

Your right to be represented by an attorney

Written by Karen Mohrlant
Tuesday, 19 August 2014 15:49



A person who has been charged with a crime has the right to be represented by an attorney. This includes the right to hire an attorney of your choice (if you can afford it), or to have a public defender appointed to represent you (if you are unable to afford to pay for an attorney). Unfortunately, the financial realities of obtaining defense counsel are much more complicated, and leave many people – especially people of modest or limited means – wondering whether hiring an attorney is worth it.

Benefits of Representation

A good criminal defense attorney has specialized knowledge of the law and the court system. Your attorney can analyze the facts of your case, and may find issues you did not know were there. A good defense attorney also has experience, and can advise you of what to expect and what you can do to try to secure the best possible outcome for your case. Your attorney is also your advocate with the prosecutor, the judge, and probation. Your attorney can work for the outcome that is best for you, based on your needs and priorities. The more serious the charges, the more important it is to have legal representation.

It is also important to recognize that any criminal charge can carry out of court consequences. For example, it may impact your ability to get a new job or housing. It can affect your drivers license, your eligibility for a student loan or government benefits, and your right to possess a firearm. If you are a noncitizen, it can impact your right to be in or to return to this country. A good criminal defense attorney may be able to help you avoid some of these out-of-court consequences.

The Challenges of Representation

Many low- and moderate-income people do not qualify for a public defender, but would find it a significant hardship to come up with the money to hire a private attorney to represent them. Such people may – reasonably – wonder whether hiring an attorney is worth the cost, especially for misdemeanor cases. Specifically, they wonder whether having an attorney will change the outcome, or change it enough to justify the expense. Some people may hire an attorney, and later wonder whether they chose the right attorney. Unfortunately, hiring a new attorney to take the case is even more expensive.

While most public defenders are very good attorneys, some individuals find they do not like or

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trust their particular attorney. At the same time, they may question whether hiring a different attorney will change the result.

Alternatives to Full Representation

Although this is not often done, it is possible to hire an attorney to review your case without representing you in court. Just like you might get a second opinion before undergoing a major medical procedure, before agreeing to major vehicle repairs, or before deciding whether to undertake home repairs on your own, you can get a second opinion or review of your criminal case. If you do not have an attorney, this review can help you determine whether it would be worth the costs in your particular case to hire one. If you decide not to get an attorney, it will put you in a better position to represent yourself. If you do have an attorney but are not satisfied with the representation you are getting, it can help you decide whether to hire a different attorney.

The right to representation by an attorney is guaranteed by the Constitution to anyone charged with a crime. Taking full advantage of that right can be difficult and expensive. It is important to understand all of your options, and if you have further questions, to contact an experienced criminal defense attorney.

Karen Mohrlant is an attorney practicing primarily criminal defense with the law firm F. Clayton Tyler, P.A (www.fctyler.com). F. Clayton Tyler, P.A. is now offering case review/second opinion services for criminal cases. They can be reached at 612-333-7309.