

**OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER
STRATEGIC PLAN
FY2010**

1. MISSION

Upon appointment by an Idaho district court, and within its jurisdiction as defined by Idaho Code § 19-870, the Office of the State Appellate Public Defender (SAPD) will provide representation for indigent defendants in felony criminal actions in the following cases: appeals from felony convictions in district court, appeals from the district court in post-conviction relief proceedings brought pursuant to the uniform post-conviction procedure act, Chapter 49, Title 19, Idaho Code, appeals from the district court in habeas corpus proceedings brought pursuant to Chapter 42, Title 19, Idaho Code, post-conviction relief proceedings in district court in capital cases and the subsequent direct appeal in the capital case.

The Office of the SAPD must provide legal service that first and foremost serves the best interest of the clients. However, that obligation must be balanced with the obligation of the agency head to be accountable to the relevant constituent groups. The Office of the SAPD is committed to strengthening the voice of, and resources available to, the Idaho indigent defendants and Idaho public defenders.

2. VISION

The Office of the SAPD was created in 1998. During FY05, the appointed agency head assessed the structure, management and quality of service provided and noted some deficiencies in an internal audit. To provide a more objective analysis, during FY06, the SAPD hired an outside agency to perform an audit on the structure, management and quality of service provided by the SAPD. The report was available and disseminated in July, 2007. The SAPD intends to address the noted deficiencies or problems identified by the audit.

Deputy SAPD's will continue to engage in a legal practice that comports with national standards and expectations of defense counsel. Whether the task is capital litigation or non-capital appellate work, the Office of the SAPD is strongly committed to providing all staff, including the support staff, with the knowledge, training, and skills necessary to effectively represent the indigent defendant. The Office of the SAPD will continue to run a technology-based, team-oriented, efficient law office. The Office of the SAPD will continue to implement a flexible schedule encompassing telecommuting and wireless internet access that will promote productivity and increase morale. The Office of the SAPD envisions improving the Internet site, which will inform and instruct defense attorneys and facilitate communication with the staff of the Office of the SAPD.

More and more frequently, the Office of the SAPD serves as a resource for the defense bar, particularly the Idaho public defenders, on trial and appellate issues, thus, the Office of the SAPD should also begin training these public defenders to improve the quality of service and increase the efficiency of the criminal justice system. The Office of the SAPD will strengthen its ties with the Idaho State Bar, providing and participating in continuing legal education to the Idaho legal community. The Office of the SAPD is committed to promoting responsible government and becoming a valuable member of its immediate community and the State of Idaho.

GOAL ONE: To comply with the standards for public defender offices as established by the American Bar Association and the National Legal Aid and Defender Association for law office management.

OBJECTIVES	PERFORMANCE MEASURES/TARGETS	BENCHMARKS	EXTERNAL FACTORS	ACHIEVEMENT OF FY09 GOALS	CHANGES FOR FY10
Identify and resolve the deficiencies, if any, of the Office of the SAPD's structure, management and performance when compared to national standards. ¹	100% resolution with of deficiencies.	25% by end of FY07 50% by end of FY08 75% by end of FY09 100% by end of FY10	The SAPD audit, released in FY07, indicated that the SAPD needed additional attorneys to manage its caseload, either through full-time, in-house positions or through contracts.	The Audit was released following its completion in July, 2007.	To address the staffing deficiency, the SAPD requested two (2) additional attorney positions and one (1) administrative position. The Governor recommended two (2) attorney positions. This request was rejected by the legislature. The SAPD is now working with some private attorneys to carry some of the excessive caseload; the SAPD will work with the Governor's office and members of the private bar prior to again requesting FTE's for this problem in FY10.
			Funding: The deficiency noted by the Audit (caseloads are too high) requires additional staff and funding to implement, thus preventing completion unless an additional appropriation is made.	Because the ability to adequately staff the SAPD is an external factor and the legislature denied the request for any additional permanent FTE's, the SAPD is examining ways it can address the caseload issue.	See above.

¹ See www.nlada.org/defender/defender_standards and www.abanet.org/crimjust/standards.

Goal Two: To become an information center for public defenders, the bar, the public, the courts, and the counties served by the Office of the SAPD.

OBJECTIVES	PERFORMANCE MEASURES/TARGETS	BENCHMARKS	EXTERNAL FACTORS	ACHIEVEMENT OF FY09 GOALS	CHANGES FOR FY10
To increase communication with the public defenders, the bar, the courts, the general public, and counties in order to substantially increase the constituencies' awareness of the value of the Office of the SAPD.	Website 100% complete.	Completion date of December 31, 2006	Workload of individual creating website may be too heavy to meet deadline depending on new cases coming in.	Website is completed and up and running.	None
	On-going CLE's taught to constituents in a variety of contexts.	100% achievement each Fiscal Year. Select specific CLE's that are targeted to the constituency.	Interest/availability of public defenders and court personnel to attend a CLE. Funding had to be diverted from this project to handle caseload issues.	The SAPD participated in several CLE's, including the Juvenile Justice Commission's Boot Camp, allowing the SAPD to reach a larger audience. By partnering with other State entities, for example, the Juvenile Justice Commission, the SAPD was able to provide some CLE training to judges, prosecutors and public defenders.	None
	100% attendance on at least 2 court sponsored committees in each of the next 4 fiscal years.	100% achievement each Fiscal Year.		100% achieved. The SAPD has consistently participated in drug court coordinating committee, the Appellate Rules Committee, the Rules of Evidence Committee, the Criminal Justice Commission and others. As a specific example, the SAPD is chairing the subcommittee that is recommending the changes to the VSP legislation.	None
	Have at least 20% of the staff attorneys volunteer for Law Day activities.	Reviewed annually and with a 5% increase in participation for each fiscal year. FY07 20% FY08 25% FY09 30% FY10 35%	Interest / availability of staff attorneys to participate in law day.	This year, 3 attorneys (14%) volunteered for law day. One of the lawyers participated in an Oral Argument at a local high school before the Court of Appeals and a Supreme Court argument at the University of Idaho College of Law..	We are significantly hindered in achieving this goal by the workload. However, public service is an important part of our work. The SAPD will work harder to insure more staff participate in legal education activities.

Goal Three: To determine the feasibility of establishing a state-wide public defender system in the State of Idaho.

OBJECTIVES	PERFORMANCE MEASURES/TARGETS	BENCHMARKS	EXTERNAL FACTORS	ACHIEVEMENT OF FY09 GOALS	CHANGES FOR FY10
Study the indigent defense delivery system, including felonies and misdemeanors, adult and juvenile cases.	Completion date of March, 2010.	Obtain 100% of grant funding by March, 2007.	There may not be sufficient grant opportunities to cover the cost of the study. This would mean that the difference would have to be covered in another fashion or the study could not take place.	100% achieved. The Criminal Justice Commission has agreed to undertake this study, with National Legal Aid and Defender Association (NLADA) doing the field work and compiling the report. The NLADA provided 100% of the grant funding for this project.	None at this point. The FY09 changes will depend on the findings of the Audit and the will of the CJC.
		Consulting firm selected and hired – 100% complete by October, 2007.	There may not be a sufficient number of interested agencies to get a valid pool of applicants for the RFP.	100% completed by April, 2007.	None
		100% completion of study by March, 2009.	The site visits, compilation of data and completion of the report will be within the complete control of the Organization hired. These time frames may not comport with other obligations the Organization may have, resulting in a delay in the completion of the study.	Site visits begin August, 2007. The Auditors had visited all of the districts by August, 2009, which includes a study of the adult and juvenile systems.	None
		Select appropriate model by March, 2010.	Completion of this objective is dependent upon date by which we receive the Evaluation Summary.	A subcommittee was established in July, 2009, to evaluate the findings and begin making recommendations to address some of the concerns.	This will depend on the work of the subcommittee. It is not likely that an appropriate model will be selected by March, 2010. However, it is likely that some specific, “quick fixes” can be made to address the problems, providing more time to address the systemic issues.