

'A Fool for a Client': Print Portrayals of 49 Pro Se Criminal Defendants

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Summary

In recent decades, prominent media coverage of self-representation by several notorious criminal defendants has reminded the public that in the United States, an accused person has a right to serve as his own lawyer, even if this means he has "a fool for his client." The vast majority of criminal defendants retain counsel or have lawyers appointed for them, but the limited available evidence suggests that requests for self-representation may not be rare. Although scholars have devoted considerable attention to the theoretical issues and problems created by criminal defendants who represent themselves, our 1999 searches of several databases found no published article that describes, categorizes, or evaluates information on a group of pro se criminal defendants at the time of their trials.

In this study, we used information from more than 2,700 articles in the LEXIS "U.S. New, Combined" database to produce what we believe is the psychiatric literature's first characterization of a group of pro se criminal defendants. The Tables on the following pages summarize our samples characteristics and other findings.

Many persons in our sample had reasons for self-representation that did not seem pathological: dissatisfaction with one's present lawyer, a belief that one could do as well without attorney representation, objections to the lawyers' plans, and sometimes-effective strategic reasons. Most persons who want to represent themselves are not overtly "kooky," however peculiar or unusual their desire to defend themselves may be. Thus, persons who write about pro se defendants (including academics and news reporters) should consider other views of self-representation besides the knee-jerk "fool for a client" assumption that often predominates reporting and scholarly discourse. However, our finding that many pro se defendants had odd beliefs or behavior means that when a criminal defendant asks to represent himself, the trial judge should wonder whether the defendant has a competence-impairing mental condition.

We hope that other clinicians and researchers will evaluate the hypotheses we put forth in this article and make other efforts to investigate a heretofore unstudied topic in mental health law.

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Demographic characteristics

Age	Mean ± SE	42.9±14.9 yrs
	Median	42 yrs
	Range	18 - 75 yrs
Sex	Men	47
	Women	2
Occupation	Attorney	4
	Other Professional	6
	Unemployed	3
	"Hitman"	1
	Serial Killer	1
	Prison inmate	1
	Student	2
	Businessmen	3
	Transient	3
	Other	7
	No information	18
Education	Postgraduate	10
	13-16 years	5
	High school	2
	< 12 years	4
	No information	28

Trial information

Types of Charges	
Homicide	17
Stealing	10
Threats	8
Assault	7
Drug charges	6
Fraud or bribery	6
Sex offenses	5
Driving offenses	4
Other	20
Verdicts	
Guilty	39
Acquitted on all charges	4
Charge dismissed	3
Lesser included offense	5
Hung jury	2
NGRI	1
Motives for self-representation	
Eccentric	16
Personal	19
Ideological	4
Not enough info	10

Mental Health Issues

Reported history of mental illness	9
Competence to stand trial evaluation	6
Criminal responsibility evaluation	2
Other mental health evaluation	10
News report of odd behavior at trial	17

Defendants' Reasons for Proceeding Pro Se

Thought he could do as well as or better than attorney	5
Not satisfied with lawyers' performance	5
Principled political positions or views	4
Strategic reasons	3
Believed lawyers were part of conspiracy	3
Generally low opinion of lawyers	2
Objected to attorney's raising insanity plea	3
Did not want charges to be contested	2
Could not afford another lawyer	1
Pursuing litigation was defendant's hobby	1
No reason reported	26

Potential Advantages of Pro Se Representation

- Defendant could directly confront and cross-examine accuser
- Introducing information at trial without being cross-examined
- Establishing rapport with jurors
- Jurors get to know and understand pro se defendants more than attorney-represented defendants
- Unique understanding of the law concerning charge or details related to cases may give advantage when questioning witnesses
- Non-lawyer pro se defendants may receive greater latitude in their behavior and questioning than would defense lawyers

Potential Limitations of Our Study

- Our sample may have over-emphasized cases that were attention-getting because they involved off-beat behavior, notorious defendants, sensational offenses, or acquittals
- Reporters also may not be skilled at discerning signs of possible mental problems
- Descriptions of defendants' reasons for choosing self-representation came from what reporters heard defendants tell others, not what the defendants would have said had they been queried by reporters about their decisions
- "Chance error"
- A single three-year time period