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EXECUTIVE SUMMARY

CRIMINAL COURTS: THE DEFENDANT'S PERSPECTIVE

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INTRODUCTION

How do criminal defendants perceive and evaluate criminal courts? What kinds of expectations do they bring to their encounters with court personnel? What affects their evaluation of the performance of their attorney? What kinds of criteria do they employ in evaluating the fairness of their treatment? Do their specific encounters with attorneys, prosecutors and judges result in changes in their attitudes toward such court personnel? Do defendants learn lessons about criminal courts from their specific experiences? These are questions that are the central focus of this report.

There are a variety of reasons why we ought to be concerned with defendant perspectives on criminal courts. The growing concern in our society for evaluating our public and private institutions not simply from the perspective of the "expert" but also from the perspective of the consumer argues for some attention to what defendants think. In recent years, moreover, there has been much debate in political and legal circles about "reforms" of criminal courts--e.g., discussions about plea-bargaining or how best to design mechanisms to provide counsel to indigents. Much of this discussion makes assumptions or assertions about what clients think, yet we know very little about this matter. Finally, many would accept the notion that a defendant's evaluation of his treatment in court may have something to do with his future behavior--his

adaptation to correctional institutions or his future likelihood of being a law-violating or law-abiding citizen. Thus for a variety of reasons, an exploration of defendant perspectives may provide information of interest to those concerned with criminal courts, and this research is intended to begin such an exploration.

This project has an even more fundamental concern. Much of the rhetoric surrounding our criminal courts suggests that there is not much of interest in defendant attitudes. Many seem to believe that defendants are relatively unanimous and critical in their views of criminal courts, imagining all to be embittered people who are in trouble and who search for scapegoats to avoid taking responsibility for their own acts. In some ways, this image of criminal defendants may be a product of a desire to distance ourselves from a group of people who have engaged, often, in highly unpleasant or destructive acts. It is comfortable to believe that defendants are not like the rest of us--that they view the world through blinders, that they are indifferent to how much care is taken in the handling of their cases, and that they make judgments strictly on the basis of prejudice or self-interest. Yet, if we are to make fully informed choices about how to structure criminal courts, we ought to make sure that these common beliefs are true. If they are not, then we ought to take account of defendant attitudes and of the impact of various court "reforms" upon them. This is not to say that defendant satisfaction is

the touchstone that determines whether a particular policy ought to be adopted or not. But it is to say that in making choices about public policy, we ought to have the maximum amount of information possible about the consequences of such choices.

This brings us to the last major premise of this research. In deciding whether a court system or a public defender office is operating most efficiently, I believe that we must take account of more than simply the standards of the legal community. In evaluating the services of an attorney or group of attorneys, for example, some might assert that we ought to employ only the criteria of an adequate legal defense--did the lawyer raise the possible legal defenses, obtain the most favorable outcome, exert due case and diligence in handling the defense. Although the constitutional standards for effective assistance of counsel do not present particularly stringent hurdles for an attorney to jump, the legal community does have a sense for what constitutes an adequate job by an attorney. But such standards do not typically include the process of providing the client with the sense that his interests have been adequately represented. It may be that such a sense naturally flows from the providing of an adequate legal defense, but this is not necessarily the case. Many attorneys, moreover, tend to view client satisfaction as a matter of "hand-holding" or "bedside manner." Such a characterization implicitly dismisses such concerns as of secondary importance and, often

indicates a view that client satisfaction is a somewhat different matter from providing a defendant with a "real" legal defense.

The premise of this research is that we ought to care about client satisfaction, that we ought to be concerned not only with doing "justice" for criminal defendants but also with giving them the sense that justice has been done. Our exploration will provide us with information about what appears, for example, to affect a client's sense of whether he has had adequate representation. We will thus explore the extent to which there is a trade-off between an adequate legal defense and providing clients with a sense that they have been adequately represented. Because there may be such trade-offs, a discovery that certain steps are likely to increase client satisfaction does not mean that we ought necessarily to change our policies. Client satisfaction is but one yardstick by which to measure the performance of our systems to provide counsel to defendants. But the premise of this research is that we ought to be concerned in making choices with more than simply the legal community's definitions of what constitutes an adequate legal defense. We ought, I believe, broaden our definition of an adequate defense to include client evaluations of the quality of their defense. To do so does not resolve the matter, but it does suggest that a maximum amount of information ought to be taken account of in making choices about how to structure our criminal courts.

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Our research design involved interviews with a random sample of males charged with felonies in three cities--Phoenix, Baltimore, and Detroit. We first interviewed our respondents shortly after their arrest on felony charges. A total of 812 men were interviewed. Their court cases were then tracked through the dispositional process and they were contacted for re-interview shortly after their cases were concluded. A total of 628 of the original group were reinterviewed. The interviews were conducted by personnel from the National Opinion Research Center and each lasted on the average an hour. They dealt with general attitudes toward various court personnel (e.g., most private lawyers, public defenders, judges, prosecutors, etc.) as well as towards the specific individuals encountered in the defendant's case. In addition, basic demographic and criminal history information was gathered, and a variety of attitudinal scales dealing with legal and social institutions were administered at both interviews. Because the general attitudinal scales did not work very well in this population, most of the analysis reported here focusses upon attitudes toward court personnel.[1]

The response rates obtained were relatively high. During the first wave, we were able to obtain interviews with 60% of those sampled. Non-completions were rarely the product of a refusal to participate (only 11% of the non-completions involved refusals), but rather a product of inability to obtain

correct addresses or to locate respondents for whom we had addresses. As indicated above, we were able to reinterview 628 or 77% of those whom we interviewed during the first wave. Many of those not interviewed were comprised of those whose cases had not been completed by the time the field work was terminated (89 of 184).

Thus, we have three sets of measures for each respondent. The first, which we will call "predispositions," refers to the general set of attitudes towards lawyers, prosecutors, and judges that the respondent brought to his encounter with the criminal courts. These images presumably will affect the ways in which the defendant understands and interprets what goes on in his current case, as well as providing a baseline from which to measure any change in attitudes as a result of this specific encounter. The second set of measures involves the defendant's evaluation of the specific participants encountered in his case--the lawyer, prosecutor, and judge who participated in the resolution of the charge which led to his arrest and inclusion in our sample. Finally, we have the readministration of the general attitudinal items conducted during the second interview--the general images of court personnel that the defendant takes with him from his encounter. These in a sense become the predispositions that he is likely to bring with him to his next encounter with the courts.

In many ways, the centerpiece of the analysis and results reported here is the lawyer/client relationship. This rela-

tionship is, after all, central from the perspective of the defendant. The attorney is the one member of the criminal court system who is "supposed" to be on the client's side; the lawyer is the person with whom the defendant has far and away the most direct contact, even if this contact is relatively brief. Thus, we shall pay a great deal of attention to defendant interactions with and evaluations of their attorney, and shall see that such evaluations are also related to evaluations of other participants as well.

In summarizing our findings here, we shall focus first upon the preconceptions or predispositions that defendants bring to their encounters with criminal courts. Next we shall look at their evaluations of the specific individuals encountered in the process of case resolution. Then we shall look at the issue of attitude change--whether defendant images of criminal courts are affected by their specific encounters. We shall then briefly examine defendant evaluations of the fairness of their treatment.

INITIAL IMAGES OF CRIMINAL COURTS

What kinds of sets of beliefs or expectations do defendants bring to their encounters with criminal courts? Do they expect that lawyers are effective advocates or agents of the state? Do they believe that most judges are fair and impartial arbiters or pawns of the prosecution? These initial images are important, for they can affect the ways in which

an individual interprets the reality that he encounters. They may, for example, serve as a set of blinders--a defendant's initial beliefs may become self-fulfilling prophecies as he interprets what happens to him as a confirmation of his expectations, regardless of the quality of the actual experiences he encounters. Alternatively, they may simply be a starting point--an amalgam of past experiences, lessons taught by others, and general notions of what the courts are like that affect his perceptions of the actual people encountered but which are also subject to modification on the basis of actual experience.

In this section, we shall explore the defendant's initial images of criminal courts. We will be concerned with two questions: first, we shall attempt to summarize the nature of these images; second, we shall try to explore some of the factors that appear to be associated with them.

Initial images of attorneys. We asked our respondents a number of questions dealing with what they thought "most" attorneys are like. On the basis of previous work and the pre-test, we focussed upon two types of attorneys--private retained counsel and public defenders.[2] Defendants sharply differentiate the two types of attorneys, as Table I indicates. (Table I, page 9).

Sizeable majorities--typically approaching 85-90% of the respondents--embrace images of private lawyers quite like that of Perry Mason. Most were not speaking on the basis of direct

TABLE I: DEFENDANT VIEWS OF WHAT MOST LAWYERS ARE LIKE

"In general, most [private lawyers/public defenders] . . . ."

	Private Lawyers	Public Defenders
1. Fight hard for their clients	87%	42%
2. Want their clients to plead not guilty	84%	43%
3. Tell their clients the truth	85%	53%
4. Listen to what their clients want to do	85%	53%
5. Do not care more about getting a case over with quickly than about getting justice for their clients	64%	30%
6. Do not want their clients to be convicted	94%	69%
7. Want to get the lightest possible sentence for their clients	92%	63%
8. Do not want their clients to be punished	92%	71%

(N = approximately 812)

"In general, would you say that [private lawyers/public defenders] are on their client's side, on the state's side or somewhere in the middle between their client and the state?"

	Private Lawyers	Public Defenders
Client	86%	36%
Middle	8%	15%
State	6%	49%

N = approximately 812)

experience, for only about 4 of 10 respondents had actually been represented in the past by a private lawyer. Since the literature dealing with private criminal attorneys suggests that many are somewhat exploitative marginal practitioners depending upon turning over large numbers of cases paying rather small fees, we do not argue that these images are "correct." Rather, what is striking is simply that defendants embrace them.

The images of public defenders are different. The levels of approval for each item are substantially lower than those for private lawyers. If we examine the items, we may divide them into two categories. Three items dealing with what we may call the "outcome" dimension--those dealing with public defenders' posture towards conviction, punishment, and sentence. Five focus upon what may be called the "process" dimension of defense work--how hard the lawyer fights, whether a guilty plea is urged, interest in speed versus justice, and interpersonal relations with the client. On the outcome items, defendants are substantially more favorable towards public defenders. Although the numbers of those approving are smaller than for private lawyers, nearly two-thirds of the respondents endorse the notion that the public defender is interested in favorable outcomes. To put it another way, the scepticism associated with public defenders does not take the form of a widely-shared belief that most of them want to sell their clients out. Rather it is on the process dimensions that

defendants are most sceptical.

Why do clients have so much faith in private lawyers and why do substantial numbers express scepticism about public defenders? Recall that a large proportion of our respondents (61%) have never had a retained counsel. Thus, their images are the product not of past favorable experience, but of general socialization processes (e.g., movies or television) or talking with those who have had such direct experience, or of their imaginations. On the other hand, many of our respondents have had experience with public defenders (58%) and often that experience has not turned out well. Thus, to some extent, their images of private lawyers may be the product of a kind of rationalizing--those who have had public defenders in the past and have been convicted may be saying, "If only I had been able to hire a lawyer, things would have gone better."

In fact, one of the major explanations for the differences in predisposition appears to lie in the institutional position of the two types of attorneys. Public Defenders and private lawyers differ in a variety of respects: the client has control over which private lawyer will represent him, while most clients are simply assigned public defenders; the private lawyer and the client engage in a financial exchange, while typically no such exchange occurs between public defender and client; finally, private lawyers are entrepreneurs who depend upon their clients for their living, while public defenders are employees of the state (either directly in the

case of salaried public defenders, or indirectly in the case of assigned lawyers who are paid by "the state" for defending particular clients). These differences contribute to defendant trust of private lawyers and to scepticism about public defenders.

These factors are illuminated if we look at two other items in the questionnaire. Defendants were asked which of the two types of lawyers did a better job for their clients. Eighty-seven percent chose the private lawyer. Next, they were asked an open-ended question:

> "What is it that [preferred type of lawyer] does for their clients that makes them better than [other type of lawyer]?"

A large variety of responses were offered, and they were coded into more than a dozen categories. But a few categories garnered most of the responses:

1.	Listens to client/honest with client/ more responsive to needs of client	15%
2.	Fights/works harder--no mention of money as a reason	19%
3.	Fights/works harder--mention of money as a reason	48%
		(N 704)

Virtually half of the defendants preferring private attorneys focussed upon the financial exchange between lawyer and client as the reason why private lawyers did a better job. A few examples of the types of answers falling into the third category will indicate the nature of the beliefs of many defendants:

> You get what you pay for; [a] private lawyer tries to get you off so he'll get paid; money talks; when you paying a private lawyer, he will spend more time on your case and check out every little angle; I feel I would get that extra effort and service if I was paying a private lawyer. . . if I was paying him I think he would give that little extra above the normal effort that could be the difference between being convicted and not.

Thus, what attracts defendants to private lawyers is, for a large number of them at least, the notion that, because of the financial exchange between lawyer and client, the lawyer will be more committed to the defendant's interests. It is money that provides a sense of control, the leverage to insure that lawyers will listen to their clients, take instructions from their clients, and generally exert themselves on their clients' behalf. Moreover, not only does the client fail to pay, and thus lack this leverage over public defenders, but someone else does. And that someone else is "the state"--the very institution that is proceeding against the defendant. Thus, public defenders suffer not only from the fact that they are imposed upon defendants rather than being selected, and from the absence of financial exchange, but they are employed by the enemy.

In a sense, I think that we can understand the defendants' distrust of public defenders as indications that they are in this respect simply "good" Americans. That is to say, they have internalized some general norms common to most people in American society. I think it fair to say that in our society most of us are taught that things that cost more are

likely to be of higher quality than those that cost less or are free. Because private attorneys cost something, because they can command more in the marketplace, they are likely to be more desirable and valuable. Many people believe that "private" schools are better than public schools and that medical care provided on a fee-for-service basis is better than that provided in public or private clinics.[3] In part, these beliefs are based on perceived "real" differences--e.g., that the pupil/teacher ratio is better in many private schools or that fee-for-service medical care results in a higher quality of medical expertise. But part resides in the more general notion that cost is itself a measure of quality. In this sense, then, defendants see a marketplace--the hiring of private attorneys--in which they do not and cannot participate, and they are inclined to believe that the "goods" available are likely to be of higher quality than those that come without cost.

In the same sense, I think it fair to say that there is a general norm in our society that financial exchange tends to increase the bond between the payor and the payee. We tend to believe that one way to make it more likely that our interests will be served by another is to engage in a financial transaction--to "hire" the other person. Such a transaction surely does not insure a total commonality of interests, but most of us believe that it is a step towards producing loyalty. Defendants see the possibility of such an

exchange with an attorney and tend to feel that it would produce a greater commitment to their interests.

Finally, there is a general norm that suggests that the seller in a market economy has strong inducements to satisfy the buyer--not simply because of the particular financial exchange that occurs but because the seller wants the buyer to return again and to tell others to patronize his or her business. Defendants apply this notion to the lawyer/client relationship--the private lawyer wants satisfied customers who will come back next time they get in trouble and will tell their friends that so-and-so is a fine attorney. The public defender, on the other hand, always gets plenty of cases--he or she does not depend upon customer satisfaction to produce further business or income. In this sense, then, the private lawyer is to be preferred.

Thus, defendant distrust of public defenders and respect for private lawyers has its most basic roots, I believe, in a general set of norms that are embraced by most people in our society, not in some peculiar and idiosyncratic set of experiences or beliefs of the "subculture" of those who have contact with criminal courts. If most of us who have more extensive financial resources got in trouble with the law, we would hire a private attorney. Even if the services of the public defender were available to us, we would still probably choose to have our "own" lawyer. Partly we would do this because we would feel that private attorneys would

offer a higher quality of legal representation--they would have more time to spend with us and to work on our case, would be more responsive to our wishes, would spend more time on legal research, etc. Defendants also believe this (see the first two coding categories). But also, I think, we would choose a private lawyer because such an attorney would, by virtue of being "our" employee for the case, be more likely to work in our interest. Intellectually most of us would "know" that because a public defender is an employee of the state, he or she could still act in "our" interest, not the state's, but most of us would still be more comfortable in a relationship in which we were actually doing the paying. This is, I believe, a product of general societal norms that all of us learn. The defendants' preferences for private lawyers come, in large measure, from the same norms applied in the same fashion. Other groups of people might be a bit less suspicious of the public defender, but the expressed preferences and reasons offered by the defendants are quite consistent with a set of beliefs that is widely held in our society, not simply the product of some peculiarity of criminal defendants or some self-serving or defensive reaction.

At the risk of getting ahead of the story, I can illustrate the extent of suspicion of public defenders by looking briefly at the experience and reaction of a defendant in Phoenix. The man was charged with a weapons offense. At his first preliminary hearing, the state moved to dismiss the case "without

prejudice" because their case was not ready. Then, a few days later, the prosecutor refiled the original charge and re-arrested the defendant. At the second preliminary hearing, after the presentation of evidence, the judge dismissed the charge. Throughout the case, the defendant was represented by a public defender. The defendant, in the course of the second interview, went out of his way to offer favorable comments about his attorney. For example, he attributed his dismissal to the actions of his attorney: "The second time, I'd say [I got off] because my lawyer did a darn good job." Moreover, in answer to the specific items about his lawyer, the defendant gave him a perfect score, responding to all items in a direction favorable to the attorney.

Yet, when asked whether he'd like to have the same lawyer if he got in trouble again, the defendant replied:

> Well, yes, if I had to have a public defender. I would--he's good. But if I had the money I'd get a private lawyer, cause you pay him and he'll do the right things.

Moreover, when asked whether, if he had to do it over again, there was anything he'd do differently in the case, he responded:

> I'd try to get a private lawyer. He would fight harder to get you out of it. That's what you're paying him for.

Thus, the suspicion of public defenders and the longing for a private lawyer may be so strong--and tied to the financial exchange--that even when a client is apparently entirely satisfied with the services of a public defender and has his case

dismissed, the inclination to want a private lawyer may remain.

* * * * *

Now, we may turn briefly to a somewhat different question. Given that defendants appear to be more sceptical of public defenders than of private lawyers, what affects their level of scepticism? We do not have the means or necessity to answer this question for private lawyer clients, for there is not enough variation in their responses to be "explained." However, there is substantial variation in attitudes toward public defenders, and we wish to explore what affects the respondents' level of scepticism. Here, we use a summated index, comprised of the nine items indicated in Table I.

We began with the hypothesis that three variables would be related to attitudes toward most public defenders; race, past record, and political alienation. The analysis revealed that black and white respondents do not differ substantially in their views of public defenders, and when past record and alienation are controlled for, there is no consistent relationship. The other two variables are related to predispositions toward public defenders. The crucial aspect of past record is whether the respondent has previously served a term in prison. Those who have are substantially less favorable towards public defenders than those who have not. There is relatively little difference between those who have no past record and those who have past records that fall short of a prison term. Prison involves two related past experiences:

first, it is an unfavorable and unpleasant outcome to a previous case; second, it involves a particular and relatively intense socialization experience, involving interactions with others who are likely to be highly unsatisfied with their criminal court experiences.

Political alienation is also related to predispositions toward public defenders, even when past record is controlled for. Those who are, in general, more distrustful of government institutions in general are also likely to be distrustful of public defenders. This is a further indication of the way in which public defenders tend to be associated by defendants with "the state."

When we look at both of these variables, past record appears to exercise a somewhat stronger effect than does alienation, especially if we concentrate upon those who have been to prison and those who have not. Thus, two of the hypothesized relationships appear to be confirmed by our data. Moreover, a significant amount of variation in attitudes toward public defenders can be accounted for by the respondent's past criminal record and his general attitudes toward government institutions. Attitudes that defendants bring to their encounters with public defenders are thus not simply random events, but are related to past experiences and to more generalized postures toward government institutions.

Predispositions Towards Prosecutors and Judges. Defendants also bring expectations about prosecutors and judges.

Their images of prosecutors and judges are rather different:

TABLE II: DEFENDANT IMAGES OF PROSECUTORS AND JUDGES
(% agree)

Most	Prosecutors	Judges
Listen to all sides in a case	34%	74%
Are honest with defendants and their lawyers	43%	77%
Do not care more about getting cases over with than about doing justice	28%	68%
Are not out to get defendants	19%	62%
Do not want to see all defendants punished as heavily as possible	28%	59%

(N = approximately 800)

On all items, defendants are more likely to believe that the judge is either impartial or inclined to want to be helpful to defendants. Substantial majorities endorse a view of the judge as a relatively even-handed arbitor, not committed to railroading defendants, but to listening to them and attempting to reach some just outcome.

Attitudes toward prosecutors stand in sharp contrast. On all dimensions the prosecutor is viewed less favorably than the judge, and on none does a majority of respondents endorse a positive view of the prosecutor. The responses do not necessarily reflect particular hostility towards prosecutors. Rather they reflect a view that the prosecutor is a person whose job entails attempting to obtain outcomes unfavorable to defendants.

When we examine defendant attributes that appear related to the level of favorable or unfavorable predispositions towards prosecutors and judges, we find a pattern similar to that for public defenders. Race is unrelated to predispositions towards prosecutors and judges. Both past criminal record and general political alienation are related.

* * * * *

Thus, defendants bring to their encounters with criminal courts sets of beliefs about what the personnel in these courts are like. These images are quite variegated, ranging from a view of judges and private attorneys that seems close to the adversary ideal to a good deal of scepticism about public defenders. These images are often related to the defendant's past experience and level of political alienation. We shall now turn to the next question: how do defendants perceive and evaluate the specific court personnel with whom they come in contact during the resolution of a particular criminal case?

DEFENDANT EVALUATIONS OF THE PERFORMANCE OF THEIR ATTORNEY

In many ways, the defendant's relationship with his attorney--and his evaluation of this relationship--is at the center of his interaction with criminal courts. The attorney is the one member of the court system who is "supposed" to be on the defendant's side. Moreover, the defendant's interactions with his attorney are the most intense and prolonged. Although for many of our respondents, contacts with attorneys were very

brief, the lawyer was typically the only member of the court system with whom the defendant actually spent any time alone; interactions with prosecutors and judges took place only on formal, public occasions. Thus, attorney/client relations are important in determinations of the basic tone of defendant interactions with criminal courts.

We already have some clues about how defendants are likely to view their attorneys. We know the public defenders are likely to be the subject of substantially less favorable expectations than are private lawyers. We know that this suspicion seems to center around what we have called "process" dimensions of lawyer/client relations. Thus how much time the lawyer spends with the client or whether the lawyer gives the client the sense that he or she fights hard may affect client evaluations. Finally, common sense (as well as some research)[4] suggests that clients may respond more favorably to their specific attorneys than they do to the abstraction of "most" attorneys. Because it is perhaps easier to be critical of abstractions than of real people, because actual encounters sensitize us to what people are like, because of some vague sense of the possibility of retribution that may operate when we judge actual people as opposed to abstractions, we might begin with the expectation that defendants will be more favorable to their actual public defenders than they are towards the notion of "most" public defenders.

Table III indicates the responses of defendants to a series

of items asking them to evaluate the performance of the attorney who represented them in the case with which we are concerned.

TABLE III: CLIENT EVALUATIONS OF THEIR LAWYERS
(% saying yes)

	Public Defender Clients	Retained Counsel Clients
Your lawyer. . . .		
1. Told you the truth	70%	89%
2. Believed what you told him/her	56%	75%
3. Listened to what you wanted to do	69%	88%
4. Gave you good advice	66%	82%
5. Wanted you to plead not guilty	62%	78%
6. Fought hard for you	56%	75%
7. Did not care more about getting your case over with than about getting justice for you	45%	71%
8. Did not want you to be convicted	73%	93%
9. Did not want you to be punished	76%	93%
10. Wanted to get the lightest possible sentence for you	82%	94%
	(N approx. 469)	(N approx. 130)
Would you say that your lawyer was . . .		
On your side	58%	81%
Somewhere in the middle between you and the state	17%	13%
On the state's side	25%	6%
	100% (467)	100% (132)

Retained counsel clients consistently rate their attorneys more favorably than do public defender clients. Yet the margins of approval for public defender clients are often relatively high. The items on which public defenders are most frequently criticized deal with their posture towards the defendant's case--in particular, the items dealing with "fighting hard" and interest in speed versus justice. Thus, the general finding is that private lawyer clients appear substantially more satisfied than public defender clients, but that the overall satisfaction rates for both types are relatively high.

Before turning to a discussion of the factors that appear related to the level of client satisfaction, two negative findings should be mentioned. First, there is no difference in client evaluations of public defenders versus assigned counsel. These two types were essentially equal in terms of outcomes obtained, mode of disposition, and time with client (variables that are related to client satisfaction), and thus the data support the proposition that clients do not distinguish between these two types of lawyers.

The second negative finding relates to the organization of public defender offices. We were not able to discover any difference in lawyer evaluation between those represented by a public defender organized on a zone as opposed to a vertical system. There were data problems associated with testing the effects of office organization, and the assertion that it makes no difference is not a strong one. Basically,

the data cannot support the assertion that one system produces higher client satisfaction than the other; by the same token, the problems with the data do not permit us to assert that we have produced positive evidence that it, in fact, makes no difference. Firmer assertions on this matter must await further research.

When we measure the level of a client's satisfaction with the representation afforded by his attorney, several factors emerge as important:

1. The first, not particularly surprising finding, is that if a client receives a dismissal or an acquittal, he is likely to express a high level of satisfaction with his attorney, regardless of other aspects of the case. Although the difference between public defender and private lawyer clients remains, satisfaction levels for both are quite high.

2. Among those who are convicted, several variables are clearly related to the level of client satisfaction (each independent of the other). The first is what we call mode of disposition--whether the case was resolved by a trial or a plea of guilty. Clients who have trials are substantially more satisfied with their lawyer's performance, regardless of other aspects of the case. Second, sentence is also related to satisfaction--as the sentence becomes less favorable (e.g., probation to jail to prison), lawyer satisfaction decreases. Third, among public defender clients, predispositions make a difference--those with less favorable expectations tend to

rate their specific public defender less favorably, independent of mode of disposition or sentence received.

3. As indicated above, the data suggest--at a simple level, at least--that private lawyer clients are more satisfied than are those represented by public defenders.

4. Finally, the amount of time spent by the lawyer talking with the client about the case is strongly related to client satisfaction. The more time spent, the more the client is likely to be satisfied with his lawyer's performance. The amounts of time we are concerned with are not great. For example, among our public defender clients, about a quarter reported spending less than 10 minutes talking with their lawyer, nearly 60% reported spending less than half an hour, and only 14% reported spending more then 3 hours with their attorney talking about the case.[5] Among public defender clients, the proportion scoring "high" on our lawyer evaluation index was nearly twice as great for those who spent more than three hours than it was for those who spent less than half an hour. Thus, time with lawyer makes a difference.

5. If we examine private lawyer and public defender clients, we find that in terms of mode of disposition and sentence received, the differences are not great. Thus, we cannot conclude that the higher satisfaction levels for private lawyer clients are the product of more favorable outcomes or a higher incidence of trials. On the other hand, we find substantial differences between the clients of the two types

of lawyers in terms of the amount of time spent with the lawyer. Nearly half the private lawyer clients report spending more than three hours with their attorney (in contrast to only 14% of those represented by public defenders).

If we then look at satisfaction levels for the two types of attorneys and control for the amount of time spent with the lawyer, we discover that the differences are sharply diminished. The data tend to support the view that the differences in evaluations of public defenders and private lawyers are in substantial measure the product of the amount of time spent with the client.

Two points must be noted here. First, notice that time with lawyer appears to tap a basically affective dimension. It is not related to outcome of case--increased time with lawyer does not appear in our data to be associated with more favorable results. Thus, it appears to deal with providing a defendant with a sense that the lawyer has been concerned with the case, has taken the time to deal with the defendant personally. Second, many public defender offices are consciously organized to reduce or minimize the amount of lawyer/client contact. Para-legal personnel handle many aspects of the case (e.g., the intake interview, obtaining information from the client about the nature of the case, background, etc.). Most private lawyers handle such matters themselves. Hence, public defender offices choose to reduce face-to-face contact with the client, and our measure of time with lawyer does not

actually measure the amount of time spent by the "firm" (the public defender office as a whole) in face-to-face interactions with clients.

6. Thus, the data support the proposition that four factors are related to client evaluations of performance of their attorney: time spent with the attorney, mode of disposition, sentence received, and, for public defender clients, predispositions towards what most public defenders are like.

The findings have important implications for lawyer-client relations. The impact of sentencing upon lawyer evaluation merits little discussion. Assuming that attorneys whether privately retained or assigned to defend indigents, do their best to obtain the most favorable outcomes for their clients--the only reasonable assumption to begin with--the fact that the client will be more satisfied if he gets a lenient sentence is of no particular importance, except to note that the expected relationship does appear in the data gathered. The fact that mode of disposition contributes to client evaluations is more significant. The data suggest that a non-adversary disposition is likely to produce a somewhat less favorable evaluation. Clearly this does not argue that adversary dispositions are in most or all cases to be preferred. The advantages of a plea are often great, both for the melioration of sentence, and for the relative economy of a plea over a trial. But one of the costs associated with a plea is that of reducing substantially the opportunity for the client to

see his lawyer "acting like a lawyer"--that is, advocating the client's interest in a public context. To the extent, then, that defense strategy dictates reducing such occasions--e.g., waiving a preliminary hearing, pleading guilty rather than having a trial--the impact of this upon client attitudes ought to be considered. For example, to the extent that such occasions are diminished or eliminated, they might well be the subject of discussion with the client, so that he is made aware both of the reasons for the choice and given a chance to reflect upon the fact that waiving a hearing or copping a plea is really in his interest. Moreover, to the extent that the defendant can participate in or be made aware of the degree to which the attorney actually argues on his behalf even in a bargaining context--for example, permitting the client to be present at plea-bargaining sessions or giving the client a clear account of what happened--the arguments presented here suggest that there may be consequences for increasing the confidence of the client that his attorney has actually done a satisfactory job.

Finally, we may briefly discuss the impact of time spent with the attorney upon client evaluations. The data suggest that such time does have a payoff in terms of client satisfaction. The data also suggest that this payoff revolves largely around the affective dimension of client evaluation, not around obtaining more favorable outcomes. If we define an adequate legal defense strictly in terms of obtaining the most favorable

outcome possible for the client, it might be argued that time spent with client does not have a large payoff. But if we enlarge the concept of what is an adequate legal defense to encompass providing the client not only "justice" in terms of outcome but also providing him a sense that he has had adequate legal representation, then time spent with the client does appear to make a difference.

Distrust of public defenders--both relative to private lawyers and also in terms of the extent to which a particular client favorably or unfavorably evaluates a particular public defender--is related to the amount of time the lawyer spends with the client. Thus, the decision to spend less time--because the public defender is busy, because the case seems uncomplicated, because a public defender office chooses to minimize such time by use of investigators or para-legal personnel--has costs in terms of providing the client a sense that he has been adequately represented. As with mode of disposition, perhaps these costs are outweighed by the benefits. Such a decision must be made by public defender offices themselves. But the argument here suggests that such decisions ought not be made on the assumption that clients are distrustful and dissatisfied with public defenders, regardless of what they do. "What they do" makes a difference. If the ultimate choice is to minimize client-lawyer contact, then this decision ought to be explained to the client. If para-legals and investigators are going to take over functions that the lawyer might

perform--thus reducing the amount of direct contact yet not reducing the amount of time the public defender's office as a while spends on a client's case--this policy might well be discussed with the client so that he does not think that the lack of contact reflects directly upon the amount of interest or concern his public defender has. Moreover, decisions about the amount of contact--in general and in specific cases--ought to be made with an awareness that such decisions have a potentially important impact upon one aspect of the quality of defense that public defenders are able to offer their clients.

DEFENDANT EVALUATIONS OF THEIR PROSECUTOR AND JUDGE

In this section, we shall explore briefly defendant evaluations of the prosecutor and judge encountered in their case.[6] We have suggested above that defendants bring with them highly favorable views of judges and a view that prosecutors are basically concerned with unfavorable outcomes for defendants. Responses to items dealing with the specific judges and prosecutors encountered are as follows, (the upper half of the table includes items of identical content directed at both participants; the lower half indicates responses to items of differing content). (See Table IV, page 32.)

The items asking for an evaluation of the specific judge encountered produce large numbers of favorable responses. On all but two items, at least 70% of the respondents evaluate their judge favorably. The two which produce the fewest positive responses both deal with the depth of concern exhibited

TABLE IV: DEFENDANT EVALUATIONS OF SPECIFIC PROSECUTORS AND JUDGES

	YOUR PROSECUTOR (% agree)	YOUR JUDGE (% agree)
Was honest with you and your lawyer	64%	85%
Listened to all sides	47%	72%
Cared more about doing justice than about getting the case over with quickly	29%	55%
Was not out to get you	41%	73%
Did not want to punish you as heavily as possible	47%	77%

	YOUR PROSECUTOR (% agree)
Paid careful attention to your case	59%
Did not want to get a conviction in every case	27%

	YOUR JUDGE (% agree)
Was unbiased and fair to both sides	70%
Tried hard to find out if you were guilty or innocent	52%
Was concerned about following the legal rules	82%
Wanted to do what was best for you	70%
	(N approx. 628) (N approx. 628)

by the judge. Only bare majorities feel that the judge tried hard to find out whether the defendant was in fact guilty and cared more about doing justice instead of getting the case over with. It is somewhat difficult to interpret the set of items as a whole. On the one hand, on a large variety of dimensions, most defendants evaluate their judge favorably. On the other hand, one might assert that the two items which garnered the fewest positive responses are in some ways most crucial, for they tap the basic posture of the judge toward the outcome of the case. As I say, it is hard to sort these out and come to some overall conclusion. It is worth noting that, first, the item dealing with the interest in justice versus speed is the only item upon which respondents were less likely to express a favorable view about their specific judge than they were to express a favorable predisposition towards judges. In the first interview, 68% said most judges were more interested in justice than speed; only 55% said their judge was so concerned. On other items the reverse pattern appeared--respondents tended to be more favorable to their specific judge than to judges in general. Second, notice that on this item there remains a marked difference between perceptions of prosecutors and judges--nearly twice as many say that their judge was more interested in justice than speed than assert this about their prosecutor. Thus, as a general statement, I would suggest that attitudes towards judges encountered are basically favorable, but with some substantial reservations.

Responses to items dealing with the specific prosecutor encountered consistently garner fewer positive responses. Although respondents are more likely to express favorable evaluations of the specific prosecutor encountered than they were to express favorable predispositions about "most" prosecutors, on most items fewer than half evaluate the prosecutor favorably. Thus, we may say that the prosecutor is seen as different from the judge--less committed to favorable outcomes and to a neutral posture--and quite frequently viewed as committed to obtaining an outcome unfavorable to the defendant. As with the predispositions, I would interpret this not as expressing particular hostility towards prosecutors, but essentially a fairly widely-shared view that the prosecutor's job is that of obtaining case outcomes unfavorable to defendants.

When we examine the variables that are related to the level of evaluation of prosecutors and judges, we find the following:

1. The factor most strongly associated with evaluation of the two participants is sentence received. The relationship between case outcome and evaluations of judges and prosecutors is somewhat different for each. Those who received dismissals or acquittals are somewhat more favorable to the judge than those who received a conviction but no incarceration. But the big break comes between those who received sentences involving incarceration and all others. Those who were incarcerated are by far the least favorable in their evaluation of the judge who participated in their case.

The relationship between case outcome and evaluation of the prosecutor is somewhat curvilinear. Those who received a conviction and a sentence not involving incarceration are most favorable; those who received a dismissal or acquittal are somewhat less favorable; and those who received a conviction and a sentence of incarceration are least favorable. The prosecutor may receive some "blame" for cases which eventually result in a dismissal. Defendants who have received dismissals or acquittals have often been subjected to a variety of deprivations despite the eventually favorable outcome--e.g., the arrest itself, posting bond, or periods of pre-trial detention--and they may focus some of the blame for these deprivations upon the prosecutor in the case. In any event, although the patterns for each are somewhat different, evaluations of judges and prosecutors are both sensitive to the outcome of the case.

2. Evaluations of prosecutors and judges are also sensitive to the defendant's predispositions. Regardless of case outcome, those with less favorable expectations tend to evaluate both participants less favorably.

3. Evaluations of prosecutors and judges are not related to mode of disposition. When sentence is controlled for, the level of satisfaction for those with trials is not consistently different from that for respondents who plead guilty. Recall that there was a strong relationship between lawyer evaluation and mode of disposition. The lack of such a relationship for

judges and prosecutor evaluation suggests that the trial setting is particularly important for a defendant's notion of his lawyer's performance.

4. Evaluations of prosecutors and judges are consistently related to evaluations of the defendant's lawyer, independent of sentence received or predispositions. Those who are relatively satisfied with their lawyer are more likely to be satisfied with the prosecutor and judge. This finding is of some potential significance, for it suggests that there may be some "halo" effect from defendant evaluations of their attorney. This argument seems plausible--since the defendant's interaction with his attorney is the most intense--but the data cannot be said unequivocally to support it. It is possible that the causal lines run the other way--that a favorable evaluation of a judge or prosecutor "causes" a favorable evaluation of a defendant's lawyer. Alternatively, it might be argued that all three are somehow different aspects of a single underlying evaluative dimension. This latter view would argue that none is causally prior to the others, but that all simply are part of a single basic dimension of evaluation in which defendants engage. The relationship between these evaluations--basically all that our data can establish--does not answer the question of which, if any, "comes first." As indicated above, I think that the nature of the lawyer/client relationship makes it plausible to assert that it in some sense comes first, but all we can do is to suggest this

as an hypothesis. If it is correct, it suggests once more the importance of lawyer/client relations, for it indicates that they may have an impact not only upon the defendant's notions of whether his interests have been adequately represented, but also upon his notions of the performance of other participants as well.

* * * * *

The burden of the analysis of defendant evaluations of lawyers, prosecutors, and judges is that "what happens" in a case makes a difference. To be sure, defendants bring with them predispositions about what these personnel will be like, and these predispositions affect their evaluations of the participants they encounter. But they do not constitute self-fulfilling prophecies, for defendants make decisions about the activities of the participants they encounter on the basis of the actual experience they encounter. The complexity of judgments discovered is much greater for lawyers than for the other participants and as a result the potential policy relevance of the analysis is greater for lawyers than for judges and prosecutors. The analysis does suggest that to understand how defendant's evaluate all the court personnel they encounter, we should neither assume that there is no variation in their views nor that they are indifferent to the specific events that occur in the dispositional process.

CHANGE IN ATTITUDES TOWARD CRIMINAL COURTS

After examining the predispositions that defendants bring to their encounters with criminal courts and their perceptions and evaluations of the specific court personnel they encountered, we then examine the issue of change in attitudes. Do defendants learn lessons from their encounters with criminal courts? If their encounters with specific participants do not fulfill their preconceptions, do they tend to generalize from this experience and to change their general notions of what court personnel are like?

The analysis of our data suggests some consistent patterns across all three types of criminal court participants. The basic finding is that defendants do generalize from their specific encounters. There is evidence of attitude change as a result of court encounters, and such change appears consistently related to the defendant's evaluations of the specific participants that he encounters. If a defendant evaluates his public defender's performance favorably, he is likely to emerge from his experience with a more favorable view of what most public defenders are like. The same pattern occurs for judges and prosecutors. The only other variable that remains related to attitude change when we control for the defendant's evaluation of the specific participants encountered is sentence. Although the numbers of respondents available for analysis become small, there is some indication that those who received harsher sentences tend to become more negative in their

views of court participants. Although this relationship occurs independent of the defendant's evaluation of the specific participants encountered, it is substantially weaker.

The thrust of the analysis, then, is that defendants do learn lessons. They evaluate the specific participants encountered on the basis of the types of factors discussed here (e.g., in the case of defense attorneys, on the basis of such factors as mode of disposition, time spent with lawyer, sentence received, predisposition). These evaluations then affect the general images of criminal court personnel that the defendant takes from his encounter. Thus, the predispositions that he brings to his next encounter are influenced by what has happened in the past. This suggests, moreover, that interactions with criminal courts need not be vicious cycles of initial disillusionment, continued dissatisfaction and higher levels of distrust. In public defender/client relations, for example, to the extent that these relationships produce dissatisfaction, this will be generalized to increased distrust and dissatisfaction the next time around (especially since the sentence received tends to get harsher as criminal court experience increases). Yet the cycle can be broken. A favorable experience with a public defender--for example, one in which the lawyer spends relatively more time with the client--has implications not only for the client's sense that his interests have been adequately represented in the particular case, but for the general notions of what public defenders are

like that he will bring to his next case. This is another way in which the data support the proposition the particular experiences do matter. Far from simply stereotyping criminal court personnel and living out their fantasies, defendants exercise a measure of judgment in evaluating their particular experiences. Moreover, these specific court experiences teach defendants lessons about what the world of criminal courts is like.

DEFENDANT EVALUATIONS OF THE FAIRNESS OF THEIR TREATMENT

A final area explored involved the dimensions that defendants apply in evaluating their treatment in criminal courts. Several items attempting to tap such evaluations were administered during the second interview. Responses to three such items are presented below:

TABLE V: DEFENDANT EVALUATIONS OF THEIR TREATMENT

Was defendant treated fairly?	
Yes	60%
No	40%
	100% (627)

Sentence received	
Too light	2%
About right	53%
Too heavy	45%
	100% (424)

Sentence received	
Lighter than others	35%
Same as others	36%
Heavier than others	29%
	100% (414)

Interpreting these responses depends in large measure upon the preconceptions that the reader brings. My view is that they do not appear to indicate a pervasive feeling of bitterness or outrage at the treatment received. The majority is neither inclined to assert that they were treated outrageously in terms of the absolute outcome of the case nor in comparison with others who become involved with criminal courts. This does mean, of course, that the responses indicate a high degree of satisfaction. But they do not comport with the image of the hardened criminal who attempts to justify his acts or plight by maintaining either his innocence or the malevolence of law enforcement agencies intent upon mistreating unfortunate men.

Beyond such general overall interpretation, more interesting questions surround the exploration of the factors that affect the levels of satisfaction expressed by respondents. We have focused upon responses to the item asking whether the respondent felt he had been treated fairly, trying to examine what dimensions appear to contribute to such judgments. We find three variables are related to defendant evaluations of overall fairness: sentence received, comparison level (how the defendant feels his sentence compares to that others receive), and mode of disposition.

As case outcomes become increasingly unfavorable, defendants are less likely to say they have been fairly treated. But there is little difference between those who receive

dismissals or acquittals and those who are convicted but whose sentences do not involve incarceration. This suggests that one dimension of "fairness" applied by defendants is simply the punishment imposed. Whether the defendant walks from the courtroom or is subjected to confinement appears to be the crucial distinction.

There is more to defendant evaluations of fairness than simply the absolute level of punishment. They are also very sensitive to their notions of how their sentence compares to that of others. Thus, a concept of equity also appears to characterize their evaluations as to fairness. For example, substantially higher numbers of defendants who received a sentence of incarceration but felt their sentence was lighter than most receive said they were treated fairly than did those who received sentences not involving incarceration but who felt their penalties were heavier than most receive. Thus, comparison level also contributes to defendant notions of fairness.

The final factor that was found to be related to defendant evaluations as to fairness was the mode of disposition. Those who plead guilty were substantially more likely to assert they had been treated fairly than those who had trials. It is somewhat difficult to interpret this finding. Recall, for example, that those who had trials were substantially more likely to evaluate their lawyers favorably and that there was no relationship between mode of disposition and evaluations of judges and prosecutors. There are several possible

explanations for the finding that those who plead guilty are more likely to say they were treated fairly. First, it may be that there is some pre-existing set of attitudes that leads certain people to choose to plead guilty or to have a trial and that this pre-existing attitude is related to the eventual evaluation as to fairness. The notion that those who demand trials are those who are particularly embittered and want to demand their pound of flesh from the state is a version of this notion.

Second, it may be that those who plead guilty feel they have been advantaged by the plea and that their increased inclination to say they have been treated fairly reflects this view that the outcome has been more favorable. Because we are able only to measure the actual level of punishment--not to measure how "good" the outcome was in terms of what the defendant might have expected--it is possible that those who plead guilty are more likely to feel they have done relatively well, across all categories of actual punishment imposed.

Third, it is possible that those who go to trial and are convicted are particularly likely to be disappointed. They have foregone the possibility of a plea (and whatever sentence advantages it may have offered) and have taken a risk. They are subjected to a variety of stimuli that stress their innocence--the defense that is presented on their behalf--and may have taken the stand themselves. Thus, those who go to trial may have their expectations raised. When they are

convicted (in our sample 89% of those who had trials were convicted), the defendant may feel a particular sense of disillusionment and disappointment.

A final hypothesis comes from the literature on plea-bargaining. What I have called the "participation" hypothesis, it suggests that those who plead guilty will, by virtue of their participation via the plea-bargaining process in the decision about guilt and in the decision about sentence received, find the sentence and the whole proceeding more palatable. Such a view would suggest that the plea-bargaining process might lead those who plead guilty to be more likely to say they have been treated fairly.

It is impossible to sort out all these possible explanations for the finding that guilty pleas are related to increased sense of fairness. We cannot really know whether this is the product of the sentence advantages that may be associated with the plea or of something about the actual process of pleading guilty or having a trial. But the data do suggest that defendants apply a variety of notions of fairness to the evaluation of their treatment. Their notion goes well beyond the simple short-run consideration of how well they did in absolute terms. Notions of equity and, perhaps, various aspects of the procedure by which the case was resolved also affect defendant evaluation. The data once more support the proposition that defendants are not some idiosyncratic criminal sub-culture, but very much like the rest of us.

Their judgments are the product of an amalgam of self-interest, notions of equities, and a sense of whether the process has been one in which their interests and concerns have been heard and considered.

CONCLUSION

Perhaps the major assertion to be made on the basis of our analysis is the prosaic but powerful conclusion that criminal defendants are very much like the rest of us. When they approach, experience, and look back upon their experiences with criminal courts, they appear to make judgments on the basis of the same types of criteria that most of us would employ. To the extent that we tend to think that criminal defendants are somehow "different," we do not find support for this often comfortable view here. Although they may have distinguished themselves by their behavior, they remain in many respects like the rest of us. In our discussions of criminal courts and how to change them, we cannot dismiss the views of the defendants by either assuming that all defendants think alike or that they are simply embittered people who exercise no discernment in their judgments.

The fact that defendants exercise a faculty of judgment that, if not necessarily shared by everyone, does display a degree of sophistication and discernment suggests another point. It suggests that it may be worthwhile talking with defendants about issues that make a difference to them, for thet do not appear to be closed-minded ideologues or scape-

goaters who simply have their own opinions and are impervious to what others do or say.

We have focused to a great extent upon the lawyer/client relationship. What goes on in the interactions between attorneys and their clients does make a difference. If affects the defendant's evaluation of whether or not he has received an adequate defense, it may affect his evaluation of the activities of other participants in the case, and it is related to the set of attitudes towards lawyers that the defendant is likely to bring with him to his next encounter with the criminal courts.

The material presented suggests several avenues for improving relationships between public defenders and their clients. First, an acknowledgment of the suspicion that many defendants bring to such encounters--both that it exists and is not necessarily the product of some defect on the defendant's part--may be useful. Further, a discussion of this suspicion with the client and of the role of the public defender may potentially be of use in assauging it. Moreover, negative predispositions do not necessarily carry the day. In addition to such suspicion, what happens in the case also affects the defendant's evaluation of his attorney. Time spent with the client and mode of disposition are important. Adversary dispositions and increased time spent with clients substantially increase the sense that the lawyer has done an effective job. We cannot assert, however, that therefore public defenders should spent more time with their clients or have more trials.

Other things are at stake--considerations of economy, efficiency, or case outcome may argue for decreased time with client or non-adversary dispositions. By the same token, the material presented here does argue that choices about what to do in a particular case, how to organize an office, or how to dispose of most cases ought to be made with the effects upon client satisfaction in mind. To the extent that we are willing to expand our notions of an adequate legal defense to include providing the client with a sense that he has been adequately represented, the material here provides information relevant to predicting the consequences of one policy or another.

Thus, the burden of the findings is not that examination of defendant perspectives provides answers about what to do about lawyer/client relations or other aspects of the administration of justice that are problemmatical. Rather, exploration of defendant perspectives simply reveals that there is something there to be considered. We cannot dismiss this perspective on the assumption that all defendants think alike or that they are indifferent to what kinds of experiences they encounter when they are called into court. To the extent that we are concerned not only with doing "justice" but with giving defendants the sense that justice has been done--and in a democratic society, we ought to be concerned--the burden of this report is that what happens to defendants in their encounters with courts does make a difference.

NOTES

1. Each of the interviews included attitude scales drawn from other studies that had been alleged to tend to differentiate criminal from non-criminal populations. We had hoped to examine change in scores on these scales in an attempt to examine the effects factors related to case disposition upon change in attitudes that might be relevant to future law-abiding or law-violating behavior. In our samples, however, these sets of items did not appear to form coherent scales. Many items produced highly skewed response patterns (nearly all of our respondents giving a similar answer) and when we examined the intercorrelations among items that were supposed to form scales, they were typically rather low. Thus, we lack confidence that, in our samples, the items measure coherent sets of attitudes. Thus, both in examining beliefs of defendants at the time of either interview, much less trying to analyze "change" between the two interviews, these items proved to be of limited utility.

2. In the pre-test, we discovered that respondents do not distinguish between salaried public defenders and private counsel assigned to defend indigents in particular cases. Thus, we used the term "public defender" in our questions, having defined it for the respondent to include both public defenders and assigned counsel. As noted below, in evaluating the specific lawyer who represented them, our respondents did not appear to evaluate public defenders and assigned counsel differently, even though those who had retained counsel were sharply different from those who had either other type.

3. There is some evidence that patients believe that physicians practicing on a fee-for-service basis are likely to offer a higher quality of care than those working in free clinics or even those working in pre-paid medical service organizations. See Eliot Freidson, Patients' Views of Medical Practice (New York: Russell Sage Foundation, 1961), Ch. 3.

4. See. for example, Daniel Katz, et al., Bureaucratic Encounters, (Ann Arbor, Mich.: Institute for Social Research, 1975).

5. The measure of time spent with the attorney discussing the client's case was an estimate made by the respondent. It may be the subject of some under-estimating, but the average figures reported seem consistent with the observations I made of lawyer/client interactions in the three cities.

6. For convicted respondents, the introduction of the items in the questionnaire focussed attention upon the judge and prosecutor who appeared at the time of the entry of a guilty plea or during the trial. For acquitted respondents, we focussed upon those who had participated in the trial. For defendants who received a dismissal, attention was focussed upon the judge who participated in the defendant's last court appearance and upon the prosecutor who participated in the decision to dismiss the case.

END