

## Part I – Agency Profile

### Agency Overview

The State Public Defense Commission (PDC) was established in 2014 as a means to improve the delivery of indigent legal defense services throughout the state. The mission of the Commission is to seek and preserve freedom for all by vigorously safeguarding Constitutional rights. In the words of Thomas Jefferson, “The price of freedom is eternal vigilance.” In that effort, the Commission seeks to:

- Serve as a clearinghouse of information for relevant stakeholders;
- Maintain standards to ensure that attorneys have adequate training and resources to fulfill their Sixth Amendment obligations;
- Promulgate rules for training and data collection; and
- Inform the legislature of any Sixth Amendment issues.

### Core Functions/Idaho Code

The Public Defense Commission was established with a clear mandate codified in Idaho Code §19-848 through §19-850. The Commission was established at the beginning of FY 2015.

The statutory mandate and authority of the PDC is clearly set forth in I.C. §19-850(a) and (b). The PDC has been charged with the following:

- (1) Promulgate rules with regards to
  - a. Training and continuing legal education requirements (CLE) for indigent defense attorneys, including criminal, capital, post-conviction, juvenile, abuse and neglect, civil commitments, and civil contempt;
  - b. Uniform data reporting requirements for the annual reports that indigent defense attorneys must submit to their county commissions and administrative judge, including caseload, workload and expenditures.
- (2) Make recommendations to the Idaho legislature regarding the public defense system (by January 20 of each year), including
  - a. Core contract requirements for counties to use when engaging services of private attorneys (including model contracts);
  - b. Qualifications and experience standards for indigent defense attorneys;
  - c. Enforcement mechanisms;
  - d. Funding issues, including for trainings, data collection and reporting, and handling conflict cases.

### Revenue and Expenditures

Revenue	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$300,000
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$300,000</b>
Expenditure	FY 2012	FY 2013	FY 2014	FY 2015
Personnel Costs	\$0	\$0	\$0	\$76,700
Operating Expenditures	\$0	\$0	\$0	\$111,500
Capital Outlay	\$0	\$0	\$0	\$9,200
Trustee/Benefit Payments	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$197,400</b>

**Profile of Cases Managed and/or Key Services Provided**

Cases Managed and/or Key Services Provided	FY 2012	FY 2013	FY 2014	FY 2015
MCLE Trainings for indigent defending attorneys.	--	--	--	The PDC was able to host and provide the following: (1) Idaho Juvenile Public Defender Training, 166.75 CLE credit hours for 23 defending attorneys, from 10 counties in 6 judicial districts; (2) Idaho Public Defender Summit, 1,895.25 CLE credit hours for 133 defending attorneys, from 37 counties in all 7 judicial districts; (3) Idaho Capital Defense Seminar, 240 CLE credit hours under ICR 44.3, for 32 defending attorneys from 13 counties in 6 judicial districts.

**Part II – Performance Measures**

Performance Measure	FY 2012	FY 2013	FY 2014	FY 2015	Benchmark
Engage in the negotiated rule-making process regarding training requirements for defending attorneys.	--	--	--	The PDC is on schedule to engage the rule-making process in June of 2016.	Submit negotiated rules for publication in October of 2016.
Propose legislation regarding minimum qualifications for defending attorneys.	--	--	--	Having already developed the minimum qualification standards as part of the suggested model contract terms, the PDC is on schedule to submit proposed legislation in 2016.	Present proposed legislation in January 2016.
Present substantive and relevant trainings for defending attorneys.	--	--	--	The PDC hosted and presented three trainings for defending attorneys, including juvenile and	Strive to allocate as much of the Trustee-Benefit payment as possible, and

				capital specific trainings. The PDC provided 2,302 MCLE credit hours at no cost to the 188 defending attorneys that benefited from the programs.	will attempt to reach 190 defending attorneys in FY 2016. The PDC has also scheduled FY 2016 and 2017 trainings to correspond to the IPAA conferences when courts will already be closed.
Propose qualifications for scholarships and trustee-benefit payments by temporary rule.	--	--	--	The PDC has drafted the proposed temporary rules, which are ready for discussion and adoption.	Final adopted rules will be in place by FY 2017.
Conduct National Association for Public Defense (NAPD) membership drive in summer and winter.	--	--	--	The PDC conducted two membership drives, joining 186 defending attorneys in December 2014 and 22 in July of 2015.	Increase NAPD membership in each successive year.
Create a web-page featuring remote-access CLE credit offered through NAPD.	--	--	--	The PDC is on schedule to provide remote access training for defending attorneys who have joined NAPD.	Have archived webinars available to defending attorneys by the end of FY 2016.
Strive to meet with defending attorneys and county commissioners in every county.	--	--	--	PDC representatives met with 9 of 10 institutional defender offices, along with defending attorneys in 12 other counties. Visits were also held with the commissioners	Finish visiting all institutional defender offices, and increase the number of county commission visits in FY 2016.

				of 3 counties.	
Provide counties with a suggested template report for use in annual reporting.	--	--	--	The PDC is ready to distribute a uniform report template for use by the counties at the end of the current county fiscal year.	Distribute annual report template to counties by October 1, 2015.
Engage in the negotiated rule-making process regarding the requirements for the statutory annual report for every defending attorney.	--	--	--	The PDC is on schedule to engage the rule-making process in June of 2016.	Submit negotiated rules for publication in October of 2016.

**Explanatory Note**

Due to the fact that the Public Defense Commission was established on July 1, 2014, the Commission was not operating under an existing formal Strategic Plan until June of 2015. Consequently, the FY 2015 performance measures are retrospective in nature and consider the functions of the Commission mandated by code along with the efforts made by the Commission to fulfill that mandate in its inaugural year.

**For More Information Contact**

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