

Interactive Notes: 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.*
- Think-Pair-Share (jot down your response): What rights are provided in this amendment?
- Class Discussion: What is the purpose of this amendment?

Gideon v. Wainwright (1963)

- The Problem:
 - Before Gideon v. Wainwright, some states didn't provide _____ 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 _____ 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 _____ 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 _____ himself.
- The Supreme Court's Decision:
 - The Supreme Court _____ with Gideon. They said that the Sixth Amendment, which guarantees the right to counsel in _____ cases, applies to all states. This means that states must _____ lawyers for people who can't afford them.
- Why it Matters:
 - Gideon v. Wainwright is important because it ensures everyone has a _____ chance in the justice system, regardless of their _____ situation. It ensured that poor people had the same legal _____ as the rich.
- Think-Pair-Share (jot down your response): In your opinion, did the Supreme Court accurately interpret the 6th amendment in the case of Gideon v. Wainwright? Why or why not?

In the following table, jot down how well you think each lawyer is doing in the clips provided.

Clip 1 – Ghostbuster Lawyer	Clip 2 – Cousin Vinny Lawyer	Clip 3: Legally Blonde Lawyer

- Think-Pair-Share (jot down your response): If you received a court appointed attorney, which one of these would you have wanted? Why?

Effective v. Ineffective Counsel

- Effective counsel

- Ineffective Counsel

- Whole Class Discussion (jot down your response): Does losing a case mean the representation was ineffective? Why or why not?

Strickland v. Washington (1984)

- The Problem
 - The Sixth Amendment does not specify the level of _____ 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 _____?
- 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 _____ about Washington's background or emotional state. The lawyer believed it would not make a difference and might allow the _____ to present more evidence against Washington. Washington received the death penalty. He appealed, claiming his lawyer did not do an _____ job during sentencing, and he should get a new sentencing hearing.
- The Supreme Court Decision
 - The Supreme Court sided _____ David Washington. It also created a two-part test to determine if counsel is ineffective enough to violate the Sixth Amendment.
 - _____ Performance: Did the lawyer's actions fall below what a reasonable and competent lawyer would do in a similar situation?
 - _____: 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 _____.
- Why It Matters
 - Sets a standard: It created a clear _____ 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 _____.
- Whole Class Discussion (jot down your response): What does effective legal representation look like?