Title: 6th Amendment: Indigent and the Right to Counsel

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Abstract:

Attorneys are vital players when defending individuals facing criminal charges. The actions of an attorney can either make or break a case, and have lasting impacts on their clients. Although some people choose to act “pro se” as their own attorney, a lot more people rather have an attorney appointed to them by the courts if they cannot afford to hire their own. This is a sensible thing to do because a lot of the knowledge possessed by attorneys includes things that the common citizen might not know without being formally trained. Attorneys are important at all stages of the criminal trial process.

The U.S. Constitution outlines what rights every citizen of the country is guaranteed. Nowhere in the Constitution is there an exception that disqualifies individuals due to race, gender, social class or any other socially constructed divisor. One of those rights is the right to an attorney. Although the Constitution afforded these rights to individuals, it did not determine or mandate a particular way that counsel would be provided; thus leaving it up to the each state to determine how they would go about securing the defense attorneys. This has led to the use of three appointment methods: public defender, appointed counsel, and contract systems. This paper will focus on the right to an attorney; guaranteed by the sixth amendment. More specifically, I will examine the three types of counsel available to indigent offenders, their efficacy in the administration of justice and the pros and cons of each system. I will then argue why the public defender’s office is the most effective way in providing indigents with assistance. Towards the end of this paper, I will suggest some changes that could be made in order to make the Public Defenders Office more effective in defending indigents cause.