

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

Effective assistance of counsel

Public defenders statewide provided legal counsel to 10,507 new clients during FY04, including 65 appeals to the Wyoming Supreme Court that were handled by the appellate division. Clients were represented in accordance with constitutionally defined standards for effective assistance of counsel and in accordance with the Rules of Professional Conduct for Attorneys at Law. In FY04, in two cases, out of the 10,507 cases appointed, or less than .02 percent, a court made specific findings of ineffective assistance of counsel by public defender attorneys. Both cases involved failures to timely file notices of appeal. In both cases, however, the Wyoming Supreme Court allowed the cases to proceed on their merits. This allowed the appeals to continue, with no prejudice to the clients.

No written complaints from members of the judiciary were made to the Public Defender administration, and no public action was taken by the Board of Professional Responsibility against any public defender.

Manageable caseloads

In FY04, the average caseload per full-time attorney per month was approximately 21 new cases, or a yearly total of approximately 252 new cases per full-time attorney. This exceeded national guidelines of 175 to 200 new trial-level cases per year. Additionally, the three-attorney appellate division received 65 new appeals in FY04. This fell within the national guidelines of no more than 25 new appeals per attorney per year.

In FY04, this agency had 41.48 full-time equivalent (FTE) attorneys to handle the trial level cases. The 41.48 FTE attorneys included all employees (part-time and full-time), AWECs, and independent contractor attorneys. It does not include one attorney assigned to the Capital Case Unit (CCU) and one part-time attorney assigned to handle conflict or difficult cases statewide. Caseloads are perhaps the single most significant factor in an attorney's satisfaction

General information

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Agency contact

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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 and juveniles charged with and/or convicted of a delinquent act in Wyoming.

Budget information

General Funds	\$4,911,955
Other	\$821,856
Total	\$5,733,811

with their job. An excessive caseload will quickly turn a content attorney into a dissatisfied one. As caseloads exceeded national standards in FY04, this agency requested funding for seven new part-time independent contractor positions to address this problem. This request was denied. Six new full-time employee positions were requested, comprised of one attorney, three administrative support positions, one investigator, and one I. T. assistant. We received one attorney position, two administrative support positions, and one I. T. assistant position. The additional positions will help, but they are not going to be sufficient to reduce caseloads sufficiently to meet national standards.

Caseload reimbursement

The number of cases in which courts ordered reimbursement in Wyoming for public defender fees and costs continued to increase. From FY03 to FY04, the number of cases where the courts ordered reimbursement increased from 4,196 to 4,509. The number of cases in which the courts failed to order reimbursements and make findings on the record of an inability to pay decreased from 459 in FY03 to 95 in FY04.

Technological upgrades

In FY 04, the agency completed the installation of T-1 lines in our Cody, Lander, Jackson, Rock Springs and Sheridan offices. This completed the planned deployment of T-1 lines throughout the state, and leaves only two of our offices (staffed by independent contractors) that are not on the state Wide Area Network. New computers for each employee in these five offices, including an upgraded version of the WordPerfect Office Suite were also installed. These new additions provided these offices with high speed Internet access for legal research, connectivity to the state WAN for data storage and backups, interoffice communication via the GroupWise email system, and the hardware/software sufficient to manage these and other daily tasks. Upgrading of the client database to a true relational database with an SQL server back-end was also completed. Distribution of the new version of the database began with the Cheyenne office in FY04.

Reimbursements

Wyoming Statute § 7-6-106(d) requires that the agency's annual report contain pertinent reimbursement information.

Reimbursement payments collected by the counties and returned to the State's General Fund also increased significantly from FY03 to FY04. In FY03, \$278,004.18 was collected. In FY04, \$317,038.29 was collected, an increase exceeding 14 percent.

Please see the chart below for reimbursement statistics.

FY04	Number of Cases Appointed to Public Defender	Reimbursement Ordered	No Reimbursement Ordered/ Specific Finding of No Ability to Pay	No Reimbursement Ordered/ No Finding of Inability to Pay
1st Qtr	2625	1014	931	23
2nd Qtr	2405	1208	1016	27
3rd Qtr	2685	1194	934	17
4th Qtr	2727	1093	845	28
TOTAL	10442	4509	3726	95

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.

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 strives to meet 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 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

