

Module 4: Public Defender vs Private Representation

Objective: Teach clients the real difference without sounding arrogant or dismissive

This is one of the most sensitive parts of the intake process. A lot of clients are considering using a public defender, either because they think it's free or because they don't understand what the tradeoffs are. If you attack public defenders or talk down about them, you sound like a salesman. If you stay silent, you miss the chance to explain why hiring a private firm might be the better option.

The key is balance. Respect the role of the public defender while calmly explaining the limitations that come with it. You're not trying to scare them. You're giving them a clear, logical reason to invest in their own defense.

Here's the framing

"There are some great public defenders out there. But you don't get to choose who you get. That's the real issue. It's the luck of the draw. And even the good ones are buried in cases. They might have 200 files on their desk. It's not about whether they care, it's about whether they have time"

That's a fair, honest explanation. You're not saying public defenders are bad. You're saying the system is overloaded and they're stretched too thin to give every case the attention it deserves.

Here's how to frame your firm's role in contrast

"When a private firm takes a case, our reputation is tied to that result. Whether the case is big or small, we treat it like it matters. We have to. Our business runs on outcomes. We don't wait for the court to push things forward. We build the strategy from day one"

That positions you as proactive. It shows value without trashing anyone.

Analogies that work well

"Using a public defender is like showing up to the hospital and getting whichever doctor's free. Hiring a private attorney is choosing your surgeon after reading reviews and checking their results"

"It's the difference between riding the bus and having a driver who works for you"

"It's not about whether they're good or bad lawyers. It's about access. A private attorney gives you access to time, focus, and strategy that a PD just doesn't have the capacity for"

What to avoid

Don't say things like "you get what you pay for"

Don't call PDs lazy, careless, or overworked

Don't pretend you're better. Show that your *process* is different

You can be confident without being cocky. The tone is calm, thoughtful, and grounded in logic.

If the client still leans toward using a public defender, don't fight them. Just plant the seed.

"Totally understand. You should absolutely take advantage of that option if it works for you. But if it starts to feel like things are getting missed or rushed, we're here. Just keep our info in case you decide to get a second opinion"

That leaves the door open. No pressure. No pitch. Just professionalism.