

THE STATE OF IDAHO  
SUPREME COURT



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**REMARKS BY CHIEF JUSTICE ROGER BURDICK TO**  
**PUBLIC DEFENDER INTERIM COMMITTEE**  
**AUGUST 15, 2013**

I would like to thank the interim committee for inviting me to talk about the public defender system in the State of Idaho. My comments are based upon personal observations from having served as a public defender for four years in Gooding, Jerome, Lincoln and Camas Counties as well as a prosecutor in Ada and Jerome counties and now almost thirty-two years in the judiciary, twenty-two as a magistrate and district court judge and now ten years on the Supreme Court.

At the outset I want you to know that I fully support the Criminal Justice Commission's vision of key areas of study:

- The structure and organization of how Idaho will deliver its system of public defense
- How the system will be held accountable
- The standards and funding for training, and
- How best to provide on-going and stable funding to support Idaho's system of indigent defense.

Next, I would like to describe what a public defender's job entails. Our judicial system is a three-legged stool which depends on advocates for two sides – a prosecutor and a criminal defense attorney going to an impartial third party – the judge – who applies law to a set of contested facts. All three-legged stools are only as stable and useful for their intended purpose as the three legs. In Idaho's system of justice today, defense for the indigent is the weakest leg in the system. I am not in any way impugning the competence of the individual defenders but rather the system. Frankly, our system for the defense of indigents, as required by Idaho's constitution and laws, is broken.