

Crippling *Gideon*: The Political Economy of Locally-Funded Public Defenders*

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Pennsylvania is the only state which requires county governments to create and fund public defender (PD) offices. As a result, there are wide disparities in the levels of funding and support for those offices across counties in the state. Previous work has shown that support for public defender offices is often driven by local political factors. Our initial analysis of county-level public defender funding indicates that, even after controlling for other relevant factors, political factors – specifically, the degree of political liberalism in the county – are strongly related to financial support for PDs. We also set forth the contours of a larger project on the determinants and effects of variations in PD support. Our broader theory suggests that local political institutions responsible for budgeting will play a moderating role in the relationship between public political and criminal justice preferences and budgetary support for PDs’ offices. Those allocations will, in turn, shape the incentives and behavior of both prosecutors and public defenders, incentives which subsequently drive criminal case outcomes in those counties. We outline our approach to examining these theories empirically by combining county-level data on mass and elite political preferences, PD funding and caseloads, and case-level criminal filings and outcomes with in-depth qualitative interviews with individuals from eight county public defender offices from a diverse range of Pennsylvania counties.

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Introduction

In his majority opinion in the U.S. Supreme Court's landmark 1963 decision *Gideon v. Wainwright*, Justice Hugo Black noted that:

“(G)overnments, both state and federal, quite properly spend vast sums of money to establish machinery to try defendants accused of crime. Lawyers to prosecute are everywhere deemed essential to protect the public’s interest in an orderly society. Similarly, there are few defendants charged with crime, few indeed, who fail to hire the best lawyers they can get to prepare and present their defenses. That government hires lawyers to prosecute and defendants who have the money hire lawyers to defend are the strongest indications of the widespread belief that lawyers in criminal courts are necessities, not luxuries... From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him” (*Gideon v. Wainwright* 372 U.S. 335 at 344-345).

Since that decision, federal courts have enshrined a right to counsel for indigent criminal defendants that extends well beyond that established in *Gideon* (and its predecessor, *Powell v. Alabama*). In addition, *Gideon* also brought about a sea change in how judges and the legal profession viewed the provision of counsel to indigent defendants, sparking a transformation that “reconceptualized indigent defense as a state responsibility and a practice specialty in itself” (Mayeux 2016, 21). At the same time, however, the federal constitutional right to counsel has been limited in myriad ways: defendants do not have an unlimited right to choose their counsel (*Wheat v. U.S.*), defendants may have their assets seized even if doing so will compromise their ability to retain paid counsel (*Monsanto v. U.S.*, *Caplin & Drysdale v. United States*), and defendants waive their right to counsel for police interrogations even after a request for coun-

sel has been made (*Montejo v. Louisiana*, overruling *Michigan v. Jackson*). More broadly, the combination of enhancements to prosecutors' authority and the relative lack of support for public defender services mean that representation for indigent defendants is often overworked, underpaid, and insufficient to ensure fair outcomes (see, generally, Bright and Sanneh 2013).

In this paper, we seek to accomplish two things. After a brief history of Pennsylvania's indigent defense regime, we conduct a preliminary analysis of the determinants of financial support for public defenders' offices in Pennsylvania during 2020. We find that – even after controlling for other possible confounders – the data show a strong marginal association between a measure of county-level political ideology and the extent of that support. Second, we outline the contours of a proposed multi-stage research project investigating the connections among demographic, economic, and political factors, local government institutions, local support for public defenders' offices, and county-level criminal outcomes.

Pennsylvania's System for Indigent Defense

To ensure compliance with the U.S. Supreme Court's precedent in *Gideon v. Wainwright*, Pennsylvania state law requires every county to maintain a public defender's office. Those attorneys provide criminal defense and other legal services for indigent and incarcerated individuals in the county (PA Act 1144 No. 358). However, Pennsylvania is the *only* state in the U.S. which does not fund – in whole or in part – those offices. Instead, the state requires counties themselves to support public defenders from county or municipal revenues (Mensch et al. 2021).

It's important to note that Pennsylvania's status as the last state not to support local PD offices with state funds is not of especially recent vintage. Pennsylvania enacted its original Public Defender Act in 1968; in addition to requiring counties to create the office of public defender, it allowed every public defender to make use of attorneys admitted to the state bar “when such attorneys volunteer to act as assistants, without compensation.” At that time, the practice of relying on local funding for public defender offices was widespread nationwide

(Mayeux 2016), a fact that continued into the 21st century (Langton and Farole 2009). By 2003, a special committee of the Pennsylvania Supreme Court felt compelled to note that “Pennsylvania is generally not fulfilling its obligation to provide adequate, independent defense counsel to indigent persons. Contributing factors include the Commonwealth’s failure to provide sufficient funding and other resources, along with a lack of statewide professional standards and oversight” (Pennsylvania Supreme Court 2003, 164–65).

A second report in 2011 went further, noting that:

“The problem is not the public defenders (PDs) themselves, but the system in which they work. Most PDs are hard-working, committed, and competent professionals. The problem is that they must work against daunting obstacles: inadequate training and oversight, severely limited resources, and unmanageable caseloads. In many of Pennsylvania’s counties, the most brilliant and accomplished lawyer could not provide adequate representation because he or she simply would not have the time and resources needed to mount a constitutionally adequate defense. Broadly speaking, Pennsylvania’s indigent defense labors under an obsolete, purely localized system, a structure that impedes efforts to represent clients effectively” (Fabrizio 2011, 3)

In 2021, the Pennsylvania legislature issued its most recent report on indigent defense funding and caseloads. Among other things, the report cataloged the methods by which states financially supported their public defender systems; 28 states (56 percent) were entirely funded by state-level appropriations, and an additional 14 had “mixed” systems that included both state and local support (Mensch et al. 2021, Exhibit 4). The report also noted that “Pennsylvania and South Dakota are the only two states that generally provide no state funding for the administration of indigent criminal defense services” (Mensch et al. 2021, 20). Importantly, however, South Dakota law does not mandate public defender offices, relying instead on contract attorneys and court-appointed counsel. As a result, only three counties in South Dakota

have public defender offices (Sixth Amendment Center 2022). Pennsylvania is thus the only state which requires local administrative units to provide public defenders but fails to fund them through state appropriations.

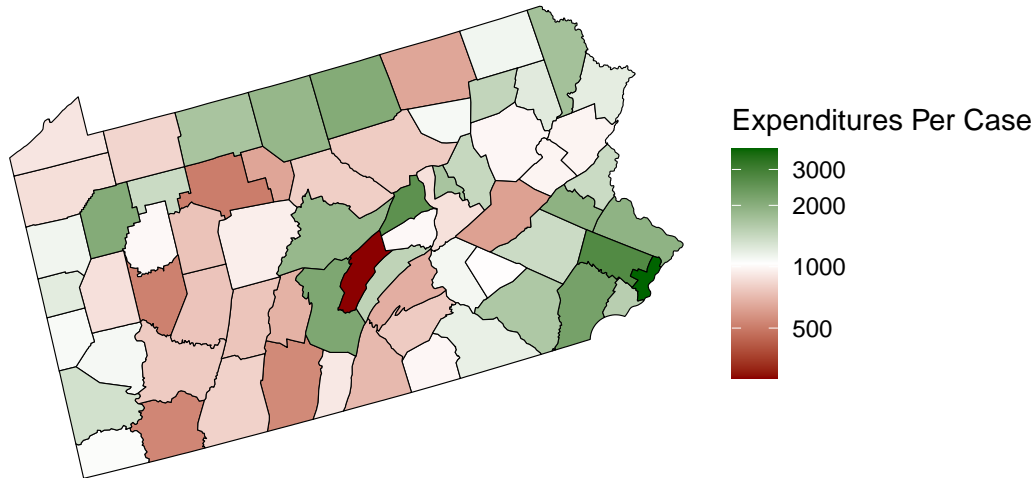


Figure 1: Public Defender Spending Per Case, 2020 (\$US)

As a result of this practice, Pennsylvania exhibits wide disparities in the levels of funding for those offices across counties in the state. Figure 1 illustrates these differences. Drawing on data presented in (Mensch et al. 2021), it plots the county-level per-case expenditures on public defender services from calendar year 2020. While some counties have high expenditures, others allocate substantially less. At the top of the spending range, Philadelphia county spent \$3799 per case on public defender services in 2020, despite also being the county with the highest number of cases served by public defender offices. At the bottom, Mifflin county allocated just \$284 for each case handled by its public defenders, a mere 7 percent of the amount allocated per case in Philadelphia.

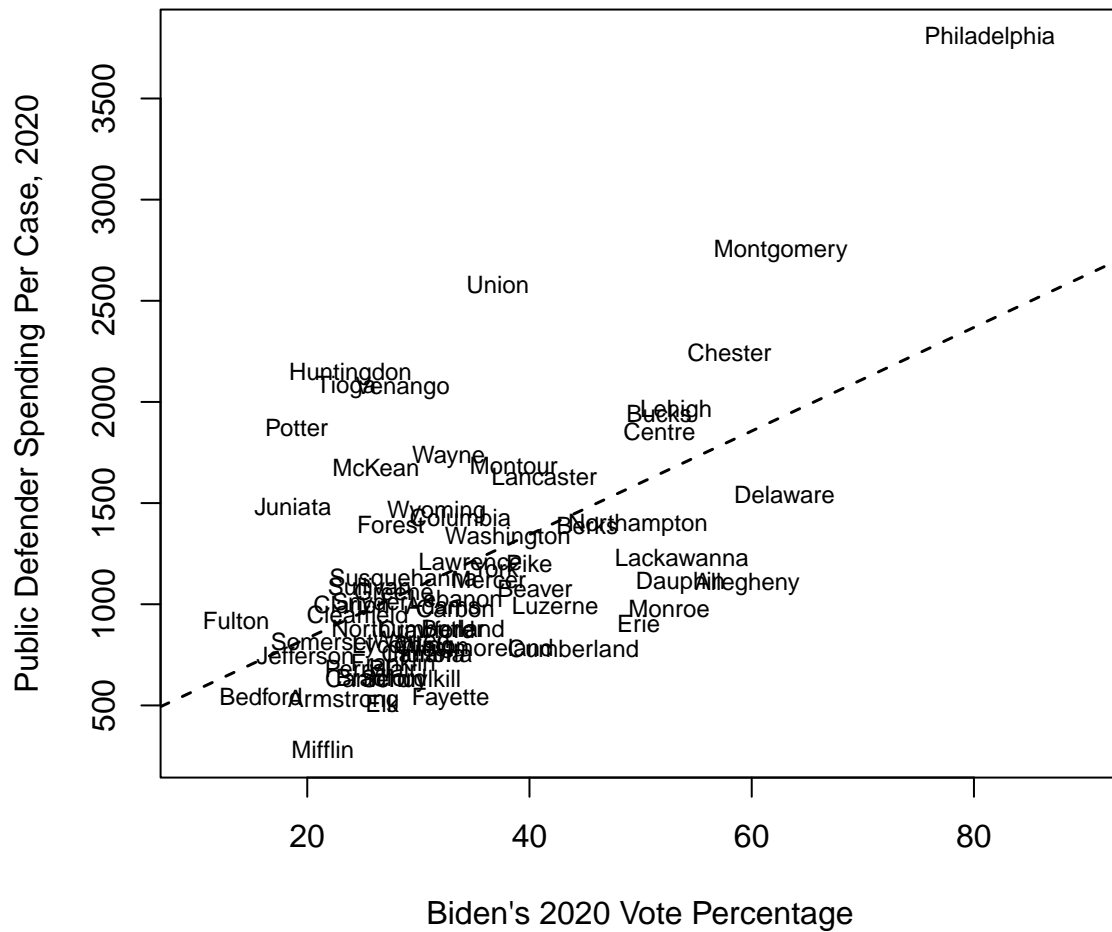
These disparities exist even as county district attorneys (who initiate and conduct local prosecutions) have their salaries determined by the state and see two-thirds of their operating expenses compensated by state funds. The consequence of this fact is that the extent, efficiency, and effectiveness of legal representation by public defenders in Pennsylvania varies widely from county to county.

Determinants of Funding for Public Defenders

As a preliminary step in our larger project, we examine the correlates of support for public defender offices in Pennsylvania during 2020. Existing research on public defenders has generally focused on the relative effectiveness of public defenders (versus appointed or elective counsel) in achieving particular outcomes for defendants (Agan, Freedman, and Owens 2021; Cohen 2014; Grier 1971; Hermann, Single, and Boston 1977; Katz 1982; Quintana-Navarrete and Fondevila 2023; Worden 1991, 1993). A somewhat smaller literature has examined the mechanisms by which the institutions for indigent legal defense have been created and evolved (Davies and Worden 2009; Shem-Tov 2022; Worden, Davies, and Brown 2011).

Studies focused specifically on financial support for public defenders are fewer still. Worden and Worden (1989) offered the first such analysis. Drawing on Peterson's (1981) theories of urban politics, they theorize that the primary drivers of support for public defender services will be fiscal capacity (i.e., wealth). In their view, "(T)he 'need' for indigent defense (the volume of criminal cases involving indigent defendants) and the cost of criminal defense services (the fees charged by retained counsel in criminal cases) could be expected to have small impacts," while "political" factors should have little or none (Worden and Worden 1989, 404–5). Their analysis of county-level administrative data from Georgia in 1985 bears this out to some degree: they find that the strongest predictor of expenditures is caseload, but county wealth (measured as median income) and political liberalism (operationalized as the percentage of the vote received by Democratic candidate Walter Mondale in the 1984 election) exhibit moderate effects as well.

In a recent follow-up study, Davies and Worden (2017) reconsider the analyses in Worden and Worden (1989). Their analysis of 57 New York counties in 2012 again finds caseloads to be a significant factor in public defense expenditures, along with county revenues and economic inequality. At the same time, neither political ideology (again measured through electoral statistics) nor racial / ethnic diversity had any measurable marginal association with those expenditures.



Where does this leave a theory of political responsiveness in public defender support? As an initial exploration, Figure 2 plots the per-case spending on public defenders against the percentage of the two-party vote received by President Biden in the 2020 general election for Pennsylvania’s 67 counties. We observe a strikingly clear, linear, positive association between those two variables ($\hat{\beta} = 25.6$, $\widehat{s.e.} = 4.9$, $R\text{-squared} = 0.297$), suggesting a simple bivariate association between county-level political ideology and expenditures. Counties with the highest levels of support for President Biden – including those in Pittsburgh, Philadelphia and its suburbs, and “blue” college towns – consistently have the highest per-case expenditures on indigent defense. Crucially, however, before we can draw any further conclusions, we must also consider a number of possible confounders in this association.

First among these is county *wealth*. It is long established in American politics that wealth and politics are inextricably intertwined (e.g., Bachrach and Baratz 1970; Gilens 2012); in particular, wealthy and poor communities often differ significantly in terms of their ideology and policy preferences. Similarly, as Davies and Worden (2017) and others note, wealthy communities are *ceteris paribus* more able to support public services, including those targeted at poor and indigent individuals such as public defender offices.

Another potential confounder is the extent of *crime* in a community. At the margin, criminal activity directly increases demand for public defenders’ services. It is also well-understood that crime and ideology are related, both at the individual (King and Maruna 2009; Wright et al. 2017) and community/aggregate levels. Thus, it is important that we control for extant levels of crime in each county.

Finally, we foresee a potential confounder in *education*. More educated populations are often believed to be more inclined to support the provision of public goods; for example, Diaz-Cayeros, Magaloni, and Ruiz-Euler (2014) find that educated citizens are more engaged in local governance, and are more likely to be the recipients of locally-provided public goods (but see Carnes and Lupu 2016). Similarly, a number of studies both in the U.S. and abroad (e.g., Meyer 2017) have indicated that education and ideology are often intimately related.

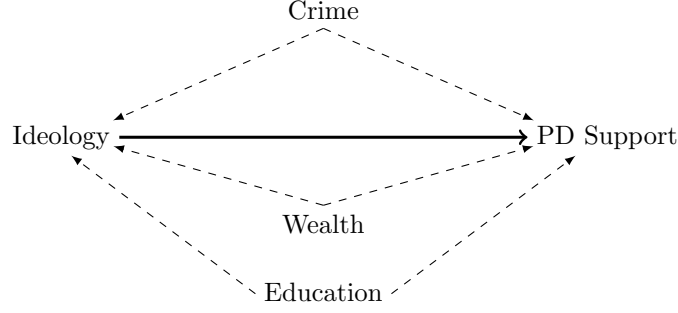


Figure 3: DAG of Determinants of Public Defender Support

We outline our view of the relationships among these variables in Figure 3, which presents a directed acyclic graph of the associations among community crime levels, wealth, education, political ideology, and support for public indigent defense in criminal cases. Validly assessing the relationship between political ideology and that support thus requires that we control for the former three factors.

In our analysis here, the central variable of interest is the amount each county spent on public defender services during calendar year 2020, as reported in (Mensch et al. 2021) (and illustrated in Figure 1 above). More specifically, our outcome variable is the logarithm of the total amount each county spent on public defender services. We normalize these figures by controlling (in some of our models) for the number of cases disposed in that county during the same year. Following previous work, we measure ideology using county-level electoral data. Specifically, our central predictive variable, *Biden’s 2020 Vote Share*, is the percentage of the two-party vote that President Biden received in the 2020 general election. Those data were gathered from the Pennsylvania Secretary of State’s office; we anticipate that, at the margin, higher levels of support for President Biden (and thus correspondingly higher levels of political liberalism) will be associated with greater expenditures on public defenders.

We measure *wealth* using U.S. census data from 2020; our specific indicator is the percentage of the population in the county living under the U.S. Census’s poverty level. Likewise, we measure *crime* using 2020 county-level data from the Federal Bureau of Investigation’s *Uniform Crime Reports*. We focus on violent crime, specifically the rate of violent crimes per

1000000 individuals in the population. Our measure of *education* is similar, comprising the percentage of each county's population that holds a bachelor's degree or higher (taken from 2020 Census data). While being mindful of the "Table 2 Fallacy" (Westreich and Greenland 2013), we expect that higher crime levels will be marginally associated with greater financial support for public defenders' offices. We have no such expectation for our measure of wealth (/poverty), since greater poverty is likely both to drive down ideological tendencies toward public goods provision at the same time that it drives up the need for public defender services.

Finally, in Model 2 we include a direct control for public defender demand, in the form of the (logged) number of cases each public defenders' office handled during 2020. The importance of this control is subject to debate. On the one hand, earlier research (Davies and Worden 2017; Worden and Worden 1989) makes clear that caseloads are an important consideration in the degree of expenditures. At the same time, that variable is likely to be on the causal path between ideology and support, such that controlling for it could yield incorrect inferences. In the interest of transparency, in Table 1 we present models that both include and exclude this factor.

The results in Table 1 illustrate our findings. Following Gelman (2008), we divide our continuous predictor variables by two standard deviations, to aid in comparability. In both models, our results suggest that – even after controlling for possible confounders – political ideology plays a strong, consistent role in counties' expenditures on public defender services. The estimated marginal association in Model 1 indicates that a two standard deviation increase (that is, a shift of around 26 percentage points) in support for President Biden in the 2020 Presidential election corresponds to a 345 percent increase in public defender expenditures. For Model 2, which controls for county-level indigent defense caseloads, the corresponding expected change is 73 percent. In both instances, the model fit statistics suggest that the included covariates do a good job of accounting for variation in expenditures across counties.

At least for now, then, we find a robust connection between mass political ideology and public defender support. While we acknowledge the need for caution – establishing such

Table 1: Determinants of Public Defender Spending in Pennsylvania (2020)

	Model 1	Model 2
(Intercept)	11.121*** (0.630)	7.487*** (0.399)
Violent Crime Rate	0.618* (0.277)	0.240+ (0.137)
Percent in Poverty	−0.389 (0.257)	−0.085 (0.127)
Percent with Bachelors Degree	0.382 (0.399)	0.284 (0.194)
Biden’s 2020 Vote Share	1.494*** (0.417)	0.549* (0.213)
ln(Cases Disposed)		0.744*** (0.052)
Num.Obs.	67	67
R2	0.715	0.934
R2 Adj.	0.697	0.928
+ p < 0.1, * p < 0.05, ** p < 0.01, *** p < 0.001		

relationships is fraught under the best of circumstances, let alone in a small, purely cross-sectional dataset – the fact that our findings are consistent with earlier results in different states gives us faith that there is likely to be more interesting relationships to explore as our project develops.

A Look Ahead

As we noted at the outset, we envision this paper as a first step in a larger, more comprehensive project examining the causes and consequences of localized funding and support for public defender services. Our goals are to explore and describe the dynamics of public defense in Pennsylvania in general, with a particular focus on how local-level inequalities – driven primarily by political and economic factors – shape counties’ abilities to provide adequate representation for indigent defendants, and what effect that inability has on criminal-law outcomes for those

defendants.

At the moment, we anticipate a book-length treatment of these subjects; we outline a sample table of contents below. Our general theoretical perspective is institutional, combining insights from studies of public goods provision, symbolic politics, and institutional change. We view the issue of indigent defense as both intrinsically important and as an example of a more general phenomenon: the provision of a particularized benefit to members of an institutionally powerless (and often socially reviled) group within society.

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With respect to our analyses, our methodological perspective is decidedly catholic, combining historical and contemporary perspectives and bringing together qualitative and quantitative approaches. We have already begun collecting data on a host of phenomena reflecting county-level criminal case outcomes over the last ten years (e.g., caseloads, plea bargain and conviction rates, sentence lengths, parole hearing results, etc.), as well as on district attorney and public defender funding levels. We are also compiling state-of-the-art measures of county-level political ideology (including the party identification of each county's Court of Common Pleas judges) and data from recent statewide election returns, to characterize the political and social environment of each county. These data are available from a range of sources, including websites of the county offices of the district attorneys, public defenders, and the courts (most frequently, the Courts of Common Pleas), as well as the Pennsylvania Commission on

Sentencing, the Pennsylvania Uniform Crime Reporting system, and other state-level sources, as well as national sources such as the U.S. Census Bureau. Finally, we will gather county-level data on the processes by which police, prosecutorial, and public defender budgets are set, including information on institutional characteristics of county budget authorities, marginal local tax rates, and other characteristics. The final result will be a county-level panel data set that provides a comprehensive, quantitative story of the interplay of these factors over the past decade.

In addition to a broad, quantitative picture of public defenders' resources, processes, and results, we will also conduct a series of structured interviews with county public defenders across the state. Our goal with those interviews is twofold. First, the interviews will allow us to validate the information we gather for the quantitative data. Second, we will use the interviews to deepen our understanding of the institutions, procedures, and practices of public defenders' offices across the state. A review of those offices' on-line information reveals a wide range of formal and informal institutional structures, processes, and practices; our first goal in conducting interviews with attorneys in the public defenders' offices is to validate and deepen our understanding of those phenomena. In this respect, we view the interviews as serving both deductive and inductive purposes, furthering our ability to investigate and test our existing hypotheses while also providing new information to modify those expectations, and/or to develop new theories.

Our current plan is to conduct interviews with public defenders' offices in eight counties (out of the 67 in the state) during the months of May-August 2023. Four of those counties were chosen on the basis of two characteristics: their level of public defender spending per-case, and their caseload. We will interview public defenders in *Philadelphia* (high spending, high caseload), *Union* (high spending, low caseload), *Cumberland* (low spending, high caseload) and *Cameron* (low spending, low caseload) counties to explore the differences in organization, processes, and practices across those dimensions of variation.

In addition, we will interview members of public defenders' offices in four additional coun-

ties. *York* county has roughly median levels of per-case public defender spending, but is among the largest counties in the state whose population voted strongly against President Biden (36.9 percent). Conversely, at roughly one third the population of *York* county, *Centre* county was the smallest county in the state in which a majority (51.7 percent) of voters supported President Biden in 2020. *Allegheny* county comprises Pittsburgh and many of its surrounding communities; that county had the second-highest caseload in 2020 in the state, but like *York* county held public defender spending per case to almost exactly the statewide median. Finally, *Luzerne* county was the site of the infamous “Kids for Cash” scandal in the late 2000s, described by the Pennsylvania Legislature’s 2011 [report](#) on state services to indigent criminal defendants as “the most egregious case of judicial misconduct in Pennsylvania history.” While *Luzerne* county’s chief public defender was not directly implicated in the scandal, the subsequent investigation noted that budget and time constraints limited that office’s ability to adequately represent indigent juvenile defendants.¹ *Luzerne* county thus provides us with a valuable opportunity to observe how the public defenders’ office there has responded to the scandal in the ensuing decade.²

Our project thus brings together work in criminology, political science, and public policy, and does so in a way that is of potentially vital importance to the operation of the justice system in the state. As then-Judge (now Justice) Ketanji Brown Jackson recently noted during her testimony before the Senate Committee on the Judiciary, public defenders ensure the provision of a “core constitutional value”: representation of the accused before the law. Along with the other guarantees enshrined in the Bill of Rights, the constitutional requirement of representation sets (in principle) limits on the extent and nature of democratic responsiveness. At the same time, a central tenet of democratic responsiveness is that localities will be more responsive to the needs of constituents, and that they have better and more localized information

¹The legislature’s report notes, for example, that “a full time attorney assigned to juvenile cases in *Luzerne* County was responsible for 800 to 1000 cases per year, far in excess of the American Council of Chief Defenders’ standard of 200” (ibid., p. 103).

²In the fall of 2022, we piloted our public defender interview protocol at the Public Defender office of *Centre* County, PA. We expect to refine that instrument in the coming weeks, for use in summer 2023.

about the best way to meet those needs. Finding the ideal balance between democratic responsiveness and the protection of individual rights is among the central aims of the Institute, and a key goal of our study as well. Beyond publication of a monograph and/or a series of articles, we hope to publicize our work statewide, with the goal of highlighting the often-pernicious dynamics associated with the absence of public funding for indigent criminal defense.

References

- Agan, Amanda, Matthew Freedman, and Emily Owens. 2021. "Is Your Lawyer a Lemon? Incentives and Selection in the Public Provision of Criminal Defense." *The Review of Economics and Statistics* 103: 294–309. https://doi.org/10.1162/rest/_a/_00891.
- Bachrach, Peter, and Morton S. Baratz. 1970. *Power and Poverty: Theory and Practice*. New York: Oxford University Press.
- Bright, Stephen B., and Sia M. Sanneh. 2013. "Fifty Years of Defiance and Resistance After *Gideon v. Wainwright*." *Yale Law Journal* 122: 2150–74.
- Carnes, Nicholas, and Noam Lupu. 2016. "What Good Is a College Degree? Education and Leader Quality Reconsidered." *Journal of Politics* 78: 35–49.
- Cohen, Thomas H. 2014. "Who Is Better at Defending Criminals? Does Type of Defense Attorney Matter in Terms of Producing Favorable Case Outcomes." *Criminal Justice Policy Review* 25: 29–58.
- Davies, Andrew Lucas Blaize, and Alissa Pollitz Worden. 2009. "State Politics and the Right to Counsel: A Comparative Analysis." *Law and Society Review* 43: 187–220.
- . 2017. "Local Governance and Redistributive Policy: Explaining Local Funding for Public Defense." *Law and Society Review* 51: 313–45.
- Diaz-Cayeros, Alberto, Beatriz Magaloni, and Alexander Ruiz-Euler. 2014. "Traditional Governance, Citizen Engagement, and Local Public Goods: Evidence from Mexico." *World Development* 53: 80–93. <https://www.sciencedirect.com/science/article/pii/S0305750X13000144>.
- Fabrizio, Florindo J. 2011. "A Constitutional Default: Services to Indigent Criminal Defendants in Pennsylvania." *Report of the Task Force and Advisory Committee on Services to Indigent Criminal Defendants*. http://jsg.legis.state.pa.us/publications.cfm?JSPU_PUBLN_ID=265.
- Gelman, Andrew. 2008. "Scaling Regression Inputs by Dividing by Two Standard Deviations." *Statistics in Medicine* 27: 2865–73.

- Gilens, Martin. 2012. *Affluence and Influence: Economic Inequality and Political Power in America*. Princeton, NJ: Princeton University Press.
- Grier, Richard. 1971. "Analysis and Comparison of the Assigned Counsel and Public Defender Systems." *North Carolina Law Review* 49: 705–19.
- Hermann, R., E. Single, and J. Boston. 1977. *Counsel for the Poor*. Lexington, MA: Lexington Books.
- Katz, J. 1982. *Poor People's Lawyers in Transition*. New Brunswick: Rutgers University Press.
- King, Anna, and Shadd Maruna. 2009. "Is a Conservative Just a Liberal Who Has Been Mugged?: Exploring the Origins of Punitive Views." *Punishment & Society* 11: 147–69.
- Langton, Lynn, and Donald J. Farole. 2009. *Public Defender Offices, 2007 - Statistical Tables*. Washington, DC: Bureau of Justice Statistics, U.S. Department of Justice.
- Mayeux, Sara. 2016. "What Gideon Did." *Columbia Law Review* 116: 15–103.
- Mensch, Robert et al. 2021. "Pennsylvania Indigent Criminal Defense Services Funding and Caseloads." *Report of the Pennsylvania Legislative Budget and Finance Committee*. <http://lbfc.legis.state.pa.us/Resources/Documents/Reports/701.pdf>.
- Meyer, Andrew G. 2017. "The Impact of Education on Political Ideology: Evidence from European Compulsory Education Reforms." *Economics of Education Review* 56: 9–23.
- Pennsylvania Supreme Court. 2003. "Final Report of the Pennsylvania Supreme Court Committee on Racial and Gender Bias in the Judicial System."
- Peterson, Paul E. 1981. *City Limits*. Chicago: University of Chicago Press.
- Quintana-Navarrete, Miguel, and Gustavo Fondevila. 2023. "Public Defenders Versus Private Attorneys: A Comparison of Criminal Case Disposition Outcomes by Type of Counsel in Mexico." *Criminology & Criminal Justice* 23: forthcoming.
- Shem-Tov, Yotam. 2022. "Make or Buy? The Provision of Indigent Defense Services in the United States." *The Review of Economics and Statistics* 104: 819–27. https://doi.org/10.1162/rest/_a/_00976.

- Sixth Amendment Center. 2022. "South Dakota." *Sixth Amendment Center website*. <https://sixthamendment.org/know-your-state/south-dakota/>.
- Westreich, Daniel, and Sander Greenland. 2013. "The Table 2 Fallacy: Presenting and Interpreting Confounder and Modifier Coefficients." *American Journal of Epidemiology* 177: 292–98.
- Worden, Alissa Pollitz. 1991. "Privatizing Due Process: Issues in the Comparison of Assigned Counsel, Public Defender, and Contracted Indigent Defense Systems." *Justice System Journal* 14: 390–418.
- — —. 1993. "Counsel for the Poor: An Evaluation of Contracting for Indigent Criminal Defense." *Justice Quarterly* 10: 613–37.
- Worden, Alissa Pollitz, Andrew Lucas Blaize Davies, and Elizabeth K. Brown. 2011. "A Patchwork of Policies: Justice, Due Process, and Public Defense Across American States." *Albany Law Review* 74: 1423–63.
- Worden, Alissa Pollitz, and Robert E. Worden. 1989. "Local Politics and the Provision of Indigent Defense Counsel." *Law and Policy* 11: 401–24.
- Wright, John Paul, Kevin M. Beaver, Mark Alden Morgan, and Eric J. Connolly. 2017. "Political Ideology Predicts Involvement in Crime." *Personality and Individual Differences* 106: 236–41.