

2023 ANNUAL REPORT

**UTAH
INDIGENT
DEFENSE
COMMISSION**



COMMISSION MEMBERS

2023-2024

Lorene Miner Kamalu

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Utah Association of Counties Representative -
Large county

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Salt Lake Legal Defender Association
Utah Association of Criminal Defense Lawyers
Representative - Public Defender

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Administrative Office of the Courts Representative

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Sumison Business Law
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Utah League of Cities and Towns Representative

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IDC Chair 2016 - 2019
Utah Supreme Court Chief Justice (Ret.) Founding Member,
Zimmerman Booher
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CCJJ Representative

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Utah Association of Criminal Defense Lawyers
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Child Welfare Parental Defense Program Representative

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Bugden Law
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Utah Juvenile Defender Attorneys
Utah Association of Criminal Defense Lawyers
Representative - Juvenile Delinquency

Tyler Clancy

Utah State House District 60
Police Officer, Provo Police Department
Utah State House Representative

A GREETING FROM THE COMMISSION CHAIR

Lorene Miner Kamalu

In 2023, the IDC continued its efforts to support indigent defense throughout the State by providing more resources, training, and assistance to the attorneys carrying out their important work.

Through our grant program, we identified areas where caseloads are unacceptably high and we were able to provide funding for additional attorneys to ease the burden. We also funded additional social workers to help people access the substance use and mental health treatment needed to get back on track.

Our appellate division, IADD, obtained a stunning number of favorable decisions from the appellate courts. These rulings corrected wrongs that took place in trial courts, restoring to their clients the chance to have a fair trial guaranteed by the Constitution.

In national news, the American Bar Association released a study that confirmed what public defenders have known for decades: they have far too many cases, which impedes them from effectively representing their clients. According to the report, the average public defender has three times as many cases as they should! The IDC looks forward to working with our partners to implement the study's recommendations.

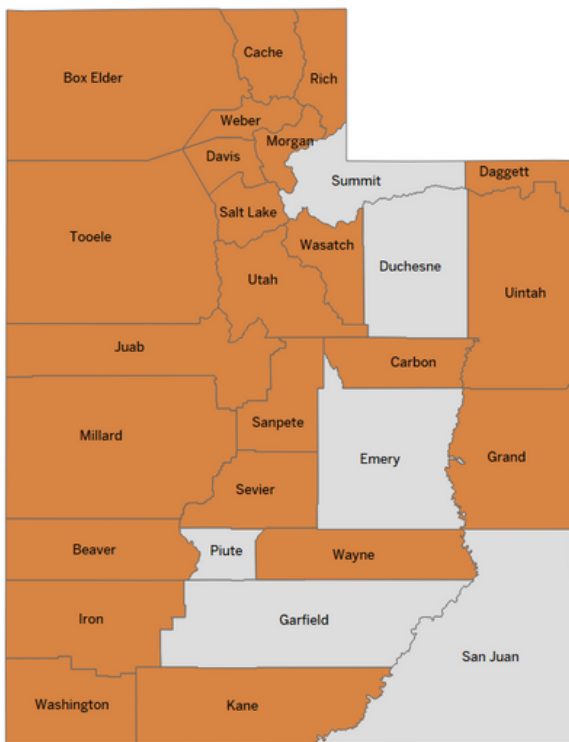
As always we are grateful for the continued support of the Legislature, Governor, and our county and city partners - all of whom recognize the importance of providing a robust, effective defense. We look forward to confronting the challenges and celebrating the victories that 2024 will bring.

SCOPE OF THE GRANT PROGRAM

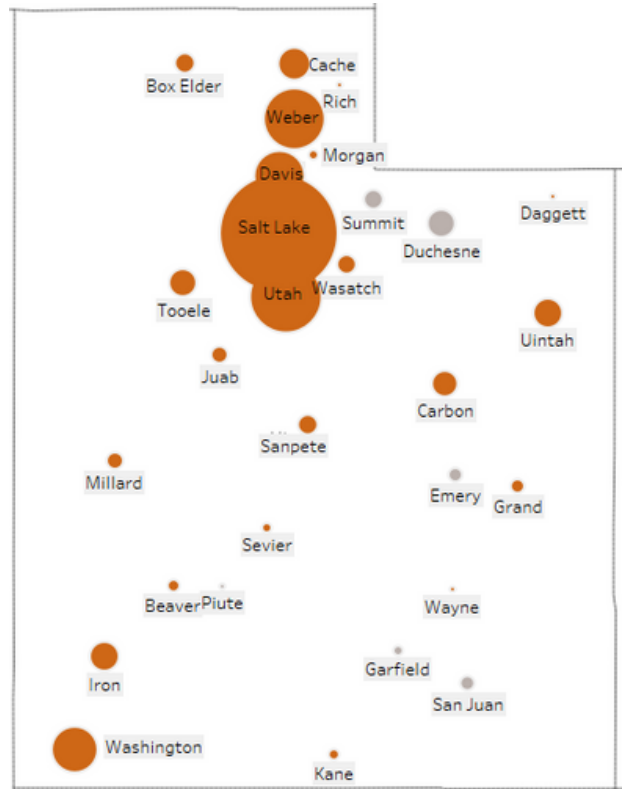
FY 2023 Grant Year

\$6,824,524
in grant funds benefitting
23 Counties
out of 29

The IDC Grant Program supports local governments' ability to provide effective indigent defense services that comply with state and federal laws. For the FY 2024 grant year, the IDC awarded more than \$6.8 million in state funding to 20 counties and two cities. In addition, Uintah, Weber, and Cache counties, which receive IDC grants, help support indigent defense services in their neighboring counties: Daggett, Morgan, and Rich, respectively.



Counties Benefitting from Grant Funds



Counties Scaled to Number of Appointed District Court Cases

96%

of appointed District Court cases in Utah are handled by counties that receive IDC grants

GRANT PROGRAM HIGHLIGHTS

FY 2023 Grant Year

Grant Funding Increase

Available grant funding increased by \$700,000. This was used to create 12 new attorney and two new social worker positions.

Grant Process

The IDC grant application process is designed to identify and meet critical indigent defense needs through a collaborative planning process with local governments. The process relies on caseload surveys and system needs evaluations completed by indigent defense providers to inform collaborative planning and target funding toward the highest needs across the state.

Renewals Prioritized

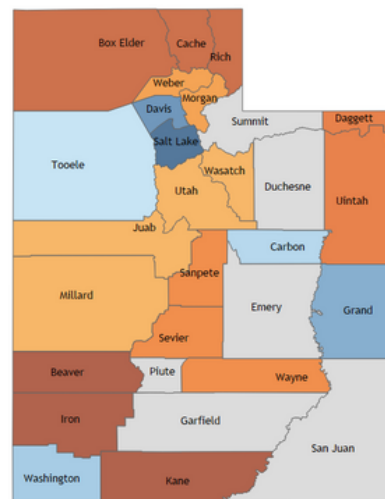
The IDC continues to prioritize renewing existing grant-funded positions to provide stability for local government partners.

Increase in the Number of Defenders

Studies confirm that Utah's defenders often have excessive caseloads. To help address this problem, \$514,498 in IDC grant funds went towards 12 new attorney positions.

Regionalization

16 of the 23 counties benefitting from IDC grants are part of a regionalized system. Regionalization allows these counties to benefit from shared attorneys and resources, increased specialization, and more efficiency.

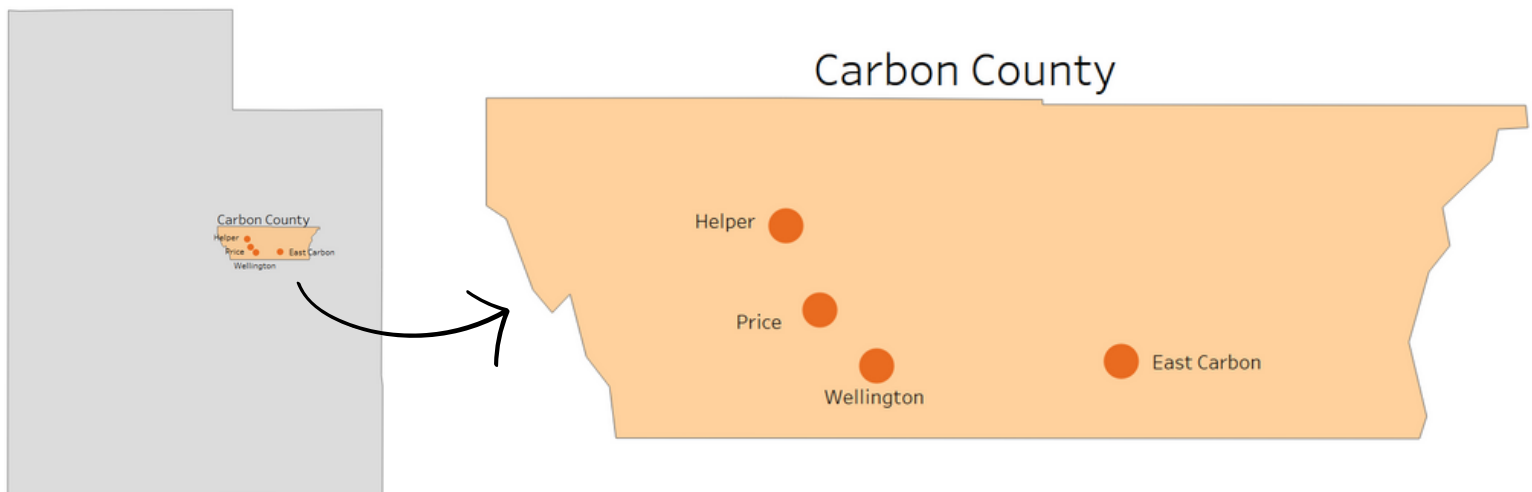


Orange/brown counties are regionalized. Blue counties are not. Grey counties are not grantees.

CARBON COUNTY JUSTICE COURT PROJECT

FY 2023 Grant Year Highlight

With IDC support, Carbon County consolidated indigent defense services from the five existing municipal courts. The attorneys providing indigent defense in these courts will now be coordinated by Carbon County's managing defender.



Often, an individual will have multiple misdemeanor and traffic cases in neighboring municipal courts. When this happens, it might be challenging for that person to keep track of their various court dates and commitments. Through this regionalization project, the attorneys in Carbon county will be able to know when this occurs and can coordinate between courts. This will lead to fewer missed court dates and more favorable resolutions.

TRAINING PROGRAM

July 1, 2022 – June 30, 2023, by the numbers:

12 Online CLEs

7 criminal 3 juvenile delinquency 2 appellate

430
Hours

CLE credit earned in
criminal defense

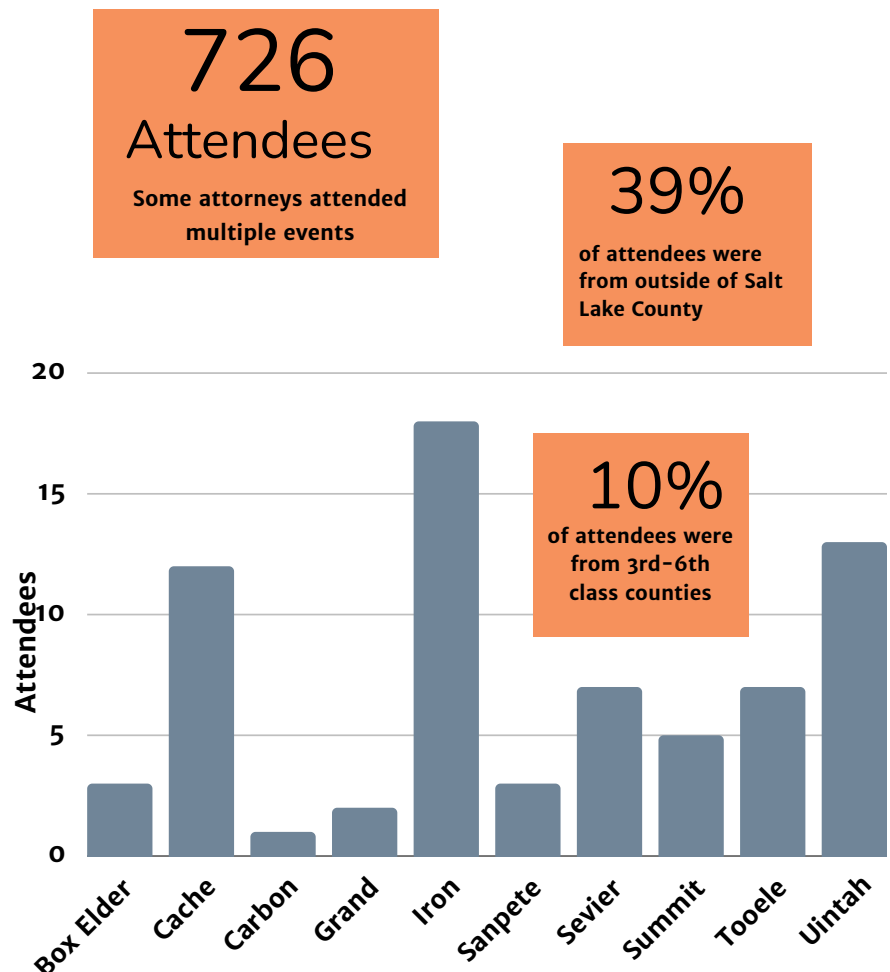
755
Hours

CLE credit earned in
appellate advocacy and
preparing cases for appeal

The IDC continues to provide targeted training, resources, and support to build a robust, connected community of specialized indigent defense practitioners who elevate the quality of representation.

This year, the IDC hosted an Appellate Defense Conference called “Swaying the Skeptic”. Over 200 people attended at least one session of the two-day conference.

The IDC also hosts managing defender round-tables and support staff meetings where attendees can discuss current problems and solutions.



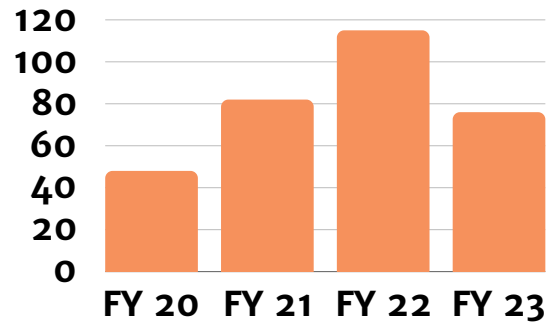
INDIGENT APPELLATE DEFENSE DIVISION

Post-Conviction Relief

During the 2022 legislative session, IADD's statutory responsibilities were expanded to include providing statewide appellate representation in cases filed under the Post-Conviction Remedies Act (PCRA). It was anticipated that when IADD began accepting PCRA cases in July 2022, it would receive 3 appointments yearly. However, this year IADD received 14 new PCRA cases. This illustrates the previously unmet need for representation in this area.

Increase in Appeals

Since IADD was founded in 2020, the number of appeals in 3rd-6th counties has increased from approximately 48 appeals a year to 112 appeals a year. This is a 130% increase.



Child Welfare Appeals

In 2022, the Legislature tasked IADD with handling appeals from Child Welfare cases. Prior to IADD taking these appeals, the statewide reversal rate was 4% for these types of cases. Since IADD's involvement, the number of appellate decisions in favor of the parent has increased an astonishing 30%!

CONTACT THE IDC

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