

IDAHO STATE PUBLIC DEFENDER STRATEGIC PLAN

FY 2025 through FY 2028

MISSION

Provide holistic representation meeting the highest ethical and professional standards to protect the rights of people who cannot afford to retain counsel.

VISION

A fair and just legal defense system that values the humanity and dignity of all.

GOALS

FIRST GOAL: Provide Constitutionally Required Representation for Every Client

Objective 1: Implement Workload Standards for each institutional and contract public defender for all indigent defense cases.

Performance Measure: Institutional public defenders will be assigned to cases based on weighted public defense workload.

Benchmarks:

Beginning on October 1, 2024, the Case Management System (CMS) Coordinator will work with statewide staff to complete workload checks prior to assigning cases;

Beginning on October 1, 2024, institutional and contract public defenders will contemporaneously record and account for their work time and tasks in 1/10th of an hour increments in the CMS;

Beginning on October 1, 2024, case progress, weighted workload, time/task tracking and

related data will be reviewed by Managing Attorneys and District Public Defenders daily and immediately reported to the Litigation Director; and

Beginning on November 1, 2024, the Principal Research Analyst will make a monthly report about workloads to the SPD.

Objective 2: Implement Vertical Representation by each institutional and contract public defender.

Performance Measure: Following first appearances, each assigned attorney will provide continuous and personal representation through trial proceedings and preservation of right to appeal for each client in every case.

Benchmarks:

Beginning on October 1, assigned public defenders will inform the court of their unavailable dates to ensure they will be available to provide vertical representation for clients;

Beginning on October 1, assigned public defenders will seek continuances from the court for unforeseen situations that would prevent them from providing vertical representation;

Beginning on October 1, 2024, vertical representation and related data will be reviewed by Managing Attorneys and District Public Defenders daily and immediately reported to the Litigation Director; and

Beginning on November 1, 2024, the Principal Research Analyst will make a monthly report about vertical representation to the SPD.

SECOND GOAL: The Alternate Counsel Division (ACD) will contract with and assign conflict public defenders when the SPD is appointed to represent a client but is unable to due to a conflict of interest or other reason.

Objective 1: Ensure conflict cases are assigned to highly qualified contract public defenders.

Performance Measure: Recruit and contract with contract public defenders to provide high-quality, holistic indigent defense services to clients;

Benchmarks:

Beginning on October 1, 2024, ACD assigned contract public defenders will abide by SPD policies and the Idaho Rules of Professional Conduct as a contract term; and

Beginning on October 1, 2024, ACD assigned contract public defenders will participate in training or continuing legal education (CLE) as required by the SPD contract.

Objective 2: Evaluate the quality of holistic representation provided by ACD assigned contract public defenders.

Performance Measure: Use objective data and case reviews to ensure ACD assigned contract public defenders are meeting contract terms including all SPD policies and standards.

Benchmarks:

Beginning on October 1, 2024, case and weighted public defense workload will be regularly reviewed; and

Beginning in FY 2025, the ACD Director and staff will conduct annual reviews of CMS data and random samplings of cases handled by ACD assigned contract public defenders using objective ABA criteria and standards such as: 1) the quality, creativity and frequency of counsel’s motion practice; 2) the frequency of client contact, jury trial, use of experts and, contested hearings; and 3) the use of investigators, mitigation specialists and paralegals to deliver services in an efficient and cost-effective manner without sacrificing quality representation.

THIRD GOAL: Improve the Understanding, Effectiveness and Resourcing of Public Defense

Objective 1: Implement a statewide CMS to collect data about SPD cases and improve representation from appointment to end of the representation.

Performance Measure: The SPD will receive accurate and timely information and reporting via the CMS to support effective representation and necessary resourcing for clients.

Benchmarks:

Beginning on October 1, 2024, institutional and contract public defenders will enter all case information contemporaneously in the CMS;

Beginning on October 1, 2024, institutional and contract public defenders will contemporaneously record and account for their work time and tasks in 1/10th of hour increments in the CMS; and

By July 1, 2025, each Managing Attorney and District Public Defender will have full compliance within the office and district with the CMS policies and procedures.

Objective 2: Consolidate finance processes and reporting of public defense costs and needs of public in Idaho.

Performance Measure: The SPD will receive timely data and reports about the costs and needs in each office, district and division.

Benchmarks:

Beginning on October 1, 2024, all personnel, contract and vendor costs will begin to be collected and processed through the CMS and/or LUMA;

Beginning on October 1, 2024, the Principal Finance Specialist will make monthly reports to the SPD outlining the budget and expenditures for offices, districts and divisions.

FOURTH GOAL: Promote Excellence in Representation, Leadership and Administration through Interactive and Accessible Training to Public Defenders and Staff.

Objective 1: Understand the training needs of public defenders and staff.

Performance Measure: Seek input from public defenders, staff and partners to design effective in-person and virtual trainings and webinars beginning in September 2024.

Benchmark:

The Training & Projects Coordinator will request feedback for each training and encourage suggestions for programs and improvements.

Objective 2: Develop innovative and accessible training.

Performance Measure: Provide substantive legal training for public defenders and staff.

Benchmarks:

Beginning in Fall 2024, the SPD will continue The Montroy Series, a monthly virtual continuing legal education (CLE) program;

In May 2025, the Training & Project Coordinator will organize the SPD's first statewide training conference, Defender 2025, which will be held at Boise State University;

In August 2025, the SPD and NLADA will present the Darrell Bolz Defense College for institutional and contract public defenders and Idaho law students;

During 2025, the Training and Projects Coordinator will design the Mitigation Series to be presented in 2026; and

The Idaho SPD Learning Management System (LMS) will allow public defenders and staff 24/7 access to quality CLEs and relevant trainings at no charge.

Performance Measure: Provide leadership training for public defenders and staff.

Benchmarks:

In Fall 2024, the SPD Leadership Workshop will be held for managers and directors;

In Summer 2025, the SPD will host a Leadership Training for all SPD leadership; and

In Fall 2025, the SPD will begin Quarterly Leadership Workshops.

Performance Measure: Provide technical training for public defenders and staff.

Benchmarks:

Ongoing CMS Trainings will be held incorporating question sessions and collaboration with the CMS Coordinator and the CMS vendor, LegalServer; and

In September and October 2024, provide interactive Lexis Legal Research Training for public defenders and staff with question and practice sessions.

FIFTH GOAL: Promote Legal Excellence through Legal Research and Resourcing Assistance.

Objective 1: Design and build legal research options.

Performance Measure: Provide research tools for institutional and contract public defenders.

Benchmark:

Beginning on October 1, 2024, institutional and contract public defenders will have access at no charge to the Lexis online legal research platform for public defense cases; and

Beginning in Fall 2024, the Research & Resource Counsel will design brief/issue repository for implementation in 2025.

Objective 2: Develop resource lists and presumptive rates.

Performance Measure: Provide resource lists/assistance and presumptive rates for institutional and contract public defenders.

Benchmark:

Beginning in 2024, the Research & Resource Counsel will begin to develop lists of experts and providers relevant to public defense and assist institutional and contract public defenders with negotiations to secure those resources; and

Beginning in 2024, the Research & Resource Counsel will develop and continually update presumptive rates for experts and providers.

EXTERNAL FACTORS

In part, the goals of the strategic plan are dependent on 1) the number of public defenders and staff that transfer to state employment or contract with the SPD and 2) the appropriation by the Legislature to fund the new agency and 3) the ongoing class action lawsuit against the State of Idaho by the ACLU over the State's obligation to provide Constitutional representation under the Sixth Amendment of the United States Constitution and Article I, Section 13 of the Idaho Constitution. The SPD will revisit the strategic plan as necessary to ensure that Idaho meets its obligation to provide holistic representation meeting the highest ethical and professional standards to protect the rights of people who cannot afford to retain counsel.
