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Public Defender

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PUBLIC DEFENDER

A BIBLIOGRAPHY¹

A. MABEL BARROW

INTRODUCTION

The movement for a Public Defender, while comparatively new to many, had its inception in this country apparently at the time of the World's Fair in 1893, when a woman lawyer of San Francisco first advanced the idea. Abortive efforts towards state legislation were made in several states thereafter, as a direct result, but no definite beginning was made until 1914, when Los Angeles appointed the first Public Defender in the United States.

For the historical antecedents of this official, like many others, it is necessary to look to Europe, as shown in Mr. Goldman's "Public Defender: a necessary factor in the administration of justice": though it is Mr. Parmelee's opinion that "up to the present day there has been no thorough-going system of public defense in criminal trials in any country."

This reform of judicial procedure is only a question of time. The Public Defender has so thoroughly proved his need and his value in Los Angeles and other sections of the country that more and more members of the legal profession are giving the matter earnest and sympathetic consideration. Public interest also is increasing both here and in England. In the latter country at least one attempt has been made to have a bill passed by Parliament for the establishment of a Public Defender.

This bibliography of the movement does not claim to be absolutely complete nor essentially selective. The endeavor has been to cover the question of Public Defender itself as fully as available resources will permit. Consequently, Legal Aid for the Poor, that charitable effort to secure adequate defense for indigent accused, has been brought in only so far as it is definitely connected, e. g., Volunteer Defenders' Committee of New York. It is hoped that this bibliography will help

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in the effort to have law administered more nearly in the spirit of equal justice for poor and rich alike.

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BIBLIOGRAPHIC REFERENCES

Parsons, M. P. Public defender: a debate. *Independent*, Jan. 24, 1916, v. 85:140.

Gives briefs and references.

Rasmussen, Hazel. Legal aid societies in the United States. Oct., 1921. Typewritten.

Brief, selected bibliography. Anyone interested in this phase of the subject may obtain a copy on request from the Legislative Reference Library, Madison, Wisconsin, of whose staff Miss Rasmussen is a member.

BOOKS

Cleveland foundation. Criminal justice in Cleveland; reports of the Cleveland foundation survey of the administration of criminal justice in Cleveland, Ohio; directed and ed. by Roscoe Pound and Felix Frankfurter. 1922. Pp. 368-369. The foundation, \$3.75.

In recommendations as to changes for the improved organization of the Cleveland court is included the suggestion that "the assigned counsel system should give way to the more modern, more efficient, more economical public defender system," and the reasons for such a suggestion.

Goldman, M. C. Public defender; a necessary factor in the administration of justice. 1917. Putnam, \$1.

"The author bases his plea for the establishment of the office of public defender on two principles: (1) That it is as much the function of the state to shield the innocent as to convict the guilty; (2) That the presumption of innocence requires the state to defend as well as to prosecute accused persons."—*Book Review Digest*.

In an appendix is given a chronological table of the public defender movement up to 1916 in the various states.

— Same. 2d ed. rev. 1919. Putnam, \$1.35.

Material essentially the same as in the 1917 edition, but preface and Appendix B give some additional information as to the spread of the movement in the United States and increased interest in England.

Parmelee, M. F. Public defense in criminal trials. In his *Criminology*. 1920. Pp. 301-315. Macmillan, \$2.

Shows the injustice of private defense; that public defense will cause the reform of criminal procedure and make it scientific; will abolish the plea of guilty and eliminate the debating elements in criminal trials. Free civil justice will then be the logical sequence.

Similar material will be found in Mr. Parmelee's earlier work, *Principles of anthropology and sociology in relation to criminal procedure*, pp. 273-286; and in articles entitled *Public defense in criminal trials*, *International Socialist Review*, Oct., 1905, v. 6:228-235; *Journal of Criminal Law and Criminology*, Jan., 1911, v. 1:735-747.

ARTICLES IN PERIODICALS

General References

Ferrari, Robert, and others. On the public defender: a symposium. *Journal of Criminal Law and Criminology*, Sept., 1915, v. 6:369-384.

Arguments for and against the public defender by members of the New York City Bar, Chicago Bar, Bar of Tennessee and of Oklahoma, and the Committee on the Public Defender of the Commonwealth Club of California. Article also contains the main features of a bill introduced into the California legislature providing for a public defender. Clear and concise in treatment.

Goldman, M. C. Need for a public defender. *Journal of Criminal Law and Criminology*, July, 1917, v. 8:273-275.

After citing the chief points made by Judge Nott of the Court of General Sessions against the public defender idea, Mr. Goldman answers the several arguments in turn, and states that "not one of these objections is sound in theory, nor based upon experience gained from the operation of the public defender's office in various American communities."

Hickey, M. E. Public defender. In *New Mexico Bar Association. Report*. 1915. Pp. 9-16.

General discussion of the idea; the need for such an official in the interests of justice, the success of the plan in Los Angeles, and a recommendation that a public defender be appointed in the state of New Mexico.

Leicht, G. J. The public defender. *Lawyer and Banker*, April, 1915, v. 8:115-117.

A member of the Wisconsin Bar again uses the argument that the indigent defendant has not as fair a chance of justice as one with means. A resumé is given of the working-out of the Los Angeles experiment. The suggestion is offered that, while not flawless, improvements can be made, and that the idea is worthy of adoption in other communities.

Los Angeles public defender enlists bar association for legal aid to poor. *Journal of Criminal Law and Criminology*, Nov., 1914, v. 5:601-602.

"The demands of poor people upon the public defender, while meritorious, are so numerous that that official called upon the Los Angeles Bar Association to endorse and recommend certain attorneys to whom he might refer persons soliciting legal services of a character beyond his authority to render, because of limitations of the county charter." About forty volunteers responded.

Necessity and advisability of creating the office of public defender, being the fifth report of the Law Reform Committee of the Association of the Bar of the City of New York. 1915. Pam.

The Law Reform Committee traces the history of the idea of public defender, gives its own arguments as to the non-establishment of such an office in New York, and also prints letters from well-known members of the American bar and a prominent social worker, presenting their opinions pro and con on this subject.

Office of public defender. *Columbia Law Review*, Mar., 1917, v. 17:261-263.

Discusses the arguments of the advocates and opponents of the idea, comments that much of the criticism of the present judicial system is unwarranted, but is of the opinion "that by providing assignment of counsel the community has recognized that justice demands some provision for legal aid of the accused. The most efficient and just way to provide this would be to designate a capable and responsible public official for that purpose."

Public defender. *Justice of the Peace*, Aug. 2, 1919, v. 83:347-348.

A judicial discussion of a bill presented in Parliament shortly before the writing of this article. The bill, if passed, would do away with the Poor Prisoners' Defense Act of 1903 and would put the matter on a wider basis. The public defender would undertake the defense of every person charged with an indictable offense, unless that person preferred to provide for his own defense. The provisions of this bill applied only to England and Wales.

Public defender, a new scheme in criminal procedure. *Law Notes*, Mar., 1914, v. 17:223.

The plan as adopted by the municipal court of Portland, Oregon, is discussed here as "an interesting departure in criminal procedure."

Public defender; summary of laws of states having such an official, conditions under which he may be appointed and compensation allowed him by such states. Mar. 1, 1922.

Compiled by Legislative Reference Bureau, Rhode Island State Library.

Public prosecutor: public defender: public crimes investigator. *Medico-Legal Journal*, July, 1916, v. 33:2-4.

Inasmuch as the state provides a public prosecutor with unlimited resources to substantiate a crime and punish the offender, so is the accused entitled to as much care and aid in proving his innocence, also at the expense of the state. The editor further outlines an ideal office whose duty it would be to investigate scientifically facts both for and against a suspect, in order to present the case to the court in an impartial manner.

Reynolds, J. B. Public defender; a constructive social experiment. *Journal of Criminal Law and Criminology*, Aug., 1920, v. 11:283-284.

"Social justice demands legal justice on a more intelligent and scientific basis than formerly." Each community should work out the

scheme best suited to its needs and characteristics. A public official, as in Los Angeles, for some, while others will find the private organization better. The writer finds commendable features in both plans.

- Public defender, with discussion. *Journal of Criminal Law and Criminology*, Feb., 1922, v. 12:476-489.

An examination of the three most important examples of public defender in the United States: Public Defender for Los Angeles, the Voluntary Defenders' Committee for New York County, and the County Public Defenders in the state of Connecticut, with a discussion of the subject by Louis Fabricant.

- S., W. A. Public defender. *Law Notes*, Mar., 1920, v. 23:206-208.

Covers the arguments for and against, discusses existing "safeguards" of the law, indicates the advantages of having a public defender, and goes into the question of the cost of such an official and his aid in petty cases as well as criminal.

- Smith, Geddes. Making the law work both ways. *Independent*, Oct. 18, 1915, v. 84:94-95.

The work of the Los Angeles and Portland, Oregon, public defenders is discussed briefly in a popular style. No new light is given, but from point of view of treatment of the subject the article is worth while.

- Smith, R. H. (The) Defender in criminal cases. In *his Justice and the poor*. 1919. Pp. 105-127. Scribner, \$1.50. Pam.

A very thorough discussion of the subject is given in this important study made for the Carnegie Foundation. After preliminary definitions the argument is stated and a survey of existing conditions given. A history of the defender plan is also sketched and the results of its practical application in Los Angeles and New York. Further results which may be expected and future developments are then outlined.

- Smith, R. H. Denial of justice. *Journal of American Judicature Society*, Dec., 1919, v. 3:112-126.

Same article in *Ohio Law Bulletin*, Jan. 5, 1920, v. 65:1-13.

"A study of our existing administration of justice as it affects poor citizens and immigrants."—*Index to Legal Periodicals*. Also discusses remedies—among others, the public defender.

- Public defender. *Journal of Criminal Law and Criminology*, Nov., 1920, v. 11:476-479.

A report of the Public Defender Committee of the American Institute of Criminal Law and Criminology, summarizing its activities in the previous year. The chairman mentions a special study which is being made of the public defender plan as operating in Connecticut, where that official is appointed by the judges of the Supreme Court.

Spalding, W. F. State provision for defending poor persons accused of crime. *Journal of Criminal Law and Criminology*, Feb., 1920, v. 10: 618-621.

Resumé of the provisions of the various states.

ARGUMENTS PRO

Adelman, A. E. In defense of the public defender. *Journal of Criminal Law and Criminology*, Nov., 1914, v. 5:494-497.

A clear, dispassionate consideration of the subject, with the conclusion that in the interest of the public, which pays the final reckoning, trials should be conducted in the spirit of scientific investigation. With a public defender and public prosecutor working together, this end can best be attained.

Appointment of a public defender. *Justice of the Peace*, Oct. 26, 1918, v. 82:454.

Same article in *Irish Law Times*, Aug. 31, 1918, v. 52:213-214.

Shows the growth in English law of the idea and practice of defense of criminals, down to the Poor Prisoners' Defense Act of 1903, which provided for the necessary expenses "in the same manner as the expenses of prosecution. The new movement for the creation of the office of public defender is intended to put the finishing stone to the edifice which shall shield an accused person from injustice."

Argument for the public defender. *Journal of Criminal Law and Criminology*, Mar., 1915, v. 5:925-928.

The argument is presented as a case in court is supposed to be given, in concise, unbiased outline. The points, both general and specific, in favor of a public defender are given and the effects of such an institution on the law of criminal procedure are predicated.

Arizona. Governor. Recommendation of Governor Hunt for the establishment of the office of public defender. In his Message, 1915, pp. 83-86.

Argues that as the state is zealous in the prosecution of criminals, it should be equally so in the defense of poor defendants financially unable to employ lawyers to act in their defense.

Carrington, Walter. Equality before the law. *Virginia Law Register*, Nov., 1922, v. 8, n. s.:481-485.

The writer, while of the opinion that the criminal law is often lax in its administration, argues that this is no excuse for the fact that poor accused do not always secure as adequate defense as those with means to employ paid counsel. The only fair and just remedy for this evil is the appointment of a public official whose duty shall be to defend these indigent accused.

Defending the prisoner in a municipal court. *American City*, Nov., 1916, v. 15:589.

Account of the work done by the public defender of Columbus, Ohio. Aspects and results similar to Los Angeles, especially as regards the social effects of the work.

Edholm, C. L. Fair play for the underdog. *Technical World*, April, 1915, v. 23:196-198.

Favorable comment and account of the Los Angeles public defender experiment.

Embree, W. D. New York public defender. *Journal of Criminal Law and Criminology*, Nov., 1917, v. 8:554-563.

Discusses the inception, and work accomplished by the staff of attorneys and investigators employed by the Volunteer Defenders' Committee, a charitable organization in New York City. This staff does the work which would be covered by an official public defender, and has no other interest than that of justice for the indigent defendants whom they serve. Article also contains a table showing the number of cases handled, social facts relating to the cases, etc.

— Public defender; with discussion. In New York City conference of charities and correction. *Proceedings*. 1919. Pp. 98-107.

This has not been examined, but considering the source and the availability of this publication it has been included.

Ferrari, Robert. Analysis of New York and County Bar reports on the public defender. *Journal of Criminal Law and Criminology*, May, 1915, v. 6:18-27.

Sums up and analyzes the arguments presented in these two reports. Shows the weak points in their case and offers arguments for a public defender.

— Public defender: the complement of the district attorney. *Journal of Criminal Law and Criminology*, Jan., 1912, v. 2:704-715.

Cites eight objections to the present system of administration: Frequent miscarriage of justice; disparity in justice dealt out to rich and poor; delay in bringing case to trial; delay during trial; shame of frequent and unmeritorious appeals; injustice of the deprivation of appeal in worthy cases by reason of the poverty of a prisoner; cruelty of private lawyers in not giving advice, in proper cases, to plead guilty; and last, expense to the county from conditions mentioned. The public defender will eliminate these objections.

— Public defender [in Oklahoma]. *Case and Comment*, Feb., 1913, v. 19:582-585.

Same article in *Ohio Law Bulletin*, Mar. 10, 1913, v. 58:82-83.

The public defender idea, while not a new one, is coming more and more to the fore in the minds of thinking people. To show in more striking fashion the present maladjustment in the administration of the law, Mr. Ferrari pictures it as it would appear to a stranger from another world, and the remedy which would surely be proposed by such a disinterested observer.

Foltz, C. S. Public defenders. Chicago Legal News, Aug. 12, 1893, v. 25: 431-435.

In this paper, read at the World's Congress Auxiliary of Jurisprudence and Law Reform held during the World's Columbian Exposition, is contained one of the earliest pleas made in this country for the establishment of the office of public defender. The reasons advanced then by this woman member of the San Francisco Bar are the same as those urged now by the warmest advocates of the movement, because they are the fundamental reasons for such an official.

— Public defenders for criminals. American Law Review, May-June, 1897, v. 31:393-403.

Discusses the fundamental reasons for a bill introduced during the winter of 1896-1897 in the legislatures of a dozen or more states. Gives the two main arguments advanced against the bill: (1) The monetary cost, and (2) That with a public defender, youthful lawyers would have no one on whom to practice. The public is reminded that in the eyes of the law a man accused of crime is presumed to be innocent, and that the law should treat him as it presumes him; that the free counsel suggested is only in line with free juries, witnesses and courts; that the state, having no desire to wrong its people, should make their full protection part of its care.

Gaylord, W. R. Brief on public defender bill, No. 475S. 1907. Type-written.

To be found in the Legislative Reference Library, Madison, Wisconsin.

In May, 1923, a bill providing for the establishment of a public defender in Wisconsin was introduced and went to the Judiciary Committee for consideration, but was withdrawn before action was taken.

Goldman, M. C. Further views on the public defender question. Bench and Bar, July, 1914, v. 9, n. s.:138-140.

An answer to the arguments given in the editorial, Do we need a public defender? Mr. Goldman's points are well taken and his conclusion is that "the proposal to establish a public defender is fundamentally sound, highly necessary and thoroughly practicable" and that agitation in favor of such a reform "will elevate our system of criminal procedure, which will tend to the ascertainment of the truth rather than to an unequal contest between the prosecution and the defense."

Practically the same ground is covered by Mr. Goldman in articles in Case and Comment, Nov., 1914, v. 21:468-473; Journal of Criminal Law and Criminology, Jan., 1915, v. 5:660-665; New Republic, Aug., 1915, v. 4:47-48.

— Need for public defender illustrated in the Stielow case. Journal of Criminal Law and Criminology, Aug., 1918, v. 9:289.

A practical argument against the "protection and safeguards" of the present system of legal procedure. "The entire history of this

famous case demonstrates how manufactured testimony, legal technicalities, and the powerful forces of prosecution can be utilized to jeopardize human life."

- Public defender. *Journal of Criminal Law and Criminology*, Nov., 1915, v. 6:557-559.

Mr. Goldman takes exception to the arguments of Mr. H. A. Forster as presented in the article On the public defender—a symposium, by Robert Ferrari and others, given in the September issue of the *Journal of Criminal Law*, and presents his own views on the subject.

- Public defender legislation. *Case and Comment*, April, 1916, v. 22: 962.

Shows how, influenced by the success of the plan in Los Angeles, the public defender idea is spreading.

Another article by this writer in the *Journal of Criminal Law and Criminology*, Aug., 1920, v. 11:280-283, also records the growth of the movement.

- Gray, R. S. Advisability of a public defender. In *Annals of the American Academy of Political and Social Science*, Mar., 1914, v. 52:177-180.

States the opinion that the modern judicial system fails to give justice to the individual too poor to employ a lawyer; that as a matter of fair play the state ought to supply to such persons an adequate means of defense. Shows that legal aid work and court appointed counsel are only temporary makeshifts which must be done away with as people awake to what is their undoubted right—free justice.

- On prosecution and defense of poor persons in California. *Journal of Criminal Law and Criminology*, July, 1915, v. 6:276-277.

Gives provisions of Assembly Bill No. 21 which would add a new section to the Code of Civil Procedure whereby a poor person may prosecute his action or conduct his defense without the payment of costs.

Text of bill to provide for public defender in California follows, pp. 277-279.

- Public defender. *Journal of Criminal Law and Criminology*, Jan., 1914, v. 4:650-654.

The first three paragraphs are duplicated in this writer's article, *Advisability of a public defender*, but the following pages give the provisions of the Los Angeles charter adopted Oct. 10, 1911, under a permissive clause of which the first Los Angeles defender was appointed. His duties are defined and the cost of his office compared with that of the district attorney. The conclusion is drawn that the two officials would be more apt to co-operate in the effort to get at the truth in the interest of justice than to hamper each other.

Herron, W. W. The public defender. Case and Comment, May, 1915, v. 21:1014.

This corresopndent comments on the truth of Mr. Reagan's letter published in the March issue of this periodical, finding corroboration of the statements given there in his own legal experience. He agrees that a public defender would aid in the administration of justice to poor defendants.

Keedy, E. R. Criminal procedure in Scotland. Journal of Criminal Law and Criminology, Jan., 1913, v. 3:738-739.

In Scotland, for centuries, free legal counsel has been provided for indigent prisoners, in civil as well as criminal cases, such counsel being appointed each year by the Faculty of Advocates.

Legal aid and the public defender idea in California. Journal of Criminal Law and Criminology, July, 1916, v. 7:235-244.

Gives extracts from articles and correspondence published in the San Francisco Recorder during a period of several months, showing the interest in and spread of the idea of public defender work in California, and its support by members of the California Bar, charitable and philanthropic associations, and university professors.

McCulloch, Campbell. Here is justice. Everybody's Magazine, Aug., 1914, v. 31:246-249.

Account of the establishing and work of the public defender of Los Angeles, written in popular style for the average reader.

New Jersey Law Journal on the public defender. Journal of Criminal Law and Criminology, May, 1915, v. 6:125-126.

Discussion of the arguments put forward by Mr. Mayer C. Goldman in an article in Case and Comment. The New Jersey Law Journal is satisfied that the questions involved are large ones and worthy of careful consideration. The point is made that if the office of public defender is created, the people of small and rural districts should have this right as well as those in larger centres.

New officer of the judicial system. Outlook, Aug. 8, 1914, v. 107:828-829.

Resumé of the work done by Los Angeles public defender and endorsement of it by the district attorney and a judge of the Superior Court.

New York State Bar Association. Report. 1920. Pp. 476, 483-484.

At this meeting of the State Bar Association Mr. Goldman again took up the cudgels in favor of the public defender idea during a discussion on Justice and the poor.

Public defender. California Law Review, May, 1915, v. 3:314-315.

Editorial written in favor of the passage of Senator Lyon's bill (Senate Bill No. 142) providing for a public defender. Calm and dispassionate in tone and argument.

Public defender. Case and Comment, April, 1918, v. 24:902-904.

Extracts from the annual report of Los Angeles County, California, are given with editorial comment which concludes: "The volume and character of the work performed by the Los Angeles public defender is a potent argument in favor of the appointment of such an official in all large centres of population."

Public defender. Law Notes, Sept., 1915, v. 19:102.

"The strongest argument in favor of the creation of such an office is the highly successful result obtained in other communities where it has been practically tested, while the most serious objection urged by many is that of expense," says this editorial.

Public defender. Nation, July 30, 1914, v. 99:124.

This editorial considers the plan of having a public defender has suffered from the name; that without doubt "justice frequently works with roughness" and quite possibly this plan may better conditions in sections where such an officer is needed. Points to the success of the Los Angeles and Portland, Oregon, experiments as evidence in its favor.

Public defender. National Corporation Reporter, Jan. 31, 1918, v. 55:981.

Reverses the opinion expressed in an earlier editorial and decides as the plan has met with apparent success "it would justify the conclusion that it is not chimerical. If it can be carried out in such manner as to permit the office to be well administered, and if competent and trustworthy men are chosen for such posts, the stability and well-being of society should be all the better safeguarded."

Public defender. Outlook, Mar. 28, 1914, v. 106:660.

Comments that to prevent the occurrence of such cases as that of Schwitofsky, a public defender should be appointed, and discusses the work of that official in Los Angeles. Considers the prevalent idea that courts are for the rich and justice not for the poor as having too much truth to be ignored.

Public defender. Virginia Law Register, Dec., 1922, v. 8, n. s.:616-617.

Same article in Journal of Criminal Law and Criminology, Nov., 1922, v. 13:471-472.

"The more one thinks of it, the more necessary to the proper administration of justice we believe such an officer to be. If thoroughly studied and worked out a plan might be adopted to make the appointment of such an officer not only feasible but of great benefit to the commonwealth."

Public defender of Los Angeles, California. Review of Reviews, Dec., 1914, v. 50:741-742.

In addition to favorable comment, the section of the city charter providing for the appointment of such an official is given. A letter from Mr. Wood, public defender of Los Angeles, showing the need of such an office, is quoted.

Public defenders (Los Angeles County). *Law Notes*, Aug., 1916, v. 20: 82-83.

Discusses the report of the work of the official for Los Angeles and draws the conclusion that the public defender has proved his usefulness and the worth of his office from economical and social standpoints.

Public defenders of Portland and Los Angeles write of their work. *Journal of Criminal Law and Criminology*, May, 1914, v. 5:97-99.

Both officials testify as to demands made on their office by those who cannot afford to pay for their own defense, showing that the establishment of such an office fills a real need. The testimony of the Portland official would, by some people, be considered the more valuable, because the work is done there voluntarily, without compensation.

Reagan, A. B. The public defender. *Case and Comment*, Mar., 1915, v. 21:840.

In this correspondence, a Utah lawyer states that poor defendants do not get the competent defense they should have; that through poorly conducted defense he has known persons to be sentenced who, given competent counsel, would have been discharged. Poverty is no reason or excuse for inadequate defense. A public defender would do away with this injustice.

Rubin, Samuel. Public defender proposed for Maryland. *Journal of Criminal Law and Criminology*, Aug., 1922, v. 13:310-313.

Mr. Charles E. Hughes is quoted as saying: "There is no more serious menace than the discontent which is fostered by a belief that one cannot enforce his legal rights because of poverty. To spread that notion is to open a broad road to Bolshevism. The poor man must have legal advice." Mr. Rubin bases his argument for a public defender on the fact that under present conditions, in spite of efforts to ameliorate them, the poor prisoner is often denied justice. A public defender would give such cases an honest and capable defense.

Savona, Francis. Public defender. *Journal of Criminal Law and Criminology*, July, 1916, v. 7:274-276.

After summarizing the reasons put forward by the advocates of the idea for the establishment of such an office, and itemizing the benefits which they expect will accrue from it to the individual, the law and society, the writer (who is a layman) gives his own views on the subject. His final conclusion is that "the equal protection of law is a public responsibility."

Smith, R. H. Defender in criminal cases recommended in Cleveland. *Journal of Criminal Law and Criminology*, Feb., 1922, v. 12:490-499.

Mr. Smith analyzes the three main reasons against the public defender idea, summarizes the different conditions existing in various states and which must be considered in thinking of the public defender, and from the standpoint of economy and efficiency, proves that such an official would be of value to the state.

Speck, P. A. Need of a socialized jurisprudence. *American Journal of Sociology*, Jan., 1917, v. 22:503-518.

Treats very fully the civil courts cases, showing the disadvantages under which the poor labor in securing redress of unjust treatment by employers and others. "Two reforms on a nation-wide scale are necessary: public legal assistance to citizens without means to employ able lawyers; and free, impartial courts, with simplified and expeditious procedure."

Steelman, Hiram. In re public defender. *New Jersey Law Journal*, Dec., 1915, v. 38:357-359.

Cites section and chapter of the New Jersey laws which provides counsel for an impecunious prisoner and pay for such counsel in homicide cases. The motive of the law is justice to the accused, but the writer questions whether it has worked successfully; whether it is just to expect counsel to give his time free of charge and to undertake cases for which he is unprepared. The state should be responsible for proper defense as well as for conviction of the guilty.

Talbot, Homer. Public defender: an aid to a square deal in the courts. In *National conference of social work. Proceedings*. 1918. Pp. 167-171.

Same article published separately as a pamphlet.

Puts the question squarely, "As conditions exist, does every defendant actually receive a full and fair trial?" He answers No—cites cases and authorities to prove his contention, discusses the several remedies offered and the desirability of employing a public defender. Article includes informal discussion of the topic by social workers.

Voluntary defenders. *Outlook*, April 4, 1917, v. 115:600.

Approving comment of the organization of the Voluntary Defenders' Committee of New York, which acts as public defender for poor criminals.

Voluntary defenders committee. *Journal of Criminal Law and Criminology*, July, 1917, v. 8:278-282.

Same article in *Legal Aid Review*, July, 1917, v. 15:1-6.

Experiment tried in New York City. Discusses the reasons for appointment of the committee, its purpose, the field to be covered, and plans for the conduct of the work, how the plan is being financed, and the names of the persons appointed on the committee.

Willis, N. P. Public defender in practice. *American City*, Nov., 1919, v. 21:460-461.

Statement of the work of this official in Columbus, Ohio, in both criminal and civil cases, and the results obtained at little cost.

Wood, W. J. Annual report of public defender of Los Angeles County, California. *Journal of Criminal Law and Criminology*, Aug., 1918, v. 9:289-296.

"The public defender's office was created for the purpose of assisting the courts in administering justice. We have not felt that it was our duty to oppose the district attorney, but rather to co-operate with him in setting all the facts before the courts. We are glad to report . . . that the two offices have worked harmoniously together." A stimulating account of the year's work in this office.

Wood, W. J. Necessity for public defender established by statistics. *Journal of Criminal Law and Criminology*, July, 1916, v. 7:230-244.

Report made by the public defender of Los Angeles County, showing the work done by him for the year 1914, and the value of such work, both to the community and county, socially and financially. This article is followed by another, discussing the legal aid and public defender idea in California, giving extracts from the San Francisco Recorder which show the development of this movement on the Pacific Coast.

— Office of the public defender in Los Angeles. *Journal of Criminal Law and Criminology*, Sept., 1914, v. 5:441-444.

Mr. Wood answers the objection which might be raised, that a public defender would undermine and obstruct the work of a district attorney. It is the duty of the public defender "to bring out the facts and the law in favor of the accused." In Los Angeles, the two officials find it consistent with their duty to the public and their clients to work together in administering justice.

— Place of the public defender in the administration of justice; address . . . before the California Bar Association. 1914. Pam.

Shows that prior to the establishment of a public defender in Los Angeles County, California, indigent people accused of crime fell chiefly into the hands of shyster lawyers and young lawyers seeking experience, only a few exceptional cases being defended by capable, experienced lawyers. The district attorney, though just and fair-minded, is paid by the people to prosecute and his record stands on the number of convictions he is able to make. Human liberty is of too much value to be left to such haphazard methods.

— Public defender. *Review of Reviews*, Mar., 1920, v. 61:303-307.

Reviews the work of that official for the six years since his first appointment.

— Public defender in Los Angeles County, California. *Journal of Criminal Law and Criminology*, July, 1914, v. 5:283-289.

Copy of a letter from the public defender of Los Angeles County, describing the work of that official, the type of cases covered, cost of operating such an office and the provisions of the county charter for establishing it, as well as outlining the duties of the public defender.

— Public defender: reply to H. E. Smoot. *Journal of Criminal Law and Criminology*, May, 1920, v. 11:113-114.

Answering Mr. Smoot's objections, shows that a public defender would facilitate the swift and certain administration of justice and would thus help in doing away with prevalent restlessness.

— Public defender: unexpected results from the establishment of the office. *Southwestern Law Review*, June, 1916, v. 1:30-33.

Same article in *Journal of Criminal Law and Criminology*, Nov., 1916, v. 7:595-599.

Among the results obtained are elimination of shyster lawyers; reduction of expense to taxpayers; demonstration of the fact that district attorney and public defender can and do work together harmoniously; and finally, that the public defender's office has met with considerable success in reclaiming and making useful citizens of the class of men with whom they have to deal.

ARGUMENTS CON

Alphin, Clyde. Equality of man. In *Kansas Bar Association. Proceedings*. 1917. Pp. 131-138.

The writer argues that while the supposition is that all men are created equal the literal truth is they are not. This equality and the ideas of justice and right are ideals toward which we strive. Law also seeks this goal. The proposition of a public defender is being put forth as a means to this end. Is this a perhaps too radical departure from the present system of criminal procedure? Payment of assigned counsel might answer the purpose.

Are public defenders needed? *North American Review*, June, 1915, v. 201:823-825.

The arguments presented in this editorial are chiefly against the establishment of such an official; are superficial and not as well considered as might be expected from a magazine of such weight and standing.

Baker, N. D. Police court prosecutions and a public defender. *American City*, Mar., 1910, v. 2:266-268.

The city solicitor of Cleveland, Ohio, who is also the public prosecutor, testifies that in his own office he and his assistants have been able to act as advocates both for the state and for the defense, "having for their sole aim a just result in each case." In view of this he considers the establishment of a public defender in Cleveland would be damaging to the impartial spirit of justice which has been fostered.

Dennett, L. L. Public defender. *Law Notes*, Oct., Nov., 1916, v. 20:140, 144.

Correspondence and editorial. Mr. Dennett, a Californian, considers the appointment of a public defender merely a multiplication of officials that does not better the situation. All the literature on the subject which is available has failed to alter his opinion; like the man from Missouri "he remains to be shown." The editorial, commenting, replies that "our entire trial system, civil and criminal, is based on

the idea that truth will best emerge from the conflict of rival partisans" and offers no hope that the public defender will be eliminated in California for some time to come.

Do we need a public defender? Bench and Bar, June, 1914, v. 9, n. s.:52-54.

Same article in Chicago Legal News, Aug. 8, 1914, v. 47:8-10; Canadian Law Times, Aug., 1914, v. 34:757-760.

Bench and Bar in this editorial argues against the necessity of a public defender mainly for the reasons that: Under existing conditions, the rights of defendants are taken care of; were a public defender established, his duty would be to the accused and not to the people. "seeking an acquittal by whatever means he finds available."

Forster, H. A. In re the public defender. Law Notes, Aug., 1915, v. 19:100.

Mr. Forster charges in this correspondence that the public defender idea is merely a plank from the Socialist platform for the "free administration of justice" and that "Professor Maurice Parmelee is the father of this plank."

— Forster, H. A. Public defender: duty to furnish technical defense. Journal of Criminal Law and Criminology, Nov., 1916, v. 7:592-594.

Same article in Law Notes, Nov., 1916, v. 20:159-160; Lawyer and Banker, Dec., 1916, v. 9:371-372.

Mr. Forster questions if any other nation has constitutional provisions which give "shelter to the guilty." Quotes ex-President Taft on the "result of lax administration of law in this country" and presents statistics showing the enormous number of unpunished crimes in the United States as compared with Europe. Gives his opinion that a public defender's duty would necessitate a "strenuous and technical defense and the use of any possible technicality to defeat the district attorney."

Knell of the public defender. Bench and Bar, Nov., 1914, v. 9, n. s.:287-288.

Expresses decided approval of the Report of the Sub-Committee of the New York County Lawyers' Association's Committee on Courts of Criminal Procedure. Considers the agitation in favor of a public defender as a further evidence of the "sob" stuff presented to the public by sentimental reformers.

Public defender fallacy. Bench and Bar, June, 1915, v. 10, n.s.:51-53.

An editorial which satirizes the advocates of the public defender idea and suggests that a public jail breaker might also be provided for the unfortunate.

Public defender question. Bench and Bar, July, 1914, v. 9, n. s.:100.

Editorial which contends that, contrary to Mr. Goldman's arguments in Further views on the public defender question, such an official is unnecessary because: (1) The practice of the Criminal Court would sooner allow ninety-nine guilty to escape rather than unjustly

punish one innocent person; and (2) The maintenance of such an office as public defender would be a drain on the finances of the counties.

Public defenders. National Corporation Reporter, April 1, 1915, v. 50:346.

Concludes that as the Committee on Criminal Procedure of the New York County Lawyers' Association adversely reported on the public defender idea, other lawyers in lesser contact with criminal law administration should hesitate before advocating the establishment of such an official.

Report on the public defender question, adopted by the New York County Lawyers' Association's Committee on Courts and Criminal procedure, disapproving the suggestion that the office of public defender be created in New York. Bench and Bar, Nov., 1914, v. 9, n. 5:309-319.

Same report in Chicago Legal News, Dec. 12, 19, 1914, v. 47:151-152, 154.

Shukers, C. D. Free justice. In Kansas Bar Association. Proceedings. 1916. Pp. 81-90.

The writer considers that serious thought should be given to the criticism launched against the defects in the judicial system, to decide on the truth of such strictures. His own opinion, however, is that in Kansas, certainly, the lawyers live up to the oath taken on their admission to the bar. In that state there is no need of a public defender, and he considers such a scheme is purely socialistic.

Smoot, H. E. Public defender: a constructive suggestion. Journal of Criminal Law and Criminology, Feb., 1920, v. 10:617-618.

While in favor of the establishment of such an official, Mr. Smoot questions the advisability of his appointment at the present time, under existing conditions of unrest.