

Idaho's Public Defense Reform Story

2008: ACLU of Idaho begins to track public defense issues in response to an increase in intake complaints.

2010: National Legal Aid and Defender Association releases a report finding unconstitutional public defense systems in all of the Idaho counties studied. Idaho's governor-appointed Criminal Justice Commission creates a subcommittee on public defense.

2012: Idaho Criminal Justice Commission's Public Defense Subcommittee recommends creating an interim committee of the Idaho Legislature to focus on public defense reform.

2014: Legislature bans flat-fee public defense contracts.

Spring 2015: Legislature creates a statewide Public Defense Commission with very limited powers.

Summer 2015: ACLU, ACLU of Idaho, and Hogan Lovells US LLP file a class action lawsuit in state court against the Governor and Public Defense Commission members over the statewide public defense system.

January 2016: State trial court dismisses our lawsuit on standing, ripeness, and separation of powers grounds. We immediately appeal to the Idaho Supreme Court.

March 2016: Governor signs public defense reform bills, which:

- Allocate \$5 million in new funding for public defense, to be distributed in grants by the Public Defense Commission—the first time in Idaho's history that state funding is appropriated for trial-level public defense.
- Require the statewide Public Defense Commission to promulgate public defense standards.
- Gives the Public Defense Commission enforcement authority to hold counties accountable to new public defense standards.

January 2017: Public Defense Commission promulgates new rules that fail to include workload or caseload standards and use permissive rather than mandatory language.

April 2017: Idaho Supreme Court rules that ACLU/Hogan Lovells lawsuit should go forward, holding that “the counties have no practical ability to effect statewide change” and so “the State must implement the remedy.”

December 2017: Both sides in the lawsuit argue before the state District Court over whether the case should be certified as a class action.