

Private attorney, courtappointed attorney, and public defender - essay

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Private attorney, Court-appointed attorney, and Public defender

There are three different ways through which the defense attorney can give assistance to an individual in their cases. The three are; hiring a private attorney, use of a court appointed attorney, and use of an attorney that is provided by the public defender's office. There are significant differences that are observed among the three categories of attorneys.

Another difference arises from the way these attorneys operate. For the case of private attorneys, it can be said as a form of business undertaking. They usually have their own private law practice or working at law practice. This explains the reason why they are expensive and can only be afforded by those who have enough resources, (George. & Smith, 2006). They are always motivated to win cases due to the fact that many a times their pay relies on success of the cases of their clients. On the other hand, public defenders or court-appointed attorneys are the employees of the government. Instead of being paid by their client, they get salaries from the government. Another observable difference is that unlike the case of private attorneys who choose their clients, in most cases public defenders and court-appointed attorneys are assigned clients. Sometimes a single public defender may be required to handle a large number of clients, which has been the main cause of inefficiency on the part of public defenders due to lack of concentration on a single client.

From my point of view, a private attorney can be considered as being the best of the three. To begin with, individual attention can be granted by a private attorney. As mentioned above, a private attorney chooses clients

they are willing to present depending on the fee they will get at the end of the case. Their payment also depends on the results of cases that they are handling. Therefore, due to their motivation to win cases, they usually give individual attention to their clients. This could not be the case for public defenders and court-appointed attorneys. As they are assigned clients, they always have a lot of clients to attend to; hence, individual attention is not a guarantee, (Brandon & Larry, 2008). In fact, with public defenders and court-appointed attorneys the success of a suspect in a case depends on the mercy of the court due to lack of motivation of these attorneys to win a case. In fact, there have been numerous complaints from clients of public defenders and Court-appointed attorneys due to lack of individual attention. Secondly, it has been observed that Public Defenders Office faces many troubles in carrying out its activities due to lack of resources as it is underfunded. Consequently, it is difficult for their client to get a successful representation as getting into details of a case may require more funds than this office can afford, (George. & Smith, 2006). For private attorneys, funds are not a big challenge as they invest a lot in their cases to ensure that they become out successive. Another challenge is that public defenders are not eligible to handle some cases. For instance, they are not allowed by law to deal with cases of administrative or civil matters. They can only represent clients on matters to do with criminal cases. There are no limitations on the kind of cases that private attorneys should handle. Finally, due to the large workloads on their desk, public defenders may not wish to push for other settlement alternatives as they want get some cases off their desk. Thus, they are chances that they will agree to settle for

options that otherwise the private attorney could not do. Moreover, when faced with time constraints the bosses of court-appointed as well as public appointed attorneys may force them to let go some cases, (Britt & David, 2007). Hence, clients are not accorded the same chivalrous representation that is given by the private attorneys. However, it should be noted that this does not mean that court-appointed and public defenders will always lose their cases, sometimes even the private attorney lose their cases despite the fact that they have been paid a lot of money.

References

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