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Public Defenders in a Homicide Division: The Courtroom Workgroup, Plea Bargaining, Career Motivations, Views on the Causes of Crime, Perceptions of Prosecutors' Views of Crime, and Dealing with Occupational Stress in Their Daily Lives

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Abstract

This study examines the courtroom workgroup, focusing on the plea-bargaining process for public defenders and their relationships with prosecutors in their courtroom workgroup. Using grounded theory method, this research examines semi-structured interviews of public defenders (N = 6) in the homicide division of a large East Coast American city. Qualitative analysis of the interviews reveals themes of disconnect in this jurisdiction's courtroom workgroup. Public defenders of this jurisdiction perceive a stark contrast between their views on the causes of crime when compared to their perception of prosecutor's views. Results further show that there is limited constructive communication between the defense and prosecuting attorneys in this courtroom workgroup. Interviews also revealed that the public defenders mostly saw structural societal issues as the causes of crime, whereas their perception of prosecutor's views on crime was starkly different. A symbolic interactionist perspective of these results suggests that workgroup disconnect between the public defenders and prosecutors of this jurisdiction inhibits the plea bargain process, thus enhancing occupational stress and frustrations for the public defenders, who dealt with that stress in many unique ways in each of their personal lives.

Keywords

Plea Bargaining, Courtroom Workgroup, Public Defenders, Prosecutors,

Symbolic Interactionism, Goffman, Homicide, Death Penalty

1. Introduction

Public defenders in the United States tend to get a bad rap, often seen as criminal sympathizers. This has been well-illustrated by the steady stream of "tough on crime" campaigning since the drug crackdowns of the 1980s, painting legal defense as a profession which helps criminals escape consequences via unjust plea deals (Ogletree, 1995). While negative views of indigent defense have been normalized and documented (expounded upon in law review essays such as those by Carroll (2021), Jaffe (2018) and Ogletree (1995)), there remains a gap in the literature on public defender's own views of crime and how those views might differ from prosecutors they attempt to work with to plea bargain with, or go up against in trials, on a daily basis in the courtroom workgroup.

Another representation of public defenders which has received acclaim in popular culture was a case-study style documentary called *Gideon's Army* (Jahangeer, 2013). This documentary highlights several issues public defenders face working in the criminal justice system. Of particular importance, *Gideon's Army* emphasizes the problematic nature of the plea bargaining process. Extensive interviews of public defenders show that many feel it is their duty to take client cases to trial. Yet plea bargaining, easier and faster than a trial, means clients waive their rights to a trial, an outcome many public defenders deemed unjust, because that results in a criminal conviction and record for a client, even if they are innocent. Yet clients and their defense attorneys are fearful of going to trial, being found guilty, and facing a longer sentence in prison than they would have if they pled guilty in a plea bargain, even if they did not commit the crime. Therefore, *Gideon's Army* points out the sad fact that going to trial is basically gambling with an innocent client's future, whereas plea bargaining gives some semblance of control over that person's possible fate/punishment. *Gideon's Army* also exposes many inequalities between public defenders and prosecutors (such as a lack of funding for defense to hire expert witnesses) and the struggles public defenders navigate to get justice for their clients due to their high caseloads, emotionally draining empathy for their clients, and personal life issues such as high law school student loan debt, and low salaries for their public service positions.

Using interviews with a small sample of public defenders, this study seeks an exploratory analysis of the courtroom workgroup and an understanding as to how plea bargaining is conducted on a day-to-day basis. Further, the interviews seek to gain insight into why these homicide public defenders go into this strenuous occupation, using an exploratory analysis of their personal views of the causes of crime in our society as a barometer for motivation, as well as their previous occupation. Also, this research seeks to fill a gap in an area unexplored, pub-

lic defenders' views of prosecutors' views of crime in their courtroom workgroup, examining whether or not their personal views might also be related to their choice to work on the defense or conviction side of the criminal cases in American courts. Lastly, this study seeks to explore specifically the methods employed by this small group of homicide public defenders in a busy jurisdiction of a large city to cope with the stress of their chosen occupations.

Taking into account the previous research on public defenders (which will be briefly summarized by topic in the Literature Review section), including case studies such as presented in *Gideon's Army*, the research questions for this project ask: 1) how is plea bargaining really done in the adversarial system of American criminal justice, and how might personal views and perceptions of crime's causes and relationships and feelings of affinity to prosecutors in their jurisdiction impact this process? And 2) how do public defenders who handle only homicide cases cope with the stress of their chosen occupation, and what motivates them to select and keep such a high-stakes job in a death penalty state?

Overall, this study seeks to contribute to a growing body of research attempting to understand the complex world of criminal law and interactions between prosecuting and defense attorneys with a sociological theoretical analysis of a courtroom workgroup specializing in homicide cases within the high-stakes context of a death penalty state.

2. Literature Review

Several recent studies have lamented the problems inherent in plea bargains and other processing and sentencing issues, as well as critiqued the role prosecutors (Bellin, 2019; Capers, 2019) and defense attorneys (Carroll, 2021; Jaffe, 2018) play in them and in the overall system of mass incarceration in America. Yet, few studies have focused on how plea-bargain agreements are reached on a daily basis and on the interpersonal interactions involved. This research aims to fill that gap in understanding more about the role of public defenders in the adversarial system of justice in our courts and how criminal plea bargains come to fruition in the criminal justice system. This section will cover previous research on the plea bargain system, the courtroom workgroup, and occupational details of public defense work.

2.1. Plea Bargains

Plea bargaining is a foundation for modern criminal justice cases. The plea bargain process operates via negotiation between prosecutors and a defendant's lawyer, who aims to procure a lesser sentence than if the case goes to trial and their client is found guilty (Tor et al., 2010). Though the plea bargain process is meant to function as a means of administering justice, it may not consistently operate in this way.

Some researchers have argued that the plea-bargaining process is underdeveloped and unjust. According to researchers who conducted a meta-analysis of

existing research on plea bargaining in the United States in a report at the Vera Institute of Justice (2020), the plea-bargaining process is too informal and unregulated. The authors of the study have established that prosecutor discretion plays a large role in plea deal outcomes, which involve one of three types: 1) Charge bargaining, which negotiates the dismissal of one or multiple charges and/or an agreement to conviction for a lesser offense; 2) sentence bargaining, which involves accepting conviction for a more lenient sentence in both length and severity (community-based or custodial punishments) and 3) fact bargaining, which stipulates an agreement to adhere to a version of events that neglects facts which would expose the defendant to harsher penalties statutorily.

In the United States, as plea-bargains have become increasingly common over the past four decades, trial rates have also declined. Dubbed "the vanishing trial" phenomenon, analysis of statistical data by Galanter (2004) found that nearly all cases ended in plea-bargains, never making it to trial. Galanter's statistical comparison of cases that went to trial versus settling (from the 1960 to the early 2000s) found a startling drop off in cases going to trial for civil and criminal, in both state and federal courts. In an analysis of the plea bargain negotiating process in a law review essay, Alkon (2016) argued that the plea bargaining process needs more oversight in term of standards of competency for defense attorneys at all levels of this critical process, often taking place behind the scenes and off the record and without standards of competency which are measurable and accurate applied. Alkon's legal review argues for defense attorney competency standards at various stages of the plea bargain process, and points out how this critical stage of the criminal court process goes by with little scrutiny with the current system.

These and many other issues have contributed to concerns, among them that the plea-bargain system garners quick processing at the expense of guilty pleas from innocent people. In a law review article questioning the legitimacy of the plea bargaining system, Gilchrist (2011) proposed that the plea-bargaining process must be regulated in order to limit the amount of innocent people compelled to take the plea deal offered to them. Further, Gilchrist (2011) argued that a forced guilty plea from an innocent person serves to threaten our criminal justice system's legitimacy if it takes place in the plea bargaining process.

2.2. The Courtroom Workgroup

Courtroom workgroups consist of people who interact with each other as part of their job, share a common workplace, and have a collective goal of the disposing of cases (Eisenstein et al., 1988). Metcalfe (2016) conducted a study of the inner workings of courtroom workgroups studying a single courtroom workgroup in Florida, analyzing data from 500 felony plea cases and 411 felony trial cases, plus conducting interviews with judges, defense and prosecuting attorneys. Metcalfe's qualitative and quantitative analysis revealed many interesting results, including that the more familiar the defense attorney was with the other people involved in

the courtroom workgroup, especially the judge, the more likely the case was to go to trial. Yet, if the prosecutor was familiar with the judge, the more likely a successful plea bargain would take place.

Offender and attorney data from the Pennsylvania Commission on Sentencing for the years 1990 to 2000 was used by Haynes et al. (2010) to examine sentencing outcomes in the context of the makeup of the courtroom workgroup. This study revealed that, "workgroups generally had very high levels of similarity in terms of race, gender, and political party but lower levels of similarity in terms of age, college education, and law school education" (Haynes et al., 2010: abstract). Regardless of any particular courtroom workgroup's employees' personal differences in any jurisdiction, they must attempt to work together and cooperate to get cases processed through the courts, with plea bargains being a large part of their ongoing interaction among attorneys from both sides.

2.3. Public Defenders

2.3.1. Roles

Several recent studies (Baxter, 2012; Field et al., 2017; Jahangeer, 2013; Wood et al., 2016) have examined the ways in which public defenders carry out their duties to society and the importance of the plea bargaining process in the processing of cases through the criminal justice system.

Public defense work relies heavily on investigation of facts, research of the law, and client communication. The public defender must then also negotiate with prosecutors, file appropriate motions, and prepare for court proceedings (Wood et al., 2016). However, as public defenders often find themselves overloaded with cases (Baxter, 2012), completing these tasks efficiently and competently becomes a challenge.

2.3.2. Motivations

Using interviews of 87 public defenders across the United States, Baćak, et al. (2020) found that a common motivating factor for indigent defense work was personal desire to fight against social inequality. Respondents also felt a responsibility to uphold their own personal values of justice. Some mentioned the fulfillment of social interaction with clients and colleagues. Further, multiple respondents stated that holding a public sector job typically guarantees job security, high quality health-care and good pension benefits. Some of the professional considerations mentioned by the public defenders in these interviews included a desire to provide clients with their constitutional right to a rigorous defense (Baćak et al., 2020). These goals and motivations behind public defense work are honorable and admirable reasons for going into this line of work, especially their dedication to making an impact on lessening the inequalities in criminal proceedings outcomes.

2.3.3. Workload

Baxter's (2012) discussion of public defender workloads using anecdotal examples of large case-loads and unrealistic work expectations for public defenders

from around the United States led to the report's main argument that states force indigent defense attorneys to violate their ethical obligations to their clients via these excessive workloads. Baxter argued in this report that public defenders in the United States are sent more cases than they can reasonably dedicate their full effort to, necessitating the time-saving, easier task of plea bargaining overuse, and sometimes focusing on certain cases over others. In this way, the clients' equal rights to adequate legal counsel are violated, as their attorneys cannot reasonably provide the level of dedication that the state or a client of a private attorney is afforded, nor can they dedicate the same time and effort to each case for which they are assigned responsibility.

When looking at the numbers, it has been clearly demonstrated that public defenders in some jurisdictions experience crushing workloads. A study of defender workloads and their consequences by Wood et al. (2016) revealed that in Rhode Island, the average number of cases per attorney was over 1700 per year. In upstate New York, 2200 clients were represented by just one public defender. A public defender in Illinois handled a whopping 4000 cases over the course of a year. In New Orleans, public defense attorneys were seen handling a staggering 19,000 cases annually. The authors have argued that these impossible workloads are leading to a "meet and plead" system of public defense. In other words, public defenders must rely on plea bargains to end litigation for their clients because they simply do not have the time required to take all, or even a significant portion, of these cases to trial.

2.3.4. Funding

Lack of funding for public defense offices has been shown to contribute to excessive workloads. Legal scholars have been lamenting the lack of funding for indigent defense since at least the 1990s. In an article discussing the challenges faced by the modern-day public defender, Ogletree (1995) asserted in a law review essay that funding for public defenders and all that they are expected to do remains disproportionate to that of prosecutors and terribly inadequate. Some scholars have argued that the issue lies in the fact that indigent defense funding simply is not a priority for other branches of regional government which are in control of the funding (Wood et al., 2016).

Funding for public defenders' offices varies by state, county, and city jurisdictions, and the money going towards the defense of alleged criminals has proven to be a controversial issue (Davies & Worden, 2017). However, the issue may also be rooted in the discretion of local governments to provide funding. In many U.S. states, indigent defense is provided at a county level rather than state. This has allowed for "considerable variability in programs and funding levels", influenced heavily by county tax revenues (Langton & Farole, 2009). From a sociological perspective, one must wonder whether knowing they have limits to their abilities to hire expert witnesses, pay for expensive evidence testing procedures, and other measures which could assist them in winning at trial impacts their decisions to plea bargain and not take certain cases to trial. More research on this

area is needed to bring social science evidence on public defender decision making processes of which cases to take to trial even if a plea bargain is offered by prosecution.

2.3.5. Occupational Stress

The lack of funding and impossibly huge workloads for public defense offices have led to a string of recent studies shedding a much-needed light on one common aspect of this career for public defenders, stress (Baćak et al., 2020; Dotson et al., 2020; Gomme & Hall, 1995; Leonard et al., 2021; Levin et al., 2012; Levin & Greisberg, 2003; Lynch, 1997; Vrklevski & Franklin, 2008).

Research by Baćak et al., (2020) focusing on public defense and stress demonstrated how legal system inequality correlates with chronic stress in public defenders. The authors argued that the structural inadequacies of the public defense system impede public defenders' ability to secure the rights of their clients. In interpreting the findings of this study, Baćak et al. suggest that this occupational stress centers around three major shifts in the U.S. criminal justice system in recent years: 1) penal excess, 2) divestment in indigent defense, and 3) the criminalization of mental illness. Trends of mass incarceration/over-reliance on prison as punishment, lack of funding for indigent defense, and correlations between mental illness and incarceration may exacerbate occupational stress in public defense and drive much of the crime and police response they are impacted by in their occupations. Many of the respondents in this study expressed an initial desire to combat injustice, only to find that the system seemed structured to maintain injustices with the status quo (Baćak et al., 2020).

Semi-structured interviews of 23 Canadian prosecutors have revealed parallels in reports of stress. Results of this study have described symptoms of anxiety, exhaustion, helplessness, demoralization, and social withdrawal. The researchers have drawn links between these symptoms and abundance of "sensitive cases" in this type of work, such as domestic violence and sexual abuse (Gomme & Hall, 1995). The authors partly attributed these symptoms to long work hours as well, which is not surprising given the numbers of cases they often handle at one time. So, while stress remains a common theme amongst all attorneys perhaps, working in criminal courts has been shown to be more closely correlated with reports of stress and trauma symptoms than other courtroom work.

One such study compared the stress of attorneys in family and criminal courts to that of social workers and mental health professionals. The authors found that the former group showed higher levels of burnout and secondary trauma, or trauma developed through witnessing that of another (Levin & Greisberg, 2003). A study of public defenders (N = 35) by Dotson et al. (2020) in a mid-sized public defense office in the Western region of the United States examined job related stress and satisfaction among the attorneys. Using an electronic/emailed survey to capture information about their secondary traumatic stress, occupational stress and job satisfaction, researchers were able to tap directly into the thoughts and feelings of the public defenders on these issues. Results of statistical tests

found that many of the public defenders indicated severe occupational and secondary traumatic stress, both of which had negative impacts on overall job satisfaction which were statistically significant.

Similar findings of stress and burnout have been found in a comparison of attorneys in criminal and civil courts conducted by Vrklevski & Franklin (2008). The group was composed of 50 attorneys working in criminal courts and 50 in civil courts. The researchers found higher levels of subjective stress and depressive symptoms in the criminal defense group.

In a study on occupational stress by Lynch (1997), public defenders listed harsh sentencing, negative prosecution interactions, and work overload as some of the most common and intense sources of their stress. A more recent study of 107 Wisconsin state public defenders by Levin et al. (2012) examined the effects of legal work with trauma-exposed clients. The study was focused on symptoms of post-traumatic stress disorder (PTSD), depression, and functional impairment among the attorneys in relation to their exposure to their clients' trauma. Using a cross-lagged, 2-wave, longitudinal method, the researchers found a positive relationship with the aforementioned symptoms and the attorneys' levels of exposure to trauma-exposed clients. Further, even when controlling for gender, years of experience, age, and size of the public defender's office, the positive correlation between exposure to client trauma and negative outcomes on the public defender's mental health remained.

The review of the literature has revealed three important topical themes regarding the subject of plea-bargaining, public defense roles, and public defense work of interest to this study: 1) the dysfunction of the plea bargain system, 2) courtroom workgroup disconnect, and 3) occupational stress that must be dealt with in this line of work.

Numerous law review articles mentioned (Alkon, 2016; Bellin, 2019; Capers, 2020; Carroll, 2021; Gilchrist, 2011; Jaffe, 2018; Ogletree, 1995) make it clear that plea-bargaining and other discretionary choices made largely by prosecutors may lack the structure and regulation necessary to ensure just outcomes for the accused. Further, the structure of the plea bargain system inhibits proper indigent defense, which in turn can contribute to occupational stress. Additional sources of occupational stress for the public defender include excessive workloads and lack of funding. These themes found in previous studies, critical essays, and law review analyses have laid the foundation for analysis of the interviews for the current study.

2.4. Theoretical Framework

Symbolic interactionist theory has been determined to be the most logical application to the present study post-analysis. As grounded theory method dictates, this theoretical framework has been applied after data analysis. Goffman's (1973) symbolic interactionism explains the way in which humans communicate and interact with each other in social environments. It dictates that humans interpret

each other's words and actions rather than simply reacting. Humans define the behaviors of others by attributing symbolism to their words and actions. These "symbols" and interpretations are based on the individual's life experiences and understandings.

3. Methodology

Grounded theory method (Glaser & Strauss, 1967) has been employed as the primary framework for analysis of these interviews. Grounded theory method allows data to be analyzed without preconceived notions, hypotheses, or theories applied prior to data collection. Instead, after the data is collected and analyzed, a researcher using grounded theory method looks for patterns that emerge in the data that fit or can be explained by an existing social science theory. Should no current theory provide sufficient explanation for patterns in the data, a new, unique theory is developed to explain the patterns. Grounded theory method is often used for research on a topic that has not had much prior research, and can be thought of as a way to conduct an exploratory analysis of a social science topic. After completing analysis of the qualitative data for this study, symbolic interactionism was applied as the theory with the greatest explanatory value.

3.1. Study Design

Data for this research consists of six interviews conducted with public defenders in the homicide division in a large city with a high homicide rate on the East Coast of the United States. The homicide division of this large public defense office consisted of 12 attorneys at the time of data collection. With permission from her academic institution's Institutional Research Review Board and permission from the Chief Public Defender, the first author invited the defense attorneys to a conference room for the interviews at a time of their convenience during their regular work hours. The researcher spent two full days collecting the interviews and was able to capture a 50% response rate (several attorneys were in trial at the courthouse during those days, so they were not present at the office, and two extremely dedicated Viet Nam veteran defense attorneys were spending all day meeting with clients at the jail, and therefore were not available for interviews either).

Interviews were conducted in person by the first author, audio recorded, and later transcribed. The interviews consisted of open-ended questions geared towards public defender thoughts about what causes crime and their perceptions of prosecutorial ideas about causes of crime, their relationships and communication methods with prosecutors in terms of plea bargaining (and in general), and how they perceive and deal with stress. Each interview lasted between 45 - 65 minutes. Follow-up questions were asked when needed or if the respondent was not sure if they had answered the questions directly and sought more direction.

3.2. Data Collection

Data was collected via open-ended interview questions, starting with a brief demographic check-list. Basic demographic information was collected from the six respondents, including identifiers of race, sex, age, and political party. The respondents were then asked to describe their previous occupations prior to becoming a public defender and the number of years they have been working in the field. Finally, the following open-ended questions were used to gather data on the respondents' roles and experiences in their courtroom workgroup:

1. Tell me about the plea-bargaining process by describing the way that you interact with the prosecutors in this particular jurisdiction. How do you interact with them? Please explain how plea-bargaining takes place.
2. How well do you know the prosecutors personally in this jurisdiction, or do you just not know them at all? For example, do you have any friendships with, or do you socialize with, any of the prosecutors in this jurisdiction?
3. In what ways do you think you and the prosecutors in this jurisdiction think similarly about the causes of crime in our society? Do you think there are any similarities about their philosophies regarding the causes of crime and your philosophies?
4. In what ways do you think that you and the prosecutors in this jurisdiction think differently about the causes of crime; could you summarize what those differences may be in your view, if any?
5. What did you do occupationally prior to becoming a public defender, if anything, and what were your motivations to become a public defender?
6. How do you deal with the stress of being a public defender working with clients accused of homicide?

Due to the open-ended methodological structure implemented, the interviewer asked various follow-up questions and prompts when needed.

3.3. Content Analysis

The data collected here was hand coded for common themes due to the small number of interview participants (N = 6). Open coding methods were used to divide transcript data into excerpts, which were grouped into a total of 28 codes. Axial coding was then used to group these codes in thematic categories of public defender experiences, beliefs, perceptions of the prosecution, and communication techniques used for plea bargaining and within their courtroom workgroup.

4. Results

The first section of results covers the demographic variables of the participants. Subsequent sections detail the interview analysis with important quotes presented which demonstrate the major themes that can be recognized when examining the interviews from a symbolic interactionist sociological viewpoint.

4.1. Demographic Variables

Five out of the six public defenders identified as White, and one as African-American. The age of the public defenders ranged from 43 - 69 years old, with an average of 57.8 years old. Four out of the six public defenders were male, and two were females. Five out of the six public defenders identified as Democrats, and one as a Republican.

The years of experience of the respondents ranged from 16 - 33 years with an average of 25.8 years. The previous occupations of the public defenders included: a program administrator for the Girl Scouts, civil work for the military, refugee resettlement work in Central America, a math teacher, a medical publishing/legal secretary, and a Vietnam War veteran.

The motivations to become a public defender included: going to law school to advance previous career but becoming interested in criminal work, finding criminal trial work more exciting than civil work, intending to become a human rights lawyer but being offered the public defender job instead, being inspired by his namesake (named after a famous African American attorney), and interning at the U.S. Attorney's office on the prosecution side and realizing their attitudes were more in line with the defense side. The respondent who had previously been a solider in the Vietnam War went to Law School with the GI Bill and felt he could contribute to an in-depth understanding of how and why someone kills another, since unfortunately he had himself killed many of the enemy and had much experience in taking the lives of others. He also felt his own PTSD from the war made it easy for him to related to the trauma many of his clients accused of homicide had also been through (especially battered women who killed their abusers).

4.2. Interview Analysis

The following section details the analysis of the public defender interview responses. Topics for this section include: Motivations for Choosing a Public Defender Career, Methods of Communication, Relationships with Prosecutors, Public Defenders' Views on the Causes of Crime, Public Defenders' Perceptions of Prosecutors' Views on the Causes of Crime, and Dealing with Stress in Public Defense Work.

4.2.1. Motivations for Choosing a Public Defender Career

A variety of career paths led the respondents of these interviews to indigent defense work. Four out of the six respondents indicated an interest in the excitement of trial work as their main motivator for taking these jobs. Three out of the six respondents discussed an interest in wanting to help people by bringing up issues such as human rights, the death penalty, indigent clients, and how public defenders are a "needed and important" (Respondent five) part of the criminal justice system.

Respondent two was a Vietnam veteran who had done civil legal work after serving in the military and sought out this particular public defenders' office due

to its proclivity for trial work. He was clearly proud of the homicide division's aversion to plea bargaining and preference for taking clients homicide cases to trial, not waiving their constitutional rights to a jury of their peers. "*I wanted to do trial work because here, this is the place to do trial work. In fact, it's probably tried more cases than any other public defender's office in the country.*" In fact, this interview respondent often boasted about this particular offices' large number of trials. His experience as a veteran made him dedicated to fighting vigorously for clients by taking cases all the way to trial. The respondent found the civil work to be much less interesting than the work of going to trial, stating, "*I did civil work for about a year. After Vietnam it was like being on a rollercoaster on the first hill and someone jamming the brakes on you halfway down. It was like watching paint dry, you know, it wasn't very exciting.*"

Respondent six also indicated interest in the excitement of trial work. After interning with the U.S. Attorney's office, she decided that the work the defense attorneys did was more to her liking and closer to her political perspective, "*…it looked like more fun to be a defense attorney than to be the U.S. attorney…*" This respondent discussed how her discomfort with the conservative leanings of the prosecutor's side of the courtroom workgroup led her to leave. She became even more liberal in her political leanings once she began working in the public defender's office. "*I really just wanted to be a trial attorney and my philosophical leanings hadn't turned toward the defense, but as I worked here more it became more of a calling for representing indigent people and less of 'I need to be in a courtroom and try cases'.*"

Clearly, these attorneys found themselves in the public defense career path through various avenues, but two common themes were the desire to do trial work and to serve the community. Parallel to the public defenders portrayed in *Gideon's Army*, all of the respondents for this study mentioned the financial sacrifices that they personally have made by continuing to hold their current positions. Respondents three and six referred specifically to low pay and a salary freeze which had been in effect for over five years at the time of the interviews. Several of the respondents for this study remarked that their low salaries and lack of raises implied a low level of value and importance that society places towards them and their profession. Several of the respondents joked during or after their interviews in a self-deprecating manner about the negative impressions most American's have of defense attorneys.

4.2.2. Methods of Communication

Methods used to communicate with the prosecutors varied from letters, phone calls, emails, other documents, and face-to-face interaction. Some of the defense attorneys gave more than one answer. The most common form of communication was an email or letter (5 respondents). The least common form of communication was a face-to-face conversation (1 respondent said they do feel comfortable calling on the phone, another said she "*can*" call an opposing council for a plea bargain conversation, but suggested she rather not do so). Respondent one

said, "*…generally in letter form outlining what we believe the mitigation is in the case, not necessarily the pluses and minuses of the case itself. It's been very difficult, it's very difficult to get them to sit down and discuss face-to-face anything.*" This response goes to show how there was little to no face-to-face communication between the prosecutors and the public defenders in this jurisdiction in the plea deal process.

4.2.3. Relationship with Prosecutors

Five out of the six public defenders said that they had no relationship with the prosecutors outside of work. When asked if they felt comfortable enough to call any of the district attorneys on the phone, only one said that they felt comfortable. The other respondents said that they would not feel comfortable doing so. Several of the respondents also mentioned that the current D.A. required paper letters be sent between offices to garner plea bargains, which to them seemed odd, ineffective, slow, and disjointed. They lamented that they used to be able to actually speak with prosecutors and have a conversation about plea bargain options, but since the latest D.A. came into office, she had put a stop to such informal communications in the plea-bargaining process that they had been accustomed to prior to her election.

Respondent number five was the one who expressed a sense of comradery with the prosecutors, and when asked if they had a personal relationship with anyone in the DA's office responded, "*Sure… there are district attorneys that are in the homicide unit who I have tried cases with, non-homicide cases, so we came up through the systems together. So, you strike up a relationship with them.*" This outlook was not shared by the other interviewees, who expressed a sense of rivalry between themselves and the prosecutors they interact with on-the-job only. This sentiment was best illustrated by respondent number three, who had this to say; "*…the D.A. for eighteen years created this whole 'us versus them'…*"

4.2.4. Public Defenders' Views on the Causes of Crime

When asked about what they personally believe causes high crime in America, these public defenders overwhelmingly touted systemic issues, including; poverty, drugs and alcohol, lack of mental health care, childhood trauma, inequitable education, systemic racism, easy access to guns, and pop-culture's normalization of violence. Some respondents also mentioned alleged offenders' low self-control and lack of empathy. Poverty, an under-performing public education system, the illicit drug economy, and drug use/addiction were cited most often by the participants.

Respondent one said,

> "I think that we see the causes of crime in terms of the upbringing of the individual defendant, the defendant's childhood, the kinds of things that were going on for the defendant at the time that he or she committed the crime in a much more specific light than the prosecutors see it. I think that

> they can accept that somebody had a bad childhood but whether or not they truly believe that the beatings that the child witnessed of his mother when he was four, whether or not, they really believe that that's going to lead to when they're twenty, killing a woman, are two different things."

Respondent two commented,

> "It's pretty clear, if you're in this business and you don't realize that half the problem is there's no education system, it's ridiculous. I mean you get the same amount of money per student as they do in the suburban schools, but the money never goes to the kids, they have all these bureaucrats that are on the Parkway making three hundred thousand dollars a year and it's just ridiculous. And they say they can't have discipline in the schools."

Overwhelmingly, systemic issues relating to socioeconomic position were the most frequently listed as the causes of crimes by these public defenders. For example, respondent four stated, "I mean of course on a broader level I think that crime is caused by socioeconomic situation, racism, marginalization of racial minorities, poor educational systems, poor opportunity and really no way out except for the drug culture…" For this group, poverty-related issues, such as lack of opportunity, resources, education, and a stable childhood home environment were the most common causes attributable to crime. This understanding of systemic inequity was not perceived by the participants to be shared by their prosecutorial counterparts.

4.2.5. Public Defenders' Perceptions of Prosecutors' Views on the Causes of Crime

Individual choice and an inherent "good" or "bad" disposition or character were common responses when the interviewees were asked about their perceptions of the prosecutors' views on the causes of crime in their jurisdiction. Respondent one said,

> "I think that… I would expect that the prosecutors certainly believe that poverty is a cause of crime. I certainly believe that they would think certainly that drugs are and in a broad-spectrum kind of thing certainly they would think that mental health issues can be the causes of crime… I just had a prosecutor the other day say to me that well you know, we were talking about the sixteen-year-old boy and I was saying clearly there are things about his background that we will never know, but for a sixteen-year-old to have the problems that he has had all the way through school, and then culminating in the murder of his mother…one has to believe that there were problems in that house well beyond what we know of right now. I think I made the comment that 'kids just don't come out that way', and her response was 'some do'."

Respondent four stated,

> "I would say, in general, my sense is that prosecutors see things more as

> black and white, you did it, you got to pay the consequences….you can't really think about this dead human being and all of the tragedy that that's caused for his loved ones and everything else to do your job effectively, and of course prosecutors, especially in murder cases, deal with the victim's family in a very one-on-one and up-close and personal kind of way so I think those human contacts on both sides kind of tend to have us seeing cases from very different perspectives."

Respondent three said,

> "A lot of these prosecutors, they come in with no life experience and they think there's good people and bad people. They don't understand that there's good and bad in everybody, including them. I don't think they get that."

Overall, the public defenders interviewed expressed that they perceived prosecutors to tend toward "black and white" thinking with very little understanding of the gray areas in between when it comes to the complicated minds and behaviors of human beings, especially those not like them in terms of race, class, lifestyle, or socio-economic status. The respondents further emphasized the nuance that they are privy to when working with criminal defendants, with most asserting that social circumstances, life experiences, and systemic marginalization seem too often play a role in an individual's criminality.

4.2.6. Dealing with Stress in Public Defense Work

Stress was a common theme for the public defenders of this office, and since the interviews consisted of attorneys working in a homicide division of a large public defender's office, one can imagine that the potential punishments (including the death penalty) raise the stakes so high for them to defend their clients, whose lives are literally in their hands. For example, respondent three noted at least three recent coworker departures from the office, which were believed to be a result of stress related to the heavy weight of the job. Respondent eight noted the weight of responsibility on the shoulders of public defenders, stating, "*It's very stressful. You would think I would be more centered*" followed by a giggle. Respondent one discussed the difficulty of having to think about homicide all the time, lamenting, "*I've just seen too much death.*"

When asked how they cope with the stress of the job, multiple respondents stated that commiserating with others who work in public defense has been an outlet for them.

Respondent six had this to say, "*I'm married to another person in the unit… so that's really helpful. It's not the kind of job you don't take home… you always take it home.*" Other methods of coping with stress ranged from positive to negative coping skills, including approaches such as drinking alcohol, exercising, taking it out on their kids with yelling too much, and motorcycling to blow off steam. Respondent four said, "*I'm an exercise freak; I do all kinds of extreme sports, and yoga… and drinking.*"

Some respondents attributed burn-out less to consistent exposure to horrific crimes and more to procedural and systemic issues of criminal defense work. Respondent seven felt that individuals in their jurisdiction were most likely to leave a public defense job over dealing with the District Attorney (only one of the six respondents had a positive attitude toward their current D.A.), death penalty filing procedures, or just needing "something new" and different than crimes to deal with at work on a daily basis.

In sum, stress on the job was familiar to all participants, with the majority listing a dark sense of humor as their main coping mechanism. Another common response included talking to others in the field, such as coworkers or friends and spouses who are in the same line of work. Drinking and physical activity were also mentioned by multiple participants as coping mechanisms to deal with their work stress.

5. Discussion

A symbolic interactionist analysis of these interviews has led to three main takeaways for this research on this large East Coast city's courtroom workgroup. Firstly, workgroup disconnect may hamper necessary negotiations between parties on either side of the plea-bargain process. They felt a lack of face-to-face open communication with prosecution during the plea-bargaining process which could potentially be detrimental to the handling of said process. Interviews with these public defenders further revealed frustration at their lack of ability to negotiate with prosecutors on these cases. This disconnect may be rooted in the system under which negotiations take place, as well as differences in attitudes towards crime causality.

The symbolic interactionist perspective suggests that the workgroup disconnect seen in these responses can be partially attributed to the public defenders versus prosecutor differences in attitudes and beliefs about the causes of crime. Results indicated that these seasoned public defenders felt that they had few views in common with the prosecutors regarding what causes crime. A difference in views of crime causality could obstruct negotiations during plea-bargaining given the power of prosecutor discretion during the process. A prosecutor's personal beliefs could perhaps affect the decisions they make as well as their willingness to cooperate and negotiate with the defense attorneys. The stark contrast between the respondents' beliefs of the causes of crime and their perceptions of prosecutorial beliefs may symbolize an adversarial position which further contributes to workgroup disconnect.

Through the symbolic interactionist framework, it could be suggested that as public defenders and prosecutors stand on seemingly opposite sides of the adversarial criminal justice court system, their interactions will symbolize this divisiveness as well. The perceived opposing attitudes towards criminal causality and subsequent workgroup dysfunction between these two parties can thus be viewed as tangible symbols of this opposition.

6. Limitations

Several factors act as limitations to this study, the first being the small sample size of public defenders from only one city and jurisdiction. As such, though this study maintains high validity, its results may not be easily replicable or generalizable to all public defense offices. Due to time constraints and lack of research funding, a small sample from one public defender's office is all that could be sampled for this current study. A larger sample, or several samples from public defense offices geographically spread out across the U.S. might be able to yield a more generalizable set of results and conclusions than this small exploratory analysis.

Secondly, the physical distance between the public defender's office and the District Attorney's office (located in another area of the city) is difficult to control for when considering a lack of consistent and effective communication from a symbolic interactionist view. The public defender's office is miles away from the prosecutor's office in this jurisdiction. The impact of this physical distance between their work environment might have an impact on the lack of communication between the attorneys which was not explored in the interviews. Perhaps if the public defenders and prosecutors were literally rubbing elbows at the water cooler on a daily basis in a common workspace, they might not feel as much social distance as they seem to indicate in these interviews. Perhaps if the offices of D.A.s and public defenders were housed in the same building, or near one another, it might encourage one or the other party to literally drop by for a plea bargaining, or even social, communication. From a symbolic interactionist perspective, the physical distance may impact more social distance and contribute to a lack of comradery amongst a group of individuals who may be working in an adversarial system of justice, but who nevertheless do in fact work together on a daily basis in the processing of these homicide cases through the criminal courts. In the future, this issue should be explored with research on a diverse number of public defense offices to seek similar patterns within other jurisdictions. Improving the communication process and comradery amongst any given courtroom workgroup might assist in making sure that if and when plea bargains are used, they are done in a fair manner for all.

7. Conclusion

Analysis of the plea-bargaining process in the criminal courts reveals a delicate and complicated process in the courtroom workgroup. When applied to the analysis of this courtroom workgroup, the symbolic interactionist perspective suggests that the opposition between public defenders and prosecutors within the criminal justice system is symbolized by their opposing attitudes towards crime. Lack of communication between prosecutors and public defenders may be caused by a perception of a lack of common ground. Results of the interviews revealed that few defense attorneys had any social relationship with the prosecutors in their jurisdiction. Further, few of the defense attorneys believed that

the prosecutors shared their beliefs on the causes of crime. More expansive studies are needed that will further examine the best methods of communication between prosecutors and defense attorneys to produce fair court outcomes.

In sum, the symbolic interactionist perspective would attribute the dysfunction within this courtroom workgroup as a failure of meaningful communication. The differences and perceived differences towards attitudes towards crime within the workgroup is a result of disconnect in the understanding of crime causality. Further, the importance and complexity of the plea-bargaining process makes it all the more vital to understanding the interactions within it.

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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