Adherence of Public Defense Providers to ABA Ten Principles:

Perceptions, Benchmarks Achieved in Practice, Issues Encountered, and Technical Assistance Needs Emerging

December 31, 2014

VOLUME TWO

SUPPORTING MATERIALS

Caroline S. Cooper

With Editorial Assistance From:
Casey Boswell
Rafael Caballero
Jon Dell Isola
Andrew LaRose
Preeti Menon

This report was prepared under the auspices of the Bureau of Justice Assistance (BJA) Right to Counsel Technical Assistance Project at American University, Washington, D.C. This project was supported by Grant No. 2013-DB-BX-K003 awarded to American University by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the authors and do not represent the official position or policies of the U.S. Department of Justice.
## Contents

<table>
<thead>
<tr>
<th>Appendix A</th>
<th>ABA Ten Principles of a Public Defense Delivery System</th>
<th>A-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix B</td>
<td>Relevant Standards, Sample Forms and Website References Provided By Survey Respondents and Selected Additional Public Defense Office Materials</td>
<td>B-1</td>
</tr>
<tr>
<td></td>
<td>Eligibility/Application for Services</td>
<td>B-1</td>
</tr>
<tr>
<td></td>
<td>- Written Eligibility Guidelines/Rules</td>
<td>B-1</td>
</tr>
<tr>
<td></td>
<td>- Forms For Assessing/Determining Eligibility For Public Defense / Services</td>
<td>B-1</td>
</tr>
<tr>
<td></td>
<td>- Applications For Public Defense Services (including applications in multiple languages)</td>
<td>B-2</td>
</tr>
<tr>
<td></td>
<td>Caseload/Workload Information Available Online</td>
<td>B-2</td>
</tr>
<tr>
<td></td>
<td>Practice Standards</td>
<td>B-2</td>
</tr>
<tr>
<td></td>
<td>Client Focused Information (General information re legal rights, including FAQs on legal processes, information on rights when interacting with police, how to apply for a lawyer, checking the status of a case on line, etc.)</td>
<td>B-3</td>
</tr>
<tr>
<td></td>
<td>Additional Sample Materials in Multiple Languages</td>
<td>B-4</td>
</tr>
<tr>
<td></td>
<td>Websites for Public Defense Offices</td>
<td>B-4</td>
</tr>
</tbody>
</table>

| Appendix C | Survey Responses re Issues Being Addressed in Respondents’ Jurisdiction Relating to Adhering to the ABA Ten Principles as Reported By Respondents (By Principle) | C-1 |

### Principle One:
- **Survey Question:** Describe any specific issues that you believe need to be addressed regarding the independence of your public defense program/office
- **Survey Question:** Describe any specific issues that you believe need to be addressed regarding the diversity of your public defense program/office staff

### Principle Two:
- **Survey Question:** Describe any specific issues that you believe need to be addressed regarding the structure of or interaction between the public defense program(s) / office(s) in your jurisdiction
- **Survey Question:** Describe any specific issues that you believe need to be addressed regarding the funding of your public defense program/office

### Principle Three:
- **Survey Question:** Describe any specific issues that you believe need to be addressed regarding eligibility for public defense counsel
- **Survey Question:** Describe any specific issues that you believe need to be addressed regarding the notification of appointment to defendants
- **Survey Question:** Describe any specific issues that you believe need to be addressed regarding the timing of counsel’s entry into cases
Appendix C: Survey Responses re Issues Being Addressed in Respondents’ Jurisdiction Relating to Adhering to the ABA Ten Principles as Reported By Respondents (By Principle) (cont.)

<table>
<thead>
<tr>
<th>Principle Four:</th>
<th>C-19</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Survey Question: Describe any specific issues relevant to the ability of public defense counsel in your office/program to timely and confidentially confer with clients</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Principle Five:</th>
<th>C-21</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Survey Question: Describe any specific issues your office is dealing with relating to the control of workloads in your office/program</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Principle Six:</th>
<th>C-23</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Survey Question: Describe any specific issues relating to the matching of qualifications of public defense counsel in your office/program to the complexity of the cases they accept or receive</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Principle Seven:</th>
<th>C-24</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Survey Question: Describe any specific issues relating to the continuity of representation for clients in your public defense office/program</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Principle Eight:</th>
<th>C-25</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Survey Question: Describe any specific issues relating to parity of the public defense office/program with the prosecutor’s in your jurisdiction that you believe need to be addressed</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Principle Nine:</th>
<th>C-28</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Survey Question: Describe any specific issues regarding training or continuing education of attorneys in your public defense office/program that you believe need to be addressed</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Principle Ten:</th>
<th>C-29</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Survey Question: Describe any specific issues regarding the supervision or review of public defense attorneys in your office/program that you feel need to be addressed</td>
<td></td>
</tr>
</tbody>
</table>

Appendix D: Effective Practices Reported by Respondents Promoting Adherence to the ABA Ten Principles (By Principle) | D-1
---|---
| Principle One: | D-1 |
| • Survey Question: Describe any exemplary practices in your office/program that might be of interest to other programs/offices regarding the independence of your public defense/program |
Appendix D: Effective Practices Reported by Respondents Promoting Adherence to the ABA Ten Principles (By Principle) (Cont.)

**Principle Two:**

- **Survey Question:** Describe any exemplary practices that might be of interest to other programs/offices regarding the structure or interaction between the public defense program(s)/office(s) in your jurisdiction
- **Survey Question:** the funding of your public defense program office

**Principle Three:**

- **Survey Question:** Describe any exemplary practices that might be of interest to other offices/programs regarding:
  (a) eligibility determination for public defense counsel
  (b) notification to defendants of appointment.
  (c) the timing of counsel’s entry into cases

**Principle Four:**

- **Survey Question:** Describe any exemplary practices in your jurisdiction relating to timely and confidential communications with public defense clients that might be of interest to other jurisdictions

**Principle Five:**

- **Survey Question:** Describe any exemplary practices concerning control of workloads in your jurisdiction that might be of interest to other programs/offices

**Principle Six:**

- **Survey Question:** Describe any exemplary practices in your office/program relating to the matching of qualifications of public defense counsel to the complexity of the cases they accept or receive

**Principle Seven:**

- **Survey Question:** Describe any exemplary practices in your office/program relating to providing continuity of counsel that might be of interest to other programs or offices

**Principle Eight:**

- **Survey Question:** Describe any exemplary practices used in your jurisdiction to achieve parity with the prosecutor that might be of interest to other jurisdictions

**Principle Nine:**

- **Survey Question:** Describe any exemplary training or continuing education practices in your program/office that might be of interest to other programs/offices

**Principle Ten:**
Survey Question: Describe any exemplary supervision or review practices in your office/program that might be of interest to other offices/programs

Appendix E: Technical Assistance Requested by Respondents (Selected List)
APPENDIX A

ABA TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM¹

PRINCIPLE ONE:

The defense function, including the selection, funding, and payment of defense counsel, is independent.

COMMENTARY: The public defense function should be independent from political influence and subject to judicial supervision only in the same manner and to the same extent as retained counsel. To safeguard independence and to promote efficiency and quality services a nonpartisan board should oversee defender, assigned counsel, or contract systems. Removing oversight from the judiciary ensures judicial independence from undue political pressures and is an important means of furthering the independence of public defense. The selection of the chief defender and staff should be made on the basis of merit, and recruitment of attorneys should involve special efforts aimed at achieving diversity in attorney staff.

PRINCIPLE TWO:

Where the caseload is sufficiently high, the public defender delivery system consists of both a defender office and the active participation of the private bar

COMMENTARY: The private bar participation may include part-time defenders, a controlled assigned counsel plan, or contracts for services. The appointment process should never be ad hoc, but should be according to a coordinated plan directed by a full-time administrator who is also an attorney familiar with the varied requirements of practice in the jurisdiction. Since the responsibility to provide defense services rests with the state, there should be state funding and a statewide structure responsible for ensuring uniform quality statewide.

PRINCIPLE THREE:

Clients are screened for eligibility, and defense counsel is assigned and notified of appointment, as soon as feasible after clients' arrest, detention, or request for counsel

COMMENTARY: Counsel should be furnished upon arrest, detention or request, and usually within 24 hours thereafter.

PRINCIPLE FOUR:

Defense counsel is provided sufficient time and a confidential space within which to meet with the client

COMMENTARY: Counsel should interview the client as soon as practicable before the preliminary examination or the trial date. Counsel should have confidential access to the client for the full exchange of legal, procedural, and factual information between counsel and client. To ensure confidential communications, private meeting space should be available in jails, prisons, courthouses, and other places where defendants must confer with counsel.

¹ American Bar Association, 2002
**PRINCIPLE FIVE:**

*Defense counsel’s workload is controlled to permit the rendering of quality representation*

**COMMENTARY:** Counsel’s workload, including appointed and other work, should never be so large as to interfere with the rendering of quality representation or lead to the breach of ethical obligations, and counsel is obligated to decline appointments above such levels. National caseload standards should in no event be exceeded, but the concept of workload (i.e. caseload adjusted by factors such as case complexity, support services, and an attorney’s nonrepresentational duties) is a more accurate measurement.

**PRINCIPLE SIX:**

*Defense counsel's ability, training, and experience match the complexity of the case*

**COMMENTARY:** Counsel should never be assigned a case that counsel lacks the experience or training to handle competently, and counsel is obligated to refuse appointment if unable to provide ethical, high quality representation.

**PRINCIPLE SEVEN:**

*The same attorney continuously represents the client until completion of the case*

**COMMENTARY:** Often referred to as “vertical representation” the same attorney should continuously represent the client from initial assignment through the trial and sentencing. The attorney assigned for the direct appeal should represent the client throughout the direct appeal.

**PRINCIPLE EIGHT:**

*There is parity between defense counsel and the prosecution with respect to resource and defense counsel is included as an equal partner in the justice system*

**COMMENTARY:** There should be parity of workload, salaries and other resources (such as benefits, technology, facilities, legal research, support staff, paralegals, investigators, and access to forensic services and experts) between prosecution and public defense. Assigned counsel should be paid a reasonable fee in addition to actual overhead and expenses. Contracts with private attorneys for public defense services should never be let primarily on the basis of cost; they should specify performance requirements and the anticipated workload, provide an overflow or funding mechanism for excess, unusual, or complex cases, and separately fund expert, investigative, and other litigation support services. No part of the justice system should be expanded or the workload increased without consideration of the impact that expansion will have on the balance and on the other components the justice system. Public defense should participate as an equal partner in improving the justice system. This principle assumes that the prosecutor is adequately funded and supported in all respects, so that securing parity will mean that defense counsel is able to provide quality legal representation.

**PRINCIPLE NINE:**

*Defense counsel is provided with and required to attend continuing legal education*

**COMMENTARY:** Counsel and staff providing defense services should have systematic and comprehensive training appropriate to their areas of practice and at least equal to that received by prosecutors.
**PRINCIPLE TEN:**

*Defense counsel is supervised and systematically reviewed for quality and efficiency according to national and locally adopted standards*

**COMMENTARY:** The defender office (both professional and support staff), assigned counsel, or contract defenders should be supervised and periodically evaluated for competence and efficiency.
APPENDIX B

RELEVANT STANDARDS, SAMPLE FORMS AND WEBSITE REFERENCES PROVIDED BY SURVEY RESPONDENTS AND SELECTED ADDITIONAL PUBLIC DEFENSE OFFICE MATERIALS

ELIGIBILITY/APPLICATION FOR SERVICES

- **Written Eligibility Guidelines/Rules**
    (http://codes.lp.findlaw.com/alcode/15/12/1/15-12-5)
  - Florida: “Determination of Indigent Status”
    (http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0000-0099/0027/Sections/0027.52.html)
    (http://publicdefender.hawaii.gov/clients/what-are-the-guidelines-for-determining-eligibility/)
    (http://courts.mi.gov/courts/michigansupremecourt/currentcourtrules/1chapter6criminalprocedure.pdf)
  - Minnesota: “611.17 Financial Inquiry; Statements; Co-Payment; Standards for District Public Defense Eligibility” The office does not screen for eligibility. Guidelines are found in statutes. / https://www.revisor.mn.gov/statutes/?id=611.17
    (http://www.sos.mo.gov/adrules/csr/current/18csr/18c10-3.pdf)
  - Texas: Harris County District Courts: “Standards and Procedures: Appointment of Counsel for Indigent Defendants”
    (http://www.justex.net/JustexDocuments/0/FDAMS/2013/Fair%20Defense%20Act%20Dec%2004,%202013.pdf)
  - Vermont: “Title 13: Crimes and Criminal Procedure, Chapter 163: Public Defenders”
    (http://www.leg.state.vt.us/statutes/fullchapter.cfm?Title=13&Chapter=163)
  - West Virginia: State of West Virginia: “Financial Guidelines for Determining Eligibility for Legal Representation by Appointed Counsel or Public Defender Counsel”
    (http://www.pds.wv.gov/Voucher-Processing/Documents/FINANCIAL%20GUIDELINES%2010-1-13%20MEM.pdf)
  - Wisconsin: “Chapter PD 3: Indigency Criteria”
    (http://docs.legis.wisconsin.gov/code/admin_code/pd/3)

- **Forms for Assessing/Determining Eligibility for Public Defense / Services**
  - **Minnesota**: Minnesota Judicial Branch: “Court Forms”
    (http://www.courts.state.nh.us/forms/nhjb-2313-dfssup.pdf)
• **South Dakota**: South Dakota: “Application for Court-Appointed Attorney” (http://ujs.sd.gov/uploads/secondcircuit/ApplicationforLawyer.pdf)

➢ **APPLICATIONS FOR PUBLIC DEFENSE SERVICES** (including applications in multiple languages)


• **Minnesota**: Minnesota Judicial Branch: “Court Forms” (http://www.mncourts.gov/default.aspx?page=513&category=141)

• **Missouri**: Missouri State Public Defender: “How to Apply for Services” (http://publicdefender.mo.gov/clients/apply_services.htm)


• **Vermont**: “Application for Public Defender Services” (https://www.vermontjudiciary.org/eforms/Form%20358cr.pdf)

• **Washington**: “Court Forms: Indigent Defense” (http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=22)

• **West Virginia**: West Virginia Public Defense Services: “Affidavit: Eligibility for Appointed or Public Defender Counsel” (http://www.pds.wv.gov/Voucher-Processing/Documents/EligAffid.pdf)

**CASELOAD/WORKLOAD INFORMATION AVAILABLE ONLINE**

• **Nebraska**: Lancaster County, Nebraska: “Lancaster County Public Defender Workload Assessment, July 2008” (http://lancaster.ne.gov/pdefen/workloadas.pdf)


**PRACTICE STANDARDS**


• Texas: Harris County District Courts: “Standards and Procedures: Appointment of Counsel for Indigent Defendants” (http://www.justex.net/JustexDocuments/0/FDAMS/2013/Fair%20Defense%20Act%20Dec%202013.pdf)

CLIENT FOCUSED INFORMATION (General information re Legal rights, including FAQs on legal processes, information on rights when interacting with police, how to apply for a lawyer, checking the status of a case on line, etc.)
• California: San Francisco Public Defender: “Legal Rights” (http://sfpublicdefender.org/legal-rights/)
• Florida: 9th Judicial Circuit Public Defender: “My Case Information” (http://www.orlandopubdef.com/my-case-information/)
• Florida: 18th Judicial Circuit Public Defender: “Client Information” (http://www.18thjudicialcircuitpublicdefender.com/client-information/)
• Hawaii: Office of the Public Defender: “Clients” (http://publicdefender.hawaii.gov/clients/) Note: All links are on the right hand side
• New York: The Bronx Defenders, “Need Legal Help?” (http://www.bronxdefenders.org/help/)
• Maryland: The Office of the Public Defender: “How to Apply for a Lawyer” (http://www.opd.state.md.us/Attorneys/ApplyforaLawyer.aspx)
• New Mexico: Law Offices of the Public Defender State of New Mexico (http://www.bopdnm.us/index.php)
• Tennessee: Public Defender, Metropolitan Nashville and Davidson County: “Find My Court Dates” (http://publicdefender.nashville.gov/find-my-court-dates/)
• Wisconsin: The Wisconsin State Public Defender’s Office: “Information for Clients or Prospective Clients” (http://wispd.org/index.php/client-or-prospective-client)
ADDITIONAL SAMPLE MATERIALS IN MULTIPLE LANGUAGES

- **District of Columbia:** The Public Defender Service, “Servicio De Defensoria Publica Para El Distrito De Columbia” (http://www.pdsdc.org/EnEspanol.aspx)
- **Georgia:** Georgia Public Defender Standards Council: (gpdsc.org) Note: Can be found on the right hand side, can be downloaded as a Microsoft Word File.

WEBSITES FOR PUBLIC DEFENSE OFFICES

- **California:** San Francisco Public Defender (www.sfpublicdefender.org)
- **Georgia:** Georgia Public Defender Standards Council (gpdsc.com)
- **Indiana:** Indiana Public Defender Council (www.in.gov/ipdc)
- **Iowa:** Iowa Office of the State Public Defender (https://spd.iowa.gov/)
- **Kansas:** State Board of Indigents’ Defense Services, KS (www.sbids.org)
- **Louisiana:** Louisiana Public Defender Board (www.lpdb.la.gov)
- **Massachusetts:** Massachusetts Committee for Public Counsel Services (www.publiccounsel.net)
- **New Mexico:** Law Offices of the Public Defender State of New Mexico (www.pdd.state.nm.us)
- **North Carolina:** North Carolina Court System Office of Indigent Defense Services (ncids.org)
- **North Dakota:** North Dakota Commission on Legal Counsel for Indigents (nd.gov/indigents/)
- **Ohio:** Office of the Ohio Public Defender (http://www.opd.ohio.gov/)
- **Pennsylvania:** Mifflin County, PA (http://www.co.mifflin.pa.us/PublicDefender/Pages/PD_main_pg.aspx)
- **Virginia:** Virginia Indigent Defense Commission (www.publicdefender.state.va.us)
- **West Virginia:** State of West Virginia Public Defender Services (www.pds.wv.gov)
- **Wisconsin:** The Wisconsin State Public Defender’s Office (www.wisspd.org)
APPENDIX C

SURVEY RESPONSES RE ISSUES BEING ADDRESSED IN RESPONDENT’S JURISDICTION RELATING TO ADHERING TO THE ABA TEN PRINCIPLES AS REPORTED BY RESPONDENTS (By Principle)

PRINCIPLE ONE:

Survey Question: Describe any specific issues that you believe need to be addressed regarding the independence of your public defense program/office.

• We probably need more funding sources than just the State Public Defender Agency.
• Lack of funds to pay part-time attorneys. Chief Public Defender is paid the same as the Judges and the Elected Prosecutor.
• We need more money
• My public defender program operates independently with the goal of promoting aggressive litigation on behalf of our clients. That does not mean that we are not subject to political pressures, especially regarding funding. Our executive has done a great job in dealing with these decreases by cutting non-essential expenditures while remaining willing and able to approve trial expenditures (expert witnesses, transcription requests, witness travel). Unfortunately, this has meant that several of our office are not fully staffed at times.
• We should be severed from State Personnel Office regulations that impede our speedy employment of attorneys. Our budget should also be increased.
• Even though we have a fully independent Board of Directors, we still have political funding factors to consider. The County funds the prosecution at higher salaries than our office and they have a much better retirement program.
• We need a higher budget for expert witness and investigation purposes
• Lack of funding and limited resources has an effect on independence.
• None. except increase funding
• We have a limited budget for experts and have to appeal to the courts once we use up our budget, which doesn't take long. We just had a capital case so we relied extensively on the court to approve expenditures.
• The ratio of support staff to attorneys
• Restrictions placed on this office as to whether a contract can be entered into with an individual or a firm to cover specific venues based on the involvement of the ABA in this area.
• Funding is less than that received by prosecution offices. Salaries are less than most prosecuting attorneys. Funding for expert witnesses and services should be allocated proportionally to state public defender offices with requests to exceed allocations to be addressed by program administrators rather than the program administrators addressing expert service requests on the basis of individual cases. Freedom to choose experts should be left to public defenders within available resources and administrative offices should not endeavor to direct service requests to particular experts provided that experts chosen by public defenders are competent to provide consultation and testimony.
• Since the judges and the County Commissioners appoint all of the 3 member PD Board and the Board then appoints the Chief Defender there is always a consideration of whether, or not, the PD Board will be influenced by the judges or the County Commissioners. In recent years the Commissioners have seen fit to appoint one of themselves to the PD Board. Since that appointment is always controlled by the majority political party and since the judges must appoint a board member from each political party I believe that politics can influence the independence of the office.
As long as legislative bodies, federal, state and/or local, are involved in funding decisions, there will be a level of political influence. That is unavoidable as individuals with political interests will make decisions reflecting those interests. I see no way all political influence can be removed and perfect independence achieved with any government program, unfortunately. I think this is a reality that must be addressed by acknowledgement and an appropriate degree of acceptance. Even the judicial system is not free from these tensions, sadly.

Working at the discretion of the Board of County Commissioners has, on occasion, interfered with my ability to do my job.

There has been a recent effort on the part of the Governor to interfere with the conduct of the organization and micromanage expenses and caseloads.

Political interference from the legislature

In my federal court appointed practice, my cases are assigned by the Federal Public Defender's Office. All fee, cost, expert, travel requests, etc. are first "reviewed" by that office prior to being sent to the court/judge. The FPD's office has an interest in the budget picture in that as administrator of the CJA funds, they look better if they spend less overall, so it is easy to nickel and dime the panel attorneys' bills. Complicating the matter is the general understand that "thou shalt not ever question the wisdom of the FPD lest one's self excluded from further appointments." On my state capital and regular murder cases, I find that I can get most everything I ask for when I show reason to make a request. In my federal cases, I find that every voucher or request for funds is good for an additional hour of uncompensated administrative time lost. Maddening. at best.

Numerous attempts in the last 10 years to gain control of our own caseload have been met with strong resistance, at one time or another, by every branch of our government. However, the Missouri Supreme Court did in 2012 support us in the PD Commission v. Waters case. Our attempts to implement the holdings in that case were unsuccessful; e.g., the legislature seriously considered cutting us by 85%.

We are subject to the whims of the legislature/governor for funding. This does not, in my opinion, affect our independence. We fight for resources like any other government agency.

We are included within the executive branch and must seek approval for budget requests and requests for legislative change.

The judge(s) that the public defenders work before select two of the three members of the public defender board

The appointment of the State Public Defender is too political.

Office budget is subject to approval by the County Commission. Although an Independent five member board (two of which are County Commissioners) make recommendations for staffing, salaries, etc., all such recommendations are subject to final approval by the Commissioners.

In most Pennsylvania counties, the Public Defender is appointed by County Commissioners (3 per county). The Public Defender can change, and often does, every four years, depending on the majority party affiliation of the Commissioners - that has consistently been the case in this county. In many counties, the Chief Public Defender is a part time position, to allow time for political campaigning for a new position in the next election.

The budget is controlled by the Board of Supervisor and is a tool that can be used to control the agency. Our budget is now attached to performance measures.

We are mostly independent but political events/persons try to influence

The director / chief defender position is subject to reappointment by the County Legislature every two years

The authority of the judge is asserted where requests for funding are necessary if defense of a case requires the assistance of expert witnesses. The process is to motion the court for funds to pay for experts in very serious matters or complex cases. If the court finds no value, such motions may be denied resulting in a denial of services for the client. The PD has funds which generally cover investigative costs or costs for experts but where a cost is extraordinary, the only option for funding is through court order.
• Funding depends principally on the activities of the sheriff and prosecutors in issuing, prosecuting, and collecting court costs on traffic tickets. Because the deputies know that the largest portion of the costs collected goes to fund public defense (including defense of those charged with killing police officers), their willingness to accept those over-time assignments is less than needed to generate sufficient funds.

• We have been fortunate to have county commissioners who do not interfere with my hiring decisions, however issues have come up when I needed to demote certain staff who have been here a long time. I had to carefully document my reasoning and go to battle a bit, over my decisions. This county is very political, however me being an outsider, I do not know the politics too well and I am selecting staff based solely on merit. In other words, the political influence would be there if I let it, however I am a firm believer in doing what’s right and documenting everything.

• In my state, judges decide whether to authorize expert services and the amount. The requests for non-capital forensic experts is not permitted to be ex parte. The prosecutor is allowed to argue against the defense request for an expert as well as to oppose the expert selected by the defense. These practices interfere with the development and presentation of the defense case.

• The chief Public Defender is appointed at the will of the majority of the circuit judges. The same judges that hear our cases. Very awkward.

• The Chief Public Defender is selected by the Governor with the advice and consent of the Senate. Because of the nature of politics when the office of public defender has been vacant in recent times - politicians have attempted to put political (non-public defenders and non-criminal defense attorneys) into the position of Chief Public Defender. While the effort was most recently unsuccessful - it has been successful in the past.

• It would be in a better position if not dependent at all on government funding

• In our state most Chief Public Defenders are appointed by the county legislature to a term that is the same as the legislature. My initial term was a one year term. I have been re-appointed to three additional full four year terms. However, the position is inherently political and when I am up for re-appointment in two more years it will still be political. It leaves me, at times, worried about the outcome. My re-appointment or not should be based upon some merit selection process.

• There currently is no independent supervisory board. Legislation is pending to establish a state wide public defender commission. It will be populated by the legislature and appointees by the governor subject to approval by the state senate. The membership of the commission provides for only two defense attorneys, one of which is designated to be from the state appellate defender office (the director of which is also appointed by the governor), and one attorney with "some" defense experience. Judges and county commissioners do not intrude into the internal operation of the office. The notable exception is a judicial determination of a conflict of interest, necessitating assignment to conflicts counsel. This is rare. Determination of conflicts is generally left to the office. When county commissioners receive complaints about the office, they are directed to the chief public defender. Any office funded by public entities is subject to arguable political considerations of priority and philosophy of the funding agency. Competition for public funds amongst all public agencies is intense, especially in hard economic times. The public defender does serve at the pleasure of the county commissioners. It is, therefore, ultimately a "political" appointment.

• Our budget is controlled by our State legislature. Partisanship and political philosophies affect our funding and budget constraints affect our level of service.

• There should be less direct control at the local level.

• At some point because like the Public Defender my position is appointed by the County Board of Supervisors, pursuant to a recommendation by the County CEO, it is not completely independent. The independence is driven by the independence of the person in the position. I should say however that as far as my position goes, I have never been pressured or directed in any way I would consider inappropriate or infringing on my ability to ensure all our clients received effective representation.

• We are directed by the State office which funds less than 25 percent of the budget and Chief Defenders are subject to removal by the State Office as well as nominated by local panels subject to approval by Executive Director of the agency.

---

• Appointment of Chief Defender is done by an elected board. Nevada needs to move to a statewide commission model.

• The indigent defense services program board should select all chief public defenders after bar election. Presently, the Senior Resident Superior Court Judge does that. This circumstance is subject to change by the state legislature.

• Vouchers for payment for legal services rendered by Assigned Counsel Panel members are first submitted to the Program Administrator and after approval, are then sent to the presiding judge for approval. Thus, the payment process is not entirely free from judicial oversight.

• NC uses public defender office, and the Chief PD is selected by a local judge from local bar nominees, private assigned counsel who are placed on a roster by a local committee, and contractors who are selected by IDS, which is an independent state-wide agency - there are varying degrees of independence in each system. In non-capital cases IDS sets the hourly rate for private assigned counsel, but a judge determines the number of hours that are reasonable and authorizes experts etc.; in capital cases and direct appeals IDS sets the rate and makes the determination of how many hours to pay and directly authorizes experts and other extraordinary expenses, and in contracts IDS sets the contract amount but judges authorize experts.

• My Office is an elected County Office by statute. The County Board of Supervisors approves my budget every fiscal year. The County Board is entirely elected as well. There are problems (mostly funding) which arise over the years; but this Office is really no different than other County offices. I personally strive to maintain my independence as an elected official and thereby the Office's independence. This aspect is important.

• We are not independent at all. The office is "supervised" by a non-attorney department director who also oversees pre-trial services (bonds), the crime lab, the medical examiner, and certain "specialty" court staff. We have no control over our budget. The oversight board is a sham because the department director placed himself on it and controls the membership. The office is also in violation of Texas Code of Criminal Procedure Article 26.044 which provides that a public defender's office shall be an independent "department of a county." I've recently filed motions to withdraw on several cases due to the conflict inherent in being part of the same county department as the medical examiner and crime lab. The department director told me there is "no conflict" and has told me that I'm damaging the "entire indigent defense system." I've also involved the Texas Indigent Defense Commission in the independence issue. No resolution yet.

• The Board is chosen by Commissioner's Court (who are county legislators and the executive) and includes some judges and court administrators as well as community members. Judges retain broad discretion as to whether or not to appoint our office to represent indigent clients. In the past we have experience problems with our juvenile division receiving an adequate number of cases because the judges would appoint private lawyers to represent indigent juveniles much more often than our office. Some judges in felony courts use our office disproportionately more than others because of this discretion.

• Although the program is nominally under the supervision of a justice of the Supreme Court, the funding decisions are made entirely by the City of New York. The central staff of the program has been drastically reduced over the years, resulting in a situation in which there is one attorney overseeing 450 attorneys in 3 counties. The fact that this office is dependent upon municipal authorities to decide the size and training of staff, the salaries of staff and the office space calls into question whether this office is truly independent.

• Our commission of seven have six year terms and continue to serve until replaced. Currently, 3 positions are vacant and have been for some time and all but one of the remaining commissioners are serving in expired terms. By not filling positions when they become vacant or making appointments to renew or replace those whose terms expired, by April we will be in the situation where if the Governor is displeased with our attempts, say to reduce caseload, he could in one sweep completely replace the Commission with all new members of his choice. This was not foreseen in the legislation that created...


the Commission which specifically chose 6 year terms so appointees would continue to serve beyond the 4 year term of their appointing governor.

- Budget issues are controlled by the Governor and the executive agency which is controlled by the governor.
- Local politicians have tried to influence hiring on one occasion, however, their attempt was unsuccessful and the most qualified person was awarded the position regardless of influence
- Our contract is subject to the will of the Legislature. Our District Attorney - our adversary - has great influence with the Legislature. This somewhat compromises our ability to be totally independent.
- We are independent from local influences but dependent on State Funding.
- The Public Defender works at the will of the County Commission pursuant to state law and the commission has the power to hire and fire the public defender. The County Commission sets 100% of the budget and has final approval for all hires for the office. The state's attorney actually serves as the legal advisor to the county commission. SDCL 7-16-8.
- No longer independent since we were taken over by the county
- The Tennessee Public Defender System depends upon the legislatures and executive branches of the state for its basic funding. All services required beyond the office (experts, etc.) depend upon those same institutions. It is possible to imagine this as a threat to independence. Moreover, these same governmental branches have become obsessed with collecting fines, costs and restitution from the indigents we represent.
- Funding is contingent on input from legislature who feel we are stealing clients from them. Representing individuals who aren't indigent.
- The judiciary is used to exerting control over private attorneys and desires to do the same with the public defender's office.
- Our funds are controlled by the actions of the DA and the judges. They influence our existence by not providing funds are creating programs that stop our funds.
- Despite efforts of the county board and county attorney to the contrary, our office is as independent as it gets from any influence from anyone outside the office.
- The County Counsel puts pressure on the Chief Defender regarding how some serious cases are litigated.
- Judges exert too much influence
- The judges make an independent decision on what to pay court appointed counsel and the County's Budget Department determines the cost to the county for public defenders.
- Governor and legislature control our budget. Politics is always taken into account in agency-wide decision-making.
- Because we operate in a relatively small county we are always subject to political influences. However, as a unit, our office tries to remain neutral in the face of the small-town county politics. This will be a continuous struggle for this office.
- The Governor appoints 11 of the 13 members of the Maryland Office of the Public Defender Board of Trustees. In my opinion, the Board has acted independently, but the present allotment of appointments creates the potential for undue influence from the executive branch in the future.
- How we are funded makes us less independent. Money. Money. Money.
- We usually exhaust our budgets for expert witnesses and transcripts. We then proceed under special statute for additional funds for these services and court approval is required. In the past there have been problems when the court refuses or places conditions on these requests.
- Judges and staff from other agencies (such as domestic relations and probation) who file petitions for contempt proceedings, seem to see me as "their attorney" to provide representation for the defendant so that it is constitutional for them to jail the defendant afterwards. I am the "potted plant" who is to sit there and provide the Constitutional cover, and if I dare to try to defend the defendant, they get angry. Judges also feel that they have the power to "appoint me" to represent anyone (for the above reason-
although never expressed), regardless of whether the person is eligible under our state Public Defender law and my office guidelines.

• Appointment of the Chief Public Defender was originally with the resident chief superior court judge. Appointment authority was recently changed to the governing commission. However, due to a conflict between a chief PD and a chief judge, the appointment authority has now been returned to the chief judge.

• The State is allowed to participate in a defendant's request for expert witness services and investigative services, and the judge very rarely grants any such request. I should be given a budget with which to hire such witnesses/investigators without State oversight.

• I think our jurisdiction probably does it better than anywhere in the country and for that I’ll take it. But it is very difficult to know that my boss is essentially the judge I am in front of and it makes your reconsider whether or not you will keep fighting after a judge denies you the first time - I would never stop fighting and a few times was able to turn a judge around even after he or she ruled -- In our jurisdiction, once they rule -- I say very well and move on. There are also times where playing a little dumb can help your client and let something fall through the cracks, when you are before your boss you never want to look dumb so often a conflict arises and you need to resolve that conflict in favor of the client but doing that may get you booted off the panel.

• The office is dependent upon the judges for setting fees and is overburdened by the appointment of non-indigents by the court.

• Chief Public Defender is appointed by the County Executive and serves at pleasure. However, there have only been 2 Chief Public Defenders since 1965. The last Chief Public Defender was appointed in 1981 and has served 6 County Executives. All deputies, attorneys, investigators and support staff are appointed by the Chief Public Defender.

• State law requires a full time Public Defender but no such position has been created.

• The probation office decides who is financially eligible for a public defender.

• My advisory board was formed by the former director but is not recognized by the County. All other County boards are selected by the County Commissioners. The board, however, was initially formed to weigh in on approving panel attorney fees which go over the County's case type "cap" and on issues such as admission to the conflict and overflow panels.

• Participating counties have the ability to withdraw from the program causing financial strain on remaining counties. Should enough counties withdraw, the program will cease to exist.

• Judicial determinations of who received PD services

Survey Question: Describe any specific issues that you believe need to be addressed regarding the diversity of your public defense program/office staff.

• It is sometimes difficult to retain minority lawyers. They leave after a few years to make more money.

• The policies are in place and all are welcome we simply live in an area that is rural and there is not a lot of turnover in positions in the office.

• Although there is almost a 2:1 ration of male to female attorneys, we have not been able to hire and keep other minority groups. When we have hired and trained Afro-American lawyers, they are hired away by state agencies.

• We are a very small office, currently staffed by 3 white male lawyers (including myself) and one white female administrative worker. I would like to have a more diverse office and look for diversity when hiring. However, the opportunity to fill vacant positions does not occur with much frequency and I've been able to diversify the office as much as I would like to.

• We are a small office with hardly any turnover. The county is also not very diverse with both the attorney population and the client population. I serve as one of the few female attorneys in the area. Our office age group has a wide range; however, our ethnic diversity is not vast.
My office when hiring attorneys has not seen diversity in applicants.

Our community doesn't have an extremely diverse attorney base. Thus, while it has been fairly easy to find qualified, interested female attorneys, attracting African American or Hispanic attorneys has been an issue.

I do what I can but it is hard to find a diverse group of lawyers in this community.

While the number of female attorneys is strong, minority candidates are lacking.

Lack of diversity in County Bar and surrounding County Bars.

Maine has limited racial/ethnic diversity among its bar. Our Commission does promote geographic and age/experience diversity. We have lawyers from throughout the state and a mix of new practitioners and very experienced practitioners.

There is small pool of attorneys who will locate in area and agree to salary limitations.

We only have four lawyers and live in an area with a non-diverse population. For our last two openings we have advertised statewide and out of the state. We have had limited applicants which has made diversity difficult to achieve.

We are able to achieve gender diversity. Minority diversity has proven difficult to achieve as few minority candidates apply.

Diversity often depends on the applicants. The greater the number of applicants for a position, the greater the ability to attain and maintain diversity.

Due to the lack of available attorneys, diversity is impossible to achieve. We do have a lady PD.

This circuit is highly rural in north east Georgia; we have three male/three female all white attorneys; we have had one African American female attorney in the past few years who voluntarily left for new employment; have only hired one attorney in the last two years; none of the applicants were from ethnic/racial minorities.

The Public Defender's office employs one attorney. I am a white woman. I have a wealth of experience. I am assisted by a private attorney when the office is swamped or when I am unavailable. This second attorney is paid by the hour as an independent contractor. There is little diversity in this small, rural county and I do not believe there are any minority attorneys in the bar other than women.

We, are diverse, given the potential pool of applicants.

I am the only attorney that contracts, so difficult to be diverse. Also, there are no minority attorneys in this geographic area.

We get very few applications from minorities for attorney positions.

The problem faced here is not necessarily diversity, but getting diverse people to work/live in our County. In the past an African American attorney worked in this Office. But few African American attorneys did so in the past. Again I strive for diversity, but the applicants are few.

Lack of qualified minority candidates who are interested in our work (state criminal appellate practice).

My office is extremely gender diverse, but I would like it be more racially diverse. We have been very attentive to the issue in evaluating and recruiting applicants, but find there simply are not many racial minorities graduating from law school looking to come to public defense work.

We have few minority applicants.

New Hampshire is not a very diverse state. Thus, developing a diverse staff is a challenge.

We need many many more qualified African-American applicants.

Because of the demographics of our state (predominantly Caucasian) and our hiring practices (all entry level attorneys are hired straight out of law school) we have difficulty in achieving racial and age diversity.

As Chief Public Defender, diversity is very important to me but we are a very small office in a rural county so our applicants are limited as well as our openings.

Good split based on gender but few other minorities apply. e.g. black, Hispanic, etc.
• Not great. Need to get out to law schools and be more of a presence.
• We would hire more persons of color if they would be willing to come to this state.
• Needs more recruiting of attorneys of color
• We have a difficult time drawing women and folks of color to our rural community.
• We are diverse as far as sexuality but racially we are all white in our district since the population is greatly/predominantly white. We have offered positions to racial minorities but they decided to withdraw due to the racial makeup of our circuit
• I have had difficulty on occasion with recruiting minority highly qualified minority candidates despite efforts to do so. I expect some of this has to do with the salary and societal value attached to prosecuting.
• We have sought to employ attorneys and other staff from different backgrounds. Because of the relatively low pay and high workload we have had difficulty attracting and retaining qualified attorneys of all ethnicities.
• As a county department we are covered by the county's policy on diversity. When I hire attorneys I constantly try to bring diversity into the office and advertise positions as such. Being in a rural area with about 2% people of color, 2% Native American and 96% white! it is difficult to attract diversity in race, gender and sexual orientation. Our attorneys are currently 3 males and 2 females with no Native Americans and no African-Americans. We do have one attorney who is a disabled military veteran. We continue to strive for diversity.
• Difficult to find attorneys of diversity when positions open sometimes.
• Striving for diversity is a goal. Finding qualified candidates who really want to be public defenders is a challenge when many of the better qualified candidates move to larger cities or higher paying jobs.
• It is very difficult to attract ethnic and racial diversity in my area as they can typically obtain higher paying jobs. Gender diversity is great and improving on sexual orientation diversity.
• We attempt to recruit minority attorneys and staff. We do not have a personnel director to pursue this. So, we rely on connections to the Gideon's Promise program and the law schools.
• There is a lack of diversity in the profession in our state that makes it somewhat difficult to attract diverse candidates. In addition we have relatively harsh bar deadlines that make it difficult for us to make use of out of state candidates.
• It is difficult to attract a diverse workforce.
• Our client base is substantially more diverse than our attorney complement. We struggle finding interested attorneys of color to staff the office.
• The hiring process ensures that we are the last to hire, so many of the most talented young diverse lawyers are hired elsewhere.
• just a hard time finding minority applicants..
• In the area we practice it is hard to recruit or retain attorneys that add to diversity.
• I am a one-man office, without employees. I have a contract with each of two counties to provide primary public defender services. I have no attorneys under me, so issues or questions related to policies on hiring and encouraging diversity are presently irrelevant. Were I in a position to hire an extra attorney to assist me in providing services, it would be without regard to the race or creed or gender preference or anything else regarding such an applicant save legal ability, presentation skills and ethical judgment.
• I am a solo practitioner. I have one assistant; she is fluent in 4 languages. So I guess the answer is "lily white."
• Only one lawyer, so we are stuck with the diversity I bring to the job.
• We need more money
• More diversity exist among staff newer to the organization. However, less diversity exist at the supervisory level and higher.
• Program could use more Hispanic attorneys or Spanish speaking attorneys.
• Due to our low salaries and high hiring standards, diversity is hard to achieve and maintain.
• I think our program strives for diversity, but I don't think our attorneys necessarily reflect that effort. I don't know if this is because of the difficult geography and logistics of moving to AK.
• Improving. Diversity amongst practicing attorneys in Nevada, and particularly our County, is lacking.
• Two white guys. Our paralegal is Hispanic. I speak Spanish poorly, the other attorney not at all. Not acceptable in a racially diverse part of Texas.
• More diversity is possible.
• Our program accepts experienced attorneys only since it is an assigned counsel program. Over the last several years, we have been receiving more applications from women and minorities. However, we have been unable to attract additional qualified candidates for this program due to the fact that contract providers now have the lion's share of the work. No one wants to sign up for a program when the work available from that program is likely to decline dramatically. Fortunately for us, we managed to certify a number of women and minority attorneys before the workload modification. I hope that we can keep these attorneys and that they will not abandon the program for greener pastures.
• No effort has been made to consider the diversity of my panel prior to my appointment.
• It would be nice to have an attorney fluent in Spanish.
• Nonexistent. 75 per cent of our clients are black or Latino males. We may have 15 out of 540 black /Latino males. Only 3 in leadership roles. Upper middle lower management are made up of population least like population serving don’t live in jurisdiction s serving. No skin in game.
• Is non-existent because of the small size and small amount of resources available to it.
• Is alright regarding attorneys but is horrible regarding management positions. Of the many managers, regional directors, and upper management/leadership positions there are very few people of color. It’s embarrassing. However, women are well represented at all operational levels.
• Would be helpful to have someone who speaks Spanish.
• This office has only one attorney, therefore it has no possibility of diversity.
• We are too small a jurisdiction to have diversity.
• Since there is only one attorney there is no diversity. A concerted effort is put into diversification of the student attorneys in the program.
• There is only one person - ME.

PRINCIPLE TWO:

Survey Question: Describe any specific issues that you believe need to be addressed regarding the structure or interaction between the public defense program(s)/office(s) in your jurisdiction.

• We only have one public defense program within our jurisdiction. However, only certain indigent related expenses are reimbursable from the State. Misdemeanor cases are non-reimbursable. Civil case (i.e. contempt) are non-reimbursable. Until recently, juvenile civil cases (i.e. Children in Need of Services and Termination of Parental Rights cases) were non-reimbursable.
• Bulk of funds go to Public Defender Offices at the expense of private/non-public defender offices.
• Our office controls the purse strings and budgets. The neighboring offices get the short end of that funding. Our attorneys do not get the appropriate level of "pay steps" compared to the main office. I have attorneys doing felony work at misdemeanor pay levels- for YEARS on end while a less experienced attorney at the main office will often get felony pay as soon as they BEGIN felony work. It is completely arbitrary and an unfair practice. I have 9 felony level calendars but only 7 positions get paid for felony work. Each office needs to control their own budget. It's so bad we even have to have our main office send us STAMPS. There hasn't been any petty cash for YEARS and the main office
gets all the hardware- PowerPoint projectors, for instance. One of the county offices still uses big sheets of paper tacked up on the wall in trial because we don't have a power point projector.

• The compensation for private attorneys has been an issue for many years. A higher compensation rate would likely encourage more experienced attorneys to accept public defender appointments.

• We have very limited funding to contract out cases to private counsel and pretty much can only contract out multi-level co-defendant cases. This does not address the caseload relief that is badly needed. Those courts that have appointed private attorneys due to the overload of the public defender have no funds with which to pay those appointed counsel, so the appointments are pro bono. Since most of our trial judges are elected and the local bar support is a key factor in that election, few judges are willing to appoint those not willing to serve. We very much need a separate entity funded to contract out not only conflicts but case overload. We also have our post-conviction attorneys as part of the same system as the lawyers whose representation they are challenging. While there are Chinese walls up between their offices, they are all still in the same ultimate line of supervision which we believe is a conflict -- but so far have not been able to funding to change.

• We coordinate well with the conflicts panel, although we occasionally clash on funding issues.

• The funding source lacks an appreciation of the value of our services. We are treated as the “step child” of the criminal judicial system. That the parity of salaries, and operational equipment between the District attorney's office and the public defender’s office is staggering.

• We need to improve support and training of private assigned appellate counsel.

• Our office makes an effort to keep the lines of communication open with the local bar and to work with them on both new issues that arise as well as the cases that are being handles. It would be a boon for this county to have a listserv for the defense where ideas, problems and solutions can be shared.

• Need more support staff and attorneys.

• More statewide training and coordination of circuit defenders. Some periodic meeting are held

• The State Commission strongly discourages conflict declarations that require the appointment of a contract conflict lawyer. The SC Supreme Court modified the ethics provision for conflicts (Rule 1.10) in a law firm to allow PD offices in SC to compartmentalize themselves and keep active conflicts. SC has not adopted caseload standards for PD's or any other branch of the criminal justice system. The caseloads are too high. This is the biggest problem.

• The Administrator of Assigned Counsel is a part time position currently filled by the Assistant County Attorney. There is an inherent conflict since he also represents the county in juvenile delinquent cases where we occasionally represent a parent. Also, the County Attorney is responsible to provide counsel for most of the Social Services Dept. involved Family Court cases, where we are usually representing the parent. This is a significant conflict of interest. Under a recently announced re-organization of the County Attorney Office, the attorney most often appearing in family court representing the Department of Social Services will be a direct report to the County Attorney. This makes a bad situation even worse.

• Lack of independence, oversight, standards and supervision of private appointed counsel system is extremely problematic in Nashville.

• The court contract attorneys are appointed on an ad hoc basis or what is basically a good old boy network. Historically, in my view, this has led to lots of ineffective assistance of counsel. There are horror stories of inadequate representation which I have personally observed or read trial transcripts to confirm. Simply horrible attorneys who are appointed in homicide, sex crimes, and other very serious cases. The public defender office in my county has now been upgraded to remedy that defect. But the change was a very long time in the making. However, this was a county wide solution. Not a state wide solution. Each individual county has the ability, if they want to, in my opinion, to upgrade the quality of indigent defense representation. In my opinion, based on my twenty years of observation, they simply do not care about the quality of representation within the county wide public defender system. The prevailing mentality is to simply plead out as many cases as fast as you possibly can. From 2009 to 2013 inclusive I worked as a trial attorney in a rural county public defender office. In four and a half years I did 28 felony jury trials, litigated 11 probation violation bench trials, and litigated 33 evidentiary.

hearings on motions to suppress. In that time frame I did more felony jury trials than all the other public
defenders in the office combined. I also litigated more motions to suppress than all the other public
defenders in the office combined. Ditto for the probation violation bench trials as well. The judges
didn't resent it at all. In fact, I think they liked it. The DA's resented being taken to trial that often, and
they also did not like losing trial cases. But the result was an increase in dismissals on the eve of trial
and better plea bargains for my clients. Within the public and private defense bar there was resentment
from the status quo. Other lawyers questioned why someone would want to take the time and effort to
actually take cases to trial, when it was so much easier to just plead out every case. You would think the
other lawyers would have been encouraged to follow suit but they were not. The status quo of pleading
out 99% of criminal cases remained in place. My actions were seen as an aberration. When the position
of public defender within the county opened up, I was on the list of attorneys to be interviewed for the
position, but it became apparent that someone with my predilection for trial work was not what the
board of supervisors was looking for so I withdrew from consideration. In my opinion, it is just a
personal, and real example, of how the people funding and selecting for indigent defense do not want
zealous representation for indigent defendants. They want deal makers.

- There is no safety valve. Our office is appointed on all cases except conflicts. Too many cases is not
deemed a "conflict." When I attempted to go to the Judge to try to withdraw off cases and/or ask that
private be appointed, I received a written warning for my personnel file and was admonished that the
county commission determines my budget, not the judiciary.

- Our Ad Hoc Assigned Counsel system is in much need of improvement and the judges need to be taken
out of the decision making process.

- The Office has two "Chinese Wall" units, one for criminal felony cases and one for civil child
protection cases, to represent a second client where there would be a conflict of interest. In the past,
judges would appoint private lawyers to be paid with County funds separate from the Public Defender
budget for representing additional parties. Recent budget cuts have resulted in judges declining to make
those appointments and appointing the Public Defender Office for all defendants, regardless of the
hopeless actual conflicts and ethical issues for our lawyers caused by these appointments.

- The Administrator of Assigned Counsel is a part time position currently filled by the Assistant County
Attorney. There is an inherent conflict since he also represents the county in juvenile delinquent cases
where we occasionally represent a parent. Also, the County Attorney is responsible to provide counsel
for most of the Social Services Dept. involved Family Court cases, where we are usually representing
the parent.

- There needs to separation to protect client confidentiality and county interests but there also needs to be
a stable relationship wherein resources can be pooled and shared between the two office keeping both
those concepts in mind.

- The private bar rarely participates in cases as an adjunct to this office. The public defender office is the
only source of representation for court appointed clients. In instances of conflict of interest, cases are
assigned to contract private counsel who are paid on an hourly basis. Investigation and forensic costs
for conflicts cases are also paid by the office. The state appellate defender does not participate at the
trial court level except for capital case post-conviction proceedings.

- Scope of representation issues and overlapping representation.

- There is no agency in our city specifically dedicated to the oversight of public defense. The indigent
defense oversight is under the public agency that oversees the prosecutors, the Police Department, and
the Corrections Department. There is no framework to bring together the indigent defense providers to
share training and resources. If there were an agency dedicated to indigent defense that brought the
groups together and promoted resource-sharing, that would greatly improve the current situation.

- The various defender organizations are highly competitive and rarely cooperate except on an individual
basis.

- A conflict office is needed.

- We had four nonprofit agencies until July of 2013 when the county swallowed all four and took them
in-house. Now we are the county dept. of public defense but four separate divisions. Where the county
line starts and the division line ends is unclear to everyone so far. The union which represents the line attorneys and staff has caused massive delays to the transition process.

- Court has contracts with private attorneys for conflicts. Not always best attorneys hired for it. When multiple conflicts, no clear policy on how judges appoint other outside counsel. Contracts and others do not come from PD budget but from Court's budget.
- Better communication between offices.
- There is no structured program between all of the court appointed lawyers and the public defender office. Private lawyers are invited to in-house trainings on various topics offered by the Public Defender Office. The private bar routinely call the public defender office for advice and help with their cases (both avoid discussions that would result in conflicts in their representation).
- The majority of other jurisdictions in our area are best described as "low bid" contract operations. We recently took over for the City of [name], it increased their costs by almost 2.5 times what they had paid for contract services (shocking when you consider that I only charged them for the lawyers and staff).
- Our office is brand new, so there is little coordination among programs. In addition, because we are new there are challenges related to acclimating the bar and other service providers to our existence. As such, we need to do a better job of creating a dialogue.
- More discussion between the two programs that are next door to each other
- More cooperation.

Survey Question: Describe any specific issues that you believe need to be addressed regarding the funding of your public defense program/office.

- See above2. It makes it very difficult to keep quality attorneys doing court-appointed work.
- Need more
- Underfunded
- There is insufficient funding for high quality training. The salaries are low and salary increases are rare which causes many salary compression issues. There is no career defender program.
- Funding for the Public Defender Offices should not be tied to a flat 50% of the State Attorney's funding.
- The Office is underfunded. In addition to the monthly payment from the State Office of Indigent Defense Services (a subsidiary of the State Department of Finance), the Office receives a small fund from recovered court costs in the Circuit and District Courts, and specially contracts with two municipalities for additional public defense services. Personnel costs total approximately 93% of our costs and our attorneys make less than others with similar experience in the County District Attorney Office and the new County Public Defender Office.
- Needs to be increased.
- There is never enough money for Indigent Defense. Funding from NYS now comes in the form of grants issued on a scheduled basis, and for which the Public Defender or Assigned Counsel Program needs to make a specific request. Grants are funded through the state Office of Indigent Legal Services
- As everywhere in indigent defense, too low, both for government offices, private assigned counsel, and contractors.
- Always underfunded but better than most around the country it appears.
- After this year, our office will be supported entirely by county funds. The county does receive approximately 15% of indigent defense expenditures from the state. More state funding for indigent defense is needed. While our office is adequately funded, the private appointed bar is inadequately compensated. The county has one of the lowest compensation rates in the state for misdemeanors (approx. $83/case).

2 “Bulk of funds go to Public Defender Offices at the expense of private/non-public defender offices.”

• State does not provide adequate funding for our office as compared to other PD offices in the State.
• We need more.
• Like everybody we need more funds. A particular issue is hiring contract attorneys to handle conflict cases.
• We could always use more money.
• We need more money.
• Always could use more$, especially to rehire investigators.
• greatly underfunded
• Our public defender office does not have sufficient funding/staffing/resources to adequately provide excellent legal services to all defendants
• We could certainly use more funding.
• The Office of the State Public Defender is consistently underfunded. There is no mechanism that creates additional attorney positions to meet rising caseloads. All attorney and support staff positions are funded through the state OPD's annual budget. Although our office submits a proposed budget to the governor's office to cover our projected needs, the Department of Management and Budget submits the actual budget of all state agencies to the legislature. The legislature does not have the power to add additional funding, but can only cut the submitted budget. We do not have adequate support staff for an office of our size. We have four secretaries and one paralegal for an office that represents over 20,000 clients each year. In addition to not providing staff to meet rising caseloads, we do not receive regular funding for training or technology. We pay to attend our own conferences, and our computers are hopelessly outdated. Our network cannot manage the demands of modern technology.
• State funding is good. Could always use more money.
• Need for State to provide higher level of funding.
• More state funding would be ideal.
• increase in funding is needed
• Need adequate resources to represent every client.
• We need the resources to pursue non-governmental funding.
• More funding for staff.
• Need to increase funding for support/training component (Criminal Defense Resource Center)
• Always seem to be short money to do the things we need, like hire more staff
• We need more funding. Since 2008, we have 12 vacancies unfilled due to lack of funding
• We have a very lean budget. We have run out of supplies-- paper and pens on occasion. However, we basically have the funds we need to effectively represent our clients. We have higher caseloads than we would like and we have programs that suffer due to lack of hiring-- we are down about 30 paralegal positions, 15 investigators, and we need more social workers. We sorely in need of mental health workers.
• The funding should be increased to prevent the long passage of time between the appointment of our office to represent the client on appeal and the attorney beginning to work on that appeal. In fairness to all of our clients, we work on the oldest cases first unless the appeal is expedited. Currently, we are working on cases that are over one year from the judgment date. We cannot move these cases any faster unless we decrease the quality of our representation, which we refuse to do, or funding increases to allow the hiring of more qualified attorneys to represent our clients. Also, we need additional funding to hire investigators. Each office used to have at least one investigator and now the funding is so low that there are no investigators for any office.
• The county is not happy paying for what they believe is a state obligation. The funding is getting better as we are just starting a new state grant that will allow for more employees with no local cost. In any event, the funding is not adequate for my office. We have excessive caseloads and there is not parity in resources and pay.
• Funds need to be dramatically increased so caseloads may be reduced to a more manageable level.
• Funding is inadequate to provide a sufficient number of attorneys to assure manageable caseloads. Are caseloads actually twice what is ought to be.
• Need fewer cases or more staff. The last workload study completed showed a shortage of about 206 lawyers given the caseload and about twice that number in support staff.
• SC has not adopted caseload standards for PD's or any other branch of the criminal justice system. The caseloads are too high. This is the biggest problem.
• We always need more funding, not only for better salaries for existing attorneys, but also in order to hire more attorneys and thus decrease each individual's pending caseload.
• None, other than the usual lack of control over workload and seriousness of workload; e.g., Ag Murder.
• The county is not happy paying for what they believe is Astarte obligation. The funding is getting better as we are just starting a new state grant that will allow for more employees with no local cost. In any event, the funding is not adequate for my office. We have excessive caseloads and there is not parity in resources and pay.
• Because the principal source of funding is the County there is always a conflict between what the County wants to fund and what the State PD Commission's standards are notwithstanding that the County gets reimbursed 40% in covered non-capital expenses.
• We must seek permission from the governor before seeking funds from the legislature.
• Funding in handled through the County Board based on a request from the presiding judge. PD's have no input on the budget process.
• Funding is very political. We are currently operating with the same legislative appropriation that we had in 2005.
• It should be independent from political office.
• We worry at budget time every year about whether we will be eliminated.
• The legislature continues to reduce the rate paid to private assigned/contract counsel. Reductions in amounts paid to PAC make the public defender offices less cost effective in comparison.
• Funding should be removed from county. There is an express threat to reduce the public defender's salary should state funding be removed.
• Too reliant on county money.
• The funding is inadequate and can be influenced by outside forces, i.e. the DA not prosecuting traffic violations or writing only LACE tickets.
• Same as above.
• Tension and conflict created by competing with 20 other public defender offices in the state for limited resources.
• Pennsylvania provides absolutely no state funding and this is a significant issue as it causes disparity in the quality of representation among the counties.
• While both offices are state funded, the Office of the State Attorney is funded at a higher rate than the Office of the Public Defender. The SAO also receives more trust fund dollars than the PDs.
• We need more state funding and funding from other sources. The county provides the majority of funding for indigent defense in the state.
• Prosecutors are supplemented locally - locales, can, but don't, assist PD offices with supplements.
• Public Defender Offices do not have access to the wealth of grants and special funding available to District Attorney's office. There is a lack of understanding as to how the inequity in resources affects the administration of justice with criminal cases.
• Would like to have 100% State funding of Chief and Deputy Chief from each PD office to be the same as prosecutors.
• Would like to see more federal government directed toward indigent defense especially in the area of tribal law. The prosecutor’s office and law enforcement continuously receive grants and funding for personnel and other resources. Nothing is directed toward indigent defense creating an inequity.
• We have parity with prosecutors regarding salaries, but access to federal grants and funding is limited. Federal funds for prosecutors/law enforcement create imbalance in criminal justice system.

**PRINCIPLE THREE:**

**Survey Question:** Describe any specific issues that you believe need to be addressed regarding eligibility for public defense counsel.

• Need for counsel at arraignment as mandated by our state Court of Appeals. Funding for enough attorneys to cover arraignments in 38 Justice Courts scattered over 2800 square miles is not available
• Chief Defender decides eligibility. We have insufficient resources to verify information provided to us by applicants and are not in a position to contest eligibility without destroying the relationship and trust essential to representing applicants.
• The court does not want to deal with pro se clients and therefore will sometimes appoint our office to represent someone who is not eligible. This increases our caseload. These clients are often times the most demanding ones.
• Local judges appoint counsel to individuals at the bench based upon their "claims of indigency" with not further investigation whatsoever.
• We have been unable to get the judges to implement a meaningful review of eligibility for a public defender and we are not authorized (not have the manpower) to conduct an independent review. Generally, the judges appoint without any real idea of the person's ability to retain counsel because it is easy.
• Courts rarely question a defendant at length regarding his or her eligibility. Rarely require affidavits of assets. I have been appointed to represent clients who have thousands of dollars posted in bond (In one case over $13,000.00). A drug case.
• Our Judges hardly ever fully question an individual on their eligibility. They are often asked whether they can afford an attorney and are provided public defense counsel if they say no. Other counties operate much differently, in that the Judges spend a lot of time fully questioning the person on their assets and liabilities.
• Unless incarcerated or incapacitated we make every potential client come into the office for an interview. We take them if Family or individual income is below Federal Poverty Guideline + 2 steps. If they are above that guideline we immediately arrange an interview with the court administrator to appeal our determination. The court frequently appoints us to represent people we have initially deemed not indigent. If we are not appointed, they are given a "low cost" list of private attorneys from the county bar association.
• Although state law prohibits it, some judges continue to deny appointment of counsel if a defendant made bond.
• Our indigency standards EQUAL the national poverty levels, meaning you can qualify for food stamps in Missouri and still be expected to hire your own lawyer. There is a significant gap between the standards and what is realistically needed to hire counsel. I also don't like the fact that we are the ones deciding -- creates a conflict when lawyers are trying to control caseloads, in my opinion. If we deny a defendant, he/she can appeal that finding to the court and judges will sometimes appoint us to fill the gap. I also dislike the fact that bond is a factor because many judges' solution is to revoke the defendant's bond to 'make them' eligible if that's the reason they've been denied and because I don't think it is a productive policy for society to require a defendant to lose their job, home, family, etc. in order to qualify for assistance in getting a lawyer.
• The court does a terrible job of screening for this. We often get fairly well-heeled clients who should probably be forced to pay for their own lawyer or be ordered to pay a percentage of the fee to the court that exceeds the $250.00.
• Some judges put too much weight on defendant having made bond
• There is a lack of screening and no effort made to determine if the information they are reviewing would result in the client being eligible.
• The judges generally simply ask defendants at arraignment whether they can afford counsel and, if not, whether they would like appointed counsel. Our office representatives are present at in-custody arraignments, which are held at a central pretrial facility.
• This county is quick to push for and to accept pro se clients, regardless of their eligibility for a court-appointed attorney.
• In a few courts a bad bench officer may try to discourage clients from requesting a public defender. When we find out about this we fight it.
• Considering the number of people that still appear pro se in some of my courts it would seem there is little adherence to the law concerning notification. Even when someone is notified during court, the judge will often give them a friendly reminder that they can talk to the prosecutor and if they do not like the offer, they can come back and ask for an attorney.
• Eligibility is determined by the courts prior to appointment to the public defender's group. The public defenders group in our county has very little influence on who meets the criteria for a public defender.
• Judges vary on definition of "indigent."
• No standards
• When defendants post bond and leave the county jail before seeing a magistrate (magistrates visit 3 or 4 times weekly) no counsel is appointed and the district court does not schedule a preliminary hearing. Most of those defendants do not receive counsel until they are indicted and their cases are set for arraignment. At this point, the Public Defender Office Administrator meets with defendants and affidavits of indigency are completed. We then submit those affidavits to the circuit judge for appointment of counsel -- be it our office or a private attorney. Thus, defendants in criminal cases can go months without being appointed counsel if they are not in jail.
• Our eligibility standards are too low - income above the federal poverty guidelines can disqualify an applicant
  • the guidelines are very general, which allows flexibility in appointment, but also inconsistency
  • Indigent, as defined by our state law, is very vague...prejudice ones financial ability to provide economic necessities for one's self or one's family. The appointing judge makes the decision, which counsel cannot question by statute. There is no appeal. The indigency inquiry is often summary and not detailed. Further, no compensation, including an initial fee for appointment etc., can be collected or asked for. This often results in the client believing that since he paid nothing for the appointed attorney, the advice given is worth what the client paid for it. / Creates a perceived attorney/client problem.
  • Overly complicated eligibility form.
  • Eligibility standards are too low, i.e., income/asset threshold should be higher.
  • Having trained court staff devoted to indigence determination and a statewide manual on indigence screening and verification, like Oregon, would be an improvement
  • Screening and appointment never occurs before the initial appearance
  • There are probably too many appointments; on the other hand, clients are free to retain private counsel later
  • All incarcerated accused should be represented at their first court appearance regardless of need and are not.
  • Even if found to be eligible, there is an attorney fee assessed of $150. which may be paid or satisfied through the performance of community service
• Should be sooner but not enough resources available. public defender usually does have non attorney present at most arraignments first court appearance by video

Survey Question: Describe any specific issues that you believe need to be addressed regarding the notification of appointment to defendants.

• There are too many cases for us to see client's at the time of the initial appearance. In felonies we typically see our client's for the first time at arraignment.
• Our office does not find it feasible to assign cases to a particular attorney right at this early stage, although that would be ideal. There are just too many cases, courts and court appearances to know which attorney will be best situated to take a case at the time that the initial court appearance for that client arrives. However, cases involving homicide, sexual offenses or serious felonies such as armed robbery are generally assigned immediately and the client is notified.
• In town and village courts a judicial administrative rule requires notification to anyone who requests counsel be assigned of our program and of the assigned counsel program. It usually happens. In county and city courts the same rule does not apply so there are numerous occasions when that does not happen. It is a problem. There are occasions like on long holiday weekend where a person could be sent to the jail on a Friday morning and we not know of them until the following Tuesday morning, meaning they have spent four days in jail without counsel.
• The Circuit Clerk handles this, and often does not provide it in a timely manner.
• For PD's appointment notice is almost always timely; for private assigned counsel there are times when the process does not operate smoothly and notice is delayed
• We're not actually appointed -- we make the determination so we know immediately that we've found someone eligible. The only appointments are judicial overrides and we're usually in court for those. So WE know pretty quickly. The clients don't always though. This varies greatly by the jurisdiction. Our urban offices generally see everyone as they come into court the morning after their arrest and notice is pretty immediate. Rural offices that cover several counties often receive applications faxed in from the jail or dropped off at the courthouse and often the client isn't notified of his/her acceptance for representation until the next court appearance. That is a horrific practice due largely to caseloads and shortage of support staff, but still -- need to change.
• The court mails notice to us even if the hearing is set for the next day so there are many times that we don't know we have a new client until we get to court.
• Individual courts may be slow in notifying the public defender office of the appointment.
• Some judges are notifying our office of appointments, others do not. The clerk's office has significant delay in processing orders. As a result we often do not have information concerning the cases we are appointed for days or weeks after the cases are assigned.
• We occasionally have a client who will initially tell the Indigent Defense Coordinator that he will hire his own attorney. However, the client may sit in jail for 10 days or more without an attorney and without bonding out. We need a better system for insuring that people do not sit in jail without representation.
• Persons arrested on weekends might not be advised by the jail that they might qualify/contact a public defender. Jail administration should be notified of this duty and our availability.
• In our system, the appointment goes initially to my office, the Adult PDO, then, if we decline due to conflict, overload of cases or whatever, it is now to go to the Juvenile Office as overflow/conflict office and they may decline. This adds to delay in appointment of specific attorney but rarely longer than a week; if ever. These gaps in representation are a concern to me.
• Some judges still hold onto appointments for long periods of time.
• In town and village courts an administrative rule requires notification to anyone who requests counsel be assigned of our program and of the assigned counsel program. It usually happens. In county and

---

city courts the same rule does not apply so there are numerous occasions when that does not happen. It is a problem.

**Survey Question:** Describe any specific issues that you believe need to be addressed regarding the timing of counsel's entry into cases.

- In our more rural areas, counsel is not available at a client's first appearance and they go before the court for probable cause hearings without counsel. Counsel should be provided for all clients at initial appearance, but budgetary constraints have made that prohibitive.
- It would be nice if defendant's had the ability to have counsel earlier in the process. However, at the present time we neither have the staff nor the budget to do this.
- Not enough funding to have counsel respond to every arrest. Counsel is appointed to eligible incarcerated clients at magistrate hearing within 3 days of arrest. Counsel interviews clients in jail within 2 to 3 days of appointment.
- We need resources for staffing arraignment calendars. We believe that cases can be expedited if District Attorney's office will provide an attorney for the arraignment calendar.
- We generally do not get involved until the preliminary hearing, due to a small staff.
- An interview with an attorney within 24 hours of arrest is not feasible based on size of staff. Within 24 hours of detention, clients are seen by a prison counselor, who will complete PD application with them. My office becomes involved after application is sent to us from the Prison.
- Because we cover two counties and have a small office we are usually not able to appear at bail hearings in our counties. If clients request an attorney for a bail hearing we try our best to accommodate. It is easy to get a bail hearing in both of our counties once counsel is appointed.
- We never get the client until the time of arraignment--that is when they are given the name of counsel. Law enforcement uses the time between arrest and arraignment VERY effectively to gain statements that they otherwise would not if the arrestee had counsel.
- My office represents individuals charged with serious felony offenses. Initial arraignment occurs in different court with a different public defender’s office. There is often a significant delay in transferring matters to our court during which time individuals who will become our clients are effectively without representation. We try to monitor what is being arraigned through various sources and make earlier contact in particularly serious cases.
- We just received a three year grant to try to get counsel at first appearance. It will be a tough road ahead. Right now there are very few cases where we enter a case at the initial appearance. In most cases it is within a few days in a felony case but up to 30 days later in misdemeanor cases. It is a big problem.
- clients in custody are normally brought to court the next business day and can ask for counsel; client not in custody may not have a court day for some period of time - weeks in some jurisdictions - and so cannot seek counsel immediately
- Strong for staff cases; less consistent in some parts of state for appointments of assigned counsel because low rate of compensation results in limited availability
- We fail to provide access to counsel until preliminary appearance at which point we have had little to no contact with the client. We need to devise ways to provide counsel more immediately following arrest/detention.
- The judges are hesitant to make appointments until the clerk's office creates a file. This could be several days or weeks after arrest. As a result many of the people who are in jail wait a considerable amount of time before there is ever an appointment.
- Our law enforcement takes the client to a different locale to interview them without allowing the client to be confer with a magistrate, especially in big cases. Until our judiciary makes some different rulings on motions to suppress, I do not anticipate that this will change.
• There is no automatic screening for eligibility. It is dependent on the client's request. They are informed by the bail commissioner and again in court that they can apply for a public defense. The court will only assess them if they request and complete an application. This leads to clients being unrepresented at arraignment because they have not yet been appointed counsel.

• Our Office does not represent until appointed by Court at first appearance. So the clients are usually unrepresented during custody at police stations. (There is a volunteer program "First Defense" that tries to send volunteer lawyers to the police station when notified.)

• We just received a three year grant to try to get counsel at first appearance. It will be a tough road ahead. Right now there are very few cases where we enter a case at the initial appearance. In most cases it is within a few days in a felony case but up to 30 days later in misdemeanor cases. It is a big problem.

• The limited production of discovery at arrest/first appearance, negatively impacts bail decisions.

• happens too late

• Counsel should be available at first appearance when probable cause and bail/bond is determined, but currently is not.

• No representation at initial bail appearance.

• We are often not made aware of an arrest within 24 hours of it occurring, and are not appointed until the bail hearing, though by that time we have interviewed and determined eligibility.

**PRINCIPLE FOUR:**

**Survey Question:** Describe any specific issues relevant to the ability of public defense counsel in your office/program to timely and confidentially confer with clients.

• We need more money to adequately represent clients.

• lack of discover production early in case limits effectiveness of defense counsel

• we don't have time to have adequate client contact

• Too many clients to adequately meet prior to courts to discuss their case. No place to meet with them in courts and at the jail. At County Court with incarcerated clients, there is no private area to discuss their case. We must meet them in the holding cell area with other caged defendants and guards readily able to hear any and all conversations.

• We find ourselves in a position of having to meet with many clients in courtrooms and courthouse hallways typically when the prosecutor makes a new offer in court and puts a time limit on the offer. Individual attorney caseloads make it impractical to stop the docket and move to a confidential room to discuss the offer, so it is discussed in hushed tones in the courtroom.

• Not enough time to have adequate initial meeting due to excessive workloads and docket system. Arraignments on indictments can take up to 4 weeks after arrest.

• Caseload is the biggest issue. In all but the most serious cases, it is often a matter of 'we'll get to you when we can get to you' and that is often not timely at all.

• Too many incarcerated clients & too few Law Enforcement personnel. Too many clients for attys.

• In further response to question 5, we are typically appointed at first appearance which occurs within 24 hours of arrest. Preliminary bond is set at this time. We rarely have an opportunity to meet with clients before first appearance.

• Our caseload and court schedule delays initial and regular client contact.

• My attorneys handle 5 times the ABA standards and are per se ineffective.
Sometimes we are limited by the sheer number of cases relative to the number of attorneys available.

Too many clients to adequately meet prior to courts to discuss their case. No place to meet with them in courts and at the jail.

We are overwhelmed at the sheer number of cases we handle.

Police sometimes use "security" as an excuse to interfere with our ability to confidentially confer with clients.

The one space for a confined client is in the jail, and we do not trust the phones not to record our conversations. It is difficult to get appointments for the one available confidential space. For assignments from the courtroom, we have no confidential space.

Our problem is that when our clients talk to people besides us, the calls are taped, and that has caused lots of problems for representing our clients as that gets turned over to the State.

Department of Corrections personnel insist on being in the same room with the defendant. The judge will order them to be outside as soon as I request. I must seek permission from the sheriff on all persons in custody. Additionally, all county inmates are kept in jails that are at least 25 miles distant, and juveniles are housed in a detention facility in the State of Missouri.

Some units of our County Jail are not conducive to private communications. Some jail guards inhibit access on random occasions. This is an ongoing issue that we are working on.

All areas at the jail may be recorded as are all telephone conversations. Therefore, notwithstanding, "attorney meeting rooms" at the jail there are issues with the location of the rooms as well as the ease of use of the rooms which impairs confidentiality.

The regional jail system.

We lack confidential interview detention rooms to interview custody clients. Interviews with out of custody clients occur in a hallway or stairwell.

There can be issues meeting confidentially with clients who are expressing florid psychotic symptoms at the jail for security reasons.

While I have provided suggested client interview guidelines and forms, I cannot require private attorneys to use them. However we have underscored the need for the information in whatever format it is acquired.

Need more confidential space at the courthouse.

There isn't enough interview room space in the courthouse cellblock to meet with each client privately.

Confidential meetings are available at attorney offices and if scheduled at the jail. However, jail access can be problematic. There is virtually no facility for confidential meetings at court or courtroom environments.

Many times because clients are in custody, counsel cannot meet with clients in private because other prisoners are there (in chains, handcuffed). Counsel tries to avoid others hearing conversations during this time.

Not enough space at jail or courthouse for clients that are in custody.

The jail and hold-over cells attached to the court do not allow for confidential attorney-client conversations.

Our jail is overcrowded; numerous pre-trial defendants are housed from 30 minutes to 4.5 hrs. drive away. The travel distances combined with insecure phone contact creates significant problems.

Jail access is a problem in certain locations in my jurisdiction.

Limited space in the jail and limited confidential meeting areas in the jail. Attorneys are often forced to meet with in-custody clients in the jury box in the courtroom or in a jury room at the table with other attorneys and inmates in close range.

Delays in appointment and lack of confidential space at the courthouse pose the greatest problems.

Our County jail has 500 beds but only 4 private rooms for interviews. / We share these rooms with other defense attorneys, probation officers and parole officers.
• There are sometimes difficulties in communicating privately with our clients in court, for instance, to discuss pre-preliminary hearing offers, depending on which courtroom they are in as well as on how crowded the calendar is. If there are many in-custody defendants, there is not always a place of private conversations.

• Very little confidential space in the courthouse, for both jailed clients and "street" clients. This is a persistent problem in our jurisdiction.

• There is only 1 room on each floor, to meet with incarcerated clients who are brought from the jail to court, and this lack of more space causes client contact problems.

• Outdated courthouse facility has insufficient space for truly confidential meetings. Meetings at office or at jail are adequately confidential.

• The lawyers, sometimes, are not as timely as the Chief Defender and the Policy and Procedures manual direct.

• You can't meet a client who is out on bond, has no phone, does not call you and won't respond to mail. By the way, the prior sentence describes half of my clients. Those clients who do contact me generally want their "hands held" rather than to actually help prepare their case. They want me to: i) tell them what is going to happen as if I could predict the future or was ethically able to even give them my best guess, ii) give them "discovery materials" that I am forbidden by the rules to share, and iii) get them a better deal from the prosecutor as if I had any control over what was being offered.

**PRINCIPLE FIVE:**

*Survey Question:* Describe any specific issues your office is dealing with relating to the control of workloads in your office/program.

• We ask for more attorneys to help with caseload issues from funding agencies.

• Use of a 'mixed system' model and case management system allows for good management of case assignments and allocation of excess cases, but does create budget issues.

• This office must represent all clients to which we are appointed by the clerk. The obvious solution is to hire additional attorneys. We have done that but are limited by our budget.

• Budget cuts have led to a reduction in attorney positions and therefore a rise in caseload levels.

• Current caseloads are three times the recommended limit. Lack of resources means that the attorneys have no choice but to represent clients despite the overwhelming case load.

• Additional attorney(s) needed to keep up with caseloads for the office.

• Not feasible to refuse appointments. Must perform duties with whatever limited resources are available.

• Due to ever increasing case assignments we have to assign cases on a case by case basis to outside attorneys to maintain compliance with State PD Commission guidelines for salaried attorneys.

• We have too many cases.

• Our caseloads have and have always been twice the national standard.

• The attorneys are handling 3 to 5 times the ABA recommended case loads.

• As supervisor, I do the stats each year. I noticed our district court (misd.) level attorneys had outrageous numbers of cases the year before last. I notified the court that due to the high case load, I could no longer staff one of the courtrooms because I needed two attorneys in one of the three courtrooms to share the immense case loads. That prompted intervention from the judiciary to convince my boss (Chief Public Defender) on Oahu, to ante up another attorney position to the Maui office, despite my having requested this position for the last 9 years (with stats to back it up). We now have 14 attorneys for three islands in Maui County. I've found that the judiciary freaks out when the realize PD's won't be available so action gets taken. I was short-staffed by 3 attorneys a few years ago and completely pulled...
PD's out of three courtrooms. The judiciary had to appoint conflict counsel for 1000's of cases until we got more attorneys hired - about 4-5 months.

- We have none - but we are working on controlling caseloads. We have been working on controlling caseloads for the last 5 years, and have received significant pushback from the Governor, the courts, the private bar, and prosecutors.

- Judges sometimes appoint cases to our office inappropriately, usually because they assume that any client who has a public defender on pending cases should be assigned to the same lawyer automatically. We screen them out, but it causes delay and confusion which is avoidable.

- We had a regulation with mandatory maximum caseloads and placed offices on limited availability when they exceeded those. After 4 years of litigation and two Supreme Court decisions, we finally got affirmation that the PD Commission COULD do that and about 20+ offices went on limited availability as a result. Uproar ensued and the following legislative session, legislation was introduced to require us to contract out all but A/B felonies to the lowest bulk bidder. That was defeated but the compromise was to statutorily remove both the Commission's state-rulemaking authority to control caseloads and the Director's ability to seek judicial relief for case overload on behalf of offices. Instead, (1) a judge must grant relief, (2) only the local District Defender can seek relief from the judge, and (3) s/he cannot seek it on behalf of the entire office at once, but only on behalf of one or more attorneys at a time.

- We do our best to adequately represent our clients, however, our caseloads continue to increase and the county refuses to provide us with additional staff.

- see above. State law and lack of state oversight over county government. Each county is responsible for how indigent representation is set up.

- One of our felony judges really pushes for our office to take more cases regardless of the limits. Initially, we were doing a total count and taking whatever cases were handed to us. The first two years, however, we maxed out on cases before the end of the year with almost 2 months to spare. We have since moved to a monthly count which seems to work more efficiently and seems to appease all of the judges.

- Judges unlikely to let us refuse to take a case. Some judges appoint us in cases which we should not be appointed in.

- It is difficult to monitor workloads because the manager is also overloaded with cases. As a result, snapshots taken once in a while do not allow enough control of the workloads.

- There are no hard caseload limits. Jurisdiction attempt at Spangenberg/case weighting analysis has failed.

- The PD offices are allowed to farm out cases when workloads get too high; they each decide how to monitor this. Contractors contract to cover a set caseload, and cannot contract to cover more than a maximum caseload that is determined by case type; there is no real monitoring of caseloads for counsel assigned from rosters, but usually there are too many attorneys and too few cases for large caseloads to be an issue.

- There are no caseload limits on private appointed counsel, only for attorneys in the public defender’s office.

- Although attorneys break down their time when they submit vouchers, they are not required to provide this information until the end of the case. Therefore, although we can find out "after the fact" about the work that was performed on each case, we cannot find out about it in real time.

- We only have ad hoc controls, and in most places, none at all. Our office culture is also steeped in helping everyone who is poor and needs help, instead of viewing our primary obligation as that to our clients.

- We have no ability to refuse cases when caseloads/workloads get too high

- We have found that the much needed advent of specialty courts has caused a significant strain on the time and work demands of our attorneys, and that we need additional attorneys to account for the attention to areas that never used to be focused on by the Courts.

- The State has not adopted a clear policy on workload controls.
• The workload an attorney is expected to handle goes up gradually over time. The required case load for our most senior attorneys is very difficult to maintain, and I would like to see more flexibility built in for the expertise the most senior attorneys provide to our overall office effort, especially for their guidance and mentoring of newer attorneys.

• There are no controls. While we are aware of the number of cases handled by the attorneys, there is no mechanism to refuse to accept additional cases. Also, as the managing attorney, I have a caseload of only felony matters. It is over twice the amount of any standards which means I have no real time to supervise or to manage these excessive caseloads.

• I have concerns over the current caseload standards that were promulgated before computer assisted research, the internet, fully funded experts and investigators.

• We've recently updated our case management system; it's become a continual work in progress.

• For the last 3 years we have had an Early Case Resolution program and that has reduced the number of cases being handled by our line-attorneys. However, that has also increased the number of cases per attorney in the ECR Court program.

• We cannot control caseloads. We need to change the way we track to "workload measures".

**PRINCIPLE SIX:**

**Survey Question:** Describe any specific issues relating to the matching of qualifications of public defense counsel in your office/program matching to the complexity of the cases they accept or receive.

• We have a yearly training program for the entire state PD's office. It is geared toward new attorneys who may not have had even one jury trial yet. The more experienced attorneys often ARE NOT EVEN ALLOWED to go to the annual seminar when they, of all the attorneys, would benefit from more training in Sex Assaults, major drug cases, kidnapping, etc.- the more serious cases with more serious consequences. The seminar also doesn't bring the outer island supervisors to the training so they can't even see their own attorneys in action or see how they are doing compared to the other offices. There is NO training for supervisors to help them BE good supervisors.

• We don't have resources for full-time training attorney. Responsibility falls to other supervising attorneys, who carry full caseloads.

• Since this is an assigned counsel program, the attorneys must have certain levels of experience before joining the program. The attorneys may qualify for three different panels depending on their experience - Homicide/A1 Felony, Felony and Misdemeanor. We have no formal or informal training programs due to lack of staff (one supervising attorney for 450 attorneys in 3 counties) and no money allotted for training and mentoring programs. There is a CLE program run by an administrator in an adjoining county; however this program is not a training program. It provides information on a variety of topics such as search and seizure, discovery, jury selection, DNA, etc. Despite these obstacles, we are able to match attorneys to the complexity of the cases. Attorneys on the Misdemeanor Panel may not handle felonies and homicides and A1 felonies are reserved exclusively for the Homicide/A1 Panel. The Felony Panels and Homicide/A1 Panels consist of very experienced trial attorneys who have spent years in private practice or who received training at the Legal Aid Society or the local District Attorneys' Offices.

• Workloads and high turnover result in lawyers with very little experience becoming responsible for serious cases, and more cases, than they are often able to handle ideally.

• We sometimes are forced to send a less than ideally trained attorney into a court. With a limited number of attorneys and a large number of cases and courts, it is unfortunate.

• Newly created department that must develop training standards

• Our state does not meet the ABA guidelines for appointment of counsel in capital cases. There are no state CLE requirements for lawyers in the state. It makes it difficult to find adequate in state training for public defenders. We do most of our training in house and out of state.
• In our smaller jurisdictions, which cover multiple counties and where the attorneys have smaller and less diverse caseloads, the newer attorneys simply do not have the opportunity to gain experience, either by observing or by participation, in all types of cases before undertaking representation. However, since the Office of the State Public Defender, and not an individual attorney, is appointed to represent the client, we have the ability in all our offices to transfer cases among the attorneys to ensure that attorneys are not handling cases beyond their abilities.

• PD's have training, and contractors must meet training and experience standards; for roster attorneys the standards are set by local committees, so it is impossible to say that all appointed counsel met training or experience standards, although the majority of appointment plans require either some training and/or experience before an attorney is placed on a list; for capital cases and appeals there is a more rigorous application process for appointed counsel to get on a roster.

**PRINCIPLE SEVEN:**

*Survey Question: Describe any specific issues relating to the continuity of representation for clients in your public defense office/program.*

• For our largest metropolitan court - clients are still represented in a somewhat horizontal fashion. Our office has been working to convert that representation to vertical, but budget and staffing constraints have limited the progress on that conversion.

• If a junior lawyer represents a client on a misdemeanor case and the client is charged with a felony or case that the junior is not prepared or qualified to handle, the case is reassigned or "graduated" to a lawyer who handles that type of case.

• Since student attorneys have their own caseloads, often they will graduate prior to the completion of all of their cases. The cases remaining are reassigned to me until the next group of students begin clinic.

• This is a goal we are working on, but have not yet fully attained. Some offices still have associate circuit docket lawyers and then the cases are transferred after arraignment to the trial lawyer. Those offices that do have that arrangement are in the process of changing it, but it is slow. The courts and the lawyers both find the change frustrating because it is less efficient, though more effective. Also problematic in rural offices covering multiple counties where there is not a senior lawyer available to that county. The less experienced lawyer may take the case and cover all the initial stuff with some consultation w/ a senior lawyer and then if the case winds up going to trial, the senior lawyer steps in and tries it.

• We are a small office and oftentimes will meet with the client as a team of two, especially if it is a felony. The client often works with 2 attorneys in felony, but may meet with one attorney more, who takes the lead on the case.

• We have turn-over in our office that requires changes in attorney assignments. We also have a team approach to our client representation per court team.

• While we have vertical representation for our Circuit Court and Juvenile Court clients, the sheer numbers of our District Court cases (and the three locations of our District Courts) require us to assign attorneys by courtroom. In the vast majority of District Court cases, trial and sentencing are held on the same day. If a District Court case is continued for sentencing, our attorneys will often follow the case through to its conclusion (especially in a case involving mental health issues), but this is not always possible.

• Our county has 32 towns and 4 villages that have their own local justice courts. In addition, there are 2 city courts in the county. All of these courts have misdemeanor and violation jurisdiction and initial jurisdiction in most felonies. With only five (now 6) attorneys in the office it is physically impossible to have vertical representation throughout the county. We are planning on starting a limited trial program of vertical representation for felonies in at least six of the courts in the coming months.
• The only reason a lawyer would be transferred from a pending case might be a caseload issue or some event external to the representation like maternity/paternity, illness, or termination.
• Too many cases to always provide vertical representation, particularly in misdemeanor cases -- and still be efficient.
• The large volume of felony cases, and of the court departments in which cases are heard, does not always allow us to keep true vertical representation at all stages. However, our policy is that, in general, once an attorney appears at a substantive stage (e.g., pre-preliminary hearing conference), that attorney keeps the case for the duration.
• Our PD's rotate assignments about every 6 months so sometimes our clients get a new attorney sometime during the pendency of their case. This is usually traffic and misd. cases. The felony cases generally stay with the same attorney for the entire pendency of their case unless an attorney quits or is out for an extended period in which case, the old attorney's files will be re-assigned. The new attorney is encouraged to notify the client of the change before the next court hearing.
• The Public Defender’s Office does not always represent the client on appeal.
• New department needs to develop policies in client transfers.
• Cases are assigned to particular division of court and particular attorney for that division at arraignment. Our attorneys are permanently assigned to particular divisions of court.
• We adhere to vertical representation in felonies, appeals and post-convictions but not misdemeanors.

**PRINCIPLE EIGHT:**

**Survey Question: Describe any specific issues relating to parity of the public defense office/program with the prosecutor’s in your jurisdiction that you believe need to be addressed.**

• My program gets funding as needed because we have no control over the types of cases or number of cases to which we are appointed. Probably 90% of our funding is case related, with the remaining 10% pretty much fixed. And so while I have a budget, if it appears we will go over budget we request additional funds and they are provided. However, the Public Defender’s office is not and never has been fully funded, while the DA's office pretty much gets what they ask for.
• They get a lot more money than we do.
• Could always be better; more grants available to District Attorneys and law enforcement
• In my jurisdiction, at the county decision level there is parity between the PD and DA offices. The disparity comes from State legislation. For example, the state passed legislation making all District Attorneys full time and set a salary (usually at least twice that of a full time chief public defender -- or any other county employee for that matter) that is 75% paid for with state funds. It would wreck the entire county salary structure to bring the chief into parity with the elected DA and judges (who are also funded by the state). Both offices have state associations. The Legislature has enacted legislation funding the DAs Association at a level of about $4 million/yr. while the Public Defender Association is limited to $33,000/yr. The SAA controls grant funding to Criminal Justice entities in the state. While it yearly gives millions of dollars to District Attorneys’ offices for training and personnel (victim witness advocates) it has been extremely stingy with funding anything for defense. Personnel-wise it has offered some "seed" money to increase Juvenile representation capacity (if the county agrees to add a Juvenile PD or DA to staff it paid 75% of the costs the first year, 50% the second year, and 25% the third year). Training-wise the disparity is more profound. Until 2001 the state admin. agency funded no training for indigent criminal defense. I was president of the State Public Defender Association that year and went to the capital to beg for money ($40,000) to start an annual trial skills school. With heavy opposition from the DA's Association we were given the money. This year we have been promised an extra $10,000 to run an advanced cross examination program in addition. That is about the limit of SAA’s contribution to defense training. Also in 2001, when the legislature was seriously contemplating a moratorium on the death penalty, it came to someone's attention that there was a yearly...
state appropriation to the Attorney General of $600 thousand to train county District Attorneys to defend capital post-conviction (habeas) appeals. In the interest of fairness (more likely to quash the moratorium) the legislature gave $600,000 to a law school to help train attorneys to prepare and litigate capital post-conviction claims. At the local level I chaired the technology committee of the county Criminal Justice Advisory Board and (until the state found out) had the first and fullest access to the state’s Internet Portal. It was state officials who disconnected me. The major problem of lack of parity is not at the local level. It’s higher up the money ladder.

• Access to Byrne/JAG and other federal funding opportunities needs to be increased for defender offices public

• Private assigned counsel and contractors have borne the brunt of budget cuts, resulting in significant reduction in pay - the resources for their work is not on par with the prosecution

• The County Public Defender's Office is smaller than the County Attorney's Office. Since the Public Defender's Office / is smaller there is no parity based on size of office and size of budget.

• Statewide, the PDs are funded at 50% of the prosecutors budget regardless of the percentage of workload between us

• We would like to see more grant/funding opportunities at federal level for indigent defense services

• Budgets would have to be increased significantly in most jurisdictions to reach parity

• Our office has no greater access to criminal history databases or secure web docket sheets than the general public

• While our office and the District Attorney's Office are generally equally funded by the county, the main funding source, the District Attorney has been traditionally much more successful in obtaining state and federal grants and money through the statewide District Attorney Association.

• Grant funding is basically unavailable to the defense. Up to half of the DA's budget are state and federal grants. We are funded in near parity from the general fund, i.e. 10 million to us and 10 million to DA (and they have the grant funding over and above that amount.

• Salary parity is a major issue both regarding D.A. and County Attorney salaries. A lawsuit was filed by our office against the county board of commissioners that was joined by the D.A.’s office.

• Defense funding is only about 50-55% of prosecution funding though defenders handle more than 50% of all criminal cases within the jurisdiction.

• Funding for appellate public defenders (mu office) is much more on par with the corresponding prosecutor's office than the trial level public defenders who much rely on funding from the County. County funding varies greatly, but none of the circuit court public defenders have parity with the State's attorneys.

• DA's get grant money. They have a larger staff, more investigators.

• Responses to this Principle are complicated by the fact of salary funding equity between PD and DA offices, but not between the office I'm in (an appellate defender office) and the state attorney general's office, which handles most of the state's work on direct appeal.

• Private assigned counsel is not paid adequately. Payments for investigators and experts are extremely underfunded for private appointed counsel.

• My salary is 2/3 what the prosecutor makes and I have been with the county eight years longer. When I ask why the disparity, the county commission's explanation is he's "elected," and I am not.

• Since the recession, the disparity in salaries between the two organizations has become quite large.

• A brand new prosecutor begins with a minimum of $5K more than a brand new prosecutor in my jurisdiction, despite being equal in all other aspects (experience, training, resume etc.). The prosecutor's office has 2 assistants per attorney- my office has 3 attorneys per assistant. The prosecutor's office has 4 investigators; the PD office has 1. This disparity is usually dismissed with the reply 'yes but we deal with cases involving private attorneys too' but the statistics do not bear out this gross disparity in funding. I believe the true reason is because additional funding to be 'tough-on-crime' is easy to obtain and political popular, while increasing funds to 'help criminals get off' is unpalatable to our ever
cowardly and venal politicians. The local PD office has been on a midget budget crisis for half a
decade, and so a ludicrous incentive system has been borne: the supervisor will award annual raises for
the sake of annual raises -but each increase will be $1000 at most. After taxes, that comes out to
roughly $75 per month, which at most maintains even with inflation but does nothing to tempt quality
experienced attorneys to remain here.

- Contract PDs and other appointed counsel are substantially underpaid relative to the DA's.
- Prosecutors have more resources and funds available to them.
- Salary disparity, staffing and personnel disparities, disparities in collateral resources (investigators,
  experts, particularly restrictions on which experts can be hired)
- MO prosecutors are county officials, not state, so their resources vary from extremely well-funded in
  more prosperous counties to struggling in the poorest of the rural counties. However, by MO Statute,
  the elected county prosecutor must be paid at least the equivalent of an associate circuit judge -- which
  is almost twice what the heads of our district offices (i.e. their defense counterpart) is paid. THAT is
  very frustrating.
- We have achieved pay parity for assistant public defenders with assistant district attorneys. In regards
to the Public Defender in comparison with the District Attorney, the pay is woefully behind. After a
pay raise for the DA on 4/01/14, the Public Defender's compensation will be only 61% of the DA pay.
Proposals have been made to use state discretionary funding to provide for pay parity for the Public
Defender but it is receiving very unfavorable comments from the county legislature. If these funds
were used as proposed, there would be full parity within two years. The DA's Office just added a full
time victim advocate position which has not been matched in the Public Defender's Office with a sorely
needed social worker position. We do not have access to client criminal histories as the prosecutors do.
Overall, we are not treated fairly.
- The City of [name] does engage in discussion with indigent defense providers about criminal justice
policies. However, the needs of police and prosecutors are paramount. There is a wide disparity
between indigent defense funding and other criminal justice funding. The City of [name] does not
consult with the assigned counsel program on any initiatives because the assigned counsel program is
housed within the Mayor's office. Therefore, the assigned counsel programs are considered "subsidiaries" within city government and do not have the independence to advocate for specific
policies that would benefit indigent defendants. Recently, a decision was made to provide attorneys
trained in immigration law to clients who are served by institutional providers. Clients of assigned
counsel programs have access to these programs but only after wading through some red tape to obtain
access. They are required to use the services of the attorneys who are on staff at the institutional
providers. This decision was made in consultation with the institutional providers but the assigned
counsel plan was not even notified that their clients would not have direct access to immigration
attorneys until the program was unveiled. In summary, I would have to say that some indigent defense
providers have a degree of parity with prosecutors but that assigned counsel plans have no parity with
either prosecutors or other indigent defense providers.
- There is a significant disadvantage with staffing levels between the Prosecutor's Office and the Public
Defender's Office in my jurisdiction. There are a total of 7 full time prosecutors to 4 full time defenders.
The two prosecutor's office has a total of six non attorney staff to 4 non-attorney staff for public
defenders.
- We only have 2 attorneys. The prosecutor's office has over 200.
- The County prosecutors have more than twice the number of attorneys as us. They have paralegals and
support staff of more than 2 per attorney in their office. We have two full time and two part time staff
and one investigator. The attorneys type EVERYTHING and the staff mainly answers phones, open and
close cases an order supplies and make travel arrangements along with staffing the front desk. They also
do two court runs a day and copy discovery. Otherwise, the attorneys do everything else- scheduling,
writing, typing, etc. Our other office has a lot more support staff comparatively so as usual, the outer
islands get unequal treatment compared to our main office. The prosecutors in the state are county
based while the PD's are State based.
• Public defenders do not have access to their own clients' criminal histories, much less any other person associated with the case, such as witnesses or complainants. Discovery in NYS is the same as it was in 1970, when I started. Any discovery above the absolute minimum is at the discretion of the prosecutor and that discretion is exercised differently depending on the case. In other words, when a DA's case is marginal he/she tends to become close mouthed.

• Our office has one paralegal and no paid law clerks. We no longer have staff investigators, and instead contract with private investigators on a case-by-case basis. By contrast, the Baltimore County Police Department is one of the largest police departments in the country. Every State's Attorneys has a laptop computer for use in court, and the office has the latest technology for courtroom presentations. We have a projector, but have to use our own laptops for a simple PowerPoint presentation.

• Prosecutors have access to some resources that are not available to the public defense program. They have better technology, more investigators and more clerical support. There has been some improvement over the years but we still have a way to go before attaining true parity.

• The Public Defender and his attorneys chair and sit on many committees and boards and have a strong influence on policy decisions.

• So the issue here is who are you asking me about -- PDS in the locale have complete parity -- appointed counsel which handle far more cases than PDS does not -- but it's not that bad. I also take cases in md - - very bad - and was a PD in Florida – horrible

• We are staffed on parity with the DA's Office when it comes to attorneys - not much else, though.

• The parity for PD's has greatly improved in the last 10 years

• One of our district judges says that he is a great team with the prosecutor in being tough on crime. That statement says it all. We are very rarely considered part of that team.

**PRINCIPLE NINE:**

**Survey Question:** Describe any specific issues regarding training or continuing education of attorneys in your public defense office/program that you believe need to be addressed.

• Additional funds are needed in order to attend more CLEs.

• The office should absorb the cost of approved outside seminars.

• Because of budget issues, the Office has had to cut back on sending personnel to outside training institutes such as NITA and others. We have substituted in-house training using our most experienced staff as educators.

• There is not an adequate budget for training to meet all training needs of our attorneys

• We've cut CLE payments because of shortfall in revenue. The attorneys are required to attend any LPDB cle's or seek out free cle's during the year.

• Our STATE Bar requires 3 credits of Continuing Legal Education (CLE) each year for each attorney. Our yearly training seminar provides for free the 3 CLE's for the newer attorneys who attend but the attorneys who are NOT allowed to attend have to make up the CLE's on their own and pay for them. Sometimes the Oahu office will issue a DVD of a topic and if the attorney watches the DVD, they will certify the credit for free though.

• Our education and training budget is contingent upon the other annual need of the county. We compete with the county's needs for renovations to the parking lot, roof repair, salary increases for the commission and the prosecutor, as well as highway needs.

• No training budget. Steal from general funds for training conferences

• We need more staff training and I'd like to get our attorney training to the attorneys before they get thrown in the deep end instead of just sometime during their first year of employment.

• We are a small office without resources to have our own educational programs. I attempt to get each of our lawyers to at least one training session each year (see answer to following question)
• This program has no dedicated resources for CLE and continuing education. An administrator from an adjoining county recruits volunteer presenters and uses free space available in the courts to run a series of evening continuing legal education classes. The panel members can access these classes but are also able to attend a number of very good CLE classes run by bar associations, the State Defender Association and local law schools. However, they must pay substantial fees for these programs out of pocket.
• There is very little training that is specific to public defenders in my state.
• More opportunities for training for experienced public defenders should be offered.
• PD have access to training; while private assigned counsel have access, it is at a cost and not required in many districts - there are more resources for contractors than roster attorneys
• We are generally precluded from attending CLE outside of New York State. This means that in order to attend very relevant CLE through recognized providers including NACDL we must pay out of our own pocket. Since we are generally underpaid, this is a very little used option. We are deprived of attending very relevant training because of this general policy of our county.
• The agency will consider the promulgation of rules that will specify the training and the CLE requirements that will be imposed on indigent defense attorneys. No standards currently exist except for the general requirements of the state bar.
• The PD office offers voluntary attendance seminars on random legal topics every 4-6 months, each of which last roughly 2 hours. Those seminars are organized by a 'training supervisor', otherwise referred to as an indolent beneficiary who has a minimal caseload in exchange for 'organizing quarterly training sessions.' The PD office requires no more CLEs than the state Bar. In fairness, the local prosecutors do not attend any more
• We have begun Trial Practice Groups where attorneys use psychodrama and role playing to improve their trial performance. This has worked well.
• We have monthly and weekly in-house training sessions.
• A director of training will be starting on 2/1/14 and will be developing a training program and standards.

**PRINCIPLE TEN:**

*Survey Question: Describe any specific issues regarding the supervision or review of public defense attorneys in your office/program that you feel need to be addressed.*

• Our office is a small office with limited funds and therefore has few true supervisors. However, the benefit of being a small office allows frequent, almost daily, contact with many of the lawyers. Our evaluation of lawyers is somewhat informal and based on personal observation.
• Same theme -- PDS 100% adheres -- the panel attorneys for which I am -- not as much --
• We have inadequate staff to provide our supervisor enough time to provide adequate supervision of the assistants. New hires get good training but the ongoing supervision after that training is minimal.
• We would need more supervising attorneys to conduct more comprehensive case reviews, observation of attorney interactions with clients, etc. For example, there is one supervisor for the entire District Court Division, which is staffed with 14 full-time and 4 part-time attorneys.
• This is an area that we really need improvement. In hiring new managers/supervisors, we are making in-roads. The old guard took the path of least resistance. As a result, we have many lawyers who should be more effective at their work and with their clients.
• In each courtroom there is a senior and junior attorney. There is super ion to that extent, however the senior attorney has the more serious cases, and often more cases than the junior atty. this makes systematic supervision difficult. Request for more lawyers are almost always denied. More layers will enable the office to have "layered supervision & accountability in the courtroom. In the District
Attorney’s Office there is a supervising attorney assigned to each courtroom, who serves to supervise and to sit second chair when needed.

- It is almost impossible for one administrator, the sole attorney who works for the assigned counsel plan, to effectively supervise 450 attorneys in three counties who are handling thousands of misdemeanor, felony and homicide cases.
- After we get a permanent chief, we will, as we have in the past, be evaluated. We do not file a brief unless it has been subjected to peer review by the other attorney.
- In the public defender's office in my jurisdiction there are two full-time attorneys with equal levels of experience and skill. There is one part-time conflict defender who has more experience than the two full-time public defenders combined.
- There is continuous quality review. We look at attorney work product monthly (number of client visit, motions filed, trials, evidentiary hearings). All attorneys send office wide reports at the end of every trial or evidentiary hearing.
- We identify attorneys who are having performance issues and meet with them regularly. We use performance improvement plans when needed and monitor closely.
- There are no attorneys in the office who are purely supervisors. That is, all attorneys carry their own criminal caseload
- The review process occurs only once per year, but there are periodic irregular file reviews that occur. Those types of reviews tend to occur more often with attorneys who it is believed are either not properly attending to clients’ needs or not being as successful as they should in moving cases to a conclusion, be that a trial or a plea.
- It is difficult to constantly supervise attorneys because supervisors have a smaller caseload, but nonetheless we have our own cases as well.
- Our supervisors all have their own excessive caseloads and so have limited time for supervision. We do evaluations prior to promotions, but at this point that is all. Once an employee has topped out at the APD IV level, there are seldom additional evaluations unless there is a problem. Some supervisors still manage to do a good job of meeting with their lawyers, reviewing cases, brainstorming cases, observing them in court, providing them feedback, etc. and others do none of that. Very inconsistent across the state.
- Supervising lawyers have caseloads that are too high to allow them to supervise less experienced lawyers as well as they should.
- PD offices have supervision; private assigned counsel generally does not, with the exception of capital and appellate lawyers. Contractors are subject to oversight by a Regional Defender, which is an improvement
- The State Supreme Court will adopt standards for appointed defense counsel soon. The standards are written and contain an evaluation component. The evaluation component places responsibility on judges within the judicial district. Prior to the adoption of these standards there is no general evaluation process, unless internal to individual offices
- We are an appellate defender office. There are no supervising attorneys in our office beyond mentors for newly hired colleagues. We do have a very structured brainstorming procedure for most cases. There is no mentorship or formal supervision of private assigned beyond review of filed briefs, and consultation as requested by private assigned counsel.
- At present, this agency has not imposed a requirement by the public defender corporations to adopt a formal evaluation program.
- The office hierarchy has been mostly horizontal with all personnel reporting to the Chief Defender until recently. We have now established some intermediate supervision levels and are still working out the details and finding our way. We also do not have enough in writing as to checklists, procedures and manuals which was tolerable until the Office recently grew by 3 new attorneys this past fall.
• Supervising attorneys only sporadically review attorney performance, and typically after a problem has arisen. I am a supervising attorney, and I have never had a performance review from my superior. I have been in this position over 8 years.

• This is an assigned counsel program and the attorneys are independent contractors, not employees. They cannot be supervised in the manner implied by the questions above. However, in monitoring their billing records and investigative and expert requests for services, we do have the ability to exercise administrative oversight and review. Every 5-8 years, the entire panel of lawyers is subject to review. It should be done more often, but as outside experts are used to investigate, the cost is high. This question does not really apply to assigned counsel however questions could be drafted in such a manner that you might be able to obtain useful information about an assigned counsel programs ability to review attorneys. There was a court ruling in our jurisdiction that no attorney on the panel is entitled to any number cases or any cases. Thus, ultimately no cases need be assigned to an attorney who is not providing effective assistance. Additionally through the peer review process the Peer Review committee has the ability to take action from requiring training to downgrading, to removal of the attorney from the panel.

• There is no statewide evaluation process; however, as supervisor of the office, I have implemented my own employee yearly evaluation process. I review each person within an objectives check list and discuss areas that need improvement. I have them bring some case files and we go over the processes used for the cases. Basically, I try to help each attorney identify areas that need improvement and tend to check in with them six months later to see how they've done. I observe them in court, on the record and with clients, I also try to intervene when it comes to my attention that something is going South with a case or a client. I also evaluate how well they follow in house procedures for file and client maintenance.

• There is supposed to be an annual review, which when carried out is mostly a self-review with a rubber stamp from the supervisor. Realistically, once promoted to felony court those annual reviews cease.
APPENDIX D

EFFECTIVE PRACTICES REPORTED BY RESPONDENTS
PROMOTING ADHERENCE TO ABA TEN PRINCIPLES (By Principle)

PRINCIPLE ONE:

Survey Question: Describe any exemplary practices in your office/program that might be of interest to other programs/offices regarding the independence of your public defense/program.

- All clients are treated fairly and with respect by all the attorneys that are assigned through this office. Over the past ten years I have received very few bona fide (under one dozen) complaints regarding the satisfaction of the client by the representative assigned to handle their particular matter.
- The first State Appellate Defender 40 years ago made it clear that he would not engage in political hiring and would only hire based on merit even if it meant that our appropriation would suffer. There were a few years where we were cut, but eventually legislators basically left the agency alone and allowed us to be completely independent of political influence. That has continued to be the case.
- Never permit the courts to assign specific counsel. That is my job.
- The Board of Directors in no way is involved in Day to Day practice or cases nor is the Public Defender Agency that provides funding.
- Hiring experts is totally within our control. Training is totally within our control/appointing attorneys is totally within our control except for a few ad-hoc cases.
- Our program was created in 2010 and removed judges from the consideration of lawyer fees and requests for funds for experts/investigators, etc.
- The Executive does not interfere in the operation of the office and has been willing to actively assist us obtain state grants to increase staffing.
- When this program was formed by the tribal council, the legislation which is codified was written to ensure independence. Only administrative review is provided by the Office of the President, e.g., travel requests/reimbursements, etc. of the Director only.
- The Commission which oversees the statewide program recognizes the need for absolute independence of each public defender office, as do the trial judges before whom we practice.
- Agency for this fiscal year was allowed to choose their performance measures. We chose measures that place an emphasis on litigation--percentage of trials, motions, and preliminary hearings.
- The multi-jurisdictional appointments (from Governor, legislature, Court, and State Bar) are the key in achieving no political pressure in my opinion.
- We are dedicated to the performance of our duties and the representation of our clients.
- I document everything. We hire using a panel of attorneys and supervisors and utilize a score sheet, expressing reasons for hiring or not hiring a particular individual. When we want to change a practice, I document what the current practice is and how many problems have been associated with the current practice which may cost the taxpayers more money and which cause unnecessary delay in our system and change it on that basis. While it is time consuming, I realize that documentation helps me when challenged.
- We have successfully litigated the need for experts in various disciplines despite much resistance on occasion from the court and the prosecutors.
- While my position as Public Defender is a political appointment, I have steadily refused to use politics as any criteria or bearing on employment. Political party affiliation is not an issue in the office. I have been approached and at one time cajoled into hiring a party “regular” as an attorney in the office but refused to hire anyone who wasn’t qualified and of the right mind for indigent defense representation.
Our track record on that issue is outstanding. Our office has also resisted the attempted influence of two county judges who lost power to appoint assigned counsel attorneys upon the creation of my office. From the very beginning, now over eleven years ago, I was able to establish the independence of this office in virtually every area of our practice and in areas including budgeting, operations and management.

• The election process for our Public Defender works well in our jurisdiction.
• An in place Advisory Committee of the Bar Association providing guidance and suggestions to me.
• Our County recently conducted charter amendment process which created an advisory board overseeing public defense. The charter amendment state the executive must select the Public defender from a list of three candidates provided by the advisory board. The county council must confirm the public defenders for a term of four years and the pd can only be removed for cause.
• We have extensive therapeutic courts, and are in the process of developing a community court for non-violent misdemeanors. We are a model Juvenile Detention Alternatives to Incarceration (JDAI) sight. We also received a technical assistance grant from the Bronx Defenders that helped us move a bail project forward.
• Since we have oversight by judges, and by the County Administrator, we are not independent
• The deputy public defenders are unionized adding another level of independence other than mentioned above.
• Judges have very little influence over appointment of counsel or administration of program.
• Since we are a constitutional officer, we assign cases internally, choose our own experts and have full time investigators and mental health experts for our cases and for our jail diversion programs, chronic inebriate program and homeless outreach. We also have a mobile medical unit staffed with an ARNP, paramedic and outreach attorney, mobile showers for the homeless and as of July 1st, and a mobile dental unit.
• The Board does recommend the selection of the Chief to County Commissioners, who ultimately make the hiring decision. They also monitor the office's progress and serve as an intermediary between the office, judges, and Commissioner's Court, if needed. The Office has independent control of its felony trial caseloads. The Felony Trial Division Chief has the ability to control how often the Public Defender's Office is listed on the daily appointment. If the attorney caseloads are getting too high, he can electronically remove the Office's name from the appointment list or reduce the frequency it appears.
• My boss is the County Administrator. I have had 3 since holding this position. Each has allowed me to operate my department as I deem appropriate. I respond to that trust and confidence by running my office responsibly. My current County Administrator is an attorney well versed in the duties and responsibilities of public defenders. He gives me complete freedom to manage my office.
• We do use law students from local law school to supplement our staff and this has been successful. We also have used paralegal students from the local community college and they have been very helpful. (These are both unpaid internships.) We do try and help our law interns obtain grants (Public Interest, etc.) to cover their work here.
• I like the fact that our board, by statute, must be no more than 4 of one political party and all nominations by the governor require the approval of the Senate. I like the fact that they serve without pay, so there is less incentive for commissioners to want to protect their own positions by sacrificing the interests of the system. I like the fact that we are an independent department of state government within the judicial branch so we are not under the supervision or control of either the Governor (as his executive departments are) or the Supreme Court. I like the fact that the Commission hires and fires the Director so there is a cushion between the Director and the Governor that the Governor cannot always control.
• 13 member board appointed for a staggered 3 year term.
• We fight for our clients notwithstanding the inherent risks.
• No restraint by District Defender on tactics of any Defender.
• We have been able to exercise complete control of our own expert witness budget such that we do not need to file any petitions for funds to retain experts. The Chief Public Defender approves all requests from the attorneys and simply manages the budget as any other office would and deals with the Board of County Commissioners at year end should the office go over budget. Also, several years ago the county President Judge attempted to take control of the income guidelines utilized to determine financial qualification. This office filed an action in the state Supreme Court against the Judge and was successful in clarifying that the Chief Public Defender holds this authority.

• The ability of our board to control its budget is very important. There are times when the state seeks to control the budgets details or line items and our ability to function properly is hindered during those times.

• We aggressively advocate for our budget and also take positions on issues and laws that affect our constituents and clients.

• Board of Directors select its members and the Executive Director has input.

• Merit based hiring. Mentorship. Conflicts.

• Our program is run by an independently appointed Board that is free from outside influence.

• We have threatened to defeat the criminal justice tax that supports the judiciary and prosecution unless these agencies take steps to ensure that we are adequately funded and appointments are made according to the law.

• When we are overloaded, we tell the judges, court administration NOT to send us more cases.

• We aggressively pursue and hire Spanish speaking lawyers since 40% of the population in our jurisdiction is Hispanic.

• The county board of supervisors appoints the department head, and approves the overall budget (which includes all specialize services), but is otherwise uninvolved in the operation of the department. We have in-house paralegals, interviewers, and investigators.

• Our Oversight Board Committee really strives to help the office with any decisions with which we are struggling. Although several judges sit on that OSB, every member really makes an effort to keep the OSB separate from their other duties. I have worked in 2 different Public Defender Offices in Texas. This is the first one with a written policies and procedures manual. In addition, our Commissioner's Court and County Judge are very supportive of the office independence.

• Our system is a managed assigned counsel program. The county gives our 501 c 3 corporation 2.9 million dollars per year and all assignments and decisions concerning investigation and experts are made by the chief defender.

• We are completely independent

• I believe the office acts completely independent of the judiciary as far as day-to-day decisions in the operations of the office.

• I believe our office in [name] County, Iowa is well respected by the judiciary and the judiciary has no influence over our practices.

• Attys. are free to come and go as they please.

• The chief PD is appointed by the governor. In the nearly 20 years I have been here, I am not aware of any interference. Moreover, the current administration has been very good in providing support (staffing and otherwise).

• The administrative office for statewide defense services sponsors and annual conference for the public defenders.

• We have many. You would have to get our brochure which describe them as well as the jury trial work and capital litigation we do. Our numbers in keeping clients from death row is high. Recently we have been litigating resentencing on our 3rd strike cases-- we usually get 66% of all cases, we had 49% of the ones eligible for resentencing, which means we typically did better than other public defense agencies at getting sentences that were less than 25-life.
• Our agency was established in 1970 and initially the State Public Defender was appointed by the Supreme Court. This proved to be a problem so in 1979 the Public Defender Commission, bi-partisan and a mix of lawyers and non-lawyers, was established to appoint and oversee the performance of the State Public Defender. Although the Commission members are appointed by the Supreme Court, they have complete autonomy in appointing the State Public Defender. The Public Defender enabling statute, CRS 21-1-101, specifically states that the State Public Defender "shall" serve independent of any political or private interests.

• I answer to the judge - period.

• Appointment of the [name] County Public Defender is governed by state statute. The President of the County Board appoints to a six year term with advice and consent of the County Board. The County Board funds the Office, but has no input as to hiring or methods of operation. The Public Defender cannot be removed during the six year term, unless for Malfeasance after a hearing by the County Board.

• In our jurisdiction, the panel is large and that helps with our clout -- the pay is fair and there are enough cases to make a living just representing indigents. That's great. I am not aware of any other jurisdiction in the country that can say that.

• While my position as Public Defender is a political appointment, I have steadily refused to use politics as any criteria or bearing on employment. Political party affiliation is not an issue in the office. I have been approached and at one time cajoled into hiring a party "regular" as an attorney in the office but refused to hire anyone who wasn't qualified and of the right mind for indigent defense representation. Our track record on that issue is outstanding. Our office has also resisted the attempted influence of two county judges who lost power to appoint attorneys with the creation of my office. From the very beginning, now over eleven years ago, I was able to establish the independence of this office in virtually every area of our practice and in areas including budgeting, operations and management.

Survey Question: Describe any exemplary practices in your office/program that might be of interest to other programs/offices regarding the diversity of your public defense program/office staff.

• I have men and women, with varying ethnicities and sexual preferences.

• Some of the best and most well respected lawyers in Maine can be found among our roster of lawyers who provide indigent legal services.

• Support staff is required to attend diversity training annually.

• We have a continuous recruitment policy and take resumes and applications throughout the year. We encourage law and college students to apply for summer internships to generate interest in applying for attorney vacancies when they have passed the bar.

• One central office employs the Senior Attorney (Hispanic). Three district offices are staffed by Navajo Indians.

• The department is allocated 16 Deputy V positions. Deputy V positions are temporary special compensation pay that is awarded to attorneys who have reached the top of the attorney classification (Deputy IV). Because the department has only 16 positions, the positions are based on merit and are awarded on a competitive basis. The positions are used to promote leadership opportunities within the department and enables manager to identify the potential leaders (supervisors and managers) of tomorrow. Special compensation pay positions last 12 to 18 months. Previous awardees must re-compete for the positions.

• We are diverse sexually but not racially

• My best success has been through networking at law schools.

• We promote our year round Certified Legal Intern programs with local law schools. We focus on diversity as one of our recruitment goals.

• A committee for diversity was established by chief to broaden practices and recruiting

• We have a staff/management diversity committee which develops initiatives to improve staff diversity
- We hire heavily from our nearby law school-Stetson-which stresses diversity.
- The Wisconsin State Public Defender's Office has created a Racial Disparity Practice Group with an appointed coordinator who assists Wisconsin attorneys in issues of racial disparity that may arise on a given case. In addition, the agency has led internal Racial Bias and Discussion Circles for staff statewide. This program is serving as a model that has been shared with other programs and governmental agencies.
- We actively recruit attorneys and staff that reflect the diversity of the population we serve. We also seek to hire staff that speak languages commonly spoken by our clients and their families.
- We participate in mentoring programs within the school system, and our Abuse and Neglect attorney is very actively involved with the Tribal Offices and their Indian Child Welfare Representatives around the state. She spends as significant amount of time on the road, as does our juvenile court attorney. By showing what we do, and the difference we are making, hopefully it encourages more people to continue their education.
- We endeavor to conduct a nationwide search.
- We have a considerable minority participation and appointments are based on merit
- We have written policies and procedures to insure diversity in the work place. Our office adheres to these policies and procedures.
- You have to develop a recruiting program that casts a wide net.
- As discussed above, we are very diverse as far as men and women attorneys in the office. We have had as many as four women and one man to our current 2 women and 3 men. We need to continue to reach out and recruit black and Native American attorneys, as well as LGBT attorneys.

**PRINCIPLE TWO:**

*Survey Question: Describe any exemplary practices that might be of interest to other programs/offices regarding the structure of or interaction between the public defense program(s)/office(s) in your jurisdiction.*

- We have Chief meetings and an annual P.D. conference for all public defenders and panel attorneys are invited as well.
- The chief officers of the public defense entities in the county meet frequently to discuss personnel and funding issues. The Chief Public Defender provides directs and provides appropriate training for his office and assigned counsel members.
- We have a new contract for criminal appeals through another legal aid society. That arrangement is raising the quality of representation in criminal appeals.
- We have open communication and full cooperation with our local office of Regional Counsel.
- We have a training/CLE listserve and provide education credits to private defense bar.
- We trade conflict of interest cases with the County Public Defender's Office, and have for over 15 years, with no money changing hands. We have additional contract attorneys for conflicts if the County PD also has a conflict. We use funds saved for higher investigator funds. / / We work cooperatively with the County PD in a mental health court sharing cases where the number of one jurisdiction's case predominates or where one attorney has a better rapport / effective communication with the client.
- Frequent face to face meetings and conference calls.
- Oftentimes private counsel rely on the [name] County Public Defender's Office for advice, forms and any consultation requested.
- Our Pre-Trial Services department appoints attorney to all indigent clients that are magistrated [sic], and ensures compliance with the County Plan.
- The Public Defender's Office regularly offers CLE to the private appointed and retained bar. Our appellate division assists private defense lawyers with legal research. Private counsel can use our facilities. We have a closet of clothes that clients of private counsel can use.
• The Wisconsin Public Defender's Office offers a number of recurring training opportunities for both staff and private attorneys. In addition, the agency offers an on-line blog providing timely case summaries.

• Each public defender office in the state is a de facto member of the Arizona Public Defender Association. We freely and frequently interact with each other and share information. The APDA annual conference, now in its 11th year, is a 3-day conference offering over 130 courses to maintain and hone our skills as public defenders. We have approximately 1,500 attendees each year with local and national presenters.

• Great list-serve and annual meetings.

• I like the statewide model a lot. We are able to devote more resources to IT support and training, as well as handle all the fiscal / HR issues centrally leaving the local offices a LITTLE more time to deal with their cases than they otherwise would have.

• The members of our agency are totally available to each other.

• We host a Gideon awards event every year to recognize both PDs and Conflicts attorneys. We meet regularly to discuss common issues and interests.

• The County Public Defender's office provides training, resources and assistance to the entire defense bar in the jurisdiction where we work. We work together in the local criminal bar association and state criminal law association since member ship is open to all criminal lawyers. We also work in conjunction with the local Bar Association where all lawyers are given the opportunity to take advantage of Bar sponsored courses, seminars, training and resources which are open to all licensed attorneys.

• Our Indigent Defense Coordinator does a great job of working through conflicts on cases before assigning those to us. We occasionally still find a conflict; however, most of those are screened by her at the jail when the clients are brought in. The PD's Office utilizes the local bar to provide information on upcoming issues and to present CLEs.

• We have many annual meetings amongst the supervisors of our 20 or so offices. Email communication, message boards etc. are heavily relied upon to ensure competent representation.

• Monthly bar meeting and Brown Bag Lunches - Lunch and Learn.

• At the last state-wide training, 80% of the instructors had been from our office or are working in our office now. Our office has a large requirement of our attorneys to be involved in the community/community service beyond the law.

• Public defenders are members of and serve as officers in local criminal bar organizations.

• Because the only other public defense agency in this state, the Office of Alternate Defense Counsel (ADC), handles all the cases in which the public defender has conflicts, by necessity there cannot be a lot of coordination of information and resources. However since most of the ADC attorneys are former public defenders there is as much interaction/sharing of resources as is ethically permissible.

• The PD case load limits are perfect -- every jurisdiction in America should follow our system.

• We have a new contract for criminal appeals through another legal aid society. That arrangement is raising the quality of representation.

Survey Question: Describe any exemplary practices that might be of interest to other programs/offices regarding the funding of your public defense program office.

• The chief officers of the public defense entities in the county meet frequently with the county budget director to discuss personnel and funding issues.

• Some costs such as depositions are not taken out of our budget. County pays them separately.

• We are able to maximize the local share of casino proceeds to repay the county for casino related expenses of representation. However, the funds are credited to the county general fund and not specifically to my office.
• Cooperation in obtaining state funded grants
• Receives no funds from State, leaving county office to compete with prosecutors, law enforcement, courts and other defense offices for funding.
• An ability to mobilize advocates and lobby the legislature to avoid funding cuts to some extent.
• We are mostly state funded according to a funding formula.
• Attorneys and staff of the Public Defender's Office are compensated at levels equal to the District Attorney's Office.
• The statutory budgeting standards for public defender staff, although above national caseload standards, have provided some level of predictability to both the agency and decision makers regarding costs of private appointments.
• Not sure it's positive because I don't believe clients should be charged to have a public defender, but by statute ours are -- liens are filed against them and we collect a little over a million a year as a result. That money goes into a fund to pay for all of our training, as well as cover costs the legislature is not willing to fund. The money has been invaluable -- but the source of it continues to rub.
• We pay our contract attorneys as much as possible.
• Our office is extremely well funded relative to many county public defender offices in the state in that we have total autonomy, an expert budget, a continuing legal education budget, a technology budget, a legal research/resource budget, travel expenses and a budget for attorneys to join relevant professional organizations.
• We are now using a simplified case-weighting analysis to explain and justify our funding/staffing levels.
• state 10% county 90%, invoices approved by the committee are paid by finance without challenge
• The Legislature provided our FTE attorneys with substantial raises. This has helped with turnover.
• The step-down grant that we received made it extremely easy to wrap the county's head around the notion of paying for effective indigent defense. We are in the 3rd year of the grant, and both the public and the county employees are very receptive to the work that we do.
• Our office rec. additional funding from the county for specialized courts (over and above what we receive from the state): Drug Ct., Mental Health Court, DUI Court, Veterans assistance
• Our state is a mandatory appointment state which means that by statute, CRS 21-1-103, the public defender is appointed in all indigent criminal and juvenile cases unless there is a conflict. If, and only if, there is a conflict then ADC is appointed. Since there is no overlap in representation there is no competition for the same funding source. Both agencies' budgets are submitted to and considered separately by the legislature.

**PRINCIPLE THREE:**

_Survey Question: Describe any exemplary practices in your office/program or jurisdiction that might be of interest to other offices/programs regarding eligibility determination for public defense counsel_

• We decide eligibility. We also maintain our right to appear in any case so as to provide counsel to those who come in off the street or call to say that they have been asked to come to the police for questions, etc.
• Every person who appears in court in custody gets a public Defender. We have them fill out an application prior to making a court appearance with them.
• The court will soon conduct financial screening for inmates. As it is now, if we know a person is in custody in [name] County or in a mental health facility or in an inpatient treatment facility, our office is appointed immediately upon our request.
• Our Pre-trial services office notifies the Public Defender’s Office and the private bar of appointments made to represent indigent clients within 24 hrs.
• Presumption that defendants in jail qualify for court appointed counsel.
• Nearly all detained arrestees are screened for eligibility and assigned counsel within 72 hours of arrest.
• All juveniles are automatically entitled for representation and are contacted, in most cases, on the same day as our office becomes involved.
• Liberal Policy of Eligibility.
• We ask clients to fill out form and then judge will appoint us.
• We use the Federal poverty guidelines and appoint in 98% of applications, we are generous with appointment of counsel, rarely is an applicant denied counsel. Occasionally an ineligible individual is given counsel at the program's expense and the sentencing Judge orders the client to reimburse the county through probation.
• To clarify - we don’t screen for eligibility with 24 hours of arrest, detention or request for counsel because as soon as the court appoints us we are counsel regardless of eligibility. The process for getting a completed indigence questionnaire usually takes more than 24 hours. After receiving the indigence questionnaire the office may or may not file a motion to rescind the appointment depending on the client's financial status.
• With the Indigent Defense Coordinator, we are able to get appointments and make initial contact with most clients within 24 hours.
• The judges are very flexible in providing counsel outside of the guidelines.
• All felony defendants are interview by our pre-trial services program after booking and they complete the eligibility forms and present them to the Public Defender team at the first appearance hearing. The forms are reviewed by counsel and that assistant public defender makes the assignment and handles the hearing usually within 24 hour of arrest.
• The Indigent Defense office who works for the courts coordinate well with our office in providing edibility evaluation thus getting indigent individuals counsel in an appropriate fashion.
• office takes position if defendant in jail presumption is we will represent him and assigns lawyer to defendant
• By Chief Justice Directive 04-04, Appendix C, the public defender may elect to automatically represent anyone who is in custody and who cannot or is not allowed bail without determining indigence. This eliminates the delay in representing in-custody clients.
• We decide eligibility. We also maintain our right to appear in any case so as to provide counsel to those who come in off the street or call to say that they have been asked to come to the police for questions, etc.

Survey Question: Describe any exemplary practices in your office/program or jurisdiction that might be of interest to other offices/programs regarding notification to defendants of appointment.

• Each client is provided with a copy of the order appointing at their arraignment, along with our office information so that they can contact us.
• Our case creation is automated. When the Public Defender is appointed, our database receives information from the court system and creates a digital client file.
• Attorneys from the office appear at advisements which are held the first business day after arrest for defendants who are held. Attorneys argue bond in those cases. Staff from the office attend court each morning for the advisement of people who made bond. By having attorneys or staff present at advisements, we avoid the gaps in notification of the office and the client which occurred when the Clerk's Office handled this function.
• We generally are faxed an assignment form within a few hours of first appearance. We then use that information to establish contact, determine eligibility right away and then start working on the client's case. We have very good forms.
• We have attorneys rotating through different calendars so the attorney with a defendant in custody may not be the same attorney who is assigned to their case. Felony defendants get a letter in the mail informing them of which attorney in our office will have their file. For misdemeanor and family court cases, they don't get a letter but the attorney usually contacts them prior to the next court hearing or they come in during our intake days and meet with their assigned attorney then.

• I assign attorneys within 1-2 hours of receiving the case and conducting our conflicts checks. We immediately notify the clients in writing that we represent them and to not speak with anyone except the attorney. We also provide each client a brochure I prepared explaining the criminal case process and what the client can do to assist his/her attorney.

• Since we are a smaller office we do have pretty fast contact with client's in the homicides and sex cases.

• Good working relationship w/Parish Jail.

• We introduce ourselves to clients before their arraignment in the holding cell. The judge then appoints at the first court hearing.

• The courts immediately fax notification if the client is incarcerated.

• The courts appoint the Office of the State Public Defender as counsel then the office assigns a particular attorney to the case.

• None, other than that it is now done electronically.

• Generally done in the presence of the Client at their detention/bond call

• Defendants granted assigned counsel in court may come directly to the public defender's office for assignment of counsel. Counsel will be notified within 4-5 days.

Survey Question: Describe any exemplary practices in your office/program or jurisdiction that might be of interest to other offices/programs regarding the timing of counsel's entry into cases.

• We have our investigators in the county jail on Mondays through Fridays to interview and find those folks who have been to court without counsel so that they might get back into court sooner for release considerations and to start representation sooner. We are also implementing a grant to find ways to get into court at the first appearance.

• If they are in custody at court, we are there. We don't go to the police station but once they are brought to the court cellblock, we go see them and then represent them in court.

• We use an internship program with local university school of criminal justice to administer a needs/risk assessment for all arrestees. The assessment instrument was developed with the aid of Bronx Defenders and helps us formulate bail reduction/OR release strategies.

• Corrections officers and public defender staff frequently review lists of prisoners confined to determine whether there are prisoners listed who have the problem described in the answer to question 10 c. above. When those individuals are identified, they are brought to court before the arresting officer's next scheduled court date for the sole purpose of applying for counsel.

• Because the public defender is the appointing authority, we are able to appoint attorneys promptly

• PD's office can begin representation of indigent, uncharged suspect before arrest, if suspect contacts our office and is indigent.

• Upon assignment of a case, attorneys are immediately provided with an opened file and whatever documentation we have received. We conduct jail visits or office visits with our clients within 48 hours of having received a case.

• It seems to work well to be appointed at arraignment; I am aware of other counties who meet with their clients before the arraignment.

• On homicide cases we are contacted upon clients arrest and can meet with him/her at the jail. This is not a formal appointment, but is a temporary appointment to allow for the preservation of evidence.

• We have an attorney in court at every first appearance hearing. Attorneys are required to contact the defendants immediately.
• We visit who have been arrested and are in the jail the next morning. We appear at their initial appearance before the court. The courts then formally appoint us as counsel provided the defendant requests a public defender.

• We have moved to an electronic entry of appearance and request for discovery to the Office of the State's Attorney for District Court cases that are opened within two weeks of the trial date. This had worked extremely well, and ensures that State receives the request the same day the client is accepted for services. If we had the staff and computer/network capability, I would like to have this done in all cases.

• We interview every felony detainee 365 days a year. Misdemeanor detainees are brought to court for first appearance and the court advises the individual of his right to court appointed counsel. We are notified of appointment on the same day.

• We have court every day, even weekends, to allow counsel to make bond arguments.

**PRINCIPLE FOUR:**

**Survey Question:** Describe any exemplary practices in your program/office concerning timely and confidential communications with public defense clients that might be of interest to other jurisdictions.

• An investigator is assigned to the jail on a daily basis to interview clients charged with a felony prior to further court proceedings. An additional investigator is in the process of being hired to interview clients who have been jailed after regular court hours and on weekends. This investigator will also be assigned to interview clients charged with misdemeanor offense who have been incarcerated.

• Our County has built a new detention facility. At the facility, an attorney can visit with a client using video technology or the attorney can request a face to face visit with the client. Currently, attorneys can interview clients housed at the jail using a polycom unit. However, the ability to visit is limited by the number of polycom units and attorneys experience down time because the client has to be escorted to an area where the units are housed in the jail. With the new technology, confidential rooms exist in each housing pod. The client can access the room to speak with his attorney who is in another area of the jail -- similar to Skype. The sheriff's department, once it has addressed security concerns, hopes to expand this technology to allow an attorney to communicate with clients at the jail using his or her desktop computer.

• We have a guide booklet that we provide to clients at the first meeting. This explains some of the processes, contact information and bail information.

• We have electronic distribution of discovery (police report and any tests), of the prosecutor's initial offer, and of any probation violation reports. This is accomplished as soon as we are activated on a case. So, for instance, we can see the police report for a person arrested last night, as soon as we are appointed.

• Setting time requirements on performing tasks is important.

• I have a "Public Defender letter" to give to clients that explains the criminal justice process, gives "dos and don'ts" and answers frequently asked questions.

• Web-based video visiting to local detention center.

• We have obtained agreements with most county sheriffs to allow free inmate telephone calls from jails to the local public defender offices and to some private attorneys.

• We have instituted a policy of early assignment of cases so that attorneys may schedule jail visits shortly after arrest and arraignment.

• Try to get Family involved in Plea Bargain/Pre-Trial Matters.

• We have a staff of paralegal/interviewers who go to the custodial facilities daily to interview new clients. Virtually all felony clients are interviewed following arraignment and before the next court date. Many misdemeanor clients are, as well.

---

• 2 of our 3 offices have confidential phones lines that go from the PD office directly to each Pod at the jail. In our office, our initial contact policy is to contact the incarcerated client within of our appointment ....
• We use video conferencing that was installed and maintained by our office so that we know there are no problems with privacy as far as the equipment is involved.
• We have worked with the County Jail to provide separate Public Defender interview offices in each of the jail divisions. This work is about half done and on-going.
• We use our offices.
• For in-custody clients we have a video conference system that schedules most clients for a 15 minute video conference prior to their first court appearance following appointment, which typically occurs at the arraignment.
• I think we have a state of the art Padilla advisement. We have a direct link to the state wide expert on immigration consequences of a plea agreement or trial resolution. The state wide people are really good at follow up.

**PRINCIPLE FIVE:**

**Survey Question:** Describe any exemplary practices concerning control of workloads in your jurisdiction that might be of interest to other programs/offices.

• One of the best things for our clients and our caseload control has been a prefilling diversion of driving while license suspended cases (where the suspension is based on unpaid traffic tickets). Those cases were once that the defendant ignored, yet the case didn't go away, it went to warrant, with more jail time than originally contemplated. With the diversion, there is no warrant, with reduced jail costs for the jurisdiction and reduced support staff and attorney time with reopening cases that had gone to warrant. DWLS 3rd clients also were the one who frequently missed attorney interview appointments. The City/County has a relicensing program to restore driving privileges once a person has shown compliance with a repayment plan and has insurance. It has brought in increased revenue to the City and County.
• The fact that our office controls how often it appears on "the wheel" could be of interest to other jurisdictions. We also follow NAC standards which are built into the grant the county received from the state to establish the public defender's office. Also, we also have a state law that gives chief public defenders the power to refuse cases without facing sanctions.
• Using case-weighting management system to justify caseloads/workloads. Meeting with lawyers regularly to ensure that they can handle their workload and caseload.
• There are no numerical limits on the caseload of an individual staff attorneys. They are instructed to provide representation to as many clients as they ethically and competently can. However, there is a statutory budgeting standard that supports the agency's ability to appoint private attorneys for reasons of conflict and excessive volume of cases
• Rather than a weighted system, we continue to take cases that present clients pick up after we reach our maximum caseload. This generally places us at 20% above the limit, but provides for courtroom and client efficiency and better representation.
• I believe our office spends a significant amount of time tracking caseloads and assigning new cases based upon those existing caseloads.
• We believe we have a good case weighting tool that attempts to measure workload based on the types of cases, jury trials, contested hearings, etc. that are completed in a given month. It is not perfect - and nothing ever is - but it does capture more date than a simple open or closed numbering system.
• See above. I had read the cases about PD offices in other jurisdictions having terrible problems with caseloads and how a lot of them ended up in court once they tried to withdraw from cases or once they tried to stop taking court appointments. I wanted to avoid that scenario and started out by just talking
with the judiciary at the district court level. When that proved fruitless, I sent the letter to the Chief Judge and he was able to prompt my boss to give us another position. I had a sympathetic ear in the judiciary so it worked for us. I suspect that if the Judiciary is hostile, this wouldn't be an option. Our [name] office hogs the resources so it's hard to get them to give anything up to the outer island offices.

- Recent grants should help alleviate some of the caseload problems in the future. We just added an attorney and an investigator and a part time clerical position. We are also about to accept a grant which will add another attorney and a part time clerical position. These should help.

**PRINCIPLE SIX:**

*Survey Question: Describe any exemplary practices in your office/program relating to the matching of qualifications of public defense counsel to the complexity of the cases they accept or receive.*

- All attorneys start in misdemeanors, try at least 20 cases, then matriculate into felony cases, and start with the basic regular felonies and move their way up to homicide cases.
- All attorneys in the Public Defender Office attended at one time the NCDC (National Criminal Defense College) trial advocacy course. Further all attorneys attend national seminars on Child Abuse (National Child Abuse Defense Resource Center) and Death Penalty (National Legal Aid and Defender’s Association). Training is a Priority!!
- Every attorney in the office is a trial veteran capable of handling virtually any kind of case. Problems of inexperience do not exist in this office. This is largely due to the majority of attorneys being part-time, which enables the office to attract established attorneys.
- LWOP attorneys as trainers and second chairs.
- Recently, we developed a series of specialty practice areas in which staff experts serve as statewide resources to both staff and private bar.
- Since the offices of our Circuit Court and District Court attorneys are commingled on the same floor of our building, there is plenty of interaction between our new and experienced attorneys. The lawyers discuss and are familiar with each other’s cases, which helps facilitate opportunities to second chair. While we don’t have a formal mentoring program, this arrangement naturally leads to many de facto mentors for each of our new attorneys.
- the training for each panel is different – for juveniles it's over week – for adult its less than a week – this is for panel attorneys – for PDS the training is the best in the world – the best attorney training in the world civil or criminal –
- We don’t have entry level attorneys. All of our attorneys have practiced in excess of 15 years and have substantial trial experience in their respective fields of practice.
- All court assignments in our complex division that handles crimes against the person, including violent crimes, are of attorneys that have served in our non-complex or property crimes division for approximately two(2) years.
- Aside from the initial training for new employees, this office has a training division that sponsors a three full day training institute each fall for one half of the office each year. There are also numerous programs at all sites for local training of lawyers during the entire year.
- No lawyer may try felony case by themselves until they have tried 10 cases must have second chair who is experienced trial attorney
- Our entry level program occurs twice a year and is required before an attorney begins,
- Our office has only 14 attorneys so the newer, less experienced attorneys will regularly work with more seasoned attorneys. While we don’t have a formal screening process as to which senior attorneys will be worked with in-court or out-of-court, the younger lawyers are directed toward two supervising attorneys and several other seasoned attorneys depending upon the type of case. New entry level attorneys have traditionally spent time primarily in misdemeanor court and there have shadowed those attorneys already doing that work for at least one month before taking over cases fully. Also, our office
almost always conducts jury trials with a team approach where two attorneys try the cases together allowing greater experience for both younger and experienced attorneys.

- Our office is in the process of assembling a unique curriculum of one hour courses which can be presented on a rolling basis to new in-house and contract attorneys via Microsoft Lync. It has been a challenge to provide timely trainings to new attorneys given the vast size of Montana and related cost-constraints. We have developed primers on juvenile practice, sentencing, and dependency matters. We are working on evidence and DUI presentations as well. These trainings can also serve as CLE credit.
- The LWOP attorneys are mentors on every case.
- We have strict rule 8 requirements for our Capital attorneys and the attorney must have a minimum of 8 years of practice to be capital qualified and they will serve as second chair. All lead counsel on capital cases must have served as second chair on a prior capital case.
- We utilize training programs including NYSDA’s “boot camp” trial advocacy week long training for all attorneys, regardless of experience level when hired. Our mentorship program is used for all new hires.
- There is no mentorship program per se, but contracts with newer attorneys wanting to accept low-level felonies have included mentorship agreements.

**PRINCIPLE SEVEN:**

**Survey Question:** Describe any exemplary practices in your office/program relating to providing continuity of counsel that might be of interest to other programs or offices

- On a client's subsequent case, we often are able to assign the same attorney who represented the client previously

**PRINCIPLE EIGHT:**

**Survey Question:** Describe any exemplary practices used in your jurisdiction to achieve parity with the prosecutor that might be of interest to other jurisdictions.

- The prosecutors and defenders are part of the same collective bargaining unit, known as the Municipal Attorneys Association, and bargain for pay in unison.
- public defenders and prosecutors belong to same labor group
- The deputy public defenders are unionized. This requires the County Board of Supervisors (funding source) to specifically bargain with the deputy public defenders. The public defenders union always insists on parity with the prosecutors.
- Public defenders’ starting salaries are actually higher than prosecutors' starting salaries, ostensibly because of union affiliation
- The State Bar Indigent Defense Committee of which I am a member voted to do a salary study aimed at getting the state legislature to pass a bill to amend the Ga. Indigent Defense Act to require salary parity.
- Utilization of county funding for "local requirements" or specialized courts as defined by statute. Chapter 29 Fla. Stat.
- The state grant establishing our office requires salary parity of public defenders with the prosecutors.
- The County Council is doing a benefit evaluation and comparing both offices. It then, however, has to fund the disparity that exists.
- We were able to use state discretionary grant funds to bring about parity in pay for our assistant public defenders. We also have outstanding equipment purchased with discretionary state grant funding.
**PRINCIPLE NINE:**

*Survey Question: Describe any exemplary training or continuing education practices in your program/office that might be of interest to other programs/offices.*

- Our state requires CLE for all attorneys.
- Annual Trial Skills Academy. Many programs offered to private bar. Innovative programs such as People in Crisis and Racial Bias Discussion Circles
- We have monthly Brown Bag lunches that provide 1 CLE hour.
- We also use case conferences to use the office's collective brainpower to problem solve cases and defenses.
- We have money allocated for CLE programs. I keep track of CLE time for the attorneys.
- Our training program provides for at least one in house training per month at which time we have staff attorneys or outside attorneys or experts to conduct one to three hour trainings on specific topics. We also send attorneys to various out of state and local trainings such as Gideon’s Promise, National Criminal Defense College, the state Association of Criminal Defense Lawyers, GPDSC basic training and trial practice training, and others on an annual basis.
- As noted above, our state has one of the best in-house training programs in the country.
- Our office has an excellent system for accessing all work by other attorneys state wide, a "hot issues" section to keep attorneys abreast of areas of the law we hope to emphasize and push in our direction, and excellent supervision to teach new attorneys how to become the most effective appellate advocates possible.
- We have two full-time training directors who coordinate all our mandatory state-wide training such as new attorney training (5 days multiple times a year), "bootcamp" (5 days multiple times a year) and our annual conference (3 days) in addition to advanced training, juvenile specific training, investigator training and administrative training. They also work with the regional offices to develop office specific training and mentorship programs and to help with any attorneys who are "struggling". We consider our training program to be one of the most important tools in our arsenal of providing quality representation to our clients.
- Our entry level attorneys have been attending the Gideon's Promise program for the past several years and we intend to continue that pattern. Additionally, office leadership attends the Gideon's Promise Leadership Summit and several senior attorneys have been attending the Trainer Development Conference with the intention of continuing this practice as well. I believe this program provides excellent training for public defenders based on a client-centered model of representation, as well as an opportunity to network about common programs within other PD offices from around the region.
- The statewide Public Defender Association has multiple training sessions each year. These are generally excellent.
- We promptly send all attorneys to either the National Criminal Defense College or Gideon's Promise.
- None, other than that we strive to provide in-house training in addition to encouraging attorneys to take advantage of continuing education programs, and that our office reimburses attorneys for some of those expenses each fiscal year.
- The Florida Public Defender Association sponsors a number of low cost training programs for new attorneys, advanced training and area specific training such as death penalty qualification.
- CLE is extremely important and attorneys in this office often double or triple the number of CLE hours required.
- We send all of our new attorneys to the state Basic Trials Skill Training. Excellent program and it provides a great foundation for any level of skills for defense practice.
- We have monthly "brain trust" meetings in our office. We take a case and present it and have the attorneys discuss all aspects of the case.
• Participation in Gideon's Promise.

**PRINCIPLE TEN:**

*Survey Question: Describe any exemplary supervision or review practices in your office/program that might be of interest to other offices/programs.*

• With a good case management system a supervisor can identify problems quickly and correct them. In my office everything is networked and docketed in ABACUSLaw. I can track personnel, time spent, motions filed, phone calls returned, etc.

• We set specific goals for trials, various motions, certification rates (preliminary hearings vs. guilty pleas) that attorneys are expected to meet and monitor and publish them each quarter.

• All newly hired attorneys are on an 18 month probation period. They are reviewed at 9 months, 1 year, 18 months and 2 years and then every year after that. Checklists, which include, among other things, the number of times the new attorney was observed in court by the supervisor, are used for the 9 and 18 month evaluation and full evaluation forms are required for the yearly reviews. All entry level attorneys are required to complete a 5 day "boot camp", conducted by the State training director, with assistance from experienced attorneys from the system, before they are officially released from probation. If they do not pass "boot camp" they are terminated. We consider the intra-office and state office evaluation processes vital to maintaining a high quality of representation for our clients.

• The assigned counsel plan has a very good recertification. Every three years, the attorneys file a form that contains a number of questions about numbers of cases handled, cases tried, whether there are pending grievances or founded complaints, whether the attorney was relieved from any cases and if so why, etc. The entire roster of judges are asked to rate each candidate on a number of factors including vigor of advocacy, knowledge of case law, case analysis, effectiveness of assistance to client, etc. The forms and evaluations are submitted to a Recertification Committee. If a candidate received a rating of poor from a judge, has pending grievances, has been relieved from cases for poor performance, etc. the Recertification Committee does a more in-depth inquiry into the candidate's performance. If a candidate's performance is deemed poor, then a recommendation is made to the judge supervising the program for the removal of the attorney from the roster.
APPENDIX E

TECHNICAL ASSISTANCE REQUESTED BY RESPONDENTS (Selected List)

Survey Question: Is there particular technical assistance you would like to request? Such assistance might include mechanisms to promote information exchanges such as compilations of relevant practices and/or operations materials, facilitated listserv communications, web meetings or interactive webinars or on-site services.

• Technical assistance in setting up a more formal supervisory attorney process.
• Having our yearly seminar be accessible on the web would be great. Having a REAL brief bank that can be shared between state offices would be awesome. Our database needs management and there is NO IT person on [name] for our office. The IT person has been to [name] exactly two times in the 15 years I've been with the office. Our statewide office felony manual has not been updated since 1997! I have interns work on it but it is miles away from being completed.
• All of the above described would be beneficial to our office, especially as we begin to grow toward a more structured and uniform approach with performance guidelines, checklists, etc.
• Time keeping, Conflict software, Case Management software
• We would be interested in information on promoting information exchange, running a listserv, hosting web meetings
• Assistance in making available to private assigned counsel consulting services on immigration consequences and other collateral issues
• As a statewide organization, we are going through a weighted caseload study. Any help on this would be helpful.
• 1) applications others are using for case/client management system; and 2) availability of any grant/foundation funding related to development of new case/client management system
• Web meetings, on-line training, brief banks - any and all available assistance appreciated.
• Materials - I know what I need to implement, but designing an ABA compliant program takes time and resources we lack. Intake forms, case checklists, and consequences forms these would be invaluable.
• Evaluation of office for meeting 10 principles and implementing best practices; also for developing metrics and measurements, and addressing excessive workloads.
• listserves, web meetings, interactive webinars
• Grant money, Experts, support for research services
• Relevant practices, available on-site services
• Help setting up and conducting interactive webinars ourselves would be great.
• information on evidence based practices, data gathering & establishing performance measures
• Someone we can call when we have a question.
• Plus the ability to interact with other Chief Defenders to better understand issues and challenges they face; more management training would be good and a universal case management/weighted caseload methodology.
• Grant writing, Advice on how to best build the necessary relationships and or frame work to compel our state to meet 1, 2, and 8. Right now our funders do not see these principles as anything more than recommendations.
• Assistance in reducing caseload and improving the speed of the assignment of counsel.
• Video conferencing with inmates
• We would be very interested in getting help establishing our office as an equal player in the justice system and helping to ensure that the 10 principles are adhered to in our jurisdiction. Of special concern are access to counsel issues that detrimentally affect the clients.

• Compilations of relevant practices, Examples of office procedure manuals, examples of performance review documents,

• Interactive webinars and exchange of relevant practices.

• Brief banks, information exchange,

• Information exchanges / listserv communications

• We are changing data bases soon. Need help in setting up to gather the data we need as well as "go paperless".

• Would love the listserv communications and info on webinars would be helpful.

• Relevant Practices and Operations materials.

• Mechanism to supervise defense delivery by assigned counsel

• access to experts

• Information exchanges and operations materials

• We are in the process of leadership transition so technical assistance in any of these areas would be helpful.

• webinars

• Grant availability notification and grant writing assistance.

• Training on the online data bases -- and training on expungement procedures

• Initial client forms, office procedure manuals that we might adopt to our particular needs, any other best practices out there that will help us in our jobs.