyer at plea bargaining and sentencing: A therapeutic jurisprudence/preventive law model. *Psychology, Public Policy, and Law*, *5*, 1034–1083.
- Wright, R. F. (2004). Parity of resources for defense counsel and the reach of public choice theory. *Iowa Law Review*, *90*, 219–221.