



Utah Indigent Defense Commission

2024
Annual Report

Commission Members

2024

Lorene Miner Kamalu

IDC Chair

Davis County Commissioner
Utah Association of Counties Representative -
Large county

Margaret Lindsay

Supervising Attorney

Utah County Public Defender Association
Child Welfare Family Defense Program Representative

Walter Bugden

Bugden Law

Utah Association of Criminal Defense Lawyers Representative -
Private Defender

Richard Mauro

Executive Director

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

Tyler Clancy

Utah State House District 60

Police Officer, Provo Police Department
Utah State House Representative

Aaron McKnight

Deputy City Attorney, Midvale

Utah League of Cities and Towns Representative

Mary Corporon

Partner, Christensen & Jensen

Utah Association of Criminal Defense Lawyers
Representative - Private Defender

Tom Ross

Executive Director

Commission on Criminal and Juvenile Justice
CCJJ Representative

Paul Dodd

Civil Litigator, West Jordan

Utah League of Cities and Towns Representative

Pamela Vickrey

Executive Director

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

Michael Drechsel

Assitant State Court Administrator

Administrative Office of the Courts Representative

Senator Todd Weiler

Utah State Senate District 8

Attorney, Christensen & Jensen
Utah State Senate Representative

Casey Hopes

Carbon County Commissioner

Utah Association of Counties Representative - Small County

Michael Zimmerman

IDC Chair 2016 - 2019

Utah Supreme Court Chief Justice (Ret.) Founding
Member, Zimmerman Booher
Judicial Council Representative

John Kwarm

Attorney

Sumison Business Law

Utah Minority Bar Association Representative

Letter from the Commission Chair

The Indigent Defense Commission (IDC) is pleased to present our 2024 Annual Report.

By using non-lapsing funds one time to make up for budget cuts, the Commission sustained critical supplemental funding to local governments. Nearly \$7.4 million in grants was awarded. Importantly, 97 percent of appointed district court cases are in counties that receive IDC grants!

Another support of the public defense community through the IDC is providing free continuing legal education (CLE). The CLEs are provided online so that attendees throughout the state can participate in specialized training. Attorneys may also request individual training to meet their specific needs. Last year, the Utah Legislature tasked the IDC with administering the Indigent Aggravated Murder Defense Fund, which was previously managed by a board in the State Division of Finance. Our staff's legal and administrative expertise will improve the oversight and the support of these complex cases where clients may face the death penalty.

Finally, the work of the Appellate Indigent Defense Division (IADD) deserves special recognition. Since 2022 when IADD began representing parents whose rights were being terminated, the number of appellate decisions in favor of the parent has increased by 30%. The number of both criminal appeals and post-conviction relief cases appointed to IADD has far exceeded projections.

My fellow commissioners and I are proud of the work the Utah Office of Indigent Defense is doing to strengthen public defense. We express appreciation to Executive Director Matthew Barraza, Assistant Director Adam Trupp, and to their staff for their commitment to advancing fundamental principles of justice guaranteed by the Constitution of the United States.

Sincerely,
Lorene Miner Kamalu

Scope of the grant program

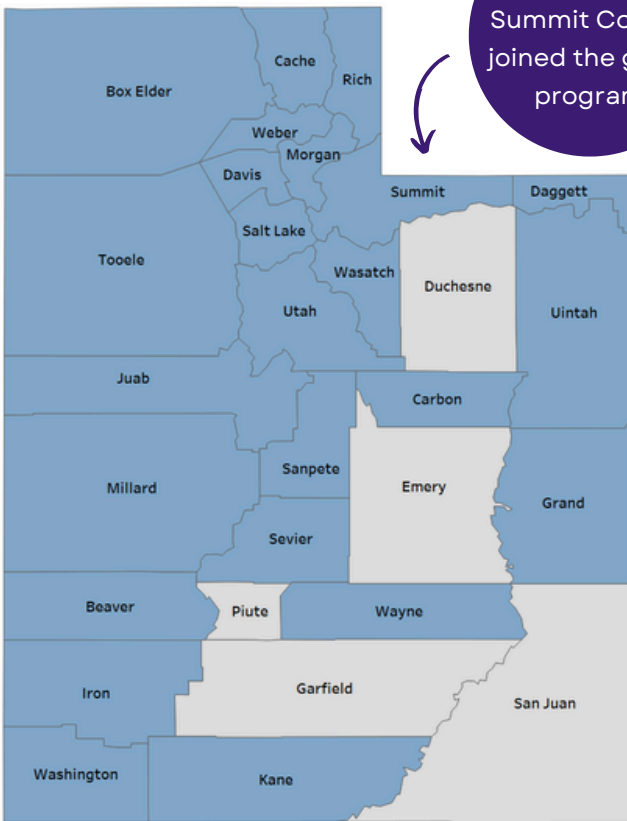
FY 2025 GRANT YEAR

\$7,385,989
in grant funds

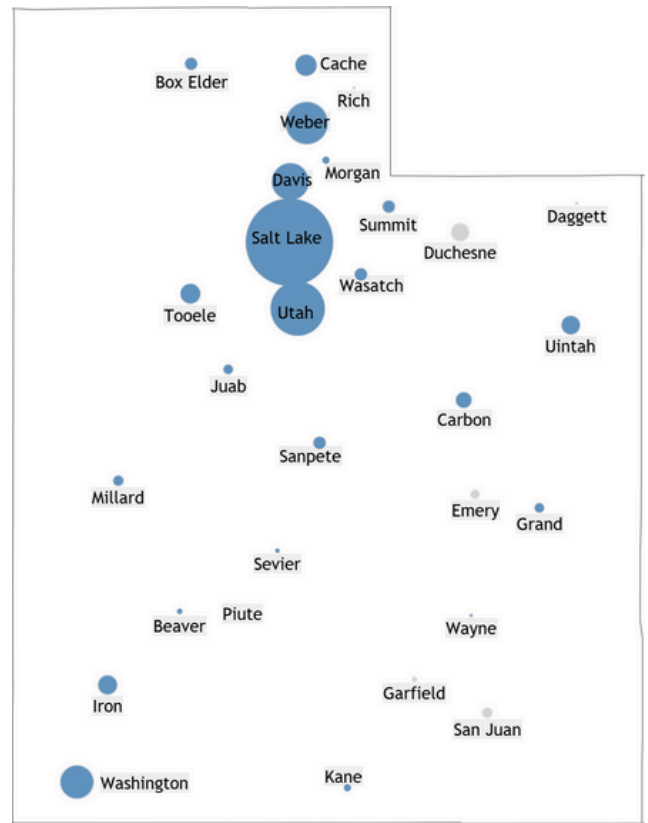
Benefitting
24 COUNTIES
out of 29

The IDC Grant Program supports local governments' ability to provide effective indigent defense services that comply with state and federal laws and aim to comply with our core principles. For the FY 2025 grant year, the IDC awarded almost \$7.4 million in state funding to 21 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.

This year
Summit County
joined the grant
program



Counties benefiting from grant funds



Counties scaled to number of appointed district court cases

97%

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

Indigent Aggravated Murder Defense Fund

2024 STATUTORY CHANGE

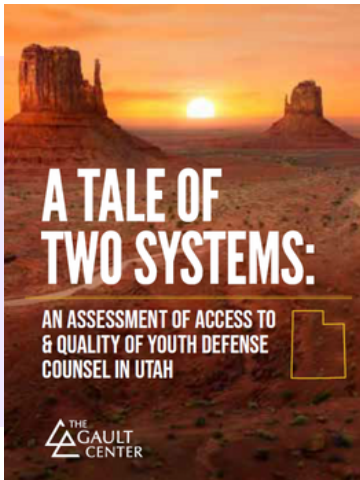
The Indigent Aggravated Murder Defense Fund was created to support counties in managing cases involving aggravated murder, which are often complex, expensive, and require specialized legal resources. Participating counties make an annual contribution to the fund, and if an aggravated murder case is filed in their jurisdiction, they can access the fund to pay for:

- 1. Legal Representation:** The fund can be used to hire qualified attorneys who specialize in handling these most serious cases.
- 2. Expert Witnesses:** The fund can also be used to pay for experts who might be needed to review evidence in the case, which could include forensic specialists, medical experts, and others.
- 3. Mitigation Specialists:** The fund can provide financial resources to hire mitigation specialists. These professionals investigate the accused individual's history and circumstances to gather evidence that might help in reducing the severity of the charges or in arguing against the death penalty.

In the 2024 the legislature passed SB160. This law transferred the administration of the Indigent Aggravated Murder Defense Fund to the IDC. The IDC's legal and administrative expertise improves oversight and management of these difficult and expensive cases.

SB160 also strengthened defense independence. Previously, an attorney would have petition the trial court to authorize funds for defense resources. Now, these requests come to the IDC for approval. This removes the trial court from the decision-making process, helping to ensure that the defense has independent access to the resources it needs without needing the trial court's approval.

Gault Center Report on Utah's Youth Defense Counsel



In 2024, The Gault Center, which has assessed youth defense in 28 states, published a report on access to and quality of youth defense counsel in Utah.

The purpose of an assessment is to provide policymakers, legislators, defense leadership, and other legal system practitioners with a thorough understanding of children's access to counsel in the state, identify structural and systemic barriers that impede effective representation of children, highlight best practices where found, and make recommendations that will serve as a guide for improving youth defender services for children in the state.

Key Findings

- Utah has recently enacted several legislative reforms that have greatly improved youth access to counsel throughout the juvenile court process.
- Utah's Indigent Defense Commission is beginning to build a foundation for the state's youth defense delivery system by establishing standards, contracting with managing defenders, and supporting appellate practice.
- Despite the state's recent reforms, Utah's county-based contract system for youth defense continues to limit access to justice for young people.
- Outside of Salt Lake County, youth defense contracts are too often influenced by county prosecutors, do not provide adequate compensation, and do not allow for specialization.
- Youth defenders across Utah are in need of training in case investigation, motions practice, expressed-interest advocacy, trial advocacy skills, and post-disposition advocacy, as well as adolescent development and racial disparities.

Recommendations from the Report

- Establish a strong statewide system for delivery of youth defense services.
- Ensure the independence of youth defenders from the prosecution and judiciary.
- Institute pay structures that compensate youth defenders for the time and work needed to provide competent representation.
- Require initial and ongoing training for all youth defenders and managing defenders.
- Establish systems for youth to access counsel at the earliest points of legal system contact.
- Commit to combatting racial disparities.
- Eliminate all fees and costs imposed by the juvenile legal system, particularly costs-of-care charged to families.

2024 Training Program

13

ONLINE CONTINUED LEGAL EDUCATION (CLE) TRAININGS

6 criminal 4 juvenile delinquency 2 family defense 1 appellate

2

TWO-DAY IN-PERSON TRAININGS

2 family defense

In September 2024, Zoraya Gappmaier joined the IDC as the Managing and Training Attorney. She has reorganized the IDC's Training Program with two goals:

- Increase the number of educational opportunities for defenders statewide
- Target training into three specializations - criminal defense, juvenile delinquency, and family defense

In 2025, the IDC's Training Program will provide two live webinars each month. Indigent defenders can expect a monthly criminal defense CLE and bi-monthly family defense and juvenile delinquency CLEs.

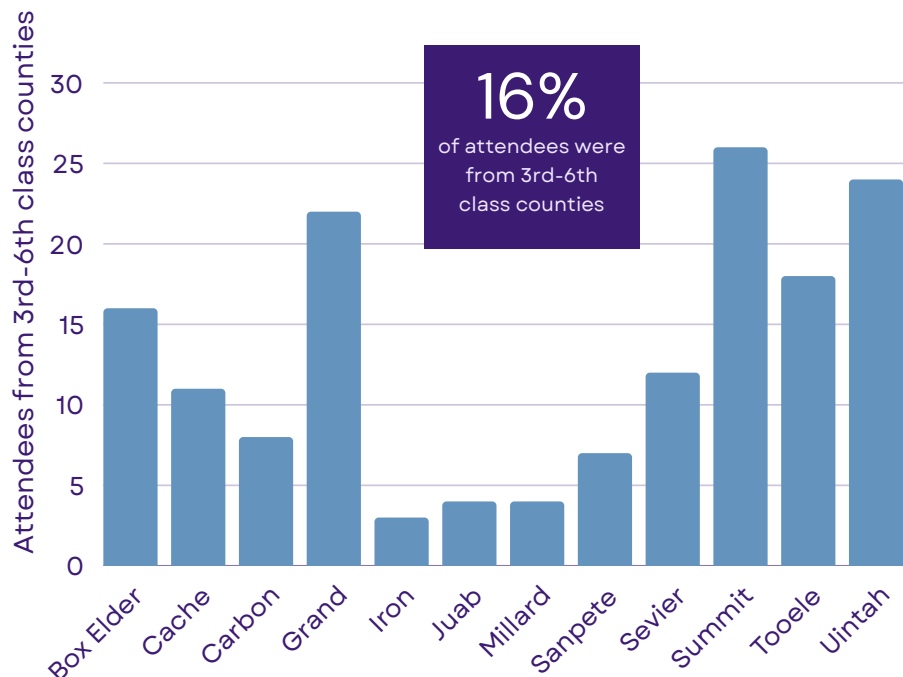
These regular trainings connect defenders from across the state to a common platform where they can discuss legal issues, celebrate court victories, share resources, and learn together. The IDC's Training Program provides the support and education to build a robust defense community and elevate the quality of indigent defense in Utah.

903
Attendees

Some attorneys attended multiple events

52%

of attendees were from outside of Salt Lake County



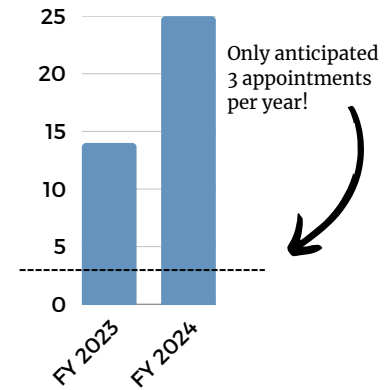
Indigent Appellate Defense Division

Post-Conviction Relief

Added to IADD's responsibilities in 2023, Post-Conviction Relief Act (PCRA) cases are where new evidence or evidence not raised at trial can be introduced and where ineffective assistance of counsel can be raised.

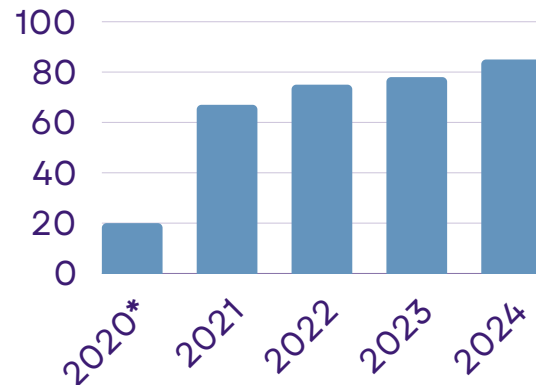
There are no other attorneys in the state taking these cases - defendants are either represented by IADD attorneys or not represented at all.

IADD only anticipated 3 appointments per year, but in FY2023 and FY2024 combined, they have been appointed to 39 cases!



Increase in Criminal Appeals

Since IADD was founded in 2020, the number of criminal appeals in 3rd-6th counties has consistently increased. Improved access to representation and legal resources in rural counties promotes equality and fairness in the Utah criminal justice system.

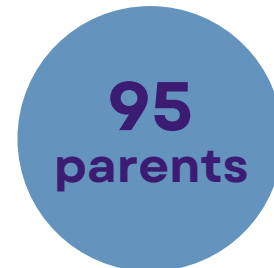


*IADD was created in July 2020, so 2020 only reflects half a year of cases.

Family Defense 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%!

IADD attorneys have represented



since 2022

Contact the IDC

IDC.UTAH.GOV

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