

Balancing the Justice System: *A Public Defender's Perspective*

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This comprehensive study aims to examine the Public Defender's service as a check on power within the California justice system. Specifically, the project looks into the balance between defining an individual's rights and prosecutorial overreach. Structural issues like underfunding, case overload, and institutional difficulties compromise their effectiveness by making it difficult for them to balance the justice system. The observation data used in this study came from personal experiences working as an intern law clerk at the Los Angeles Public Defenders' Office. Working with lawyers on cases involving clients and the District Attorney's office, as well as watching civil, juvenile, and criminal court proceedings. Structured interviews with lawyers from the Los Angeles Public Defender's office will provide the qualitative data. According to my research, systematic injustice, excessive workloads, and low pay for public defenders lead to burned-out lawyers who are unable to keep up with California's other judicial players. They do act as a check on power and a protector of individual constitutional rights, but they are not very successful. In conclusion, recommendations for this study would be to duplicate on a national scale for a full understanding of their impact on defending constitutional rights in the criminal justice system.

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Introduction

The Los Angeles County Justice system involves discretion from almost every legal party involved in the process. The Judges are allowed to use discretion to interpret pieces of evidence, make rulings on a Jury's conclusion of punishment, and more. District Attorneys (DA) have discretion in the cases they choose to bring to trial and what cases to settle outside of court. Police have the power of discretion in their decision-making based on a judgment of the situation and parties involved. All of these parties hold the power of discretion, except for one, the Public Defender's (PD) office. The attorneys do not get a choice of whom they represent, only to give them fair representation. But what does the PD do when the 'cards' are stacked against them? What powers does the PD hold to level the playing field? My thesis explores the interworkings of the Public Defender's role in the California Justice System and its service as an accountability mechanism. Specifically seeking to answer the question, "How do public defenders serve as a check on power within the California justice system".

This study adopts a combination of qualitative & quantitative methods and past academic research studies to bridge the gaps in the existing literature. While many studies have examined the role of the Public Defender in America, relatively few have focused on their role as a check on power within the California Justice System. Signifying the importance of a legal safeguard within our justice system to uphold the Sixth Amendment & the pursuit of "Life, Liberty, and the pursuit of Happiness." (U.S. Constitution, 1787). By addressing this knowledge gap, this study will provide valuable insight for fellow academics and researchers alike. Following these steps, first, providing academic definitions of vocabulary and bringing in any prior relevant research studies. To give light to the background context needed for the study, and define the scope of the study. Second, state my hypothesis of the Public Defenders' positive impact on the justice system and their role within it.

Third, I will present my research design methodology, data collection, and analysis of such information. Also, I will convey the ethical aspects of my research and its limitations. Finally, I will discuss the results of my research findings and discuss the implications of my findings.

Literature Review

Academic Definitions

I. A Public Defender

According to the Merriam-Webster Dictionary, a public defender is "A lawyer usually holding public office whose duty is to defend accused persons unable to pay for legal assistance." (Merriam-Webster Dictionary, 2024). This role is typically a government-appointed position that ensures all individuals have the right to legal representation, regardless of financial status.

II. Check On Power

In the NYU Journal of Law & Liberty, we find that a check on power is described as "...confining it [judiciary power] to the exercise of legal judgment." (Paulsen, 2016). While the definition speaks of the power to check the court, we can infer that this would also apply to the Judge, Police, and Prosecution as well.

III. Prosecutorial Power

Prosecutorial power is another way to say the prosecutor's holding powers within the judicial system. The Journal of Criminal Law & Criminology states that prosecutorial power is "unreviewable power and discretion...generally do not announce the grounds for their decisions." (Fryer, 2020). This quote emphasizes the power of prosecutors and defines what abilities are granted in the United States Justice system.

IV. *Advocacy*

Advocacy in this study will be based on the Attorney-Client relationship and that Public Defenders have a duty to their client to educate them on the process and trial to yield the best results. The definition is based on the New York Law School Law Review, which says, "protect and advocate the rights of such individuals through activities to ensure the enforcement of the Constitution and Federal and State statutes;" (Talley, 2009).

The Role of Public Defenders

In the article, '*RIGHT TO AN ATTORNEY*' ONLY GOES SO FAR. *OUR WAR ON CRIME LEAVES INJUSTICE IN ITS WAKE*, a secondary source in Westlaw. The author covers critiques of the systematic failures of the United States justice system in enduring the constitutional right to legal representation outlined by the 6th Amendment. Arguing that the state and federal government's power to lock citizens away, confiscate possessions, and deny the ability to earn a living in extreme cases are exacerbated policies associated with the "War on Crime." Ensuing an environment of indigent defendants facing inadequate legal defense due to an overburdened public defender system that serves as the leading cause to defend against injustice. "Every day, we see more Americans hauled into court due to government overreach, such as the criminalization of reproductive health care and overcriminalization of drugs." This perspective aligns with the underfunding and overwhelmed attorneys within the system and will be further highlighted to effectively explore the challenges of a Public Defender. Its observations are especially pertinent to comprehending the constraints public defenders encounter in their ability to act as a check on prosecutorial power in the California legal system.

The second article further defines the role of public defenders through a value and ethical responsibility within the framework of an unjust system. In "Public Defenders as Gatekeepers of Freedom," Alma Magana writes about public defenders being "gatekeepers of freedom" to be critical checks on prosecutorial power, advocating for marginalized populations who are disproportionately from structural injustices. Showcasing the ways in which systemic accountability and individual advocacy connect to defend constitutional rights such as the right to a fair trial and the prohibition against wrongful detention. Magana emphasizes the defenders' moral and legal obligation to act as defenders of freedom by framing justice and equity. Understanding the special responsibility placed on public defenders to uphold their client's rights while also combating systemic injustices. However, the article details the early 90s as a dark time for public defenders who let their personal values and beliefs stand in the way of justice. Such as those within the Black and Brown communities receiving high levels of denied bail and plea/guilty deals compared to those with white clients. The contradiction within the article is a crucial piece of pushback; the overall argument outlines the double-sided job of a Public Defender. Which I will expand upon with my research later on.

The article "Fighting the Good Fight": Why Do Public Defenders Remain on the Job?" examines 87 interviews from all facets of the American justice system to learn why public defenders choose to remain in their positions. The authors draw attention to the fact that public defenders frequently see their work as a moral and ethical duty to uphold the rights of underprivileged groups who are unable to defend themselves. The essay does not thoroughly examine systemic reforms that could lessen the difficulties the defenders face, even while it does a good job of highlighting their motivations and struggles. By connecting the emphasized reasons and challenges back to the original cause, I will be extending their understanding. Despite being a member of the county or government, they are treated unfairly because they are despised by others in their field. Putting emerging themes and findings [from their 87 attorneys' interviews] from throughout the United States and mine, from Los Angeles County, in context.

To shed important light on public defenders' unwavering commitment, which is crucial to comprehending their function as a check on power in the legal system. The work contributes to studies on public defenders' vital role in upholding justice and accountability by analyzing their motivations and tenacity. Demonstrating how, especially in jurisdictions like California, where public defense systems face major obstacles, public defenders' dedication to justice serves to balance prosecutorial power and institutional injustices.

The dissertation, "An Essay on the New Public Defender for the 21st Century," examines how public defenders are changing in their ability to handle the difficulties presented by modern criminal justice systems. Offering models of change to address systemic injustices, including mass imprisonment, racial inequality, and insufficient funding for indigent defense. Public defenders in the twenty-first century must not only offer individual representation but also take part in systemic activism. To deal with the underlying causes of unfairness, this author places a strong emphasis on working in tandem with social professionals, community organizations, and policy activists. In contrast to conventional evaluations that highlight the shortcomings of public defense systems, this essay highlights the possibility of change via proactive lobbying and interdisciplinary approaches. Although the essay offers a forward-looking viewpoint, it ignores the real-world difficulties of putting such reforms into practice, like obtaining funds, educating staff, or dealing with political opposition. More research on successful jurisdictions with these methodical modifications would be needed to make a generalizable change.

Checks and Balances of the Justice System

The scholarly article "Checks and Balances in the Criminal Law" speaks about the history of judicial checks in the Madisonian idea of justice, part of which was written into the Constitution.

Examining the mechanisms that exist to prevent the abuse of power within the criminal justice system. In particular, defense attorneys make use of the Madisonian idea by challenging prosecutorial decisions and ensuring that the defense of defendants' constitutional rights is upheld. The article presents an analysis of how systemic inequities, such as the caseload, underfunding, and discretion, could jeopardize these checks and balances. Nevertheless, the experiences of these inequalities are not discussed in the text and would give the academic research more substance and authenticity. The academic research does a good job of focusing on public defenders; the article provides valuable groundwork and the broader framework of a checks and balances system.

"Plea Bargaining and the Miscarriage of Justice" explores the effects of erroneous convictions and systemic problems with cognitive bias, another article that looks at the justice system's checks and balances mechanism. Wrongful convictions have resulted from an over-reliance on errors in investigation studies, forensic procedures, and untrustworthy testimony. The author contends that these elements work together to compromise the fairness of the legal system and disproportionately impact underprivileged groups. This study supports the body of research on false convictions that highlights the necessity of strong protections to avoid mistakes in the legal system. Stressing the public defender's responsibility to protect the legal system by spotting and contesting these mistakes. It emphasizes the vital role public defenders play in averting erroneous convictions by illuminating the structural causes of miscarriages of justice. Public defenders operate as institutional guardians in addition to being advocates for specific clients. Although the article gives a thorough summary of the reasons behind erroneous convictions, it skips over any in-depth discussion of potential remedies or improvements. Through research, I will attempt to solve this knowledge gap by addressing the solutions proposed by scholars and myself.

Structure of the California Public Defenders

In the Iowa Law Review essay Structuring the Public Defender, Irene Oritseyeyinmi Joe criticizes the structural and institutional flaws that keep public defenders from successfully carrying out their constitutional duties.

The author contends that government institutions that do not grant public defense offices the same resources, autonomy, and authority as prosecutors systematically disadvantage them across the United States. She argues that although public defenders are charged with protecting their clients' rights from the state's immense power, they are constrained by bureaucratic structures that frequently prevent independent action and restrict advocacy. Joe emphasizes how public defenders must handle their legal responsibilities with political advocacy in settings that are unfriendly to or apathetic of their humanitarian goal. She states, "absence of structural independence ensures that public defenders must perform their critical duties while operating under the thumb of political appointees or court administrators who may not share their mission." This quotation emphasizes the idea that structural design puts control and compliance ahead of zealous representation is the primary cause of public defense failures rather than just a lack of resources. Joe's perspectives are essential for placing the project's findings in context, particularly when it comes to the real-world experiences of public defenders in Los Angeles County.

In my experience from interviews and observations made during the internship, public defenders are frequently assigned to roles where their capacity to oppose prosecutorial overreach is limited by caseloads, administrative demands, and a lack of institutional support. Joe's article makes it evident that attempts to improve public defense must focus on deeper organizational dynamics rather than surface-level improvements by placing these everyday battles within a national pattern of structural subordination. By highlighting the fact that public defenders cannot effectively function as a systemic check on state power in the absence of actual independence, her argument further bolsters the research's theoretical foundations. As a result, the author's work will be used as a critical scholarly lens to understand the methods, tactics, and frustrations that were revealed in

the interviews and first-hand accounts that were collected throughout the project's internship phase.

Valerio Baćak, Sarah Esther Lageson, and Kathleen Powell's article *The Stress of Injustice: Public Defenders and the Frontline of American Inequality* provides valuable insights into how the public defense system's structural flaws restrict defenders' ability to effectively argue for clients. The authors contend that public defenders' capacity to offer strong and reliable counsel is compromised by systemic underfunding, excessive caseloads, and organizational chaos. The article highlights how defenders work within a system that is intended to handle a lot of cases fast and frequently at the expense of the clients. Resulting in the actuality of organizational inefficiency, where defenders' ability to serve as trustworthy checks on prosecution power is institutionally limited. Their results lend credence to the larger contention that defenders are positioned to fall short of their constitutional duties in the absence of reforms to the organizational framework of public defense, such as workload restrictions, improved allocation of resources, and administrative assistance. Furthermore, Baćak, Lageson, and Powell describe how these systemic flaws hurt individual practitioners and undermine the public defense offices' larger role in the legal system. Demonstrating how institutional limitations prohibit defenders from conducting in-depth investigations, contesting prosecution wrongdoing, or providing persuasive testimony during trial, all of which are essential for preserving equilibrium. Thus, bolstering the writer's claim that simply increasing resources without reorganizing workload, staffing ratios, and institutional priorities will not enable public defenders to function as efficient checks on judicial power.

Methodology

The methodology used to investigate how public defenders serve as a check on power within the California justice system and assess their effectiveness is a qualitative research design. Through the combination of personal experience as an intern in the Los Angeles County Public Defender's Office, with semi-structured interviews and document analysis. This mixed-methods approach intends to provide a multifaceted understanding of the public defender's role.

Beginning with the overall research design and rationale of my data collection, starting with self-observed case studies, incorporating my experience within the California justice system. Followed by the 10 semi-structured interviews obtained from various Los Angeles County public defenders. With the goal of providing a clear framework for understanding the analysis presented in the next section, these two research techniques will be able to highlight the intellectual patterns they use to demonstrate how they challenge prosecutorial and judicial power and how they experience the justice system from within.

As part of the methodological phase, I had the incredible opportunity to work as a law clerk intern for the office of the Los Angeles Public Defenders. Gaining personal knowledge of the inner workings of the public defense system and the day-to-day struggles that public defenders encounter was made possible by this experience. I was able to supplement the qualitative interview data gathered for this study by actively participating in casework, seeing court procedures, and witnessing office activities. My main duties as an intern included a variety of support, observational, and secretarial duties. Transcribing and time-stamped CCTV film evidence for use in trial preparation was one of my main responsibilities. To guarantee that transcripts appropriately depict the occurrences, it is necessary to pay careful attention to details, comprehend the evidence requirements, and collaborate with the experts about what they are seeking in the video. Furthermore, I had the chance to frequently watch judicial processes, such as preliminary hearings, arraignments, and occasionally trials. Seeing firsthand how public defenders arranged plea deals, defended clients in court, and challenged procedural inaccuracies. These observations were later connected to themes that emerged from the interviews, particularly regarding judicial attitudes and adversarial pressures faced by defenders. Finally, doing day-to-day duties, managing filing paperwork digitally,

and physically. This administrative work showed another layer of understanding of the overburdened case load of the public defenders.

During my internship, two particular court observations stood out as examples of the challenges & strategies that the public defenders face when attempting to check systematic power. The first case observation was a preliminary trial felony case, where a woman was facing life for her involvement in the murder of a man. I was able to help the felony attorney by creating outlines and transcripts of the police interview footage. She is accused of committing the murder of the man, however, she tells her attorney that she was forced with a gun to her head to commit the murder by a group of her employers. Due to the influence of her employers, she was afraid for her life when she was first taken into jail and chose not to speak to the DA or the police. Because of her silence, the DA canceled the plea agreement and chose to proceed with a trial, alleging that she was the murder's mastermind. The felony defense attorney was aware that the information did not line up when examining her case. Immediately, they approached the DA to renegotiate a deal now that the client was willing to talk, but they were unwilling to negotiate and left the attorney needing to prepare for trial. Due to the high workload and abundance of cases, I was then taken off the case, and I did not know what had happened further.

The second example was a court observation of a §17(b), a legal mechanism to downgrade felony convictions to misdemeanors in cases that are known as "wobblers". Depending on several case-specific variables, wobblers can be either felonies or misdemeanors. The client may benefit from not having a felony conviction on their permanent record, which would have major benefits in many areas of life, including housing, work, and legal rights. Given the circumstances of the case and the possibility of receiving treatment, the lawyer in this instance filed for this motion. The client was accused of assault with a deadly weapon, they were in an intoxicated state, but not in the proximity described by the witness. The public defender made a motion to reduce the case to a misdemeanor, which would allow the client to be a candidate for treatment. The judge granted the motion and reduced the bail from \$1,000,000 to \$50,000 and administration to the "Own Recognizance" (OR) program.

A program that allows “defendants to avoid prosecution by completing certain tasks.” (The Justice Firm, 2024).

These unstructured discussions, which usually involved talking about a difficult judge or planning an upcoming motion, helped me better my grasp of the public defender's function as a structural check on power. Even while I acknowledge the benefit of being permitted in these areas, I continued to be cognizant of confidentiality, ethical issues, and the significance of professional interactions with both clients and attorneys. I was able to take thorough notes during my internship, recording my daily activities for future review in addition to the transcribed interviews for this project's analysis component.

To better understand how public defenders function as a check on state authority in the California legal system, this project used a qualitative interviewing method, concentrating on Los Angeles County.

The main goal of the interview process was to generate a well-founded and nuanced understanding of the lived experiences of public defenders, especially with regard to the traditional tactics they use to oppose prosecutorial overreach, judicial bias, and institutional imbalance. In addition to providing the freedom to further explore certain topics of interest as they emerged, this methodological approach was chosen to enable a thorough examination of frontline viewpoints and an individual's narratives, which are frequently lacking in more comprehensive institutional investigations. County public defenders who are currently employed served as the main technique of data collection. From two to twenty years of experience, each participant varied, with an intended pool of diversity to offer the widest range of viewpoints. The recruitment of participants was accomplished by utilizing personal and professional connections through email. Every participant gave their informed and willing consent to participate, with knowledge of recording and transcription of their answers for the purpose of this project.

[Attorney#] Open-Ended Questions -

1. How would you define the primary role of public defenders in the justice system? -
2. Do we need a check on power in the justice system if it is not written into any State or Federal Constitution? -
3. Can you share specific examples where public defenders successfully challenged systemic injustices or abuses of power? -
4. How do public defenders collaborate with other legal professionals in maintaining balance within the justice system? Are there conflicts? -
5. How do you think the public perceives the role of public defenders in the justice system? Does this perception influence their effectiveness? -
6. In your opinion, what reforms or changes are necessary to enhance the effectiveness of public defenders as a check on power in the justice system? -
7. What strategies do public defenders use to advocate for their clients and push back against potential abuses of power? -
8. Does a Judge's background/past career matter in their decision-making? -

[Attorney#] YES/NO questions

1. Do you feel that collaboration between public defenders and other legal professionals is generally effective? - YES / NO -
2. Do you believe public defenders play a significant role in challenging prosecutorial power? - YES / NO -
3. Do you think public defenders face systemic barriers that limit their effectiveness? - YES / NO -

One-on-one interviews were conducted via Zoom, in person, or over the phone, depending on the participant's availability and the length of the encounter. Their duration ranged from 30 to 60 minutes. Each interview was guided by three overarching themes: (1) the public defender's function in the larger legal system, (2) their interactions with other attorneys, including judges, prosecutors, and law enforcement, and (3) the tactics they use to combat injustice or systematic shortcomings. Participants were asked, for instance, to recount instances in which they believed they performed as a "check" on the system, such as stepping in to stop prosecutorial wrongdoing, standing up for clients in unfair courtroom environments, or using the legal system to combat systemic injustices. A grounded theory analysis was used to examine the transcriptions of the interviews. Since grounded theory stresses the development of theory from facts rather than the imposition of predetermined frameworks, it was especially well-suited for this project. Finding surface-level patterns was the first step in this procedure, which entailed several rounds of theme identification before moving on to identifying core categories that proved to be essential to the study issue.

Analysis

In this project's analytical portion, I will examine the experiences of public defenders in the California justice system, their function as an institutional check and presence in the courtroom, and the ways in which their efficacy is undermined. As a law clerk intern in the Los Angeles County Public Defender's Office, I learned about the complex and sometimes unseen work public defenders do to preserve constitutional rights in a system intended to subvert them. During my observations, I was able to see attorneys push back against unjust bail recommendations, fighting for §17(b) reductions, using §170.6 to disqualify a judge in a case,

making a 1538.5 motion for a dismissal of evidence, and announcing they are ready for trial. This work is not abstract, it is immensely personal to clients and defenders. Interviews with the defenders echoed these patterns: repeated references to burnout, impossible caseloads, and the moral weight of representing clients' dignity. To further answer my research question, I will first be analyzing my experience of the daily operations of the public defender's offices around Los Angeles County, followed by the narratives and patterns shared through the interview portion.

Let's start by dissecting the two examples stated in the methodology. In both instances I witnessed during my internship, this opposition manifested itself in response to systemic rigidity rather than through big gestures. Public defenders used legal methods to oppose punitive defaults and pushed against narrative control in order to check governmental authority. The power imbalance between the prosecution and defense was evident right away in the first instance of the preliminary felony trial involving the lady who was charged with homicide. The DA's approach to the client's silence, rescinding the plea agreement, and pursuing her as the mastermind showed inflexibility, even though the evidence suggested that the client was a forced participant in the crime. Despite being protected by constitutional rights, her silence led to punishment and a harsh assessment of her involvement in the crime. The public defenders promptly tried to renegotiate a fair settlement for the client, demonstrating a crucial aspect of the defender's duty as a check. The defense attorney tried to keep the case from automatically escalating by collaborating with the client to identify contradictions in the prosecution's case. That endeavor emphasizes the defender's responsibility to stop the unbridled expansion of prosecutorial power, respect for the client, and their passion for justice.

Also, bringing attention to the institutional limitations that defenders face. The DA refused to reexamine their presumptions, forcing the attorney to swiftly transition from negotiations to trial preparation. Another pushback tactic defendants can employ is their quick transition to trial, as it aims to surprise the DA and deny them time to get ready.

As previously said, the heavy caseload ultimately forced me to assist another lawyer. Another instance of a structural obstacle is the way that overwork frequently undermines public defenders' ability to act as effective checks. Not just affecting the attorneys themselves but also the department as a whole. Taking me off the case meant that the attorney needed to do all the small things by themselves, which can often slow them down and create a bottleneck in their system. Nevertheless, despite this little involvement, my experience demonstrated the dynamic process of public defenders' relentless lobbying in opposing an unfair conviction.

With its focus on a §17(b) motion, the second observation offers an unambiguous example of effective systemic resistance. In this case, the public defender contested the crime's legal classification rather than the DA directly. The client's intoxication implied diminished intent, and the proximity evidence did not support the accusation of assault with a deadly weapon. The attorney purposefully reframed the offense to correspond with its context rather than its legal maximum by filing to reduce the felony to a misdemeanor. By lowering the bail amount and the severity of the accusation, the client was able to be eligible for California's "Own Recognizance" program, which prevented jail time and opened the door to therapy instead of punishment. As seen by this case, public defenders consider the wider social and legal ramifications of conviction and sentencing rather than just responding to claims. Attorneys are aware that a felony conviction can result in permanent obstacles to housing, employment, and infringements on one's their rights, such as the ability to vote. The defender's pursuit of a misdemeanor not only changed the case's immediate outcome, but it also lessened the client's exposure to long-term collateral damage. By demonstrating the use of the §17(b) motion, we can see a strategy utilized by the public defenders. Similar to this, the next case we will analyze looks into another tactic used inside the courtroom

as an imposition of the DA's and Judges' discretion.

The third and final case study we will break down was what sparked my research question. I was brought into court to observe a §1538.5 (dismissal of evidence) because the Head Deputy believed it would be beneficial for my research to see this procedure play out. In court, we viewed the body cam footage of the traffic stop that resulted in an arrest after a controlled drug was discovered during an inspection of the on-duty officer. However, the officer was muting himself and hiding his body cam in the video, in crucial moments of the investigation. Their actions during the footage would have made the searches of the car and body irrelevant due to the illegal police work, thus making the finding of a controlled substance dismissed. At this point, the public defense had the chance to cross-examine the officer's actions. The attorney made a strong case, but it appeared that the judge was adamant about rejecting the bodycam footage as irrelevant to the case. I later learned that the judge overseeing the case was an experienced police officer. The judge was able to dismiss the video by exercising his discretion in the case.

The courtroom observation described above highlights the fragile power of §1538.5 hearings as instruments for public defenders to contest illegal police conduct. When wrongdoing might otherwise go unpunished, these hearings are essential tools for guaranteeing responsibility. In this instance, the search should have been deemed unlawful due to the officer's action to mute his body camera and hide important moments. Despite its significance, the judge's decision to reject the video shows how judicial discretion can undermine defense efforts, particularly when it is influenced by a person's past, such as the judge's police enforcement background. Despite the existence of legal means to challenge state overreach, their efficacy is dependent on judicial interpretation, making them susceptible to institutional biases. Under the pretense of discretion, judges might uphold current systems of power rather than serving as unbiased arbiters. This instance demonstrates how courtroom protocols intended to uphold due process are occasionally exploited to conceal wrongdoing, undermining the defender's function as a structural check. Ultimately, discretion serves more as a means of preserving the status quo in the legal system than as a protection.

Moving on to the results of the interview with ten Los Angeles County public defenders, ranging in experience from early-career to veterans with over two decades of experience. When combing through the evidence, the attorneys revealed a clear pattern of playing the role of an indispensable & constrained check on prosecutorial power, while protecting the rights of their clients. Also, expressing a deep frustration with the systemic strategies used by other judicial players meant to undermine the public defenders, particularly the discretionary powers of prosecutors and judges, the unequal allocation of resources, and the stigma attached to indigent defense. Within the patterns, a common theme was the imbalance of power between prosecutors and public defenders, rooted in resource disparity and legal discretion.

Many of the interviewees spoke on how prosecutors often control the pacing and framing of cases in early decisions, such as plea deal terms and when to go to trial, as seen in one of the case observations. Several respondents emphasized how plea deals are used coercively by offering defendants a time-sensitive deal that pressures them into accepting guilt regardless of factual innocence. One senior defender noted, "The DA's office uses plea deals like a trap. They know our clients are desperate and poor, and they count on that desperation." This form of prosecutorial leverage, especially when paired with high bail or pretrial incarceration, was identified as a powerful structural weapon that defenders must constantly work to neutralize.

To counteract these tactics, Public defenders outlined a number of pretrial and courtroom measures. At first, motions like §1538.5 or §170.6 were often cited as essential instruments to contest the admission of evidence originating from illegal searches or to remove a judge from a particular case. A few of the attorneys related instances of success involving these motions to dismiss or force better deals. Many, however, also pointed out the limitations of these instruments, such as the rejection of the motion. As one attorney noted,

You can write the cleanest motion, argue your heart out, but if the judge wants to side with the cops, there's not much you can do." The phrase emphasizes a crucial element of the public defender's fight: when judicial discretion is used unevenly, safeguards may be compromised. The second major strategy described was the use of narrative reframing. By emphasizing the humanization of clients who are often brutalized by the state's rhetoric, it can reshape how judges and juries see the client. Another attorney stated, "We have to tell the client's story in a way that breaks through the stereotype. It's not just about facts, it's about reclaiming who they are." Asserting that in order to move the focus from criminality to context, such as poverty, trauma, mental illness, or systemic neglect, public defenders frequently employ narrative strategies in courtroom arguments, sentencing memos, and referrals to diversion programs.

The interviews also revealed how precarious the institutional role of the public defender is. Several defenders claimed that they were at a disadvantage right away because they were excluded from pretrial talks or did not receive discovery materials promptly. Additionally, judicial attitudes were frequently cited as a barrier, multiple defenders described judges as former prosecutors or police officers who hold implicit biases. In one example given by an attorney, a judge frequently cut off defense arguments while allowing the prosecutor to continue speaking, according to one public defender. "It becomes clear pretty quickly whose voice carries more weight in the courtroom," they said. This disparity frequently deters defenders from bringing up specific challenges at all, unless they think the judge is impartial.

While the interviews outlined how defenders serve as a check on judicial powers that constantly try and undermine the goal of the California Justice system, they also revolved around the effectiveness of the public defender's office. Within my time and interview process, it was made clear to me that they do win and lose. Yet their efficiency often relied on outside sources and collaboration. Beyond courtroom strategies, several of the lawyers demanded structural changes, including more financing for public defense, enhanced judicial accountability, and revised procedures for prosecutorial discretion. One popular recommendation was to lessen the power disparity in discovery by making police records and body cam footage more regularly accessible and transparent.

Others underlined the necessity of altering public opinion. Noting, "As long as people think of us as the 'free lawyer' for guilty people, we're not going to have the political will to make this system fair." Another idea was to increase the number of workers within the office so that the case load would be spread more evenly. On that idea, I came up with a caseload cap that would be applied to all workers within the judicial system, ensuring the best representation is given.

Conclusion

Addressing the bias concerns of my research, during my time, I was only able to interview active public defenders in Los Angeles County. I acknowledge that, given the opportunity to expand the scope of my research, as well as interviewing the other players of the justice system, could yield different results. I also believe that with more time and interviews, I could have been able to find more consistent patterns and make more generalizable results. The scope of my research aided fellow scholars' research in providing evidence to claims of being a check on power and the effectiveness of the public defender's office.

Their tools are largely procedural, their power contingent on courtroom dynamics, and their victories often hard-fought. Regardless of these mechanisms, their ability as a legal resistance mechanism is consistently undermined by the systemic structures in which they work. Research shows the balance of power is tilted heavily in favor of prosecutors and judges, whose discretionary authority & professional bias can reinforce systemic inequities rather than correct them. Therby reducing the effectiveness of the public defenders. Structural reforms are the first step toward improvement. Such as limiting unbridled prosecutorial authority, requiring discovery equality, reducing caseloads through staffing increases, and establishing accountability for judicial prejudice. In addition, there needs to be a more widespread cultural change in the way that public defense is viewed, not as charity, but as a necessary component of a fair democratic system. Only by addressing these structural

inequalities and ethical blind spots can the public defender's function as an important safeguard on authority be properly fulfilled.

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