

**OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER
STRATEGIC PLAN
FY2012**

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 services that first and foremost serve the best interest of the clients. However, that obligation must be balanced with the obligation of the agency to be accountable to relevant constituent groups. 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. While this audit is now five years old, because some of the deficiencies have not yet been remedied, the SAPD will continue to note those deficiencies until they are addressed or remedied.

Deputy SAPD's will 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 working with the Idaho Appellate courts to improve the methods by which appeals are processed, taking advantage of that technology that reduces the time and cost of current appeals. Electronic filing, long available in the federal court system, could improve the efficiency of the SAPD and reduce costs, allowing a re-allocation of those savings in an effort to continue to provide the best value for the money spent.

Because the SAPD serves as a resource for the defense bar, particularly the Idaho public defenders, on trial and appellate issues, the Office of the SAPD should also begin training these public defenders to improve the quality of service and increase the efficiency and fairness of the criminal justice system. The Office of the SAPD will strengthen its ties with the Idaho State Bar, as well as the legal education division at the Idaho Supreme Court, to develop a cohesive plan by which public defenders can be trained, resulting in a more efficient, and therefore, cost effective, appellate process. 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 FY11 GOALS	CHANGES FOR FY12
Identify and resolve the deficiencies regarding caseload, if any, for the Office of the SAPD as defined by national standards ¹ and the adjusted case weight established by the SAPD (33 points per staff attorney).	Reduce caseload to 33 points (workload) per staff attorney in the AU (current caseload is 51 units per attorney, including the CAU).	5% reduction by end of FY12 10% reduction by end of FY13 15% reduction by FY14 20% reduction by FY15	The number of cases to which the SAPD is assigned is determined by the district court. There is no mechanism by which the SAPD can withdraw from cases.	With the addition of the two attorneys, the caseload did decrease from 57 points per attorney to 51 points per attorney. However, caseloads are still above national guidelines and that reduction required the CAU to carry a caseload.	Continue to monitor the caseload and determine whether the caseload continues to decrease as the new attorneys become more efficient with their caseload.

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

	100% attendance on at least 2 court sponsored committees in each of the next 4 fiscal years.	100% achievement each Fiscal Year.		This goal was met in FY2011. The SAPD is involved in a few court-sponsored committees, which require input from the SAPD to address potential problems prior to policy changes.	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 following FY07. FY07 20% FY08 25% FY09 30% FY10 35%	Interest / availability of staff attorneys to participate in law day.	One staff member engaged in grading bar exams as her service to the bar. Given the cutbacks in FY11, we could not justify outside service.	This goal is being eliminated. While bar participation is important, there are other ways we can fulfill our obligation to the bar that more directly impacts indigent client representation.

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 FY11 GOALS	CHANGES FOR FY12
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 subcommittee has made significant progress in attempting to address the deficiencies identified by the NLADA. While the ultimate decisions about what will be recommended have yet to be made, the issue is being examined.	On-going participation in this group will be necessary.
		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	Site visits begin August, 2007. The Auditors had visited all of the districts by	None

			<p>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.</p>	<p>August, 2009, which includes a study of the adult and juvenile systems.</p>	
		<p>Select appropriate model by March, 2010.</p>	<p>Completion of this objective is dependent upon date by which we receive the Evaluation Summary.</p>	<p>A subcommittee was established in July, 2009, to evaluate the findings and begin making recommendations to address some of the concerns. The model for delivery of indigent defense services has tentatively been identified but needs significant development before it can be circulated to the ICJC.</p>	<p>Refine model, determine if the model addresses the concerns, provide information to ICJC for their suggestions.</p>