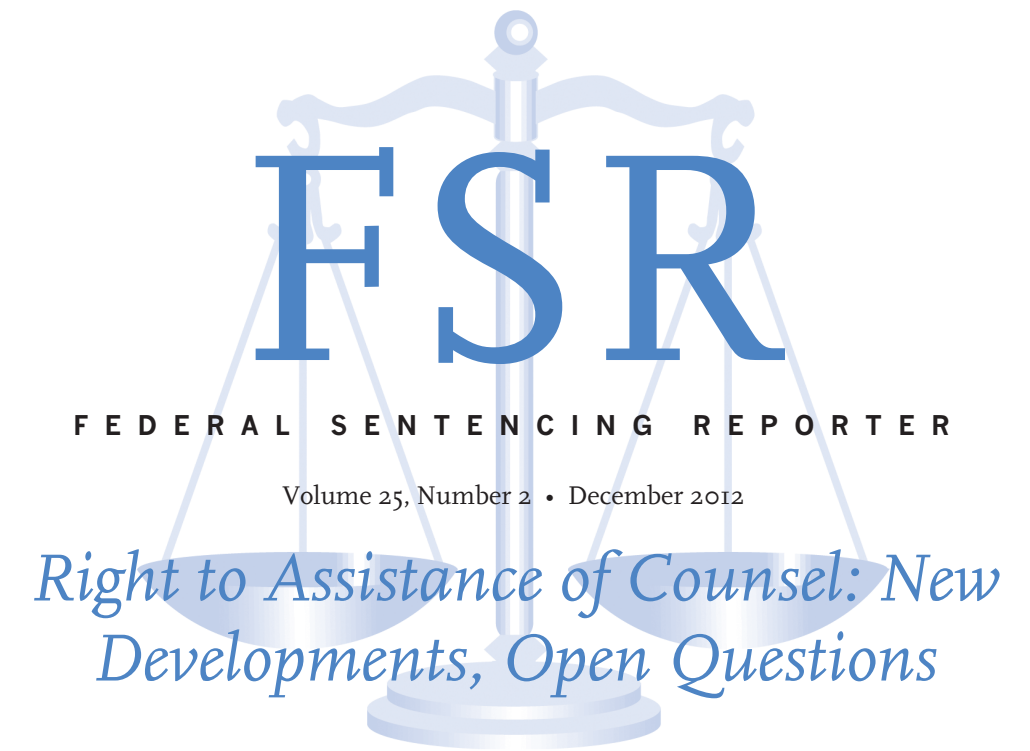


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**EDITORS' NOTES**

In our bargaining-driven system of criminal justice, it almost goes without saying that agreements between prosecutors and defendants often exercise a crucial—even determinative—influence over the bottom-line results in criminal cases. Sentencing was thus an important subtext earlier this year when the Supreme Court issued a pair of eagerly awaited decisions on the constitutional right to effective assistance of counsel in plea negotiations.

In *Lafler v. Cooper* and *Missouri v. Frye*, the Court reaffirmed, and perhaps even modestly expanded, the right to competent representation in plea bargaining. However, the Court also left many questions unanswered and raised doubts about the practical availability of a remedy when a defendant does receive substandard assistance.

The Court's equivocation in *Lafler* and *Frye* echoes its long history of mixed messages on the right to counsel. Of course, when it comes to the branches of government that actually fund counsel for indigents, "equivocation" would be a generous characterization.

This issue of *FSR* explores both the Supreme Court's recent ineffective assistance cases and the broader challenges of underfunded indigent defense. Eight leading criminal procedure scholars provide short commentaries on various aspects of *Lafler* and *Frye*, while four additional articles consider funding issues and other dimensions of the right to counsel.

In many cases, just punishment requires effective advocacy on behalf of the defendant at the plea bargaining and sentencing stages. All too often, the lawyers for poor people come up short. Many of the contributors to this issue find in *Lafler* and *Frye* hopeful signs that the Supreme Court may begin to address the problem more effectively. Yet, other contributors highlight the daunting scope of the problem and the institutional constraints on what the Court can accomplish. Building understanding in the political sphere of the importance of defense counsel to fair, cost-effective sentencing remains a critical task.



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