

**Developing a National Message for
Indigent Defense:
Analysis of National Survey**

conducted for

**the Open Society Institute
and
National Legal Aid and Defender Association**

by

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Introduction

The current system of providing counsel to individuals who are accused of a crime and cannot afford representation is in a weakened state. Public defenders and court-appointed lawyers are operating within dwindling budgets and resources. Public defenders find themselves not only needing to defend their clients against criminal charges but also the value of their own role in due process.

In this context, the Open Society Institute (OSI) and the National Legal Aid and Defender Association (NLADA) asked Belden Russonello & Stewart (BRS) to investigate public opinions about due process and the role of lawyers who represent indigent criminal defendants. The project's goal is to develop a national message for educating the public about the importance of indigent defense in the criminal justice system. The long-term goal is to build greater public commitment to provide sufficient resources for public defenders and court-appointed lawyers.

The inquiry uncovers public attitudes on a number of related topics:

- Is the right to an attorney in a criminal matter a fundamental Constitutional right that should be provided to all?
- How important is it for our country and our communities to financially support legal help for low-income people accused of a crime?
- What constitutes the right to “competent counsel?”
- What do people think of lawyers who represent poor defendants?
- Should lawyers for poor defendants have access to the same level of resources as prosecutors?

The first step of this research consisted of eight focus groups conducted among voters in St. Louis, Dallas, Baltimore, and San Jose from May to June 2000. Results of the focus groups are reported separately. The next step of the project was a national survey to quantify the opinions heard in the focus groups. BRS conducted a national opinion survey among 1,500 adults living in the U.S. in telephone-equipped households. Interviewing took place from July 10 to August 3, 2001. The margin of sampling error for the study is +/- 2.5 percentage points.

This report of the survey analysis identifies the currents of opinion relevant to building public commitment to indigent defense. The report is organized into three sections: 1) an overview of the research; 2) recommendations for developing a message on indigent defense; and 3) detailed findings on the public's attitudes toward indigent defense and developing a national message. The appendices contain a complete questionnaire with survey results and a detailed methodology.

Tables included in the text highlight selected relevant survey findings and are expressed in percentages. The base for each table is all respondents (n=1,500) unless otherwise noted. In reading these data, when the percent sign (%) appears at the top of a column, the numbers add vertically; when the % appears at the left of a row, the numbers add horizontally. An asterisk (*) indicates less than one percent; a double hyphen (--) indicates zero.

All tables may not add to 100%. This is due to weighting, rounding, omission of "don't know," or "refused," and other responses, or, in the case of multiple response questions, percentages add to more than 100%.

Executive Summary

A communications effort to build public appreciation and commitment toward indigent defense for low-income people accused of a crime starts from a position of strength. Similar to Americans' attitude toward civil legal aid, a majority of Americans believes, as a society, we should provide legal help to people who need it but cannot afford it. Support for indigent defense is rooted in the American value of fairness.

Americans overall support a system of public defenders in each state, as well as favor a number of specific reforms to ensure individuals accused of a crime receive competent representation.

The public's strong belief in providing competent counsel to those who cannot afford it, however, is tested by Americans' desire to ensure punishment for those who break the law as well as a lack of desire to increase government funding. These attitudes dampen but do not extinguish support for providing criminal legal services to those who cannot afford it.

Our analysis of the survey data identifies the relative strengths of opinions to guide communications that will build upon the public's general support for providing legal help to low-income Americans accused of a crime. The following are key points from the survey followed by recommendations on developing messages on indigent defense.

1. The context for indigent defense

The public is aware that the country has a system of indigent defense. Two-thirds of Americans believe that their state provides a lawyer if a criminal defendant cannot afford one.

The public's opinion of public defenders is mostly of professionals who are overburdened (66%), and only adequate lawyers (57%).

Clients of public defenders – those accused of crimes – are presumed guilty by most Americans (54%), but the public acknowledges the rights of these individuals.

Large majorities identify each of the following as a right for individuals arrested for a crime:

- being informed of the charges (97%)
- having a lawyer (95%)
- having a lawyer appointed and paid for the court if they cannot afford one (88%)
- speedy trial (85%); and
- remaining silent (81%).

2. Support for indigent defense

The American public is open to communications that demonstrate the need to strengthen the institution of indigent defense.

- Two-thirds of Americans (64%) support the government using taxpayer dollars to provide lawyers for people accused of crimes “who cannot afford a lawyer,” and a third (32%) strongly supports this government-funded legal defense.
- At the end of the survey, after hearing messages in favor and in opposition to a stronger system of indigent defense, nine in ten Americans support the courts providing a lawyer to those accused of a crime. Six in ten (62%) Americans believe that the courts should provide a lawyer if the person accused of a crime cannot afford one, regardless of his income, and a third (32%) believes the courts should provide a lawyer if a person is low-income and below the poverty line. Only 3% of the public believe that no lawyer should be provided.
- The value of fairness drives attitudes toward indigent defense. This value is expressed by the public as:
 - Fairness and equality: ensuring everyone has access to justice;
 - Responsibility to ensure that the innocent do not go to jail; and
 - Ensuring a fair society.

Concerns about the disparities of treatment between rich and poor, due mainly to different levels of legal representation, underlie support for a stronger indigent defense system. Those concerns relate to the potential effect of disparities – that innocent individuals could be wrongfully imprisoned.

3. Defining competent counsel

Americans believe it is not enough simply to provide counsel to those who cannot afford a lawyer. The legal representation should be “competent.” Competent representation, according to the public, includes the resources necessary for conducting lab tests and investigations, as well as having a lawyer with a small enough caseload to provide adequate time to hear cases.

Majorities of Americans believe that a low-income person accused of a crime should be *guaranteed*:

- Resources to obtain DNA testing and other laboratory services (68% guaranteed);
- A lawyer with a small enough caseload to provide the time necessary to prepare a defense for each person (57%); and
- Resources to hire investigators to check on evidence and find witnesses (55%).

Considered important, but not necessarily something that should be guaranteed, is having:

- A lawyer with experience in defending people accused of similar crimes (48% guaranteed); and
- Resources to hire expert witnesses (43%).

4. Strong support for system of public defenders and other reforms

Americans broadly support a number of reforms to ensure that individuals accused of a crime receive competent counsel. Majorities support proposals that would:

- Establish a public defenders’ office in each state with full-time professional staff lawyers to represent individuals accused of crimes (71%) rather than a system of court-appointed private lawyers to represent people accused of crimes (21%).
- Require states to provide representation to at least people below the poverty line (83%); only 15% believe states should be able to decide for themselves who is eligible for a court-appointed attorney.
- Give public defenders and prosecutors the same resources per case, with nearly two-thirds (64%) favoring this proposal strongly (88% support).

- Set local oversight commissions to ensure competent counsel and establish national standards on resources (87% think each is a good idea).
- Establish national standards on qualifications for public defenders of court-appointed lawyers (78%).
- Also, half (50%) reject the idea of judges and local governments appointing counsel based on which lawyer cost the least.

5. Opinions that weaken support for increasing and solidifying support

Support for a strong system of indigent defense is tempered by negative opinions of the criminally accused, a desire to punish those who break the law, and a lack of desire to *increase* government funding. The desire to ensure punishment presents the greatest challenge to communications, while attitudes toward the accused and concerns about government funding are less widespread but could threaten support if communicated broadly.

- ***Need to ensure punishment.*** Of all the messages presented as reason not to spend more money on indigent defense, the only one to garner a majority saying it is convincing is the statement, “We need to spend more resources on catching and punishing criminals, not on trying to help them escape punishment” (63% convincing and 39% very convincing). If the opposition is able to frame this issue as taking away resources from ensuring punishment, the campaign will have a much harder time garnering support for a stronger indigent defense system.
- ***Attitudes toward the accused.*** While many Americans espouse the principle of presumed innocence, many also assume guilt rather than innocence when they see or hear about a person arrested for a crime. We also find that the statement, “the police do not arrest people for crimes unless they have a lot of evidence, so most people who are arrested and charged with crimes are guilty,” is highly predictive of opposition to increase funding to indigent defense. Therefore, attitudes presuming the guilt of the accused may be called upon in conjunction with the public’s desire to ensure punishment to build opposition to increased funding for indigent defense.

Support is slightly lower when the program is described as one providing lawyers to “low-income people accused of crime” – 56% favor and 27% strongly. Regardless of whether the program is described as helping low-income people or people who cannot afford a lawyer, opposition stands at only a third (33%) with strong opposition at two in ten (18%).

- ***Increasing government funding is a challenge.*** Initially, Americans are not likely to endorse the government spending more money on public defenders or court-appointed lawyers. A majority (57%) believes funding should be kept at current levels; less than two in ten (17%) support increasing funding; and 14% say funding should be cut. However, after messages both for and against a stronger system of indigent defense, a third of the public (33%) believes we should be spending more on this program; 49% spending the same; and only six percent support less funding. That is an increase of 16 percentage points in favor of more funding. While increasing funding still wins less than majority support, an increase of 16 percentage points signals that there is potential to move segments of the population.

6. Message to increase and solidify support

Values framework

When considering messages about why we should devote more resources to defend poor people accused of crimes, the ones that offer a simple appeal to fairness are most persuasive. Of the six values messages tested, five were particularly persuasive as reasons to support increased funding for indigent defense. Each of the messages invokes the value of fairness but in different ways – economic equity, protecting the innocent, and ensuring a fair society. The messages are:

Fairness, economic equity, and criminal justice:

- The quality of justice a person receives should not be determined by how much money a person has (88% convincing; 74% very convincing).
- Our criminal justice system would not be fair if we did not provide competent legal representation to those who cannot afford it (90% convincing; 67% very convincing).

Protecting the innocent:

- Providing competent legal representation is necessary to prevent innocent people from going to jail (93% convincing; 72% very convincing).

Ensuring rights and a fair society:

- Providing competent legal representation is one of our most fundamental rights in the U.S. (88% convincing; 65% very convincing).
- Ensuring competent legal representation for all is necessary for our legal system to function (89% convincing; 60% very convincing).

Another message which has a somewhat narrower appeal communicates the value of self-preservation:

- Some day you or someone you know may need the help of a public defender (76% convincing; 49% very convincing).

When developing communications themes from polling data, we consider at least two factors: First, to what extent do reactions to individual message arguments predict whether a person will support or oppose an issue after hearing all the arguments. The second angle examines the breadth of support for messages.

When we identify those messages that are both highly popular and reliable measures of a person supporting increased funding of indigent defense, the following messages stand out as both popular and decisive:

- Providing competent legal representation is one of our most fundamental rights in the U.S.
- Our criminal justice system would not be fair if we did not provide competent legal representation to those who cannot afford it.

Informational statements

The survey measured public reaction to seven informational messages. Informational messages that relate to the lack of equity in the system and demonstrate the consequences – overburdened counsel and dearth of representation – are the most persuasive. These messages also speak directly to what Americans consider necessary to ensure competent counsel – a reasonable workload and parity in resources with prosecutors.

Those statements that speak to ensuring a fair society are also seen as convincing of the need to increase funding.

The most persuasive messages reflect on the workload of public defenders:

- In most states, there are no restrictions on the number of cases private lawyers appointed by the courts or public defenders can take. Many times these lawyers are overworked, representing thousands of people a year. Often public defenders or court-appointed private lawyers meet their clients in the courtroom for only a few minutes before their trial starts (82% convincing; 55% very convincing);
- The current system cannot meet the need. In some places, defendants may wait months in jail before being appointed a lawyer and getting a hearing (79% convincing; 51% very convincing);

The next most persuasive messages describe lack of resources:

- Lawyers defending those accused of crimes receive inadequate resources from the court and local governments to put on a defense. In most cases, they do not have enough money to hire an investigator, expert witnesses, or to conduct DNA testing (79% convincing; 46% very convincing); and
- Prosecutors have an unfair advantage because they have the resources of the police, government crime lab, and are better paid lawyers (72% convincing; 42% very convincing).

Recommendations

The opinion research analysis points to a number of specific message recommendations to educate the public on the need to strengthen the institution of indigent defense.

1. Messages should appeal to the value of fairness. Talk about the right to counsel and how that right is currently violated because of a lack of resources and heavy caseloads. These messages resonate strongly.

- Providing competent legal representation is one our most fundamental rights in the U.S.
- Our criminal justice system would not be fair if we did not provide competent legal representation to those who cannot afford it.

2. Need to demonstrate the threat to fairness → economic disparity in justice. When developing messages about the values of fairness and justice, it is best to illustrate this disparity by focusing on heavy caseloads and low resources:

3. Describing the clients. Refer to individuals who use indigent defense as people “accused of” rather than “arrested for” offenses.

Because the view of many voters is that those arrested for crimes are “probably” guilty, communications need to remind the public that defendants have only been “accused” and have not been proven guilty.

We also found in the survey that talking about individuals “who cannot afford legal representation,” is more likely to garner support for indigent defense than describing the clients as “low income.” The former could refer to any number of people, while the latter connotes the program is targeted to a particular financial class of people.

4. *Avoid trade-offs between defenders and prosecutors.* Messages that compare the resources of prosecutors and those of public defenders are appealing to Americans but may send the wrong messages about trading off resources from public safety to criminal defense. Avoid a discussion of the trade-offs between indigent defense and catching and punishing criminals.

5. *Focus on the practical policies.* Advocates can introduce specific proposals, even without making the general case for reform, and still win the public’s support. There may not be urgency, but there will be support for specific reforms. Advocates can talk about needed changes – establishing public defender offices, guidelines on caseloads, and others – and the public will be supportive, even without laying down a foundation of communications on the need for reform. However, when reforms require additional funding the public will need more information before it is ready to support these reforms.

6. *Target audiences.* Regression analysis of the survey data indicates that support and opposition to funding for indigent defense is driven by a person’s party affiliation, political ideology, race, income, where they live, and to a somewhat lesser extent, gender.

The first targets for communications are:

- Democrats and liberals;
- African Americans;
- Low-income;
- Urban residents; and
- Men.

The next set of groups, the persuadables, are likely to support increasing funding to indigent defense after receiving information:

- Women;
- Highly-educated Americans;
- Hispanics; and
- Independents

The most problematic groups are Republicans, political conservatives, and residents of rural areas.

7. *General message.*

The quality of justice a person receives should not depend on money. Providing competent legal representation is one of our most fundamental rights in America.

Unfortunately, this right has not been enforced across the country. Some states have no guidelines on caseloads so public defenders are forced to meet clients for only a few minutes before their trial starts, and in other places people accused of crimes may sit in jail before being appointed a lawyer and getting a hearing.

We need to establish a public defenders' office in each state with full time professional staff lawyers who have reasonable caseloads and the appropriate resources. We should have national standards of qualifications for public defenders, implemented by local oversight commissions who know the needs of individual states and communities.

Ensuring competent legal representation is necessary to prevent the innocent from going to jail.

Justice for all requires competent counsel.

8. *Message guide: Phrases that help make the case for indigent defense.*

General theme:

- Justice in America should not depend on money.
- Justice for all requires competent legal counsel.
- Having competent legal representation is a fundamental right.
- Indigent defense is needed to prevent the innocent from going to jail.
- Some day someone you know may need the help of a public defender.

Competent counsel:

- Public defenders need reasonable caseloads to provide competent counsel.
- Public defenders need resources to provide competent counsel.
- Public defenders are overworked, taking on thousands of cases a year.
- The right to counsel means a right to a competent lawyer
- The right to counsel means a right to a lawyer with the resources necessary to provide an adequate defense.

- The right to competent counsel means your lawyer should have more than ten minutes to prepare your defense.
- The right to counsel means the court should provide a lawyer to anyone accused of a crime who cannot afford a lawyer.

Specific policy:

- Competent counsel is a national right. We should have national standards of what it means.
- We should set national standards for the qualifications of public defenders.
- We should set national standards for a minimum level of resources that should be available to all public defenders.
- Local, legal, oversight commissions can make sure that courts are providing competent counsel to the accused who cannot afford one.
- To be fair, public defenders should have the same resources per case as prosecutors to make an adequate defense.

Detailed Findings

A. The context for indigent defense

The context in which communications on indigent defense will be heard is generally favorable to building support for a stronger indigent defense system.

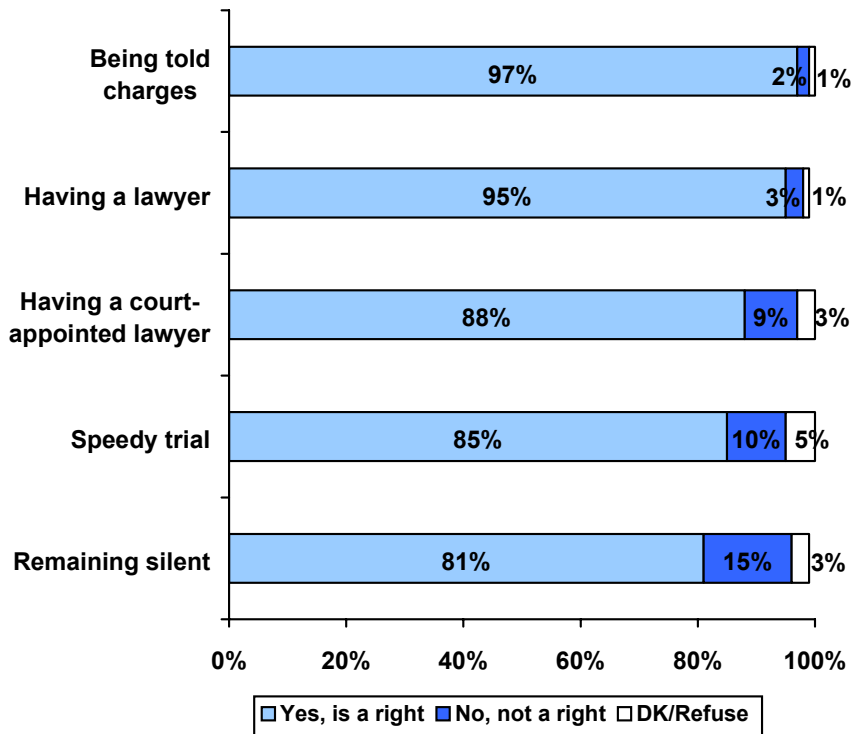
The American public is fairly knowledgeable of the rights of the accused and recognizes that there is a system of indigent defense in this country. In addition, public defenders and court-appointed lawyers are considered more often than not to be dedicated attorneys who provide only adequate legal representation and who are overburdened.

The clients of public defenders and all those who are accused of or arrested for a crime are more likely to be presumed guilty than not. The principle of presumed innocence is tested by a desire to ensure punishment and security, and can dampen support for a strong indigent defense system.

1. Public sees numerous rights of the accused

Americans are knowledgeable of the rights of someone arrested for a crime. Large majorities identify each of the following as a right: being informed of the charges (97%), having a lawyer (95%), having a lawyer appointed and paid for by the court if they cannot afford one (88%), speedy trial (85%), and remaining silent (81%).

Rights of Those Arrested



Please tell me if you think each of the following is a right for individuals arrested for a crime in the U.S.

- Q8. Being told what the charges against them are.
- Q4. Having a lawyer represent them.
- Q5. Having a lawyer appointed and paid for by the court if they cannot afford one.
- Q6. Speedy trial.
- Q7. Remaining silent.

2. Public is aware of defender system

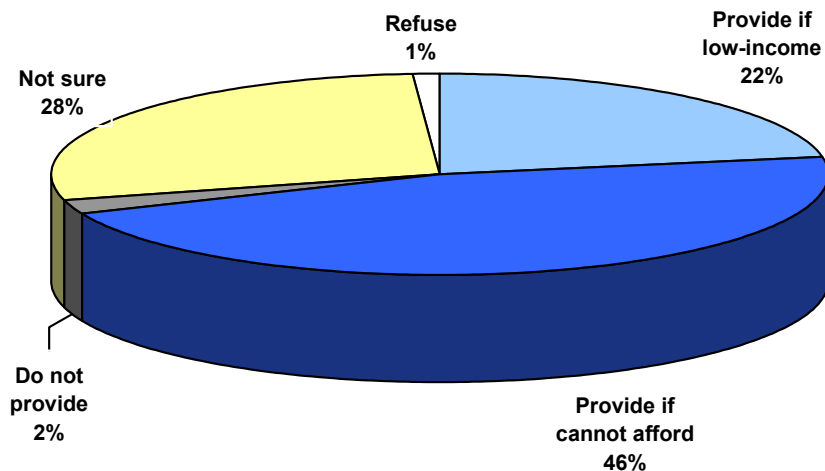
Unlike the public opinion data on civil legal services, which showed that the program is largely unknown to the American public, this survey reveals widespread familiarity with the concept of public defenders. Two-thirds of Americans believe that their states provide a lawyer if a criminal defendant cannot afford one, regardless of the defendant's income (46%) or if a defendant is low-income (22%).

Three in ten Americans are either unsure if their states provide a lawyer in these cases (28%) or believe their states do not provide lawyers (2%).

Men, highly educated Americans, African Americans and liberals are the most likely to say their states provide a lawyer if someone cannot afford one, regardless of his income.

Every demographic group is about twice as likely to believe states appoint attorneys without requiring an income test as believe an income cut-off is required.

Awareness of Indigent Defense System



Q9. If a person is arrested for a crime in your state, as far as you know, which of the following best describes what the court does: a) provide a lawyer if the person is low-income and below the poverty line, b) provide a lawyer if the person cannot afford one, regardless of his income, or c) does the court in your state not provide lawyers for people accused of crimes, or d) are you not sure.

Awareness of Indigent Defense System

Q9. If a person is arrested for a crime in your state, as far as you know, which of the following best describes what the court does: a) provide a lawyer if the person is low-income and below the poverty line, b) provide a lawyer if the person cannot afford one, regardless of his income, or c) does the court in your state not provide lawyers for people accused of crimes, or d) are you not sure.

	Provide lawyer if low-income	Provide lawyer if cannot afford, regardless of income	Do not provide lawyer	Not sure	Refuse
Total	22%	46	2	28	1
Men	20%	53	2	23	1
Women	24%	40	2	33	2
18-34	16%	50	2	31	1
35-44	25%	46	--	28	1
45-54	26%	48	2	24	1
55+	24%	43	3	28	2
White	22%	46	1	29	2
Black	26%	51	1	21	2
Hispanic	16%	48	6	30	--
<HS/HS	23%	41	3	31	2
Some college	23%	49	1	27	1
College grad	22%	45	2	29	1
Post grad	19%	58	0	21	1
Democrat	24%	47	2	27	1
Republican	22%	47	1	28	2
Independent	22%	47	2	28	1
Liberal	23%	50	2	24	1
Moderate	24%	44	1	30	2
Conservative	22%	45	3	29	1
Urban	20%	48	2	30	1
Suburban	25%	45	2	27	1
Rural	20%	48	1	29	2
Northeast	26%	47	2	23	1
Midwest	23%	43	3	29	2
South Atlantic	24%	45	1	29	1
South	20%	49	1	29	1
West	20%	46	2	31	2

3. Opinion of public defenders and court-appointed private lawyers: Less than “good” but dedicated and overburdened

Americans give middling marks to the lawyers who represent low-income people accused of a crime. The public regards them as only adequate attorneys, not high quality representation for criminal defendants.

Public defenders and court-appointed private lawyers receive similar ratings. Pluralities of the public believe public defenders (50%) and court-appointed private lawyers (48%) are “just o.k. lawyers,” and twice as many Americans say public defenders are generally “not so good” lawyers (28%) as say they are “generally good” lawyers (14%). The public is three times as likely to believe court-appointed private lawyers are “not so good” (30%) as good lawyers (10%).

If you're a public defender it's probably because you're not that good or you would be making the big bucks with the big firms and making the top dollars. - *Caucasian Woman, San Jose*

I have come across two public defenders that I can think of and they are both extremely passionate. I don't consider them overly experienced. They are basically fresh out of college. But they speak and they go with such a passion, they are like bulldogs. - *Caucasian Woman, St. Louis*

We do not find many differences among subgroups in opinions of public defenders and court-appointed lawyers. African Americans are more likely to say both are generally good lawyers.

Are Public Defenders Good Lawyers?

Q11. Thinking now just about public defenders, do you think public defenders who represent low-income people accused of a crime are generally good lawyers, just o.k. lawyers, or generally not good lawyers?

	Generally good lawyers	Just o.k. lawyers	Generally not good lawyers	Not sure
Total	14%	50	28	7
Men	16%	51	27	6
Women	13%	49	29	9
18-34	15%	54	25	6
35-44	18%	46	30	6
45-54	15%	50	30	5
55+	11%	49	29	11
White	13%	50	30	7
Black	20%	55	19	6
Hispanic	13%	50	26	10
<HS/HS	15%	50	29	6
Some college	16%	51	25	8
College grad	14%	51	29	6
Post grad	12%	47	34	7
<\$25K	17%	48	29	6
\$25K-\$49K	15%	53	26	6
\$50K-\$74K	12%	52	31	5
\$75K+	11%	48	34	7
Democrat	15%	49	30	7
Republican	15%	49	30	6
Independent	13%	54	26	7
Liberal	15%	53	26	7
Moderate	13%	48	32	7
Conservative	16%	51	27	7
Urban	17%	47	30	6
Suburban	13%	52	27	9
Rural	16%	50	29	5
Northeast	15%	48	29	7
Midwest	12%	50	32	6
South Atlantic	13%	51	30	7
South	21%	47	26	6
West	13%	53	24	10

Are Court-Appointed Attorneys Good Lawyers?

Q16. Thinking about court-appointed lawyers, do you think court-appointed private lawyers who represent low-income people accused of a crime are generally good lawyers, just o.k. lawyers, or generally not good lawyers?

	Generally good lawyers	Just ok lawyers	Generally not good lawyers	DK/Refuse
Total	10%	48	30	11
Men	11%	49	30	10
Women	8%	48	31	12
18-34	9%	53	28	9
35-44	8%	52	29	11
45-54	13%	47	29	10
55+	10%	41	35	14
White	8%	47	32	12
Black	19%	47	26	8
Hispanic	10%	55	22	12
<HS/HS	12%	49	29	10
Some college	9%	48	30	13
College grad	8%	45	35	13
Post grad	8%	49	32	11
<\$25K	12%	45	33	10
\$25K-\$49K	13%	50	29	8
\$50K-\$74K	8%	48	33	12
\$75K+	6%	52	30	12
Democrat	10%	48	30	11
Republican	9%	52	28	12
Independent	10%	47	32	10
Liberal	13%	46	30	11
Moderate	9%	50	29	12
Conservative	8%	51	32	9
Urban	11%	49	29	11
Suburban	9%	48	31	11
Rural	10%	47	31	12
Northeast	10%	49	31	10
Midwest	7%	48	34	11
South Atlantic	13%	47	30	10
South	11%	50	29	10
West	8%	47	29	16

In focus groups, Americans told us that they view public defenders as young, inexperienced, and overworked, with fewer resources than they need. Sometimes they are seen as dedicated and bright, but sometimes as less skilled. The survey examined the public's views on several of these characteristics. Public defenders are more likely than not to be viewed by Americans as providing adequate legal representation (57% adequate, 30% inadequate) and dedicated (48% dedicated, 36% not). But, the public is mixed on whether these lawyers are experienced (46%) or inexperienced (41%).

The most widely adopted characteristic of public defenders is that they are overwhelmed in their workloads. Two-thirds (66%) say they are overburdened compared to two in ten (22%) who say they are able to handle their cases.

The view of public defenders as dedicated is more often held by:

- Americans with a graduate degree;
- Caucasians;
- Older Americans; and
- Upper-income Americans.

The image of public defenders as experienced is more likely to be held by:

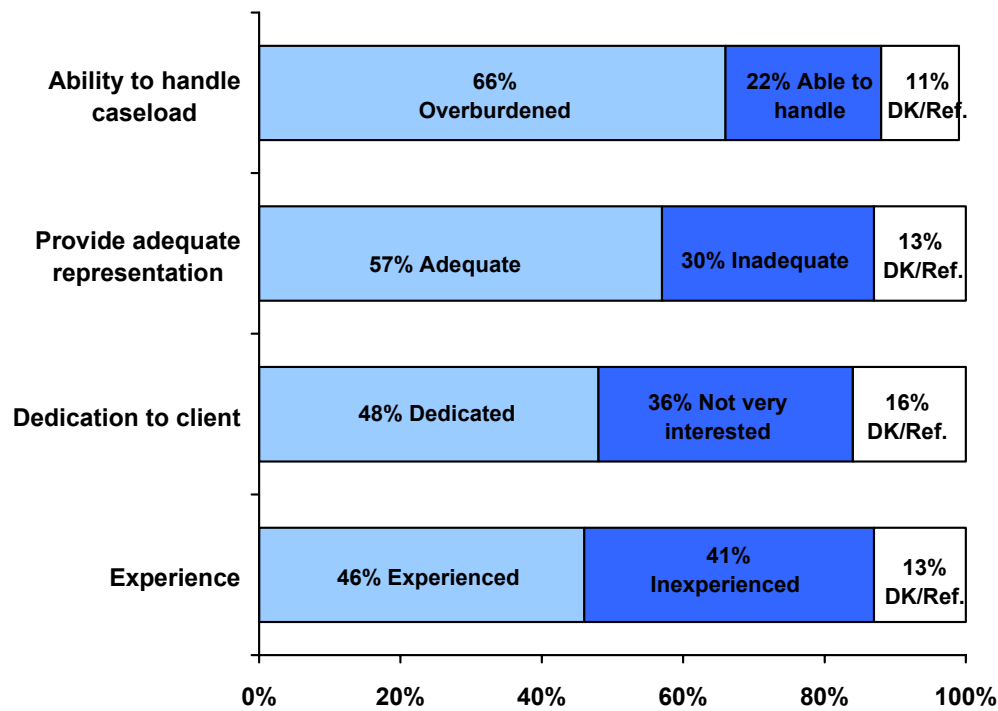
- Minorities;
- Younger Americans;
- High school graduates; and
- Lower-income Americans.

African Americans are likely to view public defenders as experienced (50%), but among the most likely to say public defenders are not interested in their clients (52%), and provide inadequate representation (51%).

Among the most likely to see public defenders as overburdened are:

- Middle-aged Americans (35-54);
- College graduates;
- African Americans;
- Upper-income Americans; and
- Liberals and moderates.

Characteristics of Public Defenders



Generally speaking, which of the following characteristics do you think best describes public defenders?

Q12. Able to handle their cases or overburdened.

Q15. Generally provide adequate legal representation or generally provide inadequate legal representation.

Q14. Dedicated or not taking much interest in their clients.

Q13. Experienced or inexperienced.

Are Public Defenders Dedicated?

Q14. **Dedicated or not taking much interest in their clients:** Generally speaking, which of the following characteristics do you think best describes public defenders?

	Dedicated	Not interested	DK/Refuse
Total	48%	36	16
Men	47%	37	16
Women	50%	34	16
18-34	45%	41	14
35-44	46%	36	18
45-54	49%	36	15
55+	53%	28	18
White	51%	32	16
Black	32%	52	16
Hispanic	39%	43	17
<HS/HS	41%	44	15
Some college	46%	35	19
College grad	59%	28	13
Post grad	67%	19	14
<\$25K	44%	40	17
\$25K-\$49K	45%	42	14
\$50K-\$74K	51%	35	14
\$75K+	61%	26	12
Democrat	49%	35	16
Republican	50%	38	12
Independent	49%	35	15
Liberal	50%	36	14
Moderate	50%	33	17
Conservative	48%	37	15
Urban	47%	38	14
Suburban	52%	33	16
Rural	43%	39	18
Northeast	55%	30	15
Midwest	53%	31	16
South Atlantic	46%	38	15
South	42%	44	14
West	46%	35	20

Are Public Defenders Experienced?

Q13. **Experienced or inexperienced:** Generally speaking, which of the following characteristics do you think best describes public defenders?

	Experienced	Inexperienced	DK/Refuse
Total	46%	41	13
Men	44%	46	10
Women	49%	36	15
18-34	53%	34	13
35-44	42%	47	10
45-54	46%	43	11
55+	42%	41	16
White	44%	41	15
Black	52%	45	3
Hispanic	52%	35	13
<HS/HS	52%	37	11
Some college	44%	43	13
College grad	41%	46	13
Post grad	39%	46	15
<\$25K	57%	34	9
\$25K-\$49K	48%	40	12
\$50K-\$74K	45%	44	11
\$75K+	36%	53	12
Democrat	49%	39	13
Republican	42%	46	12
Independent	46%	43	11
Liberal	44%	43	13
Moderate	46%	42	12
Conservative	47%	40	13
Urban	46%	42	11
Suburban	45%	40	14
Rural	48%	39	12
Northeast	47%	37	16
Midwest	48%	38	14
South Atlantic	47%	42	11
South	48%	42	9
West	42%	45	14

Do Public Defenders Provide Adequate Representation?

Q15. Generally provide adequate legal representation or generally provide inadequate legal representation: Generally speaking, which of the following characteristics do you think best describes public defenders?

	Provide adequate representation	Provide inadequate representation	DK/Refuse
Total	57%	30	13
Men	57%	31	12
Women	57%	29	14
18-34	60%	31	8
35-44	55%	31	13
45-54	55%	34	11
55+	56%	26	18
White	61%	26	13
Black	36%	51	13
Hispanic	55%	36	9
<HS/HS	52%	34	14
Some college	58%	31	11
College grad	64%	26	9
Post grad	65%	20	15
<\$25K	49%	33	17
\$25K-\$49K	59%	33	8
\$50K-\$74K	64%	27	9
\$75K+	64%	26	10
Democrat	56%	32	12
Republican	60%	29	11
Independent	58%	30	11
Liberal	55%	32	13
Moderate	61%	29	10
Conservative	59%	30	11
Urban	55%	33	11
Suburban	59%	28	13
Rural	55%	30	15
Northeast	58%	26	16
Midwest	58%	26	15
South Atlantic	54%	33	13
South	53%	36	11
West	60%	30	10

Are Public Defenders Overburdened?

Q12. **Able to handle their cases or overburdened:** Generally speaking, which of the following characteristics do you think best describes public defenders?

	Able to handle their cases	Overburdened	DK/Refuse
Total	22%	66	11
Men	24%	64	12
Women	21%	68	11
18-34	29%	62	9
35-44	15%	74	11
45-54	17%	73	10
55+	25%	60	15
White	20%	67	12
Black	23%	73	4
Hispanic	21%	56	13
<HS/HS	28%	61	11
Some college	19%	68	12
College grad	16%	74	10
Post grad	19%	70	11
<\$25K	29%	60	12
\$25K-\$49K	21%	68	11
\$50K-\$74K	20%	70	11
\$75K+	17%	73	10
Democrat	22%	67	10
Republican	23%	64	13
Independent	20%	71	9
Liberal	18%	73	9
Moderate	16%	72	12
Conservative	28%	59	13
Urban	21%	66	12
Suburban	22%	67	11
Rural	25%	63	12
Northeast	21%	68	10
Midwest	23%	63	14
South Atlantic	21%	68	10
South	27%	64	8
West	18%	68	13

4. The need to prove innocence

While most Americans would agree with a basic tenet of the justice system, innocent until proven guilty, majorities also believe that someone *arrested* or *accused* of a crime is more often guilty than innocent. In the focus groups, many of the voters expressed the opinion that an arrested person is probably guilty because the police are required to amass a great deal of evidence in order to make an arrest. Many felt that this was different from saying someone was *accused* of a crime.

In the survey, we explored further the possible different reactions to *arrested* and *accused*, and found individuals *arrested* for a crime are more likely to be thought of as guilty than those who are *accused* of a crime. Over six in ten (63%) Americans say that people *arrested* for a crime are “always” (22%) or “frequently” (41%) guilty. When asked about someone *accused* of a crime, a smaller majority of 54% say the person is “always” (17%) or “frequently” (37%) guilty.

Well in my mind when I watch TV and I see someone led to the courtroom in handcuffs whether they've been convicted or not, in my mind I'm thinking they did it. –
Caucasian man, Dallas

While the burden of proof appears to be on the people accused of crimes, sizable minorities do voice the opinion that these people are guilty “only some of the time” (37% for accused; 30% arrested).

Americans who are more likely to say that someone accused or arrested is guilty “only sometimes” include:

- Women;
- African Americans;
- Less educated; and
- Democrats.

Residents of the South are among the most likely to believe someone *arrested* for a crime is guilty “only sometimes.”

From another perspective, those Americans who are most likely to see a “guilty” person when they hear of someone arrested or accused of a crime include Republicans, conservatives, older Americans (55+), and residents of the Midwest.

Are Suspected Guilty?

Q3b. (Based on 750 respondents) In general, would you say that people *arrested for crimes* in this country are: almost always guilty, are frequently guilty, or guilty only some of the times for the crimes they are accused of?

	Always guilty	Frequently guilty	Guilty only sometimes	DK/Refuse
Total	22%	41	30	7
Men	25%	41	27	8
Women	19%	41	33	8
18-34	20%	45	28	6
35-44	21%	42	30	7
45-54	22%	37	33	7
55+	23%	37	30	9
White	23%	46	25	6
Black	17%	20	54	9
Hispanic	10%	31	47	12
<HS/HS	22%	37	31	10
Some college	21%	40	35	5
College grad	22%	53	19	6
Post grad	25%	45	26	4
<\$25K	21%	33	35	11
\$25K-\$49K	22%	43	29	5
\$50K-\$74K	25%	48	20	8
\$75K+	19%	48	29	4
Democrat	20%	35	37	9
Republican	27%	46	22	5
Independent	20%	46	27	7
Liberal	19%	45	27	9
Moderate	20%	44	31	5
Conservative	24%	38	30	7
Urban	19%	39	35	7
Suburban	22%	45	26	7
Rural	24%	35	32	8
Northeast	18%	44	31	7
Midwest	26%	47	20	7
South Atlantic	19%	43	31	7
South	20%	33	42	4
West	23%	40	26	11

Are Accused Guilty?

Q3. (Based on 750 respondents) In general, would you say that people *accused of crimes* in this country are: almost always guilty, are frequently guilty, or guilty only some of the times for the crimes they are accused of?

	Always guilty	Frequently guilty	Guilty only sometimes	DK/Refuse
Total	17%	37	37	9
Men	17%	37	35	11
Women	17%	37	39	7
18-34	12%	43	37	8
35-44	10%	36	37	11
45-54	10%	37	42	11
55+	27%	32	33	8
White	17%	41	34	7
Black	12%	26	50	12
Hispanic	19%	31	35	14
<HS/HS	18%	32	42	8
Some college	17%	41	36	6
College grad	17%	43	27	12
Post grad	15%	39	33	13
<\$25K	19%	33	39	9
\$25K-\$49K	18%	38	33	10
\$50K-\$74K	14%	39	40	7
\$75K+	21%	40	32	7
Democrat	15%	35	42	8
Republican	22%	44	28	7
Independent	18%	34	38	9
Liberal	11%	34	43	11
Moderate	16%	41	35	9
Conservative	23%	36	34	7
Urban	14%	34	40	10
Suburban	18%	36	39	8
Rural	18%	43	31	7
Northeast	14%	40	34	13
Midwest	21%	37	35	7
South Atlantic	19%	27	41	12
South	13%	41	34	11
West	18%	37	39	7

B. Providing competent counsel

1. Support for system of public defenders

Americans believe, as a society, we should provide legal help to people who need it and who cannot afford it. As discussed, Americans acknowledge a criminal defendant's right to a lawyer paid for by the court if he cannot afford one. However, when the taxpayer's role in providing these lawyers is spelled out, majorities continue to support an indigent defense system but at a lower rate than when it is put as a right.

Nearly nine in ten (88%) Americans say someone who is accused of a crime has a right to an attorney and two-thirds of the public (64%) support the government using taxpayer dollars to provide lawyers for people accused of crimes who cannot afford a lawyer, and a third (32%) strongly support government-funded legal defense.

Support is slightly lower when the program is described as providing lawyers to "low-income people accused of crime" – 59% favor and 27% strongly.

Regardless of whether the program is described as helping low-income people or people who cannot afford a lawyer, opposition stands at a third (33%) with less than two in ten (18%) strongly opposing.

Majorities of all demographic groups favor indigent defense when described as providing lawyers to represent "people accused of crimes who cannot afford a lawyer." When described as helping "low-income people," support drops below a majority among less-educated Americans and Republicans.

Minorities and liberals are the only groups to support the program more strongly when it is described as assisting low-income individuals than people who cannot afford an attorney.

Those who feel most strongly that we should be providing this legal representation include:

- Upper-educated Americans;
- Upper-income Americans;
- Residents of the Northeast and West;
- Democrats and independents; and
- Liberals.

Men are more likely than women to strongly favor indigent defense when described as providing lawyers to those who cannot afford one.

Those Americans who view indigent defense as a right but less likely than others to support the system when taxpayer funding is specified include:

- Older Americans (55+);
- Less educated;
- Low income;
- Republican;
- Conservative;
- Rural residents; and
- Residents of the Midwest.

Provide Lawyers to Those Who Cannot Afford One

Q2b. (Based on 750 respondents) Given everything we must do in society, do you favor or oppose the government using taxpayer dollars to provide lawyers to represent *people accused of crimes who cannot afford a lawyer*? Do you favor/oppose strongly or somewhat?

	Favor	Oppose	Favor		Oppose		DK/ Refuse
			Strongly	Smewht	Smewht	Strongly	
Total	64%	32	32%	32	14	18	5
Men	70%	27	37%	33	11	16	3
Women	57%	37	26%	31	16	21	6
18-34	65%	30	30%	35	14	16	5
35-44	66%	29	36%	30	9	20	5
45-54	70%	30	40%	30	14	16	--
55+	56%	37	26%	30	17	20	7
White	66%	30	33%	33	14	16	4
Black	57%	35	28%	29	12	23	8
Hispanic	52%	42	19%	33	10	32	5
<HS/HS	52%	43	22%	30	17	26	5
Some college	67%	28	32%	35	11	17	6
College grad	75%	23	39%	36	11	12	2
Post grad	82%	14	54%	28	8	6	5
<\$25K	53%	36	26%	27	12	24	10
\$25K-\$49K	61%	35	27%	34	15	20	4
\$50K-\$74K	75%	24	37%	38	13	11	2
\$75K+	70%	28	41%	29	11	17	1
Democrat	64%	32	35%	29	12	20	3
Republican	62%	34	25%	37	18	16	5
Independent	67%	29	36%	31	14	15	3
Liberal	66%	29	35%	31	12	17	3
Moderate	65%	33	34%	31	15	18	3
Conservative	62%	32	29%	33	13	19	5
Urban	64%	31	36%	28	14	17	5
Suburban	65%	32	31%	34	14	18	3
Rural	58%	32	26%	32	12	20	9
Northeast	63%	33	34%	29	17	16	5
Midwest	65%	31	28%	37	14	17	4
South Atlantic	63%	30	32%	31	12	18	7
South	56%	37	25%	31	16	21	7
West	66%	31	38%	28	11	20	3

Provide Lawyers to Low-Income People

Q2. (Based on 750 respondents) Given everything we must do in society, do you favor or oppose the government using taxpayer dollars to provide lawyers to represent *low-income people accused of crimes*? Do you favor/oppose strongly or somewhat?

	Favor	Oppose	Favor		Oppose		DK/ Refuse
			Strongly	Smewht	Smewht	Strongly	
Total	59%	33	27%	32	15	18	7
Men	62%	31	28%	34	13	18	7
Women	57%	37	26%	31	18	19	7
18-34	63%	31	29%	34	19	12	5
35-44	60%	34	26%	34	12	22	6
45-54	65%	29	32%	33	12	17	6
55+	51%	39	22%	29	16	23	10
White	60%	33	25%	35	14	19	6
Black	63%	31	34%	29	16	15	6
Hispanic	60%	31	38%	22	18	13	10
<HS/HS	49%	42	17%	32	20	22	10
Some college	62%	33	30%	32	16	17	5
College grad	69%	28	34%	35	10	18	4
Post grad	80%	16	48%	32	6	10	5
<\$25K	56%	32	27%	29	17	15	13
\$25K-\$49K	59%	35	24%	35	17	18	6
\$50K-\$74K	62%	34	29%	33	14	20	3
\$75K+	65%	31	34%	31	10	21	3
Democrat	65%	30	31%	34	14	16	4
Republican	49%	44	18%	31	18	26	6
Independent	61%	27	30%	31	12	15	11
Liberal	73%	20	38%	35	7	13	6
Moderate	61%	33	25%	36	17	16	6
Conservative	51%	43	21%	30	18	25	7
Urban	64%	30	32%	32	14	16	6
Suburban	59%	35	29%	30	16	19	6
Rural	56%	35	19%	37	16	19	9
Northeast	63%	30	35%	28	20	10	6
Midwest	52%	35	22%	30	15	20	12
South Atlantic	56%	36	26%	30	9	27	8
South	64%	32	26%	38	12	20	4
West	64%	33	31%	33	16	17	4

Indigent Defense as a Right Compared to Taxpayer Funding of System

Q5. Please tell me if you think each of the following is a right for individuals arrested for a crime in the U.S.: having a lawyer appointed and paid for by the court if they cannot afford one.

Q2a. *(Based on 750 respondents)* Given everything we must do in society, do you favor or oppose the government using taxpayer dollars to provide lawyers to represent *low-income people accused of crimes*? Do you favor/oppose strongly or somewhat?

	Q5. Is a right	Q2. Favor	Difference
Total	88%	59%	29
Men	89%	62%	27
Women	87%	57%	30
18-34	87%	63%	24
35-44	88%	60%	28
45-54	89%	65%	24
55+	88%	51%	37
White	88%	60%	28
Black	88%	63%	25
Hispanic	89%	60%	29
<HS/HS	86%	49%	37
Some college	89%	62%	27
College graduate	88%	69%	21
Post graduate	92%	80%	12
<\$25K	90%	56%	34
\$25K-49K	86%	59%	27
\$50K-\$74K	90%	62%	28
\$75K+	88%	65%	23
Democrat	88%	65%	23
Republican	86%	49%	37
Independent	92%	61%	31
Liberal	90%	73%	17
Moderate	90%	61%	29
Conservative	86%	51%	35
Urban	89%	64%	25
Suburban	87%	59%	28
Rural	89%	56%	33
Northeast	90%	63%	27
Midwest	90%	52%	38
South Atlantic	84%	56%	28
Deep south	87%	64%	23
West	87%	64%	23

At the end of the survey, over nine in ten Americans support the courts in their state providing a lawyer to defendants who cannot afford one, compared to over six in ten who acknowledge that their state has such a system.

After hearing information both pro and con on indigent defense, six in ten (62%) Americans believe that their state should provide a lawyer if the person accused of a crime cannot afford one, regardless of income, and a third 32% believes the courts should provide a lawyer if a person is low-income and below the poverty line. Only 3% believe that no lawyer should be provided.

A majority of every demographic group supports providing a lawyer for someone accused of a crime, regardless of the person's income. Those more likely to take this position include:

- Americans 45 to 54 years old;
- African Americans;
- Highly educated;
- Middle and upper income;
- Democrats and independents; and
- Liberals and moderates.

Those Americans who are the most likely to want to limit providing legal help to only those low-income and below the poverty line are:

- Older Americans (55+); and
- Republicans.

Provide Lawyers to People Accused of Crimes

Q48. If a person is arrested for a crime in your state, which of the following best describes what you think the court should do: a) provide a lawyer if the person is low-income and below the poverty line, b) provide a lawyer if the person cannot afford one, regardless of his income, or c) not provide lawyers for people accused of crimes.

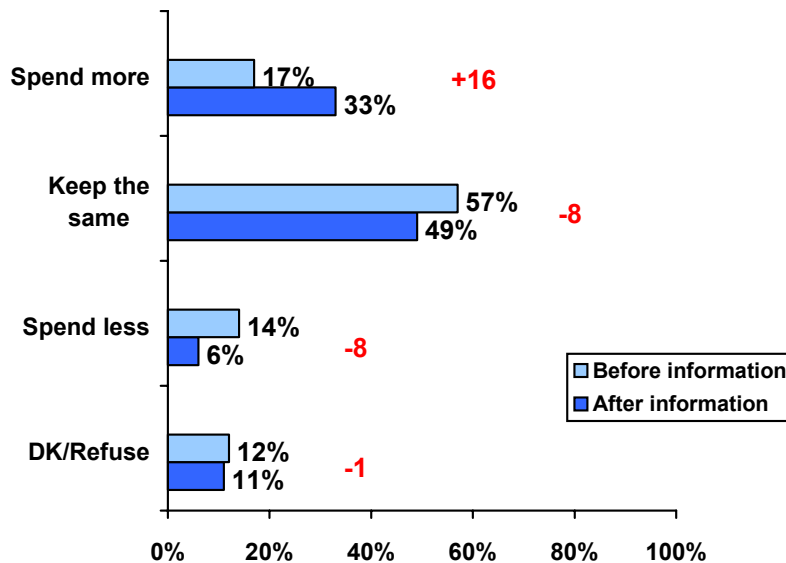
	Provide if low-income	Provide if cannot afford	Do not provide	Not sure
Total	32%	62	3	2
Men	31%	63	4	2
Women	33%	62	3	2
18-34	30%	64	3	2
35-44	32%	64	2	1
45-54	26%	71	2	1
55+	38%	52	5	4
White	32%	62	3	3
Black	27%	70	1	3
Hispanic	34%	58	6	1
<HS/HS	33%	59	5	2
Some college	31%	64	2	3
College grad	35%	61	3	1
Post grad	28%	69	1	2
<\$25K	35%	56	5	4
\$25K-\$49K	31%	64	3	1
\$50K-\$74K	33%	63	3	1
\$75K+	33%	64	2	1
Democrat	33%	62	3	2
Republican	37%	57	4	2
Independent	29%	66	4	1
Liberal	33%	63	2	2
Moderate	30%	67	2	1
Conservative	34%	59	5	2
Urban	29%	65	2	3
Suburban	33%	61	4	2
Rural	33%	60	3	3
Northeast	33%	63	2	2
Midwest	32%	62	4	2
South Atlantic	28%	64	5	4
South	32%	63	3	2
West	35%	58	4	3

2. Hesitation to increase funding for system of public defenders

Even though majorities support providing legal representation for those accused of a crime, the public hesitates to endorse increases in government funding. At the beginning of the survey, before receiving any information about the system of indigent defense in the country, fewer than two in ten favor increasing government spending (17%) for a indigent defense system. About seven in ten either see no need for increasing funding (57%) or would like to see funding cut; and 12% are unsure.

After receiving information from both sides of the debate on funding the system of indigent defense, the public shifts more toward increasing funding. At the end of the survey, a third of public (33%) favors increasing funding. This represents a gain of 16 percentage points in support for more funding from the beginning to the end of the survey. Also, the percentage of those who want to spend less on indigent defense declines from 17% to 6%, but a plurality of the public still believes funding should remain at current levels (49%).

Support for Increasing Funding for Before and After Information



Q10. Most states across the country have a public defense system whereby the government pays lawyers to represent people arrested for crimes who cannot afford legal help on their own. In some places the lawyers work in a public defender's office and other places the court appoints and pays private lawyers to represents low-income people accused of crimes. In your state, do you think the government should be spending more or spending less on legal defense for people who cannot afford a lawyer, or should the government keep the funding about where it is now?

Q47. Sometimes people change their opinions in a survey. Let me ask you again, in your state, do you think the government should be spending more or spending less on legal defense for people who cannot afford a lawyer, or should the government keep the funding about where it is now?

Initial support for increasing funding is more pronounced among:

- Men;
- Americans 45 to 54 years old;
- African Americans;
- Educated Americans;
- Urban residents;
- Democrats; and
- Liberals.

These groups are the first targets for communications because they are the easiest to enlist and activate on this issue. They are the groups that will believe this is an important issue with the least effort from advocates.

The groups that are most likely to support increased funding after receiving information represent where advocates will find their greatest support after communications from both sides. Many of these are the same groups that were most supportive at the outset but some are converts (*). After receiving information, the following groups of Americans express the most likelihood of favoring increased funding:

- Men;
- African Americans;
- Hispanics*;
- Highly-educated Americans;
- Low-income*;
- Urban residents;
- Democrats;
- Independents*;
- Liberals; and
- Non-Midwesterners*.

Among these characteristics, party affiliation, political ideology, whether someone is African American, income, where they live, and gender are most predictive of supporting increased funding after information, according to regression analysis.

Support for Funding for Indigent Defense

Q10. Most states across the country have a public defense system whereby the government pays lawyers to represent people arrested for crimes who cannot afford legal help on their own. In some places the lawyers work in a public defender's office and other places the court appoints and pays private lawyers to represents low-income people accused of crimes. In your state, do you think the government should be spending more or spending less on legal defense for people who cannot afford a lawyer, or should the government keep the funding about where it is now?

	Spend more	Spend less	Keep the same	DK/Refuse
Total	17%	14	57	12
Men	21%	14	57	9
Women	14%	15	57	15
18-34	16%	12	59	12
35-44	16%	16	55	13
45-54	23%	10	57	10
55+	16%	17	55	12
White	13%	16	58	13
Black	34%	7	51	9
Hispanic	22%	17	55	6
<HS/HS	16%	16	60	8
Some college	17%	15	57	11
College grad	21%	12	51	16
Post grad	21%	10	51	19
<\$25K	22%	13	56	9
\$25K-\$49K	15%	14	62	9
\$50K-\$74K	18%	16	53	13
\$75K+	18%	13	57	11
Democrat	21%	11	61	7
Republican	12%	18	57	12
Independent	19%	13	52	15
Liberal	23%	12	55	11
Moderate	16%	12	60	12
Conservative	16%	18	55	12
Urban	22%	10	56	12
Suburban	17%	17	54	12
Rural	12%	14	61	12
Northeast	19%	9	60	12
Midwest	12%	14	60	14
South Atlantic	20%	17	51	12
South	18%	17	56	9
West	19%	15	53	13

Support Before and After Information

Q10. In your state, do you think the government should be spending more or spending less on legal defense for people who cannot afford a lawyer, or should the government keep the funding about where it is now?

Q47. Sometimes people change their opinions in a survey. Let me ask you again, in your state, do you think the government should be spending more or spending less on legal defense for people who cannot afford a lawyer, or should the government keep the funding about where it is now?

% saying "spend more"	Q10.	Q47.	% difference
Total	17%	33%	+16
Men	21%	35%	+14
Women	14%	31%	+17
18-34	16%	33%	+17
35-44	16%	31%	+15
45-54	23%	36%	+13
55+	16%	33%	+17
White	13%	27%	+14
Black	34%	58%	+24
Hispanic	22%	40%	+18
<HS/HS	16%	31%	+15
Some college	17%	34%	+17
College grad	21%	33%	+12
Post grad	21%	41%	+20
<\$25K	22%	40%	+18
\$25K-\$49K	15%	35%	+20
\$50K-\$74K	18%	32%	+14
\$75K+	18%	31%	+13
Democrat	21%	44%	+23
Republican	12%	19%	+7
Independent	19%	37%	+18
Liberal	23%	44%	+21
Moderate	16%	33%	+17
Conservative	16%	27%	+11
Urban	22%	43%	+21
Suburban	17%	31%	+14
Rural	12%	26%	+14
Northeast	19%	35%	+16
Midwest	12%	25%	+13
South Atlantic	20%	34%	+14
South	18%	36%	+18
West	19%	38%	+19

3. Essentials of good representation

In the focus groups, voters defined “right to counsel” as an accused person’s entitlement to “competent” legal representation. In the survey, we explored further what Americans consider essential for “competent” representation.

...why should the prosecution be allowed to spend all their money to prosecute and the defense be given a warm body and a legal pad. – *Caucasian man, San Jose*

Having the right to a lawyer means having a lawyer with a reasonable caseload and resources to obtain DNA testing and other laboratory services, and to hire investigators.

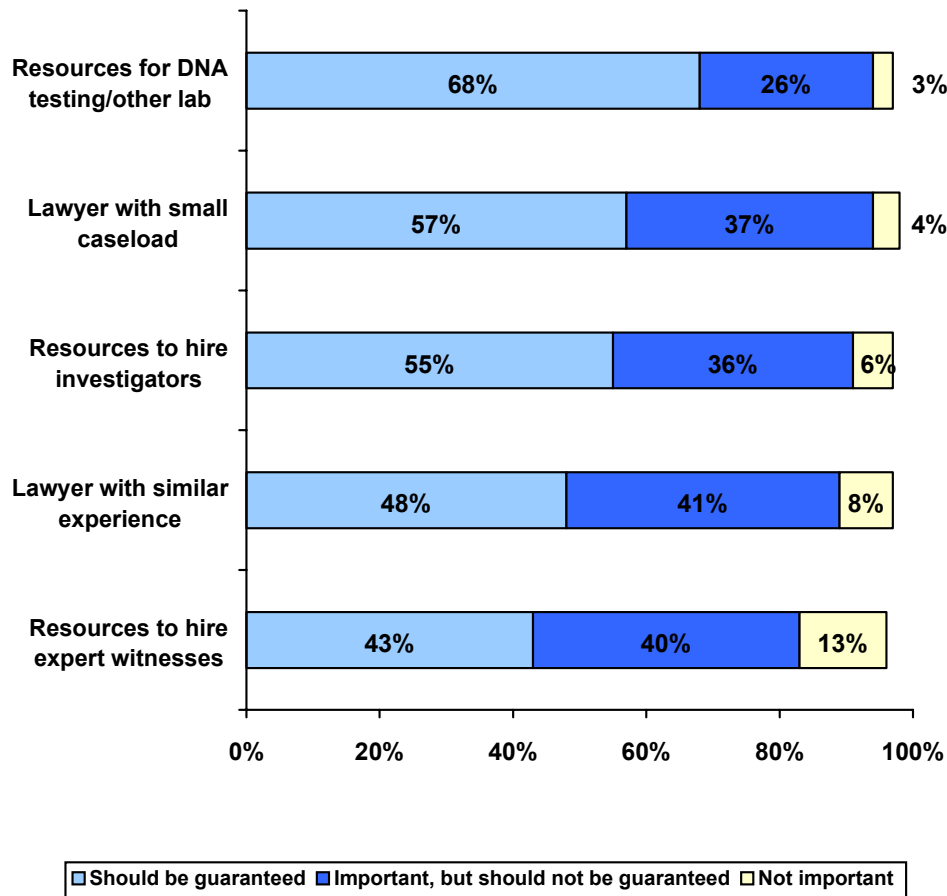
Majorities of Americans believe that a low-income person accused of a crime should be *guaranteed* by the government:

- Resources to obtain DNA testing and other laboratory services (68% guaranteed);
- A lawyer with a small enough caseload to provide the time necessary to prepare a defense for each person (57%); and
- Resources to hire investigators to check on evidence and find witnesses (55%).

Considered important but not necessarily something that should be guaranteed is having:

- A lawyer with experience in defending people accused of similar crimes (48% guaranteed); and
- Resources to hire expert witnesses (43%).

Guarantees to Defendants



Please tell if you think each of the things in this list should be guaranteed by the government to low-income people accused of a crime, is important but should not be guaranteed, is not very important, or is not at all important for someone accused of a crime.

Q20. Resources to obtain DNA testing and other laboratory services

Q21. A lawyer with a small enough case load to provide the time necessary to prepare a defense for each person.

Q18. Resources to hire investigators to check on evidence and find witnesses.

Q17. A lawyer with experience in defending people accused of similar crimes.

Q19. Resources to hire expert witnesses.

None of the five aspects of counsel is considered unimportant by the public. Americans more likely to believe each of these things should be guaranteed include:

- Minorities;
- Low-income;
- Democrats; and
- Liberals.

Americans with less education and those aged 45 to 54 place a higher importance than others on having a lawyers with similar case experience and resources to hire investigators.

Urban residents place a high priority on small caseloads, resources to hire investigators, and expert witnesses.

Residents of the Midwest are less likely than residents in other parts of the country to want to guarantee many of these aspects of representation.

Guarantees to Defendants

Q17-21. Please tell if you think each of the things in this list should be guaranteed by the government to low-income people accused of a crime, is important but should not be guaranteed, is not very important, or is not at all important for someone accused of a crime.

% saying "should be guaranteed"	Resources to obtain DNA and other lab testing	Lawyer w/small caseload	Resources to hire investigators to check evidence and find witnesses
Total	68%	57%	55%
Men	67%	57%	54%
Women	70%	56%	55%
18-34	65%	57%	54%
35-44	68%	53%	51%
45-54	68%	58%	60%
55+	72%	58%	54%
White	66%	54%	49%
Black	77%	64%	71%
Hispanic	76%	63%	70%
<HS/HS	70%	60%	59%
Some college	68%	57%	55%
College grad	67%	45%	46%
Post grad	65%	57%	49%
<\$25K	73%	63%	67%
\$25K-\$49K	71%	58%	57%
\$50K-\$74K	67%	51%	47%
\$75K+	65%	52%	49%
Democrat	74%	62%	62%
Republican	59%	47%	43%
Independent	70%	56%	53%
Liberal	71%	62%	63%
Moderate	69%	55%	50%
Conservative	67%	52%	53%
Urban	72%	61%	62%
Suburban	66%	56%	53%
Rural	68%	52%	50%
Northeast	72%	59%	57%
Midwest	66%	53%	49%
South Atlantic	66%	54%	52%
South	70%	60%	59%
West	68%	58%	57%

Guarantees to Defendants

Q17-21. Please tell if you think each of the things in this list should be guaranteed by the government to low-income people accused of a crime, is important but should not be guaranteed, is not very important, or is not at all important for someone accused of a crime.

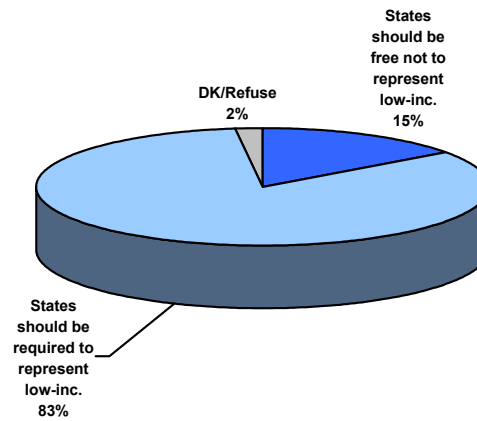
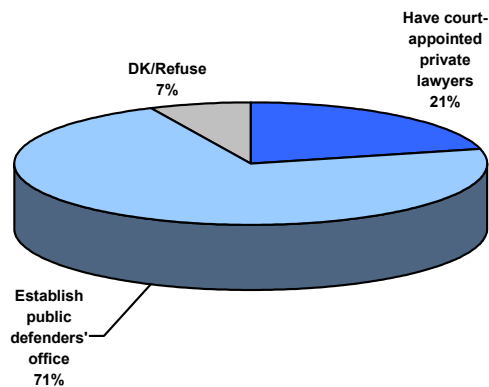
% saying "should be guaranteed"	Lawyer w/similar case experience	Resources to hire expert witnesses
Total	48%	43%
Men	48%	44%
Women	48%	42%
18-34	48%	44%
35-44	49%	38%
45-54	54%	45%
55+	44%	43%
White	44%	39%
Black	64%	54%
Hispanic	54%	53%
<HS/HS	52%	44%
Some college	47%	44%
College grad	41%	35%
Post grad	44%	43%
<\$25K	55%	53%
\$25K-\$49K	51%	45%
\$50K-\$74K	43%	37%
\$75K+	44%	40%
Democrat	56%	50%
Republican	40%	35%
Independent	45%	40%
Liberal	51%	51%
Moderate	46%	40%
Conservative	47%	40%
Urban	52%	48%
Suburban	49%	42%
Rural	42%	37%
Northeast	51%	50%
Midwest	43%	38%
South Atlantic	50%	44%
South	52%	39%
West	47%	44%

4. Proposals for improving the system

Before presenting respondents with messages on the need to increase funding for public defenders, the survey measured the public's level of support for a number of specific policies to reform the system of indigent defense in the U.S. Overall, the public strongly supports efforts to reform the current system and endorses moves to establish public defender offices in every state.

- Seven in ten (71%) Americans believe that establishing a public defenders' office in each state with full-time professional staff lawyers to represent individuals accused of crimes is a preferred system to having the courts appoint private lawyers fill the same function (21%). Large majorities of all demographic groups support establishing public defender offices.
- Eight in ten (83%) believe that states should be required to provide representation to at least people below the poverty line. Only 15% believe states should be able to decide for themselves who is eligible for a court-appointed attorney. Large majorities of all demographic groups support this requirement.

Support for Strong System of Public Defenders

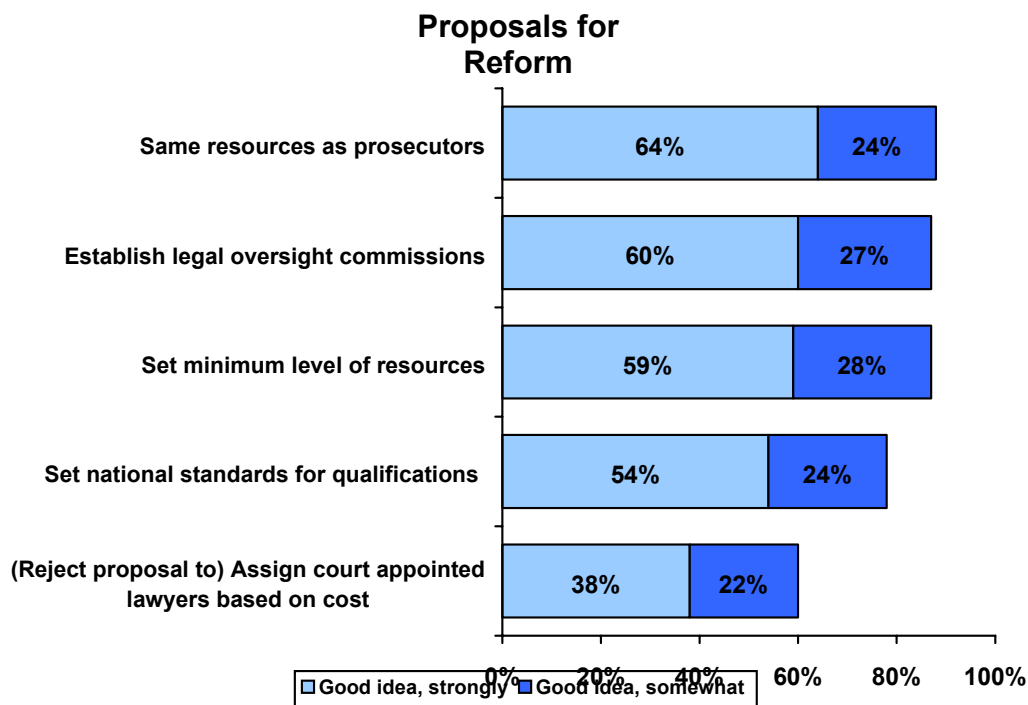


Q22. Which do you think is a better system to provide legal help to low-income people accused of a crime: 1) have courts appoint private lawyers to represent the individuals accused of a crime or 2) establish a public defenders office in each state with full-time professional staff lawyers to represent individuals accused of crimes?

Q28. Here are two statements. Tell me which one you agree with more: a) States should have the freedom to decide for themselves who is eligible to receive a public defender or court-appointed lawyer, even if this means some states will decide NOT to cover many very poor people accused of a crime, or b) states should be required to provide public defenders or court-appointed lawyers at least to people below the poverty level who are accused of a crime?

Support for specific reforms include the following:

- Nearly nine in ten (88%) support giving public defenders and prosecutors the same resources per case, with nearly two-thirds (64%) favoring this proposal strongly.
- Setting local oversight commissions to ensure competent counsel and establishing national standards on resources is also very popular (87% think each is a good idea with 60% strongly favoring local oversight and 59% strongly favoring national standards on resources).
- Eight in ten (78%) favor national standards on qualifications for public defenders or court-appointed lawyers, with 54% strongly thinking this is a good proposal.
- Half (50%) reject the idea of judges and local governments appointing counsel based on which lawyer cost the least and four in ten (38%) strongly reject this practice.



There are a number of proposals to change how the system of public defenders and court-appointed lawyers works in this country. Please tell me if you think each of the following is a good idea or not good idea. Is that strongly or somewhat?

Q27. Public defenders and court-appointed lawyers should have the same resources per case as prosecutors to spend on things such as expert witnesses, investigators, and lab tests.

Q26. Establish local legal oversight commissions to make sure that low-income people accused of a crime are receiving competent lawyers with adequate resources to represent them.

Q25. Set national standards for a minimum level of resources that should be available to all public defenders and court-appointed lawyers, such as access to expert witnesses, investigators, and DNA testing when appropriate.

Q24. Set national standards for the qualifications for public defenders and court-appointed lawyers instead of letting qualifications vary from state to state and county to county.

Q23. (* percent saying "bad idea") When a low-income person is accused of a crime, allow judges and local governments to assign court-appointed private lawyers based on which lawyers cost the least.

There are some noteworthy differences among subgroups regarding support for specific proposals:

Equalizing resources between public defenders and prosecutors: Those under 55 years old, African Americans, urban residents, less educated, liberals, Democrats and independents, and non-Midwesterners are more in favor than others.

Establish oversight commissions to ensure competent representation: Americans 45 to 54, minorities, Democrats, liberals, urban residents, and southerners are more strongly in favor this proposal.

National standards on resources: Women, minorities, Democrats, independents, liberals, urban residents, and residents of the Northeast and South are more strongly in favor of this proposal than others.

National standards on qualifications: Strongly favored by women, African Americans, Democrats, liberals and moderates.

Reject allowing courts to hire private lawyers based on who costs the least: Americans over 34 years old, educated, upper income, and liberals and moderates.

Establishing Public Defender Offices

Q22. Which do you think is a better system to provide legal help to low-income people accused of a crime: 1) have courts appoint private lawyers to represent the individuals accused of a crime or 2) establish a public defender's office in each state with full-time professional staff lawyers to represent individuals accused of crimes? [VOLUNTEER CODE: neither/don't have a system]

	Have court- appointed private lawyers	Establish a public defender's office	Neither	DK/Refuse
Total	21%	71	1	7
Men	24%	69	2	5
Women	18%	73	1	8
18-34	22%	72	1	5
35-44	20%	73	1	6
45-54	20%	70	2	7
55+	21%	68	2	9
White	19%	73	1	6
Black	21%	66	3	10
Hispanic	24%	66	2	8
<HS/HS	21%	71	1	6
Some college	24%	66	3	8
College grad	18%	75	--	7
Post grad	20%	72	1	7
<\$25K	25%	67	1	7
\$25K-\$49K	21%	72	1	7
\$50K-\$74K	19%	74	2	5
\$75K+	19%	72	1	7
Democrat	20%	72	1	7
Republican	21%	72	1	6
Independent	22%	71	2	6
Liberal	21%	74	--	5
Moderate	15%	76	2	7
Conservative	25%	67	2	7
Urban	20%	73	1	6
Suburban	21%	70	2	7
Rural	22%	69	1	8
Northeast	22%	71	1	5
Midwest	18%	74	1	7
South Atlantic	22%	70	2	6
South	20%	69	1	9
West	22%	70	1	7

State Required to Provide Representation

Q28. Here are two statements. Tell me which one you agree with more: a) States should have the freedom to decide for themselves who is eligible to receive a public defender or court-appointed lawyer, even if this means some states will decide NOT to cover many very poor people accused of a crime, or b) States should be required to provide public defenders or court-appointed lawyers at least to people below the poverty level who are accused of a crime.

	States should decide	States should provide	DK/Refuse
Total	15%	83	2
Men	15%	82	3
Women	14%	84	2
18-34	15%	84	1
35-44	12%	85	3
45-54	19%	77	4
55+	14%	83	3
White	17%	81	2
Black	13%	85	2
Hispanic	6%	93	1
<HS/HS	12%	84	3
Some college	16%	82	2
College grad	17%	81	2
Post grad	17%	81	2
<\$25K	14%	84	2
\$25K-\$49K	12%	85	2
\$50K-\$74K	15%	83	2
\$75K+	18%	79	3
Democrat	11%	87	2
Republican	22%	74	5
Independent	14%	84	1
Liberal	8%	91	1
Moderate	12%	87	1
Conservative	22%	74	4
Urban	12%	87	1
Suburban	15%	82	3
Rural	18%	79	4
Northeast	11%	85	4
Midwest	15%	83	2
South Atlantic	17%	78	5
South	18%	81	1
West	13%	85	2

Policy Changes

Q23-27. There are a number of proposals to change how the system of public defenders and court-appointed lawyers works in this country. Please tell me if you think each of the following is a good idea or not a good idea [strongly or somewhat?].

% saying "strongly good"	Equalize resources b/w PDs/CALs and prosecutors	Establish legal oversight commissions to ensure defendants receive competent lawyers	Set national standards for minimum level of resources available to PDs/CALs
Total	64%	60%	59%
Men	63%	60%	56%
Women	64%	59%	63%
18-34	64%	59%	59%
35-44	65%	58%	60%
45-54	68%	69%	64%
55+	59%	56%	58%
White	61%	56%	56%
Black	77%	76%	70%
Hispanic	67%	68%	64%
<HS/HS	68%	62%	61%
Some college	64%	59%	60%
College grad	56%	56%	56%
Post grad	60%	59%	60%
<\$25K	64%	63%	62%
\$25K-\$49K	69%	63%	64%
\$50K-\$74K	62%	57%	57%
\$75K+	60%	58%	58%
Democrat	68%	69%	66%
Republican	54%	48%	48%
Independent	67%	58%	62%
Liberal	71%	71%	72%
Moderate	64%	58%	59%
Conservative	59%	54%	54%
Urban	68%	65%	67%
Suburban	62%	57%	56%
Rural	63%	59%	57%
Northeast	67%	61%	64%
Midwest	57%	54%	56%
South Atlantic	66%	58%	53%
South	67%	66%	65%
West	62%	61%	59%

Policy Changes

Q23-27. There are a number of proposals to change how the system of public defenders and court-appointed lawyers works in this country. Please tell me if you think each of the following is a good idea or not a good idea [strongly or somewhat?].

% saying "strongly good"	Set national standards for the qualifications of PDs/CALs	% saying hiring private lawyers based only on cost "strongly bad"
Total	54%	38%
Men	51%	38%
Women	57%	37%
18-34	53%	30%
35-44	57%	38%
45-54	56%	41%
55+	51%	44%
White	55%	40%
Black	63%	35%
Hispanic	46%	34%
<HS/HS	51%	32%
Some college	58%	39%
College grad	57%	42%
Post grad	53%	49%
<\$25K	53%	30%
\$25K-\$49K	57%	36%
\$50K-\$74K	54%	49%
\$75K+	55%	42%
Democrat	59%	37%
Republican	53%	38%
Independent	51%	40%
Liberal	59%	41%
Moderate	59%	39%
Conservative	50%	35%
Urban	58%	37%
Suburban	53%	37%
Rural	52%	39%
Northeast	54%	36%
Midwest	56%	33%
South Atlantic	57%	38%
South	52%	39%
West	51%	42%

C. Communicating about the need for increased funding

This section looks at the many pieces of information, pro and con, that together could form the debate concerning funding for indigent defense. Before considering information that will help to increase saliency of this issue, we identify the values or core beliefs that motivate attitudes on indigent defense.

1. Values framework for messages

When considering messages about why we should devote more resources to defend poor people accused of crimes, the ones that offer a simple appeal to fairness are most persuasive. Of the six values messages tested, five were particularly persuasive as a reason to support increased funding for indigent defense. Each of the messages invokes the value of fairness but in different ways – economic equity, protecting the innocent, and ensuring a fair society. The messages are:

Fairness, economic equity, and criminal justice:

- The quality of justice a person receives should not be determined by how much money a person has (88% convincing; 74% very convincing).
- Our criminal justice system would not be fair if we did not provide competent legal representation to those who cannot afford it (90% convincing; 67% very convincing).

Protecting the innocent:

- Providing competent legal representation is necessary to prevent innocent people from going to jail (93% convincing; 72% very convincing).

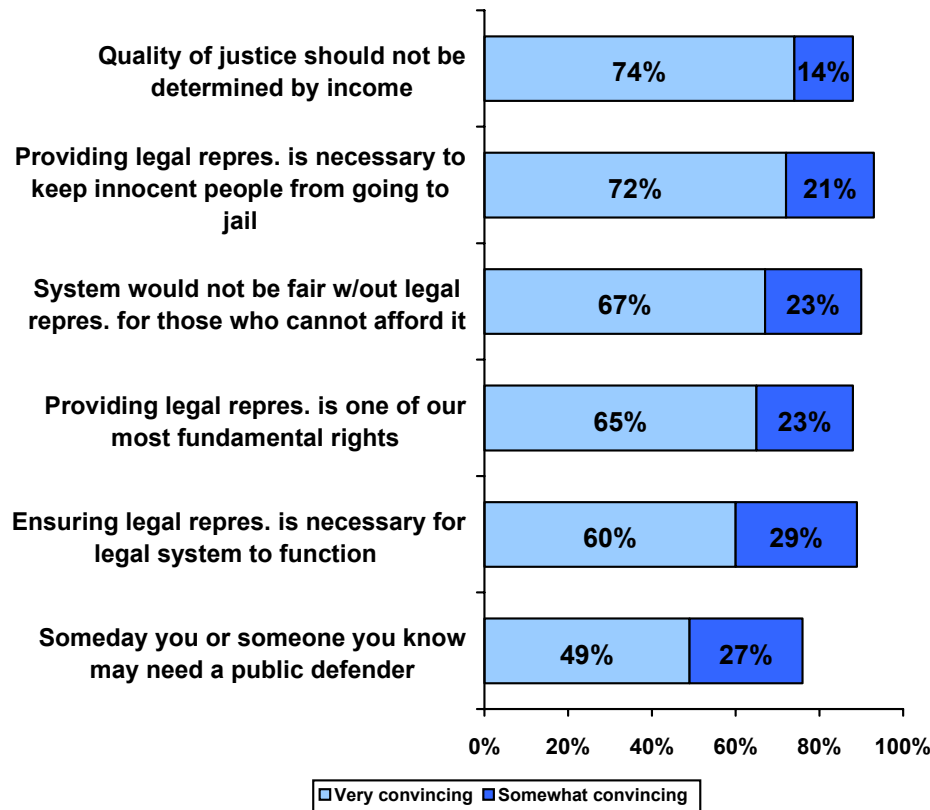
Ensuring rights and a fair society:

- Providing competent legal representation is one of our most fundamental rights in the U.S. (88% convincing; 65% very convincing).
- Ensuring competent legal representation for all is necessary for our legal system to function (89% convincing; 60% very convincing).

Another message which has narrower appeal communicates the value of self-preservation:

- Some day you or someone you know may need the help of a public defender (76% convincing; 49% very convincing).

Values that Underlie Support for Indigent Defense



Q34-39. Now here are some reasons people have given for why we SHOULD increase the amount of money we spend on public defense of low-income people. Please tell me if you find each statement a very convincing, somewhat convincing, not very convincing, or not at all convincing reason to spend more money on public defense.

In general, the values messages resonate more strongly among:

- Women;
- Older Americans, especially 45 to 55 year olds;
- African Americans;
- Democrats;
- Independents; and
- Liberals and moderates.

The self-preservation message is more convincing to women, Hispanics and African Americans, low-income, less educated, and residents of the South than others.

The message about legal representation as a fundamental right in the U.S. is more persuasive to Americans with lower-incomes than those with higher incomes.

Reasons to Increase Spending on Indigent Defense

Q34-39. Now here are some reasons that people have given for why we SHOULD increase the amount of money that we spend on public defense of low-income people accused of crimes. Please tell me if you find each statement a very convincing, somewhat convincing, not very convincing, or not at all convincing reason to spend more money on public defense.

% saying "very convincing"	Quality of justice should not be determined by money	Competent legal repres. is necessary to prevent innocent from going to jail	Criminal justice would not be fair if competent legal repres. was not given to those who can't afford it
Total	74%	72%	67%
Men	72%	69%	65%
Women	76%	74%	70%
18-34	72%	68%	65%
35-44	73%	69%	65%
45-54	82%	81%	72%
55+	71%	72%	69%
White	72%	71%	66%
Black	74%	81%	77%
Hispanic	80%	72%	70%
<HS/HS	73%	73%	67%
Some college	74%	74%	70%
College grad	75%	66%	63%
Post grad	74%	70%	68%
<\$25K	73%	73%	69%
\$25K-\$49K	76%	77%	71%
\$50K-\$74K	77%	70%	65%
\$75K+	73%	66%	64%
Democrat	77%	77%	72%
Republican	68%	64%	60%
Independent	74%	73%	68%
Liberal	81%	79%	75%
Moderate	75%	71%	70%
Conservative	68%	67%	60%
Urban	78%	77%	72%
Suburban	70%	67%	64%
Rural	76%	75%	68%
Northeast	75%	75%	69%
Midwest	71%	70%	62%
South Atlantic	72%	70%	70%
South	79%	77%	72%
West	74%	67%	66%

Reasons to Increase Spending on Indigent Defense

Q34-39. Now here are some reasons that people have given for why we SHOULD increase the amount of money that we spend on public defense of low-income people accused of crimes. Please tell me if you find each statement a very convincing, somewhat convincing, not very convincing, or not at all convincing reason to spend more money on public defense.

% saying "very convincing"	Providing legal representation is a fundamental right in the U.S.	Ensuring competent legal representation is necessary for legal system to function	You or someone you know may one day need the help of a PD
Total	65%	60%	49%
Men	63%	58%	46%
Women	67%	61%	53%
18-34	59%	52%	50%
35-44	61%	57%	46%
45-54	74%	71%	57%
55+	70%	62%	47%
White	64%	59%	45%
Black	72%	68%	66%
Hispanic	72%	59%	60%
<HS/HS	65%	58%	54%
Some college	69%	63%	50%
College grad	60%	58%	41%
Post grad	64%	62%	43%
<\$25K	68%	57%	57%
\$25K-\$49K	70%	66%	54%
\$50K-\$74K	61%	62%	48%
\$75K+	58%	55%	37%
Democrat	69%	65%	59%
Republican	61%	54%	36%
Independent	64%	60%	47%
Liberal	67%	68%	59%
Moderate	71%	63%	49%
Conservative	60%	52%	42%
Urban	69%	63%	50%
Suburban	62%	59%	50%
Rural	68%	57%	48%
Northeast	66%	61%	48%
Midwest	64%	56%	49%
South Atlantic	65%	61%	49%
South	65%	62%	55%
West	64%	59%	46%

When developing communications themes from polling data, we consider at least two factors: First, to what extent do reactions to individual message arguments predict whether a person will support or oppose an issue after hearing all the arguments. The second angle examines the breadth of support for messages.

When we identify those messages that are both highly popular and reliable measures of a person supporting increased funding of indigent defense, the following messages stand out as both popular and decisive:

- Providing competent legal representation is one of our most fundamental rights in the U.S.
- Our criminal justice system would not be fair if we did not provide competent legal representation to those who cannot afford it.

2. Informational statements

The survey measured public reaction to seven informational messages and found that those that relate to the lack of equity in the system and demonstrate the consequences – overburdened counsel and dearth of representation – are the most persuasive. These messages also speak directly to what Americans consider necessary to ensure competent counsel – a reasonable workload and sufficient resources to do their jobs.

Those statements that speak to ensuring a fair society are also seen as convincing of the need to increase funding.

The most persuasive messages reflect on workload of public defenders:

- In most states, there are no restrictions on the number of cases private lawyers appointed by the courts or public defenders can take. Many times these lawyers are overworked, representing thousands of people a year. Often public defenders or court-appointed private lawyers meet their clients in the courtroom for only a few minutes before their trial starts (82% convincing; 55% very convincing);
- The current system cannot meet the need. In some places, defendants may wait months in jail before being appointed a lawyer and getting a hearing (79% convincing; 51% very convincing);

The next most persuasive messages describe lack of resources:

- Lawyers defending those accused of crimes receive inadequate resources from the court and local governments to put on a defense. In most cases, they do not have enough money to hire an investigator, expert witnesses, or to conduct DNA testing (79% convincing; 46% very convincing); and
- Prosecutors have an unfair advantage because they have the resources of the police, government crime lab, and are better paid lawyers (72% convincing; 42% very convincing).

Closely following these messages in appeal is a statement regarding the potential of public defenders to help their clients become productive members of society.

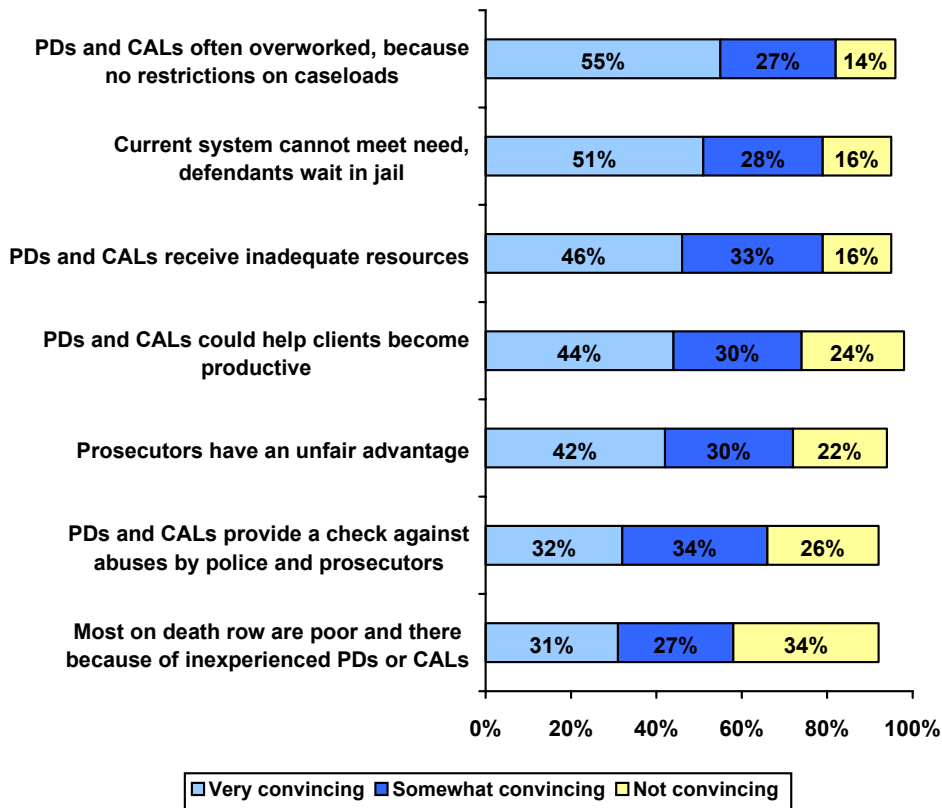
- With sufficient resources public defenders and court-appointed private lawyers could help their clients become productive members of society by helping them to get the drug treatment, counseling or job training they may need (74% convincing; 44% very convincing).

While this message garners a large majority saying it is persuasive of the need for greater funding, we caution using the message on its own. In the focus groups, voters reacted coolly to the idea of public defenders expanding their role beyond ensuring justice is served. Realizing the already tight budgets and time constraints, voters in the discussions were hesitant for public defenders to take on a more expansive role that many believe is better assumed by social workers.

Two other statements were found slightly less persuasive of the need to increase funding:

- Public defenders and court-appointed private lawyers provide a check on police brutality or misconduct, misconduct by prosecutors, police, or lab technicians, or other abuses (66% convincing; 32% very convincing); and
- Defendants who can afford expensive legal representation don't usually get the death penalty. Most people now on death row are poor and are there because they were represented by inexperienced, public defenders or court-appointed lawyers (58% convincing; 31% very convincing).

Reasons to Increase Spending on Indigent Defense



Q40-46. Here are some other reasons that people have given for why we SHOULD increase the amount of money that we spend on public defense of low-income people accused of crimes. Please tell me if you find each statement a very convincing, somewhat convincing, not very convincing, or not at all convincing reason to spend more money on public defense.

All four top messages on workload and resources draw more enthusiasm from:

- Minorities than Caucasians;
- Americans with lower socio-economic status;
- Democrats and independents than Republicans;
- Liberals than moderates and conservatives; and
- Among younger (<56 years old) than older Americans.

Messages about caseloads and inability to meet need hold more currency with women and 45 to 54 year olds than with other segments.

More Reasons to Increase Spending on Indigent Defense

Q40-46. Here are some other reasons that people have given for why we SHOULD increase the amount of money that we spend on public defense of low-income people accused of crimes. Please tell me if you find each statement a very convincing, somewhat convincing, not very convincing, or not at all convincing reason to spend more money on public defense.

% saying "very convincing"	Overworked, no restraints on caseloads	Cannot meet the need, defendants in jail	Inadequate resources from the court to put on a defense	Prosecutors have an unfair advantage in resources
Total	55%	51%	46%	42%
Men	51%	47%	46%	43%
Women	59%	55%	45%	40%
18-34	55%	49%	46%	40%
35-44	53%	49%	47%	41%
45-54	62%	59%	48%	47%
55+	53%	49%	43%	41%
White	53%	49%	41%	38%
Black	70%	62%	66%	68%
Hispanic	63%	50%	53%	42%
<HS/HS	57%	54%	49%	46%
Some college	57%	52%	48%	43%
College grad	52%	43%	37%	35%
Post grad	51%	47%	41%	33%
<\$25K	56%	53%	55%	49%
\$25K-\$49K	63%	56%	47%	47%
\$50K-\$74K	53%	50%	43%	38%
\$75K+	47%	47%	38%	34%
Democrat	62%	56%	54%	49%
Republican	47%	44%	34%	33%
Independent	56%	52%	46%	42%
Liberal	66%	59%	57%	50%
Moderate	53%	50%	44%	42%
Conservative	51%	47%	41%	38%
Urban	59%	52%	51%	47%
Suburban	53%	48%	43%	40%
Rural	55%	54%	46%	39%
Northeast	55%	53%	45%	39%
Midwest	49%	47%	42%	36%
South Atlantic	60%	55%	48%	48%
South	63%	56%	54%	49%
West	52%	47%	43%	41%

More Reasons to Increase Spending on Indigent Defense

Q40-46. Here are some other reasons that people have given for why we SHOULD increase the amount of money that we spend on public defense of low-income people accused of crimes. Please tell me if you find each statement a very convincing, somewhat convincing, not very convincing, or not at all convincing reason to spend more money on public defense.

% saying "very convincing"	Help clients become productive	Provide check on police and prosecution abuse	Most on death row are poor and there because of inexperienced PDs/CALs
Total	44%	32%	31%
Men	39%	31%	32%
Women	48%	33%	31%
18-34	42%	32%	31%
35-44	37%	30%	30%
45-54	47%	33%	34%
55+	48%	33%	31%
White	38%	28%	28%
Black	62%	48%	57%
Hispanic	57%	43%	34%
<HS/HS	52%	37%	35%
Some college	46%	29%	31%
College grad	30%	29%	27%
Post grad	29%	25%	24%
<\$25K	59%	41%	35%
\$25K-\$49K	49%	36%	34%
\$50K-\$74K	38%	26%	30%
\$75K+	26%	23%	26%
Democrat	55%	39%	39%
Republican	32%	23%	24%
Independent	40%	32%	29%
Liberal	51%	40%	40%
Moderate	42%	28%	30%
Conservative	40%	31%	27%
Urban	47%	35%	33%
Suburban	41%	31%	29%
Rural	46%	31%	33%
Northeast	45%	32%	26%
Midwest	36%	27%	28%
South Atlantic	42%	32%	38%
South	56%	39%	38%
West	43%	31%	29%

3. Opposition arguments

The survey tested the persuasiveness of five reasons not to increase the funding for indigent defense. Overall, these messages resonate less strongly than pro-funding messages with the public than messages for increasing funding. However, many of the anti-funding statements hold some appeal even among the core supporters of indigent defense. If the opposition is able to frame the issue as one of punishment and security or a trade-off between money for keeping criminals off the streets *vs.* defending those arrested for crimes, building public support for public defenders and court-appointed attorneys will be much more difficult.

The most broadly persuasive message for the not increasing funding for public defenders, predictive of the opposition, is:

- We need to spend more resources on catching and punishing criminals, not on trying to help them escape punishment (73% convincing; 39% very convincing).

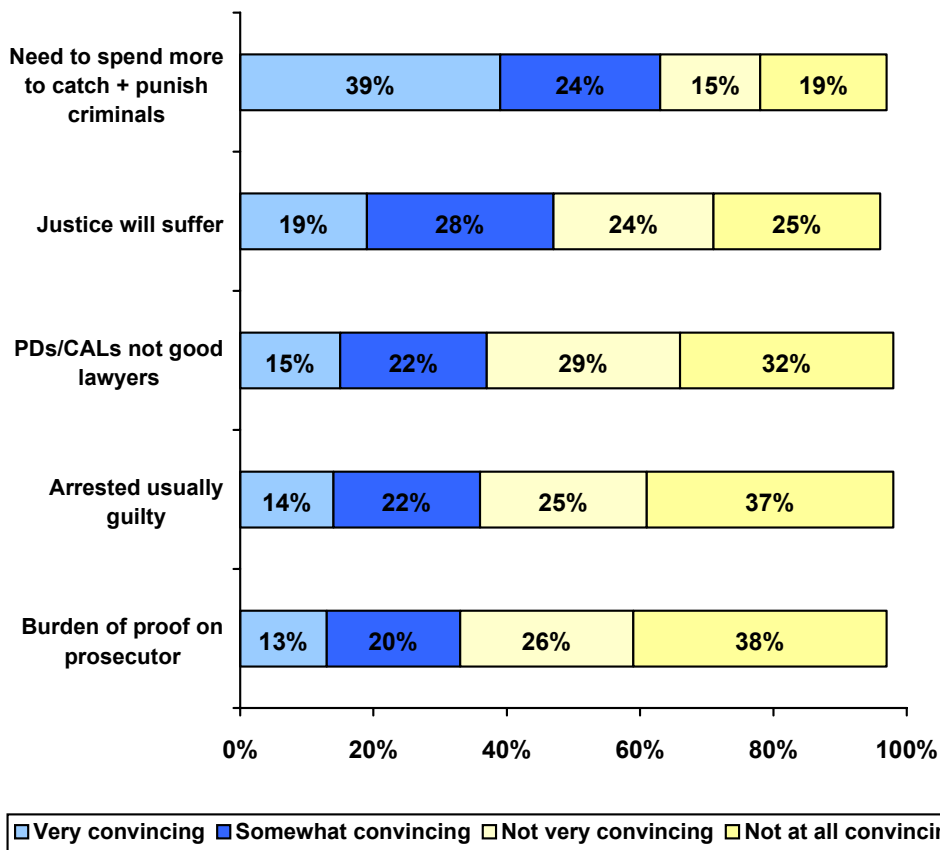
Three other messages hold less overall appeal but are highly predictive of opposition to increasing funding. Therefore, while these are not opinions widely held by the public, these sentiments underlie the reasons many oppose more government funding to public defenders:

- If we give the public defenders and court-appointed private lawyers more resources the result will be more stalling tactics by defendants and justice will suffer (47% convincing; 19% very convincing);
- Public defenders and court-appointed private lawyers are not very good lawyers. Why should we pay more for bad services? (37% convincing; 15% very convincing); and
- The police do not arrest people for crimes unless they have a lot of evidence, so most people who are arrested and charged with crimes are guilty (36% convincing; 14% very convincing).

Much less convincing is an argument about:

- The burden of proof is on the prosecutor during a trial. Therefore, it is only right that the prosecution has more resources than the defense (33% convincing; 13% very convincing).

Reasons Not to Increase Funding on Indigent Defense



The following are some reasons people have given for why we should NOT increase the amount of money that we spend on public defense of low-income people accused of crimes. Please tell me if you find each statement a very convincing, somewhat convincing, not very convincing or not at all convincing reason NOT to spend more money on public defense.

Q31. If we give the public defenders and court-appointed private lawyers more resources, the result will be more stalling tactics by defendants and justice will suffer.

Q33. Public defenders and court-appointed lawyers are not very good lawyers. Why should we pay more for bad services?

Q32. We need to spend more resources on catching and punishing criminals, not trying to help them escape punishment.

Q30. The police do not arrest people for crimes unless they have a lot of evidence, so most people who are arrested and charged with crimes are guilty.

Q29. The burden of proof is on the prosecutor during a trial. Therefore, it is only right that the prosecution has more resources than the defense.

The most persuasive message on the need to spend more resources on catching and punishing criminals has more appeal among:

- Women;
- Older Americans (55%);
- Minorities;
- Less educated;
- Lower income;
- Conservatives; and
- Residents of the South.

This statement is just as convincing to Democrats as it is to Republicans.

Reasons Not to Increase Spending on Indigent Defense

Q29-33. The following are some reasons people have given for why we should NOT increase the amount of money that we spend on public defense of low-income people accused of crimes. Please tell me if you find each statement a very convincing, somewhat convincing, not very convincing, or not at all convincing reason NOT to spend more money on public defense.

% saying "very convincing"	Need to spend more resources on catching and punishing criminals	Giving PDs/CALs more money will result in more stalling tactics and justice will suffer	PD/CALs are not good lawyers, so why spend more on them
Total	39%	19%	15%
Men	36%	20%	13%
Women	42%	17%	16%
18-34	34%	17%	15%
35-44	38%	19%	15%
45-54	36%	19%	14%
55+	49%	21%	14%
White	38%	16%	13%
Black	46%	23%	24%
Hispanic	48%	33%	19%
<HS/HS	48%	23%	21%
Some college	41%	17%	14%
College grad	28%	14%	7%
Post grad	19%	8%	5%
<\$25K	47%	23%	17%
\$25K-\$49K	41%	20%	18%
\$50K-\$74K	34%	18%	11%
\$75K+	31%	11%	7%
Democrat	41%	20%	13%
Republican	43%	20%	16%
Independent	32%	14%	14%
Liberal	31%	13%	15%
Moderate	36%	17%	12%
Conservative	47%	22%	15%
Urban	36%	17%	15%
Suburban	38%	19%	12%
Rural	46%	20%	18%
Northeast	31%	15%	9%
Midwest	39%	15%	14%
South Atlantic	40%	24%	18%
South	50%	24%	21%
West	37%	17%	13%

Reasons Not to Increase Spending on Indigent Defense

Q29-33. The following are some reasons people have given for why we should NOT increase the amount of money that we spend on public defense of low-income people accused of crimes. Please tell me if you find each statement a very convincing, somewhat convincing, not very convincing, or not at all convincing reason NOT to spend more money on public defense.

% saying "very convincing"	Those arrested and charged are usually guilty	Burden of proof rests with prosecution, so only right that they get more resources
Total	14%	13%
Men	13%	13%
Women	14%	14%
18-34	15%	13%
35-44	12%	14%
45-54	11%	12%
55+	15%	15%
White	12%	12%
Black	18%	20%
Hispanic	20%	22%
<HS/HS	17%	17%
Some college	15%	13%
College grad	10%	9%
Post grad	3%	6%
<\$25K	24%	18%
\$25K-\$49K	10%	14%
\$50K-\$74K	11%	9%
\$75K+	10%	9%
Democrat	14%	14%
Republican	15%	13%
Independent	11%	11%
Liberal	15%	11%
Moderate	10%	10%
Conservative	15%	17%
Urban	13%	14%
Suburban	12%	13%
Rural	16%	14%
Northeast	9%	12%
Midwest	13%	14%
South Atlantic	14%	12%
South	20%	18%
West	13%	10%

Appendix A: Methodology

Methodology

The purpose of this research project was to investigate public opinions about due process and the role of lawyers who represent indigent criminal defendants. The project's goal is to develop a national message for educating the public about the importance of indigent defense in the criminal justice system. The long-term goal is to build greater public commitment to provide sufficient resources for public defenders and court-appointed lawyers.

Belden Russonello & Stewart (BRS) devised a multi-stage research design which included a series of focus groups and a national survey among 1,500 adults living in continental United States.

National Survey

BRS drafted a questionnaire for the national survey. The questionnaire was reviewed by NLADA, OSI and a committee of advisors who offered valuable insights and contributed much to the thinking that developed the questions in the survey.

Once finalized, the questionnaire was subjected to a pretest, resulting in modifications to the questionnaire both in terms of question wording and length.

The fieldwork was conducted by telephone using a computer-assisted telephone interviewing (CATI) system, from July 10 to August 3, 2001 by a team of professional, fully-trained and supervised telephone interviewers. A briefing session familiarized the interviewers with the sample specifications and the instrument for this study. The interviews averaged 15 minutes in length. BRS monitored the interviewing and data collection at all stages to ensure quality.

BELDEN RUSSONELLO & STEWART

Sample

The universe for this study is all adults 18 and older in the continental U.S. living in telephone-equipped households. The sample was selected in two stages. In the first stage, the sampling frame was a list of randomly created phone numbers (a technique known as random digit dial or RDD) for telephone exchanges in the U.S. Telephone numbers were selected at random from this frame.

The second stage of sampling was selection at the household level. In residences where working telephones were reached, the survey respondents were selected using a random probability method, *i.e.*, interviewers requested to speak with the adult 18 years or older in the household who had the most recent birthday.

The survey consists of a total of 1,500 completed telephone interviews. All sample surveys are subject to possible sampling error; that is, the results may differ from those which would be obtained if the entire population under study were interviewed. The margin of sampling error for the entire survey is plus or minus 2.5 percentage points at the 95% level of confidence. This means that in 95 out of 100 samples of this size the results obtained in the sample would fall in a range of plus or minus 2.5 percentage points of what would have been obtained if every individual adult in the U.S. had been interviewed. The sampling error is larger for smaller groups within the sample. For example, the margin of sampling error for men (n= 722) is plus or minus 3.7 percentage points, and for women (n= 778) is plus or minus 3.5 percentage points. Other non-sampling error may also contribute to total survey error.

Data Analysis

The demographic characteristics of the sample, obtained via the selection methods described above, were matched to Census population estimates for the U.S. The data have been weighted by race and age.

The following table shows the demographic composition of the survey respondents.

COMPOSITION OF SURVEY RESPONDENTS

	Unweighted number	Unweighted percentage	Weighted percentage
Total	1,500	100%	100%
Male	722	48%	49%
Female	778	52	51
18-34	465	31%	31%
35-44	325	22	22
45-54	268	18	18
55+	424	28	28
DK/refused	18	1	*
White	1195	80%	73%
Black	142	10	11
Hispanic	108	7	11
Asian	25	2	3
Other	17	1	1
DK/refused	13	*	*
Less than HS/HS	633	42%	43%
Some college	391	26	26
College graduate	259	17	17
Graduate work/degree	181	12	12
DK/refused	36	2	2
<\$25K	299	20%	21%
\$26-\$49K	459	31	31
\$50K-\$74K	287	19	19
\$75K+	252	17	17
DK/refused	203	14	12
Married	806	54%	54%
Single	371	25	25
Divorced	202	14	13
Widowed	90	6	6
DK/Refused	31	2	2
Voters	1170	78%	78%
Non-voters	301	20	20
Democrat	478	32%	34%
Republican	399	27	25
Independent	390	26	25
Other	92	6	6
DK/refused	131	9	9
Liberal	366	24%	24%
Moderate	472	32	31
Conservative	561	37	38
DK/refused	101	7	7
Northeast	271	18%	18%
Midwest	356	24	23
South Atlantic	237	16	16
Deep South	265	18	18
West	329	22	23

All the questions in this study have been cross tabulated by demographic and other characteristics, such as gender, age, party ID, and household income.

When looking at the computer-generated cross tabulations, many of the categories used are self explanatory. Others that benefit from explanation are these:

Race: This variable includes respondents' self-identification of their race or ethnicity. The "white" category is white, non-Hispanics, "black" is non-Hispanic blacks or African-Americans, and "Hispanic" includes participants from all races who self-identify as Hispanic.

Marital: "Married" includes respondents who report that they are married, "single" includes those who have never been married, "divorced" includes the divorced or separated and "widowed" includes respondents who report that they are widowed.

Party ID: The base for this banner variable is all respondents and is broken down by those who identify themselves as Democrats, Republicans, and independents. The respondents who identified themselves as "others" are included with the independents.

Ideology: "Conservative" includes those respondents who call themselves politically very or somewhat conservative, "moderate" includes those who designate themselves as "middle of the road," and "liberal" indicates those who answered very or somewhat liberal.

Region: Based on the Census definition of geographic region in the United States. The regional breaks are:

Northeast	Midwest	South Atlantic	Deep South	West
Connecticut	Illinois	Alabama	Delaware	Alaska
Maine	Indiana	Arkansas	District of	Arizona
Massachusetts	Iowa	Kentucky	Columbia	California
New Hampshire	Kansas	Louisiana	Florida	Colorado
New Jersey	Michigan	Mississippi	Georgia	Hawaii
New York	Minnesota	Oklahoma	North Carolina	Idaho
Pennsylvania	Missouri	Tennessee	Maryland	Montana
Rhode Island	Nebraska	Texas	South Carolina	Nevada
Vermont	North Dakota		Virginia	New Mexico
	Ohio		West Virginia	Oregon
	South Dakota			Utah
	Wisconsin			Washington
				Wyoming

**Appendix B:
Questionnaire with
Response Totals**

National Survey on Indigent Defense August 2001

Interviewing conducted from July 10 to August 3, 2001.

N=1,500 adults 18 years old or older.

Data have been weighted by race and age.

Margin of sampling error is ± 2.5 percentage points.

Percents may add to 99% or 101% due to rounding.
indicates less than 1%, -- indicates zero.

1. Do you think things in the country are generally going in the right direction or are they headed off on the wrong track?		RIGHT TRACK44%
		WRONG TRACK42
		DK/REF14

(Based on 750 respondents)

2. Given everything we must do in society, do you favor or oppose the government using taxpayer dollars to provide lawyers to represent <i>low-income people accused of crimes</i> ? Do you favor/oppose strongly or somewhat?		STRONGLY FAVOR27%
		SOMEWHAT FAVOR32
		SOMEWHAT OPPOSE15
		STRONGLY OPPOSE18
		DK/REFUSE7

(Based on 750 respondents)

2b. Given everything we must do in society, do you favor or oppose the government using taxpayer dollars to provide lawyers to represent <i>people accused of crimes who cannot afford a lawyer</i> ? Do you favor/oppose strongly or somewhat?		STRONGLY FAVOR32%
		SOMEWHAT FAVOR32
		SOMEWHAT OPPOSE14
		STRONGLY OPPOSE18
		DK/REFUSE5

(Based on 750 respondents)

3. <u>In general, would you say that people accused of crimes in this country are: almost always guilty, are frequently guilty, or guilty only some of the times for the crimes they are accused of?</u>		ALWAYS GUILTY17%
		FREQUENTLY GUILTY37
		GUILTY ONLY SOMETIMES37
		DK/REFUSE9

(Based on 750 respondents)

3b. In general, would you say that people arrested for crimes in this country are: almost always guilty, are frequently guilty, or guilty only some of the times for the crimes they are arrested for?		ALWAYS GUILTY22%
		FREQUENTLY GUILTY41
		GUILTY ONLY SOMETIMES30
		DK7

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<#>Do you think that people accused of crime in the U.S. generally have too many rights, not enough rights, just enough rights?¶

¶

NOT ENOUGH RIGHTS¶

JUST ENOUGH RIGHTS¶

TOO MANY RIGHTS¶

DK¶

REFUSE¶

¶

4b. Do you think that people arrested for crime in the U.S. generally have too many rights, not enough rights, just enough rights?¶

¶

NOT ENOUGH RIGHTS¶

JUST ENOUGH RIGHTS¶

TOO MANY RIGHTS¶

DK¶

REFUSE¶

¶

In your opinion, is each of the following groups, generally treated better, worse, or about the same as most others by our criminal justice system? ¶

[ROTATE 5-8]¶

¶

TREATED WORSE¶

ABOUT THE SAME AS MOST¶

GENERALLY TREATED BETTER¶

DK¶ ... [1]

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Please tell me if you think each of the following is a right for individ¶ ... [2]

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NO, IS NOT A RIGHT¶ ... [3]

Please tell me if you think each of the following is a right for individuals arrested for a crime in the U.S. [ROTATE 4-8]

	<u>Yes, is a right</u>	<u>No, not a right</u>	<u>DK/REF</u>
4. <u>having a lawyer to represent them</u>	95%	3	1
5. <u>having a lawyer appointed and paid for by the court if they cannot afford one</u>	88%	9	3
6. <u>speedy trial</u>	85%	10	5
7. <u>remaining silent</u>	81%	15	3
8. <u>being told what the charges against them are</u>	97%	2	1

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9. If a person is arrested for a crime in your state, as far as you know, which of the following best describes what the court does: a) provide a lawyer if the person is low-income and below the poverty line, b) provide a lawyer if the person cannot afford one, regardless of his income, or c) does the court in your state not provide lawyers for people accused of crimes, or d) are you not sure.

PROVIDE LAWYER IF PERSON IS LOW-INCOME.....22%
PROVIDE LAWYER IF PERSON CANNOT AFFORD ONE.....46
COURT DOES NOT PROVIDE LAWYERS.....2
NOT SURE.....28
DK/REFUSE.....1

10. Most states across the country have a public defense system whereby the government pays lawyers to represent people arrested for crimes who cannot afford legal help on their own. In some places the lawyers work in a public defender's office and other places the court appoints and pays private lawyers to represent low-income people accused of crimes. In your state, do you think the government should be spending more or spending less on legal defense for people who cannot afford a lawyer, or should the government keep the funding about where it is now?

SPEND MORE.....17%
SPEND LESS.....14
KEEP FUNDING THE SAME.....57
DK/REFUSE.....12

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<#>If you were arrested for a crime and could not afford a lawyer, who would you want to represent you: a public defender, or a court-appointed private lawyer?¶
PUBLIC DEFENDER¶
COURT-APPOINTED PRIVATE LAWYER¶
DK¶
REFUSE¶

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11. Thinking now just about public defenders, do you think public defenders who represent low-income people accused of a crime are generally good lawyers, just o.k. lawyers, or generally not good lawyers?

GENERALLY GOOD LAWYERS.....14%
JUST OK LAWYERS.....50
GENERALLY NOT GOOD LAWYERS28
NOT SURE.....7
DK/REFUSE.....*

Generally speaking, which of the following characteristics do you think best describes public defenders? [ROTATE 12-15]

12. Able to handle their cases or overburdened	ABLE TO HANDLE22% OVERBURDENED66 DK/REFUSE.....11
13. Experienced or inexperienced	EXPERIENCED46% INEXPERIENCED41 DK/REFUSE.....13
14. Dedicated or not taking much interest in their clients	DEDICATED48% NOT TAKING MUCH INTEREST36 DK/REFUSE.....16
15. Generally provide adequate legal representation or generally provide inadequate legal representation	GENERALLY PROVIDE ADEQUATE REP.57% GENERALLY PROVIDE INADEQUATE REP.30 DK/REFUSE.....13
16. Thinking about court-appointed lawyers, do you think court-appointed private lawyers who represent low-income people accused of a crime are generally good lawyers, just o.k. lawyers, or generally not good lawyers?	GOOD LAWYERS10% JUST O.K. LAWYERS48 NOT GOOD LAWYERS30 DK / REFUSE.....11

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 GENERALLY NOT GOOD LAWYERS ¶
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 GENERALLY GOOD LAWYERS¶
 DK¶
 REFUSE¶

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 GENERALLY NOT GOOD ... [4]

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- ¶ ... [7]

Please tell if you think each of the things in this list should be guaranteed by the government to low-income people accused of a crime, is important but should not be guaranteed, is not very important, or is not at all important for someone accused of a crime. [ROTATE Q17-21]

	SHOULD BE GUAR.	IMP, NOT GUARNTD	NOT VERY IMP	NOT AT ALL IMP	DK/RF
17. a lawyer with experience in defending people accused of similar crimes	48%	41	6	2	3
18. resources to hire investigators to check on evidence and find witnesses	55%	36	4	2	3
19. resources to hire expert witnesses	43%	40	9	4	4
20. resources to obtain DNA testing and other laboratory services	68%	26	2	1	2
21. a lawyer with a small enough case load to provide the time necessary to prepare a defense for each person	57%	37	3	1	2

22. Which do you think is a better system to provide legal help to low-income people accused of a crime: 1) have courts appoint private lawyers to represent the individuals accused of crime or 2) establish a public defenders office in each state with full-time professional staff lawyers to represent individuals accused of crimes?
[VOLUNTEER CODE: neither/don't have a system]

HAVE COURT-APPOINTED PRIVATE LAWYERS.....21%
ESTABLISH PUBLIC DEFENDERS OFFICE.....71
NEITHER (VOL).....1
DK/REFUSE.....7

There are a number of proposals to change how the system of public defenders and court-appointed lawyers works in this country. Please tell me if you think each of the following is a good idea or a not a good idea [strongly or somewhat?]: [ROTATE Q23-Q27]

	Good		Not good		DK/ REF
	Strng	Smwt	Smwt	Strng	
23. When a low-income person is accused of a crime, allow judges and local governments to assign court-appointed private lawyers based on which lawyers cost the least.	17%	19	22	38	4
24. Set national standards for the qualifications for public defenders and court-appointed lawyers instead of letting qualifications vary from state to state and county to county.	54%	24	8	10	4
25. Set national standards for a minimum level of resources that should be available to all public defenders and court-appointed lawyers, such as access to expert witnesses, investigators and DNA testing when appropriate.	59%	28	4	7	2
26. Establish local, legal oversight commissions to make sure that low-income people accused of a crime are receiving competent lawyers with adequate resources to represent them.	60%	27	5	6	2
27. Public defenders and court-appointed private lawyers should have the same resources per case as prosecutors to spend on things such as expert witnesses, investigators, and lab tests.	64%	24	5	5	3

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¶ STRONGLY NOT A GOOD IDEA¶
SOMEWHAT NOT A GOOD IDEA¶
SOMEWHAT A GOOD IDEA¶
STRONGLY A GOOD IDEA¶
DK¶
REFUSE¶
¶
When a low-income person is accused of a crime, allow judges and local governments to assign court-appointed private lawyers based on which lawyers cost the least.¶
¶
Set national standards for the ... [8]

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<#>Establish local, legal oversight commissions to make sure tha... [12]

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28. Here are two statements. Tell me which one you agree with more: a) States should have the freedom to decide for themselves who is eligible to receive a public defender or court-appointed lawyer, even if this means some states will decide NOT to cover many very poor people accused of a crime, or b) States should be required to provide public defenders or court-appointed lawyers at least to people below the poverty level who are accused of a crime.

STATES SHOULD DECIDE 15%
STATES SHOULD PROVIDE 83
DK/REFUSE 2

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The following are some reasons people have given for why we should NOT increase the amount of money that we spend on public defense of low-income people accused of crimes. Please tell me if you find each statement a very convincing, somewhat convincing, not very convincing, or not at all convincing reason NOT to spend more money on public defense. [ROTATE Q29-Q33]

	Convincing		Not Convincing		DK/ REF
	VERY	SMWT	NOT VERY	NOT AT ALL	
29. The burden of proof is on the prosecutor during a trial. Therefore, it is only right that the prosecution has more resources than the defense.	13%	20	26	38	3
30. The police do not arrest people for crimes unless they have a lot of evidence, so most people who are arrested and charged with crimes are guilty.	14%	22	25	37	2
31. If we give the public defenders and court-appointed private lawyers more resources the result will be more stalling tactics by defendants and justice will suffer.	19%	28	24	25	4
32. We need to spend more resources on catching and punishing criminals, not on trying to help them escape punishment.	39%	24	15	19	3
33. Public defenders and court-appointed private lawyers are not very good lawyers. Why should we pay more for bad services?	15%	22	29	32	4

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- Deleted: The following are some reasons people have given for why we should NOT increase the amount of money that we spend on public defense of low-income people accused of crimes. Please tell me if you find each statement a very convincing, somewhat convincing, not very convincing, or not at all convincing reason NOT to spend more money on public defense. [ROTATE Q
- Deleted: 43
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- Deleted: 3]¶
- ¶
- NOT AT ALL CONVINCING¶
- NOT VERY CONVINCING¶
- SOMEWHAT¶
- VERY CONVINCING¶
- DK¶
- REFUSE¶
- ¶
- <#>The burden of proof is on the prosecutor during a trial. Therefore, it is only right that the prosecution has more resources than the defense.¶
- ¶
- <#>The police do not arrest people for crimes unless they have a [... [16]
- Deleted: ¶
- We have other more importar [... [17]
- Deleted: ¶
- <#>Public defenders and cou [... [18]
- Deleted: ¶
- <#>My family is never going [... [19]

Now here are some reasons that people have given for why we SHOULD increase the amount of money that we spend on public defense of low-income people accused of crimes. Please tell me if you find each statement a very convincing, somewhat convincing, not very convincing, or not at all convincing reason to spend more money on public defense. [ROTATE Q34-Q39]

	<u>Convincing</u>		<u>Not Convincing</u>		DK/ REF
	VERY	SMWT	NOT VERY	NOT AT ALL	
34. Ensuring competent legal representation for all is necessary for our legal system to function.	60%	29	7	4	1
35. Providing competent legal representation is necessary to prevent innocent people from going to jail	72%	21	4	3	1
36. Providing competent legal representation is one of our most fundamental rights in the U.S.	65%	23	7	4	1
37. The quality of justice a person receives should not be determined by how much money a person has.	74%	14	5	6	1
38. Some day you or someone you know may need the help of a public defender.	49%	27	13	9	2
39. Our criminal justice system would not be fair if we did not provide competent legal representation to those who cannot afford it.	67%	23	5	4	1

Here are some other reasons...[ROTATE Q40-46]

	<u>Convincing</u>		<u>Not Convincing</u>		DK/ REF
	VERY	SMWT	NOT VERY	NOT AT ALL	
40. With sufficient resources public defenders and court-appointed private lawyers could help their clients become productive members of society by helping them to get the drug treatment, counseling or job training they may need.	44%	30	14	10	1
41. Public defenders and court-appointed private lawyers provide a check on police brutality or misconduct, misconduct by prosecutors, police, or lab technicians, or other abuses.	32%	34	17	9	7
42. In most states, there are no restrictions on the number of cases private lawyers appointed by the courts or public defenders can take. Many times these lawyers are overworked, representing thousands of people a year. Often public defenders or court-appointed private lawyers meet their clients in the courtroom for only a few minutes before their trial starts.	55%	27	8	6	5

Deleted: Now here are some reasons that people have given for why we SHOULD increase the amount of money that we spend on public defense of low-income people accused of crimes. Please tell me if you find each statement a very convincing, somewhat convincing, not very convincing, or not at all convincing reason to spend more money on public defense. [ROTATE

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NOT AT ALL CONVINCING¶

	<u>Convincing</u>		<u>Not Convincing</u>		DK/ REF	
	VERY	SMWT	NOT VERY	NOT AT ALL		
43. <u>Lawyers defending those accused of crimes receive inadequate resources from the court and local governments to put on a defense. In most cases, they do not have enough money to hire an investigator, expert witnesses, or to conduct DNA testing.</u>	46%	33	10	6	6	<p>Deleted: Here are some other reasons...[ROTATE</p> <p>Deleted: Q</p> <p>Formatted: Bullets and Numbering</p> <p>Deleted: 56</p> <p>Deleted: 46-Q</p> <p>Deleted: 64</p> <p>Deleted: 52</p>
44. <u>Prosecutors have an unfair advantage because they have the resources of the police, government crime lab, and are better paid lawyers.</u>	42%	30	13	9	5	<p>Deleted: Q40-46]¶</p> <p>¶</p> <p>NOT AT ALL CONVINCING¶</p> <p>NOT VERY CONVINCING¶</p> <p>SOMEWHAT¶</p> <p>VERY CONVINCING¶</p> <p>DK¶</p> <p>REFUSE¶</p> <p><#>Public defenders and court-appointed private lawyers provide a check on police brutality or misconduct, misconduct by prosecutors, police, or lab technicians, or other abuses.¶</p> <p>¶</p> <p><#>In most states, there are no restrictions on the number of cases private lawyers appointed by the courts or public defenders can take. Many times these lawyers are overworked, representing thousands of people a year. Often public defenders or court-appointed private lawyers meet their clients in the courtroom for only a few minutes before their trial starts.¶</p> <p>[... [20]</p>
45. <u>Defendants who can afford expensive legal representation don't usually get the death penalty. Most people now on death row are poor and are there because they were represented by inexperienced, public defenders or court-appointed lawyers.</u>	31%	27	18	16	7	
46. <u>The current system cannot meet the need. In some places, defendants may wait months in jail before being appointed a lawyer and getting a hearing.</u>	51%	28	9	7	5	
47. <u>Sometimes people change their opinions in a survey. Let me ask you again, in your state, do you think the government should be spending more or spending less on legal defense for people accused of a crime who cannot afford a lawyer, or should the government keep the funding about where it is now?</u>	SPEND MORE 33% SPEND LESS 6 KEEP FUNDING THE SAME 49 DK/REFUSE 11					<p>Deleted: In many states, lawyers are paid a flat fee for handling a case, no matter how many hours they ... [21]</p> <p>Deleted: ¶</p> <p><#>Lawyers defending those accused of crimes receive inadequate ... [22]</p>
48. <u>If a person is arrested for a crime in your state which of the following best describes what you think the court should do: a) provide a lawyer if the person is low-income and below the poverty line, b) provide a lawyer if the person cannot afford one, regardless of his income, or c) not provide lawyers for people accused of crimes.</u>	PROVIDE LAWYER IF PERSON IS LOW-INCOME 32% PROVIDE LAWYER IF PERSON CANNOT AFFORD ONE 62 NOT PROVIDE LAWYER 3 DK/REFUSE 2					<p>Deleted: <#>Public defenders' budgets per case are generally a third of the budgets prosecutors req ... [23]</p> <p>Deleted: <#>Prosecutors have an unfair advantage because they have the resources of the police, ... [24]</p> <p>Deleted: Prosecutors have an unfair advantage because they have the resources of the police, govern ... [25]</p> <p>Deleted: ¶</p> <p><#>Defendants who can afford expensive legal representation ... [26]</p> <p>Deleted: ¶</p> <p>Formatted: Bullets and Numbering</p> <p>Formatted: Bullets and Numbering</p>

Now, I have some questions for statistical purposes only.

49. Are you currently registered to vote at your current address?

YES.....	78%
NO.....	20
DK/REFUSE.....	1

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Deleted: Do you have any children 18 years of age or younger?¶
YES¶
NO¶
DK¶
REFUSE¶
Deleted: <#>Are you registered to vote at your current address? ¶

50. In terms of your political outlook, do you usually think of yourself as: very conservative, somewhat conservative, middle of the road, somewhat liberal, or very liberal?

VERY CONSERVATIVE.....	14%
SOMEWHAT CONSERVATIVE.....	24
MIDDLE OF THE ROAD.....	31
SOMEWHAT LIBERAL.....	17
VERY LIBERAL.....	8
DK/REFUSE.....	7

51. Do you consider yourself to be a Democrat, a Republican, an independent, or something else?

DEMOCRAT.....	34%
REPUBLICAN.....	25
INDEPENDENT.....	31
DK/REFUSE.....	9

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52. Did you happen to have a chance to vote in the 2000 elections for President and Congress?

YES.....	71%
NO.....	27
REFUSE.....	2

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53. Are you married, divorced, separated, widowed, or single that is never been married?

MARRIED.....	54%
DIVORCED.....	11
SEPARATED.....	2
WIDOWED.....	6
SINGLE.....	25
DK/REFUSE.....	2

54. What was the last grade of school you completed?

LESS THAN HIGH SCHOOL.....	7%
HIGH SCHOOL GRAD.....	35
SOME COLLEGE.....	26
4-YR COLLEGE.....	17
POST GRADUATE.....	12
DK/REFUSE.....	2

55. How often would you say you attend formal religious services -- at least once a week, at least once a month, a few times a year, less often than that, or never?

AT LEAST ONCE A WEEK.....	37%
AT LEAST ONCE A MONTH.....	17
A FEW TIMES A YEAR.....	21
LESS OFTEN.....	9
NEVER.....	12
DK/REFUSE.....	2

Deleted: Which of the following best describes the place where you live: a large city, a suburb near a large city, a small city or town, or a rural area?¶
LARGE CITY¶
SUBURB¶
SMALL CITY OR TOWN¶
RURAL AREA¶
DK¶
REFUSE¶

56. In what year were you born?	18-24.....	13%
IF REFUSE: Well, are you between:	25-34.....	18
	35-44.....	22
	45-54.....	18
	55-64.....	12
	65+	16
	DK/REFUSE.....	*

57. Would you say you are white, black or African American, Hispanic, Asian or Pacific Islander, Native American, or something else?	WHITE	73%
	BLACK	11
	HISPANIC	11
	ASIAN	3
	NATIVE AMERICAN/OTHER.....	1
	DK/REFUSE.....	*

58. Stop me when I come to the category in which your total HOUSEHOLD INCOME fell before taxes in 2000. Your best estimate is fine. [READ CATEGORIES]	LESS THAN \$25,000.....	21%
	\$25,000-\$49,000.....	31
	\$50,000-\$74,000.....	19
	\$75,000-\$99,000.....	8
	OVER \$100,000.....	9
	DK/REFUSE.....	12

SEX	MALE	49%
	FEMALE.....	51

REGION (FROM FIPS)	NORTHEAST.....	18%
	MIDWEST	23
	SOUTH ATLANTIC.....	16
	SOUTH.....	18
	WEST.....	23

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<u>AREA:</u>	<u>URBAN</u>	28%
	<u>SUBURBAN</u>	48
	<u>RURAL</u>	24

Do you think that people accused of crime in the U.S. generally have too many rights, not enough rights, just enough rights?

- NOT ENOUGH RIGHTS
- JUST ENOUGH RIGHTS
- TOO MANY RIGHTS
- DK
- REFUSE

4b. Do you think that people arrested for crime in the U.S. generally have too many rights, not enough rights, just enough rights?

- NOT ENOUGH RIGHTS
- JUST ENOUGH RIGHTS
- TOO MANY RIGHTS
- DK
- REFUSE

In your opinion, is each of the following groups, generally treated better, worse, or about the same as most others by our criminal justice system?
[ROTATE 5-8]

- TREATED WORSE
- ABOUT THE SAME AS MOST
- GENERALLY TREATED BETTER
- DK
- REFUSE

- Racial and ethnic minorities
- Wealthy people
- Low-income people
- Juveniles

Please tell me if you think each of the following is a right for individuals arrested for a crime in the U.S. [ROTATE 4-8]

]

- NO, IS NOT A RIGHT
- YES, IS A RIGHT
- DK
- REFUSE

- having a lawyer to represent them
- having a lawyer appointed and paid for by the court if they cannot afford one
- speedy trial
- remaining silent
- being told what the charges against them are

NOT VERY IMPORTANT
IS IMPORTANT, BUT NOT GUARANTEED
SHOULD BE GUARANTEED
DK
REFUSE

a lawyer with experience in defending people accused of similar crimes.

resources to hire investigators to check on evidence and find witnesses.

resources to hire expert witnesses

resources to obtain DNA testing and other laboratory services

a lawyer with a small enough case load to provide the time necessary to prepare a defense for each person

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Q23-Q27]

STRONGLY NOT A GOOD IDEA
SOMEWHAT NOT A GOOD IDEA
SOMEWHAT A GOOD IDEA
STRONGLY A GOOD IDEA
DK
REFUSE

When a low-income person is accused of a crime, allow judges and local governments to assign court-appointed private lawyers based on which lawyers cost the least.

Set national standards for the qualifications for public defenders and court-appointed lawyers instead of letting qualifications vary from state to state and county to county.

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Set national standards for the number of cases public defenders and court-appointed lawyers can undertake at one time.

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Set national standards for a minimum level of resources that should be available to all public defenders and court-appointed lawyers, such as access to expert witnesses, investigators and DNA testing when appropriate.

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Require regular training in trial and negotiating skills for all public defenders and court-appointed private lawyers.

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Establish local, legal oversight commissions to make sure that low-income people accused of a crime are receiving competent lawyers with adequate resources to represent them.

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Establish local, legal oversight commissions to make sure that low-income people accused of a crime are receiving competent lawyers with adequate resources to represent them.

Set salary guidelines so public defenders and prosecutors receive about the same salaries.

Page 4: [14] Deleted **Belden** **8/3/2001 12:44:00 PM**
Public defenders and court-appointed private lawyers should have the same resources per case as prosecutors to spend on things such as expert witnesses, investigators, and lab tests.

Page 4: [15] Deleted **brs** **7/5/2001 4:15:00 PM**
Hire more public defenders and assign more court-appointed lawyers so that someone accused of a crime has a lawyer within six days of arrest instead of waiting months in jail without legal representation.

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3]

NOT AT ALL CONVINCING
NOT VERY CONVINCING
SOMEWHAT
VERY CONVINCING
DK
REFUSE

The burden of proof is on the prosecutor during a trial. Therefore, it is only right that the prosecution has more resources than the defense.

The police do not arrest people for crimes unless they have a lot of evidence, so most people who are arrested and charged with crimes are guilty.

If we give the public defenders and court-appointed private lawyers more resources the result will be more stalling tactics by defendants and justice will suffer.

We need to spend more resources on catching and punishing criminals, not on trying to help them escape punishment.

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We have other more important priorities to spend tax dollars on.

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Public defenders and court-appointed private lawyers are not very good lawyers. Why should we pay more for bad services?

Page 5: [19] Deleted **brs** **7/11/2001 4:29:00 PM**

My family is never going to use a public defender.

Page 7: [20] Deleted **Belden** **8/3/2001 2:44:00 PM**

Q40-46]

NOT AT ALL CONVINCING
NOT VERY CONVINCING

SOMEWHAT
VERY CONVINCING
DK
REFUSE

Public defenders and court-appointed private lawyers provide a check on police brutality or misconduct, misconduct by prosecutors, police, or lab technicians, or other abuses.

In most states, there are no restrictions on the number of cases private lawyers appointed by the courts or public defenders can take. Many times these lawyers are overworked, representing thousands of people a year. Often public defenders or court-appointed private lawyers meet their clients in the courtroom for only a few minutes before their trial starts.

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In many states, lawyers are paid a flat fee for handling a case, no matter how many hours they spend on it. Some of these lawyers make their living by urging their clients to plead guilty quickly, without doing any investigation into the facts of the crime charged or the background of the defendant.

Page 7: [22] Deleted **Belden** **8/3/2001 2:45:00 PM**

Lawyers defending those accused of crimes receive inadequate resources from the court and local governments to put on a defense. In most cases, they do not have enough money to hire an investigator, expert witnesses, or to conduct DNA testing.

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Public defenders' budgets per case are generally a third of the budgets prosecutors receive per case

Page 7: [24] Deleted **Belden** **8/3/2001 2:46:00 PM**

Prosecutors have an unfair advantage because they have the resources of the police, government crime lab, and are better paid lawyers.

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Prosecutors have an unfair advantage because they have the resources of the police, government crime lab, and are better-paid lawyers.

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Defendants who can afford expensive legal representation don't usually get the death penalty. Most people now on death row are poor and are there because they were represented by inexperienced, public defenders or court-appointed lawyers.

The current system cannot meet the need. In some places, defendants may wait months in jail before being appointed a lawyer and getting a hearing.