

The Promise of Justice: Are Public and Private Defense Equal?

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Introduction & Research Question

Since the Supreme Court guaranteed felony defendants in state court the right to counsel in *Gideon v. Wainwright* (1963), researchers have repeatedly examined the efficacy of public defenders and appointed counsel relative to private counsel. The ruling was intended to give fair trials to all, regardless of their ability to pay for an attorney, but differences still manifest themselves in certain jurisdictions. This thesis asks: Are there differences in serious felony case outcomes based on the type of defense counsel in southwestern Ohio?

Previous Research

Of 12 studies examined in the literature review, 10 reveal at least one difference in outcomes based on type of defense counsel, while only 2 show equality in outcomes regardless of type of counsel.

Research Design

This thesis uses a quantitative approach, examining case records from Butler, Greene, and Montgomery Counties over a period of 16 years for five serious felonies. A random sample of 25% of eligible cases from each county was taken and coded to be analyzed through logistic and linear regression.

The variables of interest are as follows:

- Independent: Type of defense counsel (public defender, appointed counsel, or private counsel)
- Dependent: Conviction and post-conviction case outcomes (guilty plea, conviction, incarceration, and incarceration length)
- Control: Race, age, gender, and number of prior felony convictions

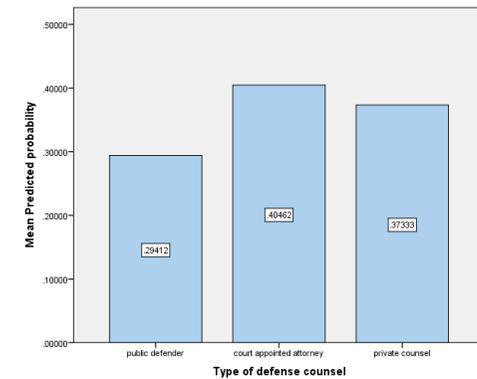
Results

- Guilty Plea: no statistically significant relationships, whether controlled or not
- Conviction: public defender not significant, but appointed counsel and private counsel are significant (when controlled and not controlled)
- Incarceration: public defender not significant, but appointed counsel and private counsel are significant (when controlled and not controlled)
- Incarceration Length: no statistically significant relationships, whether controlled or not

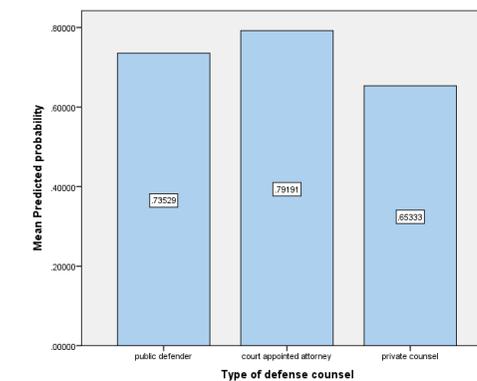
Conclusions

- Defendants with public defenders are no worse or better off than defendants with appointed or private counsel
- Defendants with appointed counsel receive worse outcomes for conviction and incarceration
- Guilty plea and length of incarceration have no relationship to type of defense counsel

Guilty Plea, controlled



Conviction, controlled



Incarceration Length, controlled

