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Sentencing Outcomes Between Public
Defenders and Private Attorneys in Crawford
County, Pennsylvania



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Pennsylvania

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I hereby recognize and pledge to fulfill my responsibilities as defined in the Honor Code and to maintain the integrity of both myself and the College as a whole.

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Abstract

The legal system is something people get involved in if they commit a crime or have a civil dispute. Most of the time, people turn to other people who know more about the legal system than they do, and this profession is called an attorney. The two types of attorneys are those who work in private firms and those who work as public defenders. Studies have been conducted to see what type of attorney- private attorney or public defender- is better to help one escape criminal trouble. Using the principal-agent theory and data recorded from the district attorney's office, this paper explains whether there is any correlation between private attorneys and public defenders when it comes to sentencing outcomes for felony defendants. The research for this project was studying the effect of private attorneys and public defenders on felony sentencing lengths in Crawford County, Pennsylvania. The research showed no effect on the type of attorney used when being sentenced for a felony charge.

Chapter 1: Introduction

This paper will discuss the research question: Do public defenders or private attorneys affect sentencing outcomes when representing their clients convicted of felony crimes? This question is important to determine whether there is fair and just representation within the legal system. Many believe hiring a private attorney will likely lower your sentencing length, creating an unfair legal system for those who cannot afford the prices private attorneys request for their services. This paper examines the cases closed in 2022 in the judicial system of Crawford County, Pennsylvania. The research will help determine the sentencing between the public defender and private attorney to see if there is a correlation between sentencing outcomes and the type of attorney used throughout the process. The following chapters, literature review, and theory will give an overview of the main question asked throughout this paper.

Throughout the legal system's history, many people have been through trials for the crimes that they have committed. When it comes to the legal process, there are many steps that people and judges have to go through to make the final verdict. This process is lengthy and challenging to do without the proper help and knowledge of the law. Many have the right to represent themselves. People also have the option to have an attorney appointed to them or find an attorney for themselves. The two attorneys that people may use to help are the public defender and the private attorney. A private attorney represents their clients upon the client's request and is willing to pay the fee the attorney charges for their services. A public defender is appointed to their client after the client fills out the information, based on salary, to qualify to be represented by a public defender.

The process for those accused of more serious crimes, those pertaining to misdemeanors or even felonies, is more tedious and lengthy than for those accused of traffic violations. This

process usually starts with an arrest of the defendant; very rarely is there a citation for these offenses. Since the severity of these charges is more than a speeding ticket, these charges usually need to go to trial and be determined by a jury. After the arrest or citation, the defendant is set to show up in an arraignment hearing, where the judge will read the charges. A pre-trial process is formed where the defendant and their attorney can file motions, the defendant may give a plea bargain to reduce their sentence, or newly discovered evidence may be presented to the judge. For those convicted of felony charges, the defendant must attend a preliminary hearing; during this process, the attorney will plead with the judge, and the judge will decide, based on the evidence, to send the defendant to trial. After the trial of these cases is over and a final verdict is given, the defendant must attend a sentencing hearing, where the judge will determine the length of incarceration.

The public defender, a government employee, or a private attorney is used throughout this process to help their client get the least incarceration time or drop their charges. Even though they have the same profession, some differences set them apart. The first difference is that public defenders have government jobs, so they have a set salary and budget that private attorneys do not have since they can set their pay rates for their clients. Another difference between the two attorneys is the resources they are entitled to, which is different because a private attorney has paralegals, which helps them lessen their caseload. Public defenders need that option; instead, they work on hundreds of cases simultaneously, limiting them to time spent on one case. The last difference is the potential emotional aspect that the public defender might encounter based on the caseload that could affect their representation in court. Public defenders work for the people because they want to help them or because it may be the only job they can find within the field of

law; the private attorney is there to help people but is helping them at a higher rate than the public defender charges for their services.

Chapter 2: Literature Review

2.1 Introduction:

This literature review will examine the importance of lawyers within the legal field to understand their impact on helping the public, whether as public defenders or private attorneys. The following two sections of this chapter will examine the differences and similarities between the public defender and the private attorney. The last section will look into the outcomes of these two attorneys to see if there is a significant difference when it comes to representing their clients in court. The importance of this is to have a better understanding of attorneys and to help determine which attorney is better to use in court or if they produce the same outcomes for their clients.

2.2 Why Lawyers Matter:

People in society need to have better respect for their lawyers' work to help them with their legal troubles because the lawyers are trying their best to help their clients, and the sentence they receive is up to the judge, not the attorney. Many decide to represent themselves because they think they can do better or understand the law than attorneys. In a court of law, it is a legal right to represent oneself, whether on a speeding ticket or trial for a felony. Even though it is rare for people to represent themselves, it is more cost-effective than hiring a lawyer and the bad reputation that lawyers may receive. However, the outcome may differ from what they hoped for

when representing themselves. The representation of lawyers plays a more prominent role in court and disputes than one realizes.

Lawyers go through a rigorous process to become practicing lawyers, starting with studying for the Law School Admission Test, also known as the LSAT. Then, they spent three years in law school, studying many different legal procedures and laws throughout the United States. After those three years, they continuously study for six months to pass a bar exam required to become a practicing lawyer within their state. After passing the bar, their training does not stop there; after joining a law firm or providing public legal services, these attorneys learn more in-depth information about specific ways to practice or solve problems that may arise in their careers. The experience is with the help of older attorneys, who provide their knowledge to new attorneys who recently passed the bar (Taylor Poppe & Rachlinski, 2016). With all this training and many years of experience, attorneys can gain the trust and confidence of other colleagues, who can help them gain more clientele.

Looking at the different types of law these attorneys practice within the criminal field, some attorneys practice juvenile cases, humans under 17 committing crimes from misdemeanors and felonies, and adults incited with the same severity in society. When examining the work of these attorneys, it is ideal to understand the impact these people have when helping those get reduced sentences or even getting their cases dismissed. First, looking at those who represent juveniles, many studies conducted throughout the 1970s and the 1980s found that parents are more likely to seek legal counsel if their children's charges are more severe than others (Taylor Poppe & Rachlinski, 2016). Diving deeper into the research by Poppe and Rachlinski (2016), they looked at the legal representation that attorneys had when representing clients in court. The

two areas of law they researched that should be discussed are family cases that attorneys helped with and employment disputes that are taken to court.

Diving into the family cases that attorneys helped with, Taylor Poppe and Rachlinski (2016) looked at divorce cases, domestic violence, and child custody, where attorneys were used throughout the divorce process. Taylor Poppe and Rachlinski (2016) found a positive correlation between the family member having an attorney receiving custody and alimony and the parent who did not use an attorney (Taylor Poppe & Rachlinski, 2016). The study also looked at other factors that are associated with family, like domestic violence and divorce support from the other parent, things like child support or money they are entitled to. The study was conducted to look at other studies done by previous authors and the design of the author's research. Taylor Poppe and Rachlinski (2016) also looked at the sample size and the effect of the representation of these studies by researchers. When looking at the outcomes while having an attorney, the women who were getting a divorce because of domestic violence had a positive correlation with getting compensation from the divorce as well as an easier time getting a restraining order or other protective orders from their abuser. The last correlation between the representation of attorneys and divorce support was done in 2004 during an observational and regression study from the Women's Law Center of Maryland, Inc. (Taylor Poppe & Rachlinski, 2016). The researchers found that the women who used the representation of an attorney were more likely to get support from their spouse, which would entail child support, money that would help them get back on their feet, or other compensations they were entitled to throughout the marriage.

The last field of research that Taylor Poppe and Rachlinski (2016) looked at was employment law disputes, in which attorneys represented the plaintiff, those suing a company they worked for employment discrimination. The study's authors found that those with legal

representation won more than half the time than those who did not have representation (Taylor Poppe & Rachlinski, 2016). The results were found after doing six studies from 2006 to 2016, and each study positively correlated to winning the lawsuit with the representation of an attorney. The outcomes of these cases ranged from the company settling the lawsuit, paying a certain amount of money not to take the case to court, or winning the lawsuit. The plaintiff, the employee who filed the lawsuit, was rewarded with different benefits from the previous place of employment.

Anderson and Heaton (2012) examined the legal representation of defense counsel for the outcomes of court cases. This study was done in Philadelphia, and the defense counsel for these cases contained a public defender or appointed counsel, an attorney appointed to the defendant to represent them during court. They are sometimes criminal attorneys or attorneys who work in different fields of law. With many factors associated with the trial, like the effect of guilt from the defense and the criminal's previous charges, Anderson and Heaton (2012) found that the representation of a defense lawyer had a difference in the outcomes of murder cases in Philadelphia (Anderson & Heaton, 2012). The effects of having a defense lawyer, public defender or an appointed attorney, reduced the sentence of their clients. The public defender reduced their clients' conviction rate by 19% and lowered their clients' probability of receiving life without the possibility of parole by 62% (Anderson & Heaton, 2012).

The help of lawyers plays a vital role in society because they have the knowledge and experience that is gained through their careers. Many cases have happened in today's society where people represent themselves. Still, they never know if they could have had a lighter sentence or even gotten their charges dismissed if they had the help of an attorney. Even lawyers use other lawyers to help them with problems that may arise within themselves because other

attorneys may have more knowledge or practice that type of law. Lawyers matter when it comes to legal representation to benefit those in legal trouble.

2.3 Private Attorneys:

While becoming a lawyer, many find different areas of law they would like to specialize in, whether litigation, tax, or corporate, but another thing that people are looking for is the location and organization they would like to spend most of their career. Many people coming out of law school already have secured jobs while working for a company during their second year of law school. This is usually for those who have worked for a private firm as a summer associate. A summer associate usually gets paid to help lawyers with tasks or jobs while also seeing what field of law they want to practice when coming out of law school. While a summer associate, they also get experience in practicing law, and at the same time, they learn how lawyers work on a day-to-day basis.

Many lawyers in society decide to go with private firms, which will label them as private attorneys, due to the benefits they receive from the firm compared to the public defender, which the government pays. In an article written by Rubenstein (2004), he talks about the aspects of a private attorney, and his contributions are a typology in which Rubenstein groups these aspects with private attorneys. The first benefit is an apparent distinction between private and public attorneys: the pay they receive for their job. The public defender is paid through the government, which is much less than a private lawyer, while a private attorney is paid by a firm, allowing them to charge any fees they wish, depending on their experience. These fees come from different payment types; one is a flat fee that the attorney charges for all the work he or she will provide for the client. The next and most common is an hourly fee that the attorney requests for

all their work. This fee ranges from phone calls to gathering evidence or writing legal documents. Attorneys who charge an hourly fee usually double their rate when they have to go to court. The last form of payment is a percentage that the attorney receives after a settlement (Rubenstein, 2004). The reason above allows private attorneys to make more than public defenders.

Private attorneys also benefit from being able to choose who they wish to represent. While the public defender does not have this opportunity, this allows the private attorneys to have more of a relationship with their clients (Rubenstein, 2004). The relationship with their clients will give them more clients and businesses because previous clients will speak highly of the private attorney, gradually increasing the attorney's clientele. Being able to pick their clients also gives private attorneys the power to pick the type of cases that seem interesting to them (Rubenstein, 2004). The picking and choosing of clients' work is then reflected in the fee the attorney will charge the client. They could pick cases that will result in much work, which will lead to a big payout, or pick the work that is more interesting than others who might want to work with the exact attorney.

Private attorneys are more common in society than public defenders due to the variety of benefits this job entails. Many law school students seek to become private attorneys and want the capability to pursue different fields of law that might interest them throughout their careers. These young lawyers also benefit from the experience they receive from the help of other essential attorneys within their firm.

2.4 Public Defenders:

Public defenders are government-employed attorneys who help those who cannot afford the fees that private attorney requires their clients to pay. Public defenders are in court daily, providing legal services to people facing charges for the crimes they are accused of having committed. These attorneys are willing to help those in need rather than get paid more than private attorneys, but they also do not have a choice to be public defenders based on the firm's demand for private attorneys. Public defenders are essential today because there would be no fair criminal system without them (Baćak et al., 2019). The reasoning is that everyone is entitled to an attorney, and if they do not have access, one can be appointed to that person. These attorneys who are appointed are the public defenders.

Public defenders have many differences from private attorneys, the obvious being the pay difference. Still, there is a lot more that sets this part of the profession apart from the rest. First, these attorneys have a vast caseload (Baćak et al., 2019). These attorneys take on hundreds of cases simultaneously while also going to court and helping those in need. At the same time, a private attorney can handle cases that he or she wants to work on while being able to maintain his or her time. Handling so many cases simultaneously makes it hard for public defenders to prepare for court.

Public defenders face many challenges that private attorneys might need help with while practicing throughout their careers. This study was done by Baćak, Lageson, and Powell (2019), and the study consisted of 87 semi-constructed interviews in which they asked public defenders behind the reasoning they chose to become a public defender. After the interviews, the authors found many challenges that these public defenders face while providing their legal services, ranging from case overload to their perception of the public. The first problem these attorneys need is more resources to give people a fair trial. These resources might be getting expert

witnesses, collecting evidence, or even paralegals (Baćak et al., 2019). These resources are essential when providing a client with the best representation in court or during a trial. Since private attorneys have the capability and funding to get these resources, they are more likely to have the upper hand when disputing a legal case. The public defenders are going off a specific budget, so they need to get as much information and resources as possible to win the case for their clients. The most significant resource private attorneys have access to is the help from a paralegal. A paralegal helps an attorney with different cases so the attorney can work on more critical cases. Public defenders do not have funding to provide a decent salary, so many paralegals go to private firms. These paralegals can find things that an attorney might not while the attorney is working on other cases.

The next problem public defenders face is an emotional aspect. Many people consider public defenders the lowest form of an attorney since they work to help those get out of trouble, even if the client did the crime. Many clients of the public defender think poorly of them, especially when the judge gives them their sentence. Clients will always say things like, “Why didn’t you get my case dismissed?” or, “Why didn’t you convince the judge to give me a lighter sentence?” This plays a significant role on the public defenders because they are trying their hardest to help these people, but they only have so much funding to work off, and it is hard to help their clients to the fullest (Baćak et al., 2019). These clients will talk negatively about them to their faces and tell others about public defenders, which can take an emotional toll.

The last problem while working as a public defender is the secondary trauma one might experience while working with their clients. While working with these clients, public defenders can have post-traumatic stress, forms of depression, and the impairment to not do their jobs to the fullest (Baćak et al., 2019). This plays a huge role when being a lawyer because clients

expect the best out of an attorney, but when these attorneys experience this, it is hard for them to perform. When they cannot perform to their fullest, this reflects on their public image within a community.

The study also shows that these public defenders are doing their jobs due to the motivations that the job entails. The two types of motivations that the public defenders received through this study were intrinsic motivation and extrinsic motivation. The intrinsic motivation these attorneys receive is the feeling of accomplishment and being a part of the process to help someone through their legal troubles (Baćak et al., 2019). The extrinsic motivation that public attorneys receive daily is clients and the willingness to uphold the rights provided in the Constitution of the United States. These reasons are the vital elements that outweigh the problems these public defenders face and why they stay on the job to help those less fortunate.

While public defenders face many challenges in their everyday jobs, they are essential in the legal system. Public defenders do their work to benefit others rather than themselves, no matter how much less they make compared to private attorneys or the emotional aspect they must endure.

2.5 Outcomes In Cases

People in society try to use private attorneys more than public defenders, thinking they are more likely to get out of legal trouble. As written throughout this section, the representation of attorneys plays a big part in the legal process. The importance of representation is stated in articles by Anderson and Heaton (2012) and a study done by Poppe and Rachlinski (2016), explaining the importance of attorneys. When looking at the difference between private attorneys

and public defenders, the outcomes in cases are almost similar, meaning that both types of attorneys can lower the sentence length of their clients.

Stover and Eckhart (1975) conducted a study comparing and contrasting private attorneys' and public defenders' services for their clients. The first part of the study looked at process variables like advocacy, fact investigation, social and time constraints, and experience for outcome in court cases. Advocacy is defined in this article as "An advocate is a person whose goals and values orient him toward doing everything ethically possibly to advance the best interests of all individual clients, regardless of the tactical approach used (trial vs. bargaining, hard sell vs. soft-sell, etc.) and regardless of ultimate effectiveness." (Stover & Eckhart, 1975). Fact investigation is the process of reviewing the evidence of a case or interviewing different people within the case. When taking a case, social and time constraints are the time and interaction with attorneys' clients. Attorney experience varies depending on how long that attorney has been practicing and the techniques they have learned throughout their career. For this part of the study, Stover and Eckhart (1975) found no correlation between the private and public defenders regarding advocacy, meaning that both attorneys aim to help their clients to the best of their ability. For fact investigation, the client was willing to pay the private attorney's fees so that the attorney could look into the evidence to help them with their legal troubles. The difference comes from workload concentration and courtroom association, meaning the connection the attorney has with the judge. The last thing Stover and Eckhart (1975) found is that the public defender has more experience in criminal cases because the public defender mainly concentrates on criminal cases (Stover & Eckhart, 1975). This study by Stover and Eckhart (1975) was done almost 50 years ago, which may not be accurate in today's legal system.

The second part of this study focused on the severity of the conviction the client received, the type of punishment, and the probable length of incarceration. The biggest thing to remember is the number of cases each type of attorney worked on; the public defender had almost one hundred more cases per year than the private attorney. First, the severity of the client's conviction was looked at in three categories: not convicted, convicted of a misdemeanor, and convicted of a felony. The comparison between the two attorneys for those not convicted was three percent higher for the private attorney than the public defender. The convictions of misdemeanors favored the public defender, a one percent difference, with the private attorney having thirty-seven percent. In comparison, the conviction of felonies was higher for the public defender, with forty-five percent of the public defender's cases (Stover & Eckhart, 1975).

Diving deeper into the type of punishment part of this study, there were four categories: no jail, jail, reformatory, and penitentiary. Stover and Eckhart (1975) found that 75 percent of the private attorney's cases helped their clients receive no jail time. Compared to the public defender, 57 percent of their clients receive no jail time (Stover & Eckhart, 1975). Another big difference between the two types of attorneys was the penitentiary punishment the client received, which was an eight percent difference, with the public defender having a higher percentage. Finally, Stover and Eckhart (1975) examined the length of incarceration each attorney's client received after being convicted. There were two significant differences in percentage, the first being those not incarcerated. The difference between the public defender and private attorney was 21 percent, with the private attorney having 78 of their client's cases not incarcerated. Finally, the other difference was the length of incarceration the client received, ranging from one day to over 48 months. The public defenders had 43 percent of their clients receive some length of

incarceration compared to the private attorneys, with 22 percent of their clients receiving jail time (Stover & Eckhart, 1975).

Stover and Eckhart (1975) concluded that the criminal representation between the two types of attorneys was similar. Given the conclusion and data provided throughout this paper, public defenders and private attorneys provide the same outcomes when representing clients in criminal disputes.

2.6 Conclusion

Finding a public defender or private attorney to help throughout the legal process is very important, no matter what legal trouble one gets into. Even though there are differences between the two attorneys, the outcomes of their client's convictions are almost the same. Whether convicted of a felony or not convicted at all, these outcomes come from the hard work and diligence these attorneys do on a day-to-day basis. These attorneys can reduce sentences based on their convincing skill, but sentences come from the crime committed and the statute required in that state or federal law.

Chapter 3: Theory

3.1 Introduction

This chapter will create a framework for the different economic theories that both public and private defenders encounter, which could affect the defendant's outcome. The economic theories required to understand better the difference between the public defender and private attorneys are the price incentive theory, resource constraint, and principal-agent theory. This

theory section will hypothesize that the private defender is better to use in court than the public defender based on these economic theories.

3.2 Price Incentives

The first theory that will be talked about in this chapter is the theory of price incentives. The price incentive theory is better understood when comparing the goods and services of an individual to the price another individual is willing to pay for the services. For example, one person pays another to help them do a task; the more the person is willing to pay, the better the other person is willing to perform that task to the best of their ability.

When looking at it through the legal representation between private attorneys and public defenders, the price incentives between the two could affect the outcome of court cases for their clients. The private attorneys bill their clients hourly or ask for a percentage of their compensation after the case is finalized. The attorney and their client agree upon the compensation if they win a court case or settle with the other parties; for criminal cases, the private attorney will charge an hourly rate to their clients. Depending on the incentive the private attorney is willing to receive will reflect the amount of work the attorney is willing to put in for their client. For example, if a client is willing to pay the attorney any amount to get them out of trouble, the attorney will work the hardest to get them out of trouble.

On the other hand, the public defender has a set salary from the government, so they cannot experience the price incentive that the private attorney experiences. It is hard to tell if there is any price incentive that public defenders experience throughout their daily profession. Based on the principal-agent theory, which is explained more in Section 3.4, the most incentive

the public defender receives is when the cost the client pays is 0. Remember that public defenders do not have the benefits of billing their hours like private attorneys.

3.3 Resource Constraints

The next economic theory that is better understood is the resource constraint theory. This theory looks at the resources available or limited to the attorneys based on their budgets and connects to the price incentive theory. In law, there are many different ways of gathering evidence; most of the evidence is accessible through money. The more money a person is willing to pay their attorney, the more evidence they can access and use to create a more favorable case for their client.

Since the public defender is limited to a specific budget per case to collect evidence, they can only gain evidence from what the prosecutor gives, their clients, or whatever they can get from their budget within that case. These attorneys' resource constraints limit them from other evidence that can be used in court and the resources of expert witnesses.

Resource constraint theory plays a vital role in court cases, mainly for the evidence that can be collected before the trial. Other resources that can help a defender is the testimony from witnesses called upon by the defendant to try and prove the defendant's innocence. The more witnesses, the better because they can give their professional review of the case; these are called expert witnesses, and their testimony is based on different aspects of the case that fall in their profession. Even though these expert witnesses are vital in a trial, these people charge a very high rate for their time in court; not only that, but they need all their expenses and travel paid for so they can attend the trial. While private attorneys have this capability, it is constrained for the

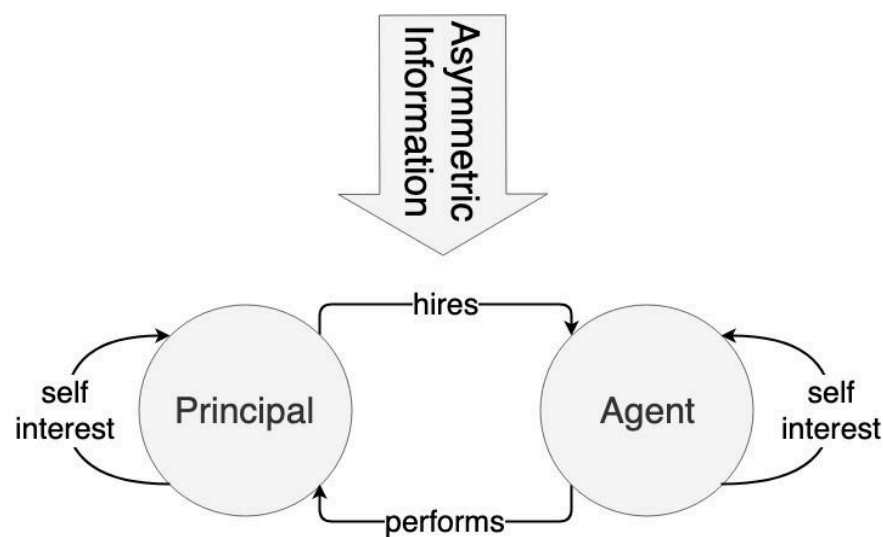
public defender to gain access to multiple witnesses and expert witnesses based on their low budgets.

3.4 Principal-Agent Theory

The principal-agent theory is the last and most vital theory to look at when discussing the client-attorney interaction. This theory can be seen in Figure 3.1, a visual of the theory that will be explained. This theory is essential to understand because it is common in criminal cases and other areas of law.

The principal-agent theory can be described as the relationship between the principal, which in this case is the client, and the agent, which is the attorney. The principal hires the agent to perform the tasks the principal requires. When looking at the principal-agent theory in terms of litigation, the client, the principal, hires the attorney, the agent, to represent them in court and help them win their case against the prosecutor. The attorney, whether public defender or private attorney, uses his knowledge and years of experience to help their client. The attorney using their knowledge to help their clients is called asymmetric information, meaning the attorney has more information about the legal system and ways to help than the client. The self-interest of the principal, the client, is to use an attorney to help them get out of the legal problems they are facing. The agent, the attorney, is self-interested in helping clients earn money to help themselves live comfortably.

Figure 3.1: Principal-Agent Theory (Notland, 2019)



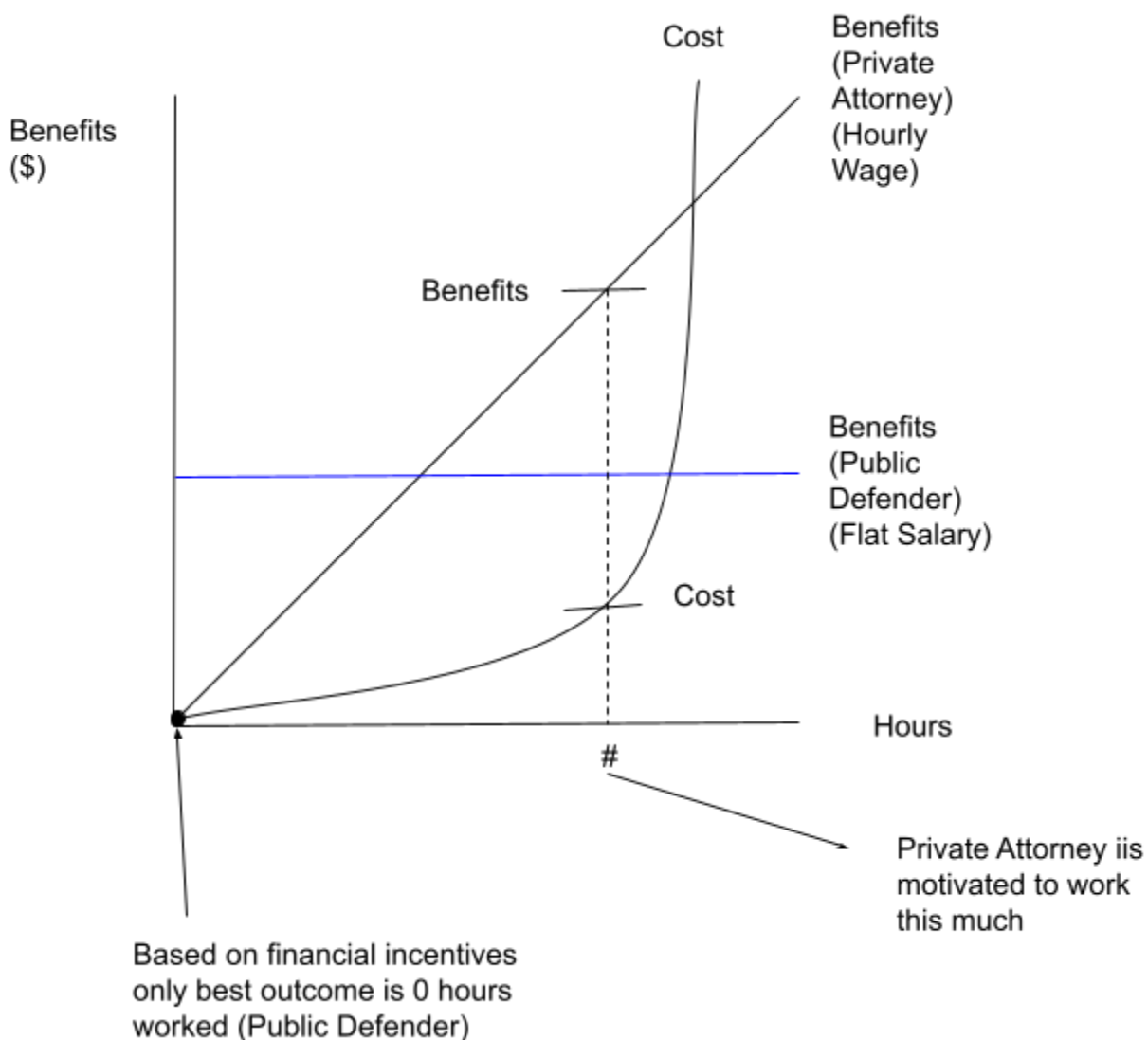
The graph shown in Figure 3.2 shows the graph of the principal-agent theory. Looking at the graph, the y-axis represents the benefits the attorney would receive for the work they do for their clients. The x-axis shows the attorney's hours on a client's case. The first curve to discuss in this graph is the benefits line for the public defender. The line for the public defender is straight because of the limited budget a public defender gets for representing their client rather than charging their clients an hourly wage like the private attorney can. The benefits curve for the private attorney is an upward slope, which gradually gets steeper as the curve increases. The benefits curve is an upward slope because for every hour an attorney works on a case, the benefit of working on that case increases by a certain amount. The last curve on the graph is the cost curve, which represents the cost the client pays for their representation.

The graph also shows where both attorneys are the most motivated, which is shown when the benefit curve of that attorney and the cost curve are the most significant gaps between the two. The short-term financial decision for the public defender is most motivated to work when the cost is 0 and the work hours on a case are also 0. This reasoning is solely based on financial incentives, as the public defender is a set salary job the government provides. The public

defenders will work daily and help their clients the best they can on their government salary; they do not help the commonwealth of Pennsylvania purely on financial decisions but to help those in need. The benefits private attorneys receive for their work are much different than those of public defenders. The private attorney is motivated to do a client's work when, as explained about the public defender, the gap between the benefits and cost curves is the greatest. This is determined by looking at the cost curve and determining when the cost and benefits curves of the private attorney are parallel.

Based on the principal-agent theory, this graph concludes that an attorney's financial incentives motivate them to do more work. The more work they can provide their client, the better the outcome they should receive in a court case. While the public defender is also paid a salary, they work for their clients.

Figure 3.2: Principal-Agent Theory Graph



3.5 Conclusion

The theories and graphs provided throughout this section provide vital information on the study performed throughout this paper. The theories have provided a better understanding and more plausible prediction of the study performed about public and private attorneys representing their clients in Crawford County, Pennsylvania. Based on the theories explained above, the predictions are that private attorneys will have a lower sentencing outcome for their clients than

public defenders. The predictions of this study will be explained, with statistical data from the district attorney's office in Crawford County, Pennsylvania, in the next chapter. In contrast, the theories explained above will be compared with the results.

Chapter 4: Empirical Data

4.1 Introduction

Throughout the last couple of chapters, the main question was which type of attorney, private attorney or public defender, was better when sentencing outcomes when convicted of a crime. After reviewing many articles in this paper, many may think there is little to no difference between the public defender and private attorney. In this chapter, more profound research will be conducted into the sentencing outcomes of criminals within Crawford County, Pennsylvania, specifically looking at felonies. Felonies are the most serious offenses for which someone can be charged within the criminal court system.

4.2 Summary of Data

In order to have a deeper dive into which attorney is better when it comes to sentencing outcomes, I needed to find data that gave the outcomes of cases and the type of attorney the defendant used during the court process. After digging around, it was clear that this needed to be done by hand, and I had to collect the data myself. With the help of the district attorney's office in Meadville, Pennsylvania, I collected the data needed to understand which attorney was better at getting their clients shorter sentences when convicted of a felony. This process was tedious due to the software system they used for their office.

The collection of this data started with categorizing the charges people were charged with within Crawford County, Pennsylvania, which ranged from first-degree felonies like arson or burglary to third-degree felonies, for example, retail theft or possession with the intent to deliver. After categorizing the charges, I found that there were about 680 dockets that were convicted of felonies; from there, I looked at each docket and found 132 dockets of people who were convicted of felonies. Most of the dockets looked at had their initial felony charge downgraded to a misdemeanor during sentencing. The 680 cases of felonies consisted of dockets, which every person receives after committing a crime, from the years 2022 and 2023. The reasoning for looking at dockets from 2022 and 2023 is that the process from the time someone commits a crime to their final sentence depends on many factors. These factors range from continuances to not showing, making a case go longer than expected. So, a docket that was created in 2022 might not get sentenced until 2023. I could look at the sentencing order using the software that the district attorney had available. The sentencing order is the judge's final recommendation after a person is convicted of a crime. From there, I could see what that person received as their sentence, whether probation or incarceration. For those who receive incarceration as their punishment, the judge must give a maximum penalty based on previous records and the severity of the crime, as well as a minimum sentence that is at least half of the maximum sentence. A spreadsheet was then created to look deeper into the data.

The spreadsheet created consisted of many variables needed to conduct the research properly. The first variable was the type of crime a person was convicted of, followed by the attorney the defendant used during the court process. The type of attorney was found at the bottom of the sentencing order.

The following variable was the sentencing length a person received from the judge. This data ranged from incarceration to probation; some of the probation people received was restrictive probation. The Pennsylvania General Assembly classifies restrictive probation as “house the person full or part time, including inpatient treatment; or significantly restrict the person’s movement and monitor the person’s compliance with the program, including electronic monitoring or home confinement” (*Title 42*, n.d.). Restrictive probation can be either a period of incarceration followed by house arrest and regular probation or just house arrest and regular probation.

The following essential aspect was whether the defendant had a previous record. Previous records could significantly impact the type of sentence someone may receive, which could be the difference between probation, restrictive probation, or incarceration. Other recorded economic factors were the defendant's race, gender, and age. These factors were recorded to see if race, gender, and age played a significant role when a defendant was sentenced. All of the information recorded will be explained more in the next section of this chapter to see if there is any correlation between the sentencing outcomes of private attorneys and public defenders while representing the defendant throughout the legal process.

Table 4.1: Summary Statistics

Variables	Average
F1 Felony	0.1210
F2 Felony	0.1140
F3 Felony	0.7650
Age	36.7880
Male	0.6670
Race: White	0.8110

Race: Black	0.0980
Race: Unknown	0.0910
Previous Record	0.6140
Private Attorney	0.4850
Months of Sentence	33.9110
Incarceration	0.6500

As seen in the table above, many different variables were used when conducting the data for this research. In Crawford County, 12.10 percent of people convicted of a felony in 2023 were sentenced to a first-degree felony. The following two levels of felonies were second-degree and third-degree felonies; of the felony crimes sentenced within 2023, 11.40 percent were second-degree felonies, and 76.50 percent were third-degree felonies. The average age of a person sentenced in Crawford County, Pennsylvania, was 37. Of the people sentenced within 2023, 66.70 percent were of the male gender. Looking at the three race variables, 81.10 percent were of the white race, 9.80 percent were of the black race, and 9.10 percent were of the unknown race.

Looking at those who had a previous record, the data set showed that 61.40 percent had a previous record when being sentenced to felony crimes. The data shows that almost half of the people were sentenced in Crawford County, Pennsylvania, in 2023, with 48.50 percent of people using a private attorney. The average time someone was sentenced to either probation or incarceration was 33.91 months, and 65 percent of those sentenced to felony crimes were incarcerated.

4.3 Regressions

In the following regressions, I test whether using a private attorney or public defender guarantees their clients a lower sentence regarding sentencing outcomes in Crawford County, Pennsylvania. After reading different articles relating to this topic and how each attorney works in their own way, my hypothesis for this question is that having a private attorney will represent clients better, increasing the chances of lowering the sentence the person was charged.

Table 4.2: Incarceration Length (Months) of Convicted Felons

Variables	Coefficient	P-Value
Intercept	12.8410	0.3891
F1 Felony	-3.5511	0.6982
F2 Felony	17.0126	0.0680
Age	0.1884	0.5213
Race: Male	13.0409	0.0903
Race: Black	5.1713	0.6372
Race: Unknown	-15.0430	0.6294
Previous Record	2.9160	0.6832
Private Attorney	-1.7850	0.7854

R-Squared	0.1133
Observations	86

Table 4.1, shown above, is a regression of those who received incarceration as their sentence. The dependent variable for the regression is the sentencing length, in months, for those incarcerated for felony crimes. The sentencing length ranges from the maximum sentence a judge can give for a crime to the minimum, which needs to be half of the maximum sentence. However, I used the average between the maximum and minimum sentences to run the

regression. The data shows that those who use a private attorney are more likely to receive about two months less incarceration than those who use a public defender. Even though this sounds about right to others, the p-value shows that this statement is not statistically significant to be correct. The table shows first-degree felonies and second-degree felonies in comparison to third-degree felonies, which is the grade of felonies someone is charged with based on the severity of the crime. Next is age and the male gender; the male gender is sentenced compared to their female counterparts. The two races in this regression identify as black and unknown; the unknown race is due to the district attorney's system not having recorded some of the defendants convicted of a crime. Previous records and the private attorney are then followed.

Diving deeper into the coefficients and p-values of the data, it can be seen that all the variables of this regression are not statistically significant. Statistically significant means the p-value is lower than 0.05, and the coefficient is confident in the results that were run in the regression. To explain the non-statistically significant variables, the first is those incarcerated on first-degree felonies. If all variables are held constant, people incarcerated with first-degree felonies are likely to spend three and a half months less than those incarcerated with third-degree felonies. This variable, being not statistically significant, does not make sense because there is usually a higher incarceration length due to first-degree felonies being the most severe crime someone can be convicted of in the legal system. When looking at the age aspect of those who are incarcerated for felony crimes, it shows that every year older an individual is, they are likely to spend 0.1884 months more incarcerated for a felony crime. In the legal system, age plays a factor; a study was done in Pennsylvania by Steffensmeier, Kramer, and Ulmer (1995), they predicted that judges are more reluctant to incarcerate older offenders, and judges tend to incarcerate those in their twenties (Steffensmeier et al., 1995). The data can reflect the findings

of Steffensmeier, Kramer, and Ulmer (1995), with the p-value being 0.5213. Looking at the race of those incarcerated on felony charges, there were three groups: white, black, and unknown. When omitting the white race, the data shows that those who identify as black receive about five months more than those who identify as white. However, the p-value shows that this is not statistically significant. The unknown group receives about fifteen months less than the white race. Since the p-values for these groups are not statistically significant, there is no certainty that this is true in Crawford County. For the last two variables, previous record and private attorney, they also had p-values greater than .05. To explain the coefficients of these variables, those with a previous record are likely to receive three months more of incarceration than those who do not have a previous record. Since the p-value for having a previous record is not statistically significant, we cannot say that a person with a previous record will spend 2.9160 more months incarcerated. This is surprising because judges consider previous records when deciding on the defendant's final sentence. In an article by Roberts (1997), he states that criminal history plays a central role in all state systems and federal guidelines (Roberts, 1997).

Now, looking at the data and the statistically significant variables at the 90% level, the only two variables with less than a 0.10 p-value are those incarcerated on second-degree felony charges and those who identify as male. Looking at the second-degree felony charges for those incarcerated, there is a 90% confidence level that those people will receive seventeen more months incarcerated than those convicted of a third-degree felony. The data makes sense since second-degree felonies are slightly more severe than third-degree felonies. When looking at the male variable, males are 90% more likely to be incarcerated thirteen months more than their female counterparts when convicted of a felony charge. The R Square value, which implies how close the data is to the actual model, is 0.1133. The higher the R-squared value, the better it fits

the data. With more data, it is easier to tell whether the R-squared value would be higher or lower than the R-squared in this regression.

Table 4.3: Punishment Probability of Convicted Felons

Variables	Coefficient	P-Value
Intercept	0.4361	0.0125
F1	0.1336	0.2722
F2	0.1753	0.1638
Age	0.0024	0.5241
Male	0.0899	0.3159
Race: Black	-0.1543	0.2313
Race: Unknown	-0.5729	0.0008
Previous Record	0.0902	0.2891
Private Attorney	0.0914	0.2606

R Square	0.1993
Observation	132

Looking at the data in Table 4.2, the regression created reflects those who received both incarceration and probation, whether restrictive or regular probation, after being convicted of a felony crime from 132 cases with an R-square value of 0.1993. The dependent variable for this regression is the sentenced punishment, probation, or incarceration people received for felony crimes. The variables for this regression are the same as those of Table 4.1, but all the variables, except the race being unknown, are not statistically significant for this regression.

The regression shows that those convicted of felonies in the first degree have a 13.36% more probability of receiving incarceration or probation than those convicted of third-degree

felonies. The same goes for those convicted of second-degree felonies, but they tend to have 17.53% more of a chance to receive incarceration or probation than their third-degree felony counterparts. In comparison to third-degree felonies, the data makes sense. However, the fact that a person receives a higher sentence of incarceration or probation in the second degree than the first degree would make sense on why the data for these variables are not statistically significant. As stated in this chapter, age is a factor that judges consider when determining a defendant's sentence. The regression shows older convicted defendants are more likely to receive a 00.24% chance of punishment than younger sentenced defendants. However, due to the p-value of this variable not being statistically significant, we cannot say this is a definite statement. When looking at the race variable, as previously stated, there is only one statistically significant variable: the unknown race. Those who identify as black are likely to have a 15.43% chance of not receiving a punishment than their counterparts who identify as white. Based on the regression analysis, this is incorrect as the p-value is greater than 0.05, making it statistically significant. As for those who identify as unknown, they have a 57.29% less chance of receiving a punishment than their white counterparts. The p-value of this variable is 0.0008, which is statistically significant. However, keep in mind that the unknown data is due to the software that the district attorney uses to keep track of the defendants. This flaw may be due to not keeping track of certain defendants' race or forgetting to insert the defendant's race into their profile.

The last two variables are the previous record and the defendant using a private defender. The data shows that when having a prior record, a person convicted of a felony is likely to have a 9.02% increase in receiving a punishment than those who do not have a record. As previously stated, this is surprising because, as Roberts (1997) noted in his article called, *The Role of Criminal Record in the Sentencing Process*, judges take previous records into effect when

determining the sentence of a convicted criminal (Roberts, 1997). As for using a private attorney, defendants who use a private attorney are likely to receive a 9.14% chance of punishment compared to those who went with the public defender. Considering that these variables are not statistically significant, we cannot say that the data provided reflects that the statements in this paragraph are correct.

4.4 Grade Three Felonies

When looking more closely at the data collected from the district attorney's office, there was a common grade of felonies people were charged with and sentenced to third-degree felonies. This degree of felony is the least severe felony that people receive; an example of this grade of felony is retail theft or firearm charges. From the data, 99 people were sentenced for third-degree felonies in Crawford County in 2023.

Table 4.4: Third-Degree Felonies Incarcerated Between Private Attorneys and Public Defenders

	Private Attorney	Public Defender
Mean	32.0385	29.7045
Observation	26	33

P(T<=t) two-tail	0.7296
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The t-test that was run in Table 4.3 looked at the people who were incarcerated for third-degree felonies. The dependent variable for the t-test was the length of incarceration, in months, of those sentenced for third-degree felonies. Of the 99 people who were sentenced for a third-degree felony, 59 of those people were incarcerated for their charges. The t-test was used to

show the average incarceration sentence in months between the private attorney and public defender. The private attorney represented 26 of those 59 people incarcerated for third-degree felonies. The data shows that these people received, on average, 32 months in prison for their offenses.

On the other hand, the public defender represented 33 people of the 59 people incarcerated for this degree of offense. The public defender had an average of 29 months of incarceration when representing their clients. The p-value for this data was 0.7296, which makes the data for each of these attorneys statistically insignificant since the p-value is more significant than 0.05. Due to the data being statistically insignificant, we cannot say that the data provided for each attorney is correct when representing clients sentenced to third-degree felonies in Crawford County in the year 2023.

4.5 Conclusion

Based on the data explained throughout this chapter, there is no clear evidence that using private attorneys or public defenders is better when being sentenced for felonies in Crawford County in the year 2023. A couple of things that the data showed were statistically significant, with a p-value less than .05, such as that people of an unknown race received 57.29% less chance of receiving incarceration or probation than their white counterparts. This value is statistically significant due to the p-value being 0.0008. However, as explained in this chapter under Table 4.2, the race of some people convicted of felonies was not entered into the database. Two variables were 90% confident, having a p-value less than 0.10, which were second-degree felonies and males incarcerated for felony crimes. The ones incarcerated for second-degree felonies received 17 months more than those incarcerated for third-degree felonies. This data is

supported with a p-value of 0.0680. The males incarcerated received 13 months more than their female counterparts, and we have 90% confidence in them because the p-value was .0903.

Chapter 5: Conclusion

Throughout the paper, the main question was whether using a private attorney or public defender would increase one's chances of receiving a lesser sentence after being convicted of a crime. The beginning of this paper discusses some articles on why attorneys matter in the legal system and the two main types of attorneys used to help clients with their legal issues: private attorneys and public defenders. An article from almost 50 years ago showed that private attorneys were likelier to help their clients receive a lesser punishment than their counterparts.

In the theory section of this paper, three aspects played vital roles in the legal field regarding the type of attorney used: principal-agent theory, resource restraints, and price incentives. The principal-agent theory about the legal system has the client, the principal, who delegates work to the attorney, and the agent, who then uses their skills to help them out of legal trouble. Applying the resource restraints, the private attorney has more resources to help their clients, like paralegals, and the money for more evidence and witnesses who can testify in favor of the defendant using the private attorney. The resources the private attorney has also go together with the price incentives each attorney gets for their work. The price incentive theory would assume that the private attorney will do more work and better work since they can set their fees for their clients. Meanwhile, the public defender has a salary set by the government.

The explanation of everything within this chapter raises the question of whether the legal system is unjust to criminals. If so, what type of attorney, private or public defender, is better to use throughout the legal process? In chapter four, no statistically significant data could prove that a private attorney was better than a public defender. Both attorneys within this profession have

experience and, through that experience, have learned different ways to help their clients. So, it is not the type of attorney that will help an individual through their legal troubles, but the individual's salary to afford that attorney. What is meant by this is that public defenders offer their services to people who meet their salary requirements; if a person makes more than the public defender's requirement, they need to look for a private attorney to help them.

While doing research, some weaknesses were experienced with the data. The main weakness was the sample size used to prove which attorney was better in criminal court. Working from a sample size of 132 cases is insufficient to determine which attorney is better. The sample size was small due to different factors when looking at the data. The main factor is that most of those charged with felonies were downgraded from a felony charge to a misdemeanor. Those who had their felonies downgraded to a lower level used private and public defenders, which shows that both attorneys are helpful when representing their clients.

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