

**FY 2023 DEFENDING ATTORNEY ANNUAL REPORT**  
**CONTRACT PROVIDER**  
**Single & Multiple Attorney Practices**  
**REPORTING PERIOD: October 1, 2022 – September 30, 2023**

## **INSTRUCTIONS FOR CONTRACTING INDIGENT DEFENSE PROVIDER REPORTING**

Defending attorneys must keep records and annually report information about the indigent defense services they provide to the appropriate Board of County Commissioners (BOCC), the Administrative District Judge (ADJ), and the Public Defense Commission (PDC) **on or before November 1, 2023**. Idaho Code §19-864(2).

The Defending Attorney Annual Report is an online form.

- If you have any questions about the information requested, please contact your regional coordinator, or contact us at [info@pdc.idaho.gov](mailto:info@pdc.idaho.gov) or (208) 332-1735.
- If you have questions about using the form, please contact Mark LaSalle at [mark.lasalle@pdc.idaho.gov](mailto:mark.lasalle@pdc.idaho.gov)

### **WHO COMPLETES THE FORM?**

**Section I:** The **lead attorney** in each contracted office completes this section regarding the indigent defense services provided by that office as a whole for each county in which the office performs those services.

**Section II:** **Each defending attorney** within the contracted office completes this section regarding their individual caseload for each county in which they perform indigent defense services.

*If a solo defending attorney is assigned primary or conflict cases in a county, they will complete Section I for their office and Section II for themselves.*

**NOTE:** Each office and defending attorney, contracting with more than one (1) county to provide indigent defense services, will complete a separate report for **each county**.

**Remember - 1 Annual Report per county, 1 section II per defending attorney.**

### **INSTRUCTIONS**

**Section I:** Include the lead defending attorney's name and contact information and indicate the type of indigent defense provider they represent: (1) a Contract Primary Defending Attorney, (2) a Contract Conflict Defending Attorney, or (3) an attorney providing indigent defense services who does not fit into (1) or (2). If you select item (3) include an explanation. Complete each field in the annual report. **If the office does not have data to report for a field, enter zero.** If any field is not completed, explain why the specific data was not tracked or information was not included in the explanation section provided.

- **Section I(A)(1):** List all indigent defense expenses incurred for the contracted office for each category, for the specific reported County. Do **not** include information that identifies specific cases or violates **attorney-client privilege**. If you did not incur an expense in one of the categories, enter zero.

- **Section I(A)(2):** List all expenses and corresponding amounts that were not paid or reimbursed by the County or other sources including the PDC and/or any other government and/or private funding source resulting in an expense to the contracted office.
- **Section I(A)(3):** Report the total amount received from the County for indigent defense services provided pursuant to the contract within the reporting year (i.e. the value of the contract and not any reimbursed expenses).
- **Section I(B):** Provide the total number of cases conflicted from your office in each of the case types applicable during the reporting period. A case that is conflicted is counted by the conflict defending attorney as a case and not counted by the initial defending attorney.
- **Section I(C):** Report the first date and the last date of the period contracted/employed during the reporting period for each defending attorney, and/or staff member who provided indigent representation services for the reported County. Next identify the percentage of their entire workload including work in any county statewide, as applicable, devoted to each of the categories by including the percentage of time spent in each category. The “other” category should be used to report the percentage of workload devoted to CLEs, training, public service work, and similar tasks during work hours, as applicable.

Provided below is a hypothetical office report. Jane Doe Attorney has been with the office for over a year. She is assigned to indigent defense cases for approximately 30 hours a week and can work on private cases up to 10 hours a week. She is enlisted with the Idaho National Guard and attended Guard training for the month of August. Martin Doe Paralegal joined the office during the year being reported, as the paralegal for the office’s public defense contract. The report below represents Jane and Martin’s workload.

Employee Name	ISBN	Job Title (Attorney, Paralegal, Secretary, Admin Assistant, Invest, Social Worker, Intern)	First Date working on Indigent Defense during the reporting period.	Last Date working on Indigent Defense during the reporting period.	Percent of Total Workload (Statewide)				
					Indigent Representation	Private Clients	Administration /Supervision	Other	Total = 100%
Jane Doe Attorney	34567	Attorney	10/01/2021	09/30/2022	69%	23%	0	8%	100%
Martin Doe Paralegal	-	Paralegal	05/01/2022	09/30/2022	0	0	100%	0	100%

- **Section I(D) (For Multiple Attorney Offices):**

This is an officewide total for multiple attorney offices. Solo practitioner forms do not include this Section I(D). Count and report all Cases that were active during the reporting period. Do not leave any category blank. If your office did not handle a Case type, enter 0 in the field. Include the total number of Cases handled by your office for this county by all defending attorneys providing indigent defense services during the reporting period and corresponding to the appropriate category.

Case counting

- Active Case: A Capital Case is active when it is not stayed. All other Cases are active when

there is an appointment, appearance, filing, or investigation in the reporting period or it is not stayed.

- Case: All related charges against an individual from a single incident, transaction, or occurrence filed
- within a single case number. A probation violation or motion for contempt is counted as a separate Case.
- A felony Case is counted as follows:
- A Case filed as a felony is counted as one (1) felony, whether it is dismissed, remanded, pled, or tried to completion;
- A Case filed as a misdemeanor that is later amended to a felony is counted as a felony;
- A probation violation or motion for contempt is counted as a separate Case;
- A Case that is conflicted or consolidated is counted by the Defending Attorney assigned to the conflicted or consolidated Case and not counted by the initial Defending Attorney;
- A Case sent to a problem-solving court is counted once as initially filed as a felony, misdemeanor, or juvenile Case;
- A Case is counted as a Capital Case if, in any part of the reporting period, the state is legally entitled to seek the death penalty under Section 18-4004A, Idaho Code;
- Post-judgment motions are not counted as a separate Case;
- An appeal from magistrate court to district court is counted as a separate Case.

**Section II:** This section captures information for each attorney in the contracted office who provided indigent defense services for the County being reported on during the reporting period. Each attorney will complete their own Section II and will certify the information reported.

- **Section II(A):** Review the definitions and instructions for case counting in Section I(D) above before completing the report. If an attorney has not handled a case type, enter a zero in that field. Include all cases that were active during the reporting period.
- **Section II(B):**
  - **Experience.** Each attorney provides their total years of legal experience and a breakdown of their experience in the listed categories.
  - **Training.** Each attorney provides complete information for each public defense CLE the attorney completed during the reporting period. Do not include any CLEs for which the attorney has previously received PDC credit.
    - **Pre-approved CLEs:** When reporting PDC-approved CLE's, **use the PDC Approved CLE Courses table** and include the PDC Course ID from the applicable PDC Approved CLE list. Do not use the Idaho State Bar (ISB) ID.
    - **Defending Attorney Roster CLEs:** A link to PDC's Approved CLE List for attorneys on the Defending Attorney Roster is included in the report and available [here](#). Defending Attorneys must complete at least 7 CLE credits each county fiscal year (October 1 – September 30). [IDAPA 61.01.02.090.03.a](#).
    - **Capital Defending Attorney Roster CLEs:** A link to PDC's Approved CLE list for attorneys on the Capital Defending Attorney Roster is included in the report and available [here](#). Defending Attorneys on the Capital Roster must complete at least 12 CLE credits with at least ten (10) from a nationally recognized and well-established capital training program, every other county fiscal year. [IDAPA 61.01.02.090.03.b](#).

Attorneys on both Rosters may count capital CLE credits toward the seven (7) CLE credits. If you are unsure of your Capital Roster CLE reporting period, please contact Tammy Zokan at [tammy.zokan@pdc.idaho.gov](mailto:tammy.zokan@pdc.idaho.gov), (208) 921-2245.

- **CLEs not pre-approved:** CLEs do not have to be pre-approved, but attorneys who completed course(s) not yet approved, **use the Other CLEs Table** and upload the course materials for such CLE.
- **Section II(C):**
  - **Compliance**
    - Each attorney should be familiar with [Idaho Code Section 19-855](#) and [IDAPA 61.01.01-61.01.04](#).
    - The Caseload Calculator is included in the report and is available [here](#). This tool weights and calculates an attorney's current Caseload to make sure Case assignments are within PDC Caseload maximums. For your reference, each Case category in this tool notes the total maximum for the specific case type. This is the Case type's total maximum caseload and does not take any other Case types into consideration. **The total maximum Caseload is 210 FCE cases. Reminder: Caseload maximums are based on adequate support staff, cases of average complexity, reasonable distribution of cases throughout the year, and no supervisory duties.**
    - Attorneys must report whether they are in compliance with PDC's Rules and if an attorney is not in compliance, explain why they are not in compliance and what they are doing to achieve compliance.
    - If applicable, include an explanation with attestation regarding how constitutional representation was provided despite their Caseload/Workload exceeding the numeric maximums. Please include additional pages as needed.
    - If applicable, identify the date by which the attorney will be in compliance with minimum CLE requirements.

**Verification and Signature:** Each attorney verifies the information in Section II and signs the verification. The lead defending attorney in every office includes a Section II for each defending attorney in their office who worked on an indigent defense case during the reporting period for the reported County and verifies that the information in Section I and all Section IIs are complete and accurate and signs the verification.

The report and attachments shall be submitted to the **BOCC, ADJ, and PDC** by **November 1, 2023**, no later than 5:00 pm MT.

**Questions?** Please contact your Regional Coordinator:

**Jared Ricks** for Judicial Districts 5, 6, and 7 at [jared.ricks@pdc.idaho.gov](mailto:jared.ricks@pdc.idaho.gov) or (208) 520-6453

**Jennifer Roark** for Judicial Districts 1, 2, 3, and 4 at [jennifer.roark@pdc.idaho.gov](mailto:jennifer.roark@pdc.idaho.gov) or (208) 892-9487

**PDC Office** at [info@pdc.idaho.gov](mailto:info@pdc.idaho.gov), (208) 332-1735.