



RIGHT
TO
COUNSEL

6TH AMENDMENT

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

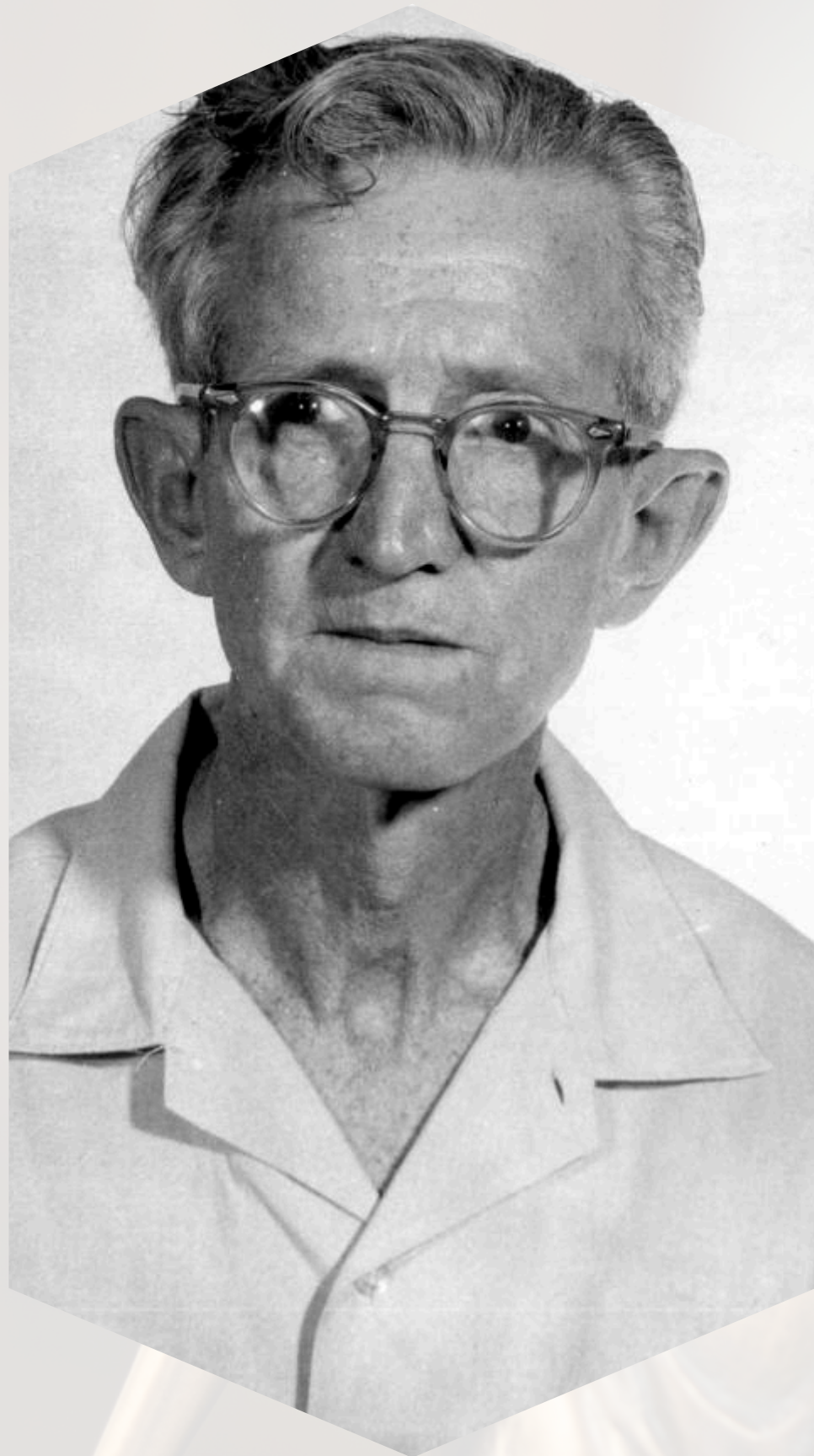
What rights are provided in this amendment?

- Speedy and Public Trial
- Impartial Jury
- To be informed of the charge/accusation against you
- Confront witnesses against you
- Compel a witness to appear in your defense
- Right to legal counsel

What is the purpose of this amendment?



GIDEON V. WAINWRIGHT (1963)



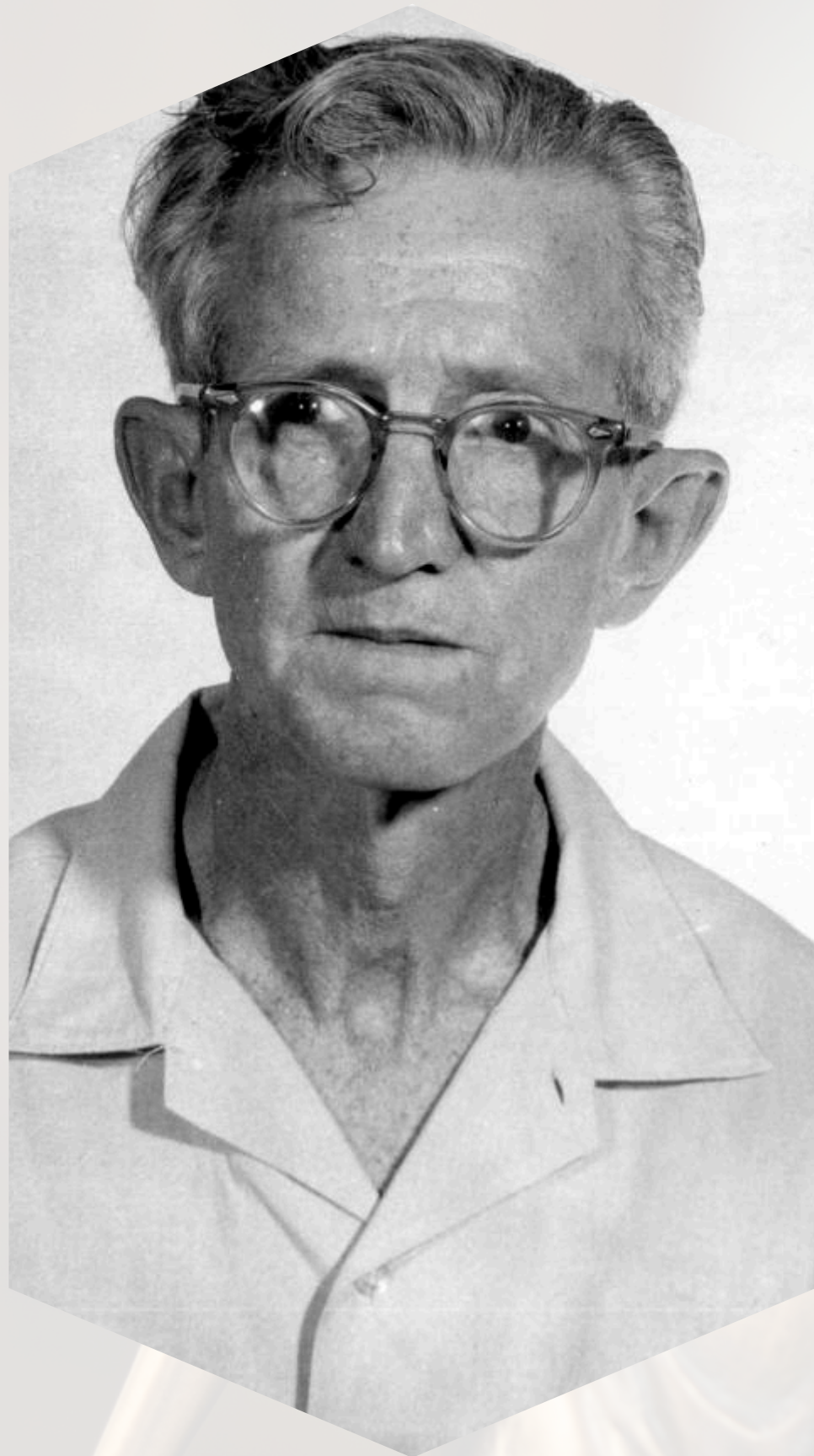
The Problem:

Before *Gideon v. Wainwright*, some states didn't provide lawyers for people who couldn't afford them, especially in non-capital cases (cases not punishable by death). This meant that poor people were at a disadvantage in court and might not have been able to defend themselves properly.

The Case:

Clarence Earl Gideon was charged with a crime and couldn't afford a lawyer. He represented himself in court and was found guilty. He then argued that this was unfair because he didn't have the benefit of a lawyer to defend himself.

GIDEON V. WAINWRIGHT (1963)



The Supreme Court's Decision:

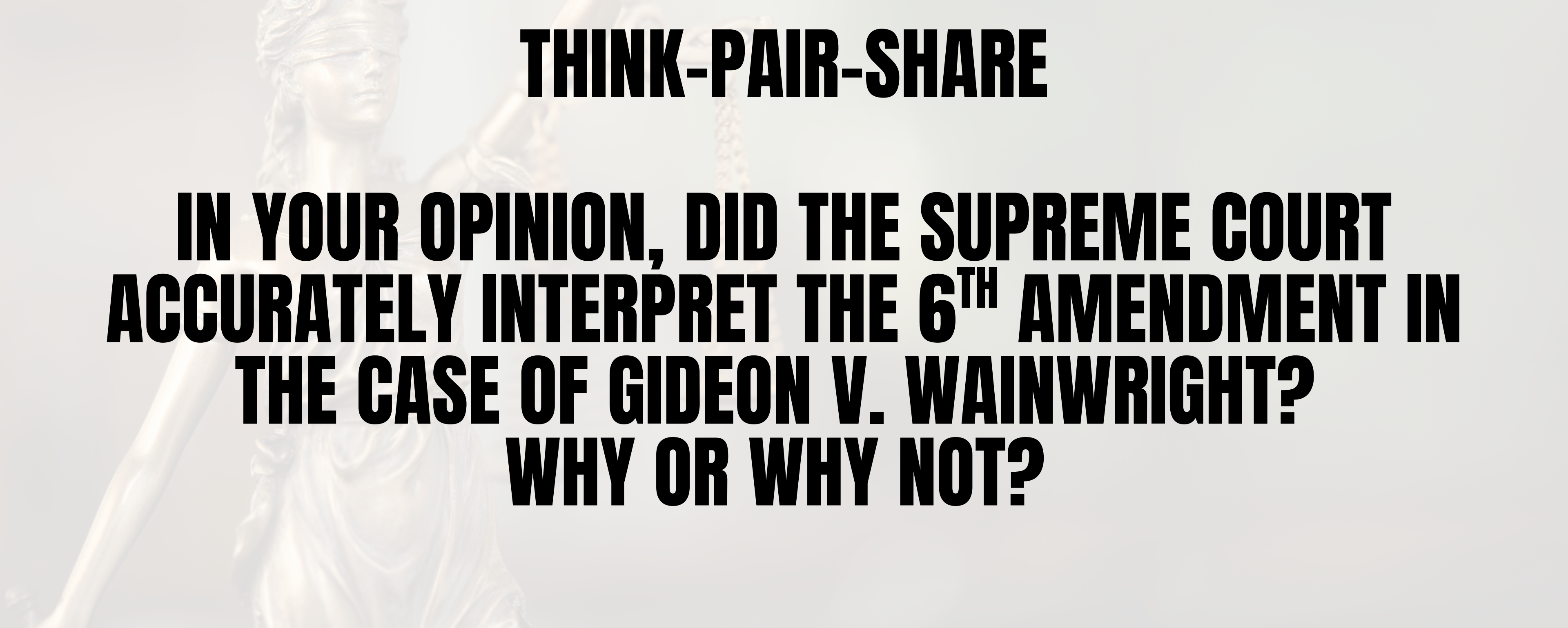
The Supreme Court agreed with Gideon. They said that the Sixth Amendment, which guarantees the right to counsel in criminal cases, applies to all states. This means that states must provide lawyers for people who can't afford them.

Why it Matters:

Gideon v. Wainwright is important because it ensures everyone has a fair chance in the justice system, regardless of their financial situation. It ensured that poor people had the same legal protections as the rich.



THINK-PAIR-SHARE



**IN YOUR OPINION, DID THE SUPREME COURT
ACCURATELY INTERPRET THE 6TH AMENDMENT IN
THE CASE OF GIDEON V. WAINWRIGHT?
WHY OR WHY NOT?**

LET'S LOOK AT SOME FAMOUS LAWYERS AND SEE HOW THEY DID?



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DISCUSS:



**IF YOU RECEIVED A COURT APPOINTED ATTORNEY,
WHICH ONE OF THESE WOULD YOU HAVE WANTED? WHY?**

**GHOSTBUSTERS LAWYER
COUSIN VINNY LAWYER
LEGALLY BLONDE LAWYER**

EFFECTIVE V. INEFFECTIVE COUNSEL



 **Alexander Shunnarah**
PERSONAL INJURY ATTORNEYS

Effective counsel refers to the constitutional right of individuals charged with crimes in the United States to receive competent legal representation.

Ineffective counsel can occur due to various factors, including conflicts of interest, restrictions imposed by judges, or a lack of competence in handling specific cases.

- Does losing a case make the representation ineffective?

STRICKLAND V. WASHINGTON (1984)



The Problem:

The Sixth Amendment does not specify the level of competence required from the lawyer. This raised a question: How can it be determined if a lawyer's poor performance means someone didn't get a fair trial?

The Case:

David Washington was accused of murder in Florida. He confessed and pleaded guilty to all charges. During sentencing, his lawyer, William Tunkey, did not present evidence about Washington's background or emotional state. The lawyer believed it would not make a difference and might allow the prosecution to present more evidence against Washington. Washington received the death penalty. He appealed, claiming his lawyer did not do an effective job during sentencing, and he should get a new sentencing hearing.

STRICKLAND V. WASHINGTON (1984)

The Supreme Court Decision:

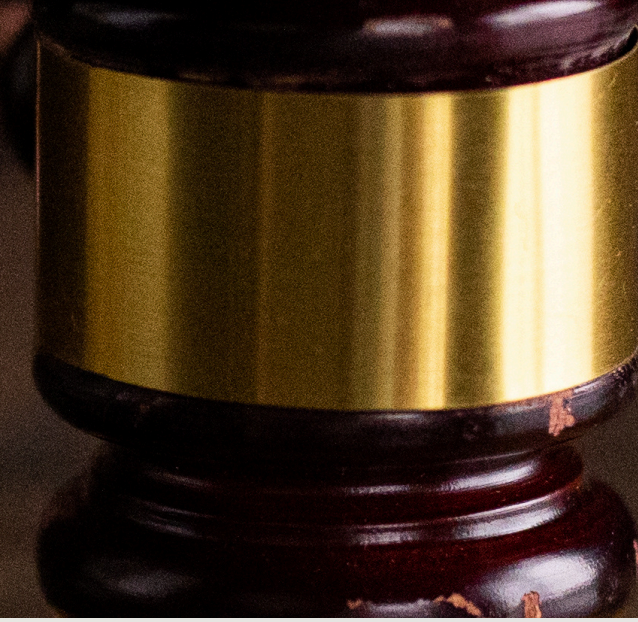
The Supreme Court sided against David Washington. It also created a two-part test to determine if counsel is ineffective enough to violate the Sixth Amendment.

1. **Deficient Performance:** Did the lawyer's actions fall below what a reasonable and competent lawyer would do in a similar situation?
2. **Prejudice:** Did the lawyer's poor performance actually harm the defendant's case? Is there a reasonable probability that the outcome of the trial or sentencing would have been different?

The Court decided that both parts of this test must be met to show ineffective counsel.

Why It Matters:

- Sets a standard: It created a clear standard for courts to follow when deciding if a lawyer's representation was ineffective.
- Strikes a balance: It balances the need for fair representation with the reality that lawyers are human and sometimes make mistakes.



WHOLE CLASS DISCUSSION QUESTION:

**WHAT DOES EFFECTIVE LEGAL REPRESENTATION
LOOK LIKE?**

