

# Public Defender

## Mission and philosophy

The Wyoming Public Defender Program, as part of the criminal justice system, fulfills a constitutional obligation by providing effective assistance of counsel to our clients, needy persons accused of crime whom we are appointed to represent. By providing legal assistance to those who cannot provide for themselves, we are part of the Human Services of this state, and by assuring the proper functioning of the criminal justice system, we contribute to the public safety of the residents of this state.

## Results of outcomes

The Wyoming Public Defender Program provides effective assistance of counsel to our clients.

Public defenders statewide provided legal counsel to 9,923 new clients during FY03, including 86 appeals to the Wyoming Supreme Court that were handled by the appellate division. The program currently receives approximately 827 new clients every month. The FY03 caseload represents a 13 percent increase from FY02. The caseload has nearly doubled in the last ten years, from 5,053 clients being represented in FY93.

From FY02 to FY03, revenues generated by the program have shown a moderate decrease from \$ 313,931 in FY02 to \$ 278,004 in FY03.

The four-year strategic plan that applies to the FY03 annual report is dated September 1, 2001 and is the fifth edition (July 1, 2002 to June 30, 2006). The results of the outcomes from the strategic plan are as listed below.

In FY03, our clients were represented, and cases conducted, in accordance with constitutionally defined standards for effective assistance of counsel and within the rules of Professional Conduct for Attorneys at Law. There were no cases in which a federal court made a finding of ineffective assistance of counsel by a public defender. There was no public action by the Board of Professional Responsibility taken against any public defenders. Although raised as an issue on appeal in several criminal cases, there were only two cases decided by the Wyoming Supreme Court finding ineffective assistance of counsel by public defenders—Asch v. State, 2003 WY 18, 62 P.3d 945 (Wyo. 2003) and Page v. State, 2003 WY 23, 63 P.3d 904 (Wyo. 2003).

In FY03, the average caseload per full-time equivalent attorney was approximately 243 new cases per year per trial attorney and approximately 29 new cases per appellate attorney. This is an increase in average caseload per trial attorney from FY02, which was approximately 226 new cases per year. Appellate attorney caseload increased from 23 new cases per appellate attorney. National guidelines utilized by the agency are: 200 new

## General information

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## Agency contact

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307/777-6497

## Other locations

Listed in organizational chart

## Year established

1978

## Statutory references

Wyo. Stat. §§ 7-6-101 through 7-6-114 (LEXIS 2003)

## Number of authorized personnel

47 full-time, 17 part-time

## Organizational structure

Administrative and Fiscal Division, Capital Case Unit, Trial Division, Appellate Division, and Post-Conviction Unit

## Clients served

Indigent persons charged with and/or convicted of a crime in Wyoming.  
Juveniles charged with and/or convicted of a delinquent act in Wyoming.

## Budget information

General funds	\$4,203,770
Other	\$743,615
B-11 (Workforce Training Funds)	\$10,046
<b>Total</b>	<b>\$4,957,431</b>

cases per year per trial attorney and 25 new appeals per year per appellate attorney.

The number of cases in which courts ordered reimbursement in Wyoming for public defender fees and costs continued to increase. From FY02 to FY03, the number of cases where the courts ordered reimbursement has increased from 3,830 cases in FY02 to 4,196 cases in FY03, an increase of 366 cases. Yet there were still 459 cases in which the courts had failed to order reimbursements and make findings on the record of inability to pay.

Wyoming Statute § 7-6-106(d) requires that the agency's annual report have pertinent reimbursement information as set forth below.

FY03	Number of Cases with Appointment of Public Defender	Reimbursement Ordered	No Reimbursement Ordered/ Specific Finding of No Ability to Pay	No Reimbursement Ordered/No Finding of Inability to Pay
1st Quarter	2532	917	594	199
2nd Quarter	2344	1168	880	197
3rd Quarter	2427	1003	928	26
4th Quarter	2534	1108	848	37
TOTAL	9837	4196	3250	459

Note: In the above chart, the appointment and reimbursement processes will not occur during the same reporting quarter. The court initially appoints the Public Defender's Office (i.e., the first column) to represent a client. That appointment can last over several months and in some cases more than a year. Reimbursement is to be ordered when the case is closed out. There is also an additional column "No Attorney Fees//No Cost Incurred" which is not shown. This occurs, for example, when the court appoints the Public Defender's Office and the client hires private counsel or the charges are dismissed without any court hearing with the assigned public defender. Detailed quarterly reimbursement information by court as required by statute is available in the Public Defender's Office.

The agency continues to improve the connectivity among the 16 field offices. In FY03, T-1 lines were installed in Douglas, Evanston, Laramie, and Rawlins, thus providing high speed internet access to those field offices for legal research and connecting them to the statewide area network. The agency now has connectivity with eight of the field offices. In addition, in FY03, the agency implemented a new client database to be utilized by each field office. Development of the agency's website continues with additional legal forms, motions, and jury instructions being added to the employee only section of our website.

## Strategic plan changes

On September 1, 2003, the agency adopted a new strategic plan, with new outcomes. The sole goal in the new strategic plan: The Wyoming Public Defender Program will provide effective assistance of counsel to our clients.

The agency proposes meeting this goal by 1) representing clients and conducting cases in accordance with constitutionally defined standards for effective assistance of counsel and in accordance with the Rules of Professional Conduct for Attorneys at Law; 2) maintaining trial attorney caseloads at 175 to 200 new trial-level cases per year per attorney or 25 appeals per year per attorney; 3) representing co-defendants pursuant to the guidelines established in *Asch v. State*, 2003 WY 18, 62 P.3d 945 (Wyo. 2003); 4) insuring classification parity and salary equity with prosecution and other governmental agency counterparts; and 5) limiting turnover to a maximum of 20 percent per year.

# Public Defender organization chart

