

Lawmakers look at public defense jurisdiction, records

By REBECCA BOONE, Associated Press

BOISE, Idaho (AP) — A group of lawmakers tasked with improving Idaho's public defense system is considering draft legislation that would clarify the jurisdiction of state appellate public defenders, track the workload of public defense attorneys and tweak the funding structure for some training events.

Some lawmakers also expressed interest in building a statewide public defense system that would offer counties a carrot — in the form of increased funding or other incentives — if they agreed to comply with certain public defense standards.

The Public Defense Reform Interim Committee considered the draft bills on Friday, as part of the state's ongoing effort to bring Idaho's patchwork public defense system up to constitutional muster. The current system — in which many counties contract public defense work out to private attorneys — has been widely criticized by legal experts for having low funding, high caseloads and no real requirements on attorney experience and training. In June, the ACLU filed a lawsuit on behalf of indigent defendants statewide, contending that Idaho officials have failed to take action to fix an unconstitutional system.

Sen. Todd Lakey, a Republican from Nampa and the co-chair of the Public Defense Interim Committee, told his colleagues that they can't just "chip away" at the problem.

"We need to start and get something moving for consideration as far as the big picture," Lakey said. "We need to make some decisions as to what this is going to look like."

Both Lakey and co-chair Rep. Christy Perry, also a Republican from Nampa, expressed interest in modeling Idaho's system after the approach taken in Michigan and Indiana, possibly distributing state funding to counties based on their compliance with public defense standards on caseloads, training and other issues.

"We really need to try not to shy away from the standards," Perry told the group, saying Idaho's lack of standards is the reason the committee was created in the first place.

Though the committee hasn't reached any agreement yet on whether any standards should be mandatory, how public defenders should be funded and what sort of training should be required on an ongoing basis, they did review draft legislation on a number of smaller issues.

One bill under consideration by the committee details what kind of caseload information public defenders would have to report to the state. Officials say that could help the state come up with good standards on what workload is appropriate.

Another bill clarifies that the state appellate public defender's office can represent criminal defendants on appeals regardless of whether they won or lost their claims in the lower court. A third draft bill would

give the State Public Defense Commission broader authority to use commission funds to train public defenders across the state.

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