

Comment Report

HSB 251

A bill for an act relating to and making appropriations to the justice system, including by providing for payments associated with indigent defense and representation, the funding of activities relating to consumer fraud and antitrust, a corrections capital reinvestment fund, an Iowa law enforcement academy study, a human trafficking study, and the funding of peace officer retirement, and including effective date and retroactive applicability provisions.(See HF 727.)

Subcommittee Members: Lohse-CH, Mohr, G., Wilburn

Date: 05/02/2023

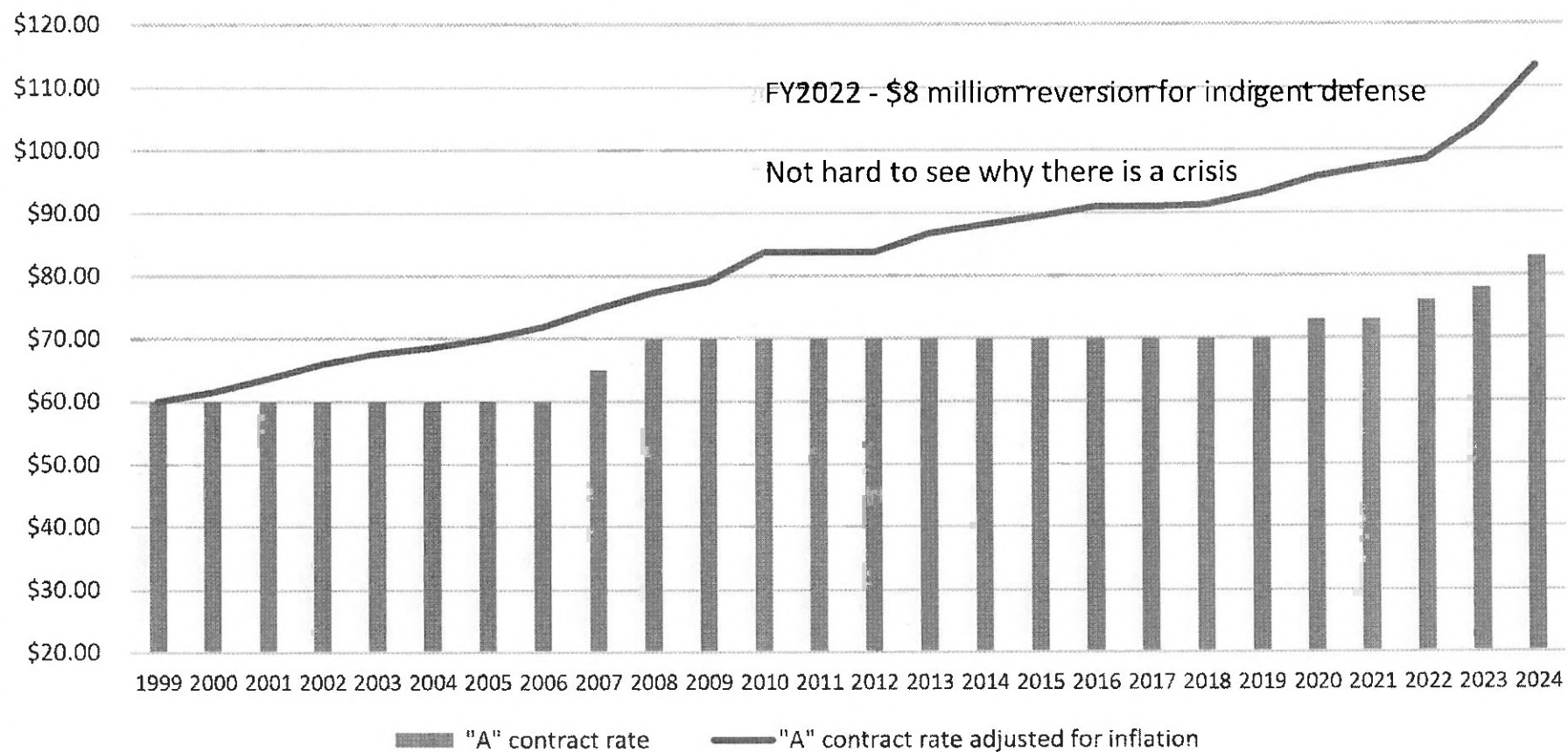
Time: 08:30 AM

Location: RM 102, Sup. Ct. Consult

Name: Tim Tupper

Comment: The Chief Justice has made it clear we face an indigent defense crisis. In criminal court, this means delays in justice for defendants, for victims and for our communities. In juvenile court, this means delays for children returning to their homes of finding new forever families. Why does the crisis exist? Over the last two decades, the statutory rate of compensation has dramatically lagged inflation. According to the 2015 Iowa Bar Survey, the average hourly overhead expense per attorney \$75 an hour as much or more than the contract rate. As a result, literally hundreds of Iowa attorneys like me, have decided they can no longer afford to work as contract attorneys. While the proposed \$5 increase for FY2024 keeps up with inflation, it does little to close the inflation gap that has developed over time. It certainly is not enough to reverse the dramatic decline in the number of attorneys willing and able to represent indigent clients. Two charts attached highlight the problem showing the impact of inflation and the decline in the number of contract attorneys. Even worse, the travel time compensation proposed in new section 815.7A is a reduction for guardian ad litem visiting this children clients. This travel time is currently reimbursed at the statutory rate. Even worse, this crisis continues to exist even though the Indigent Defense Fund didn't spend \$8 million of its most recent budget (FY2022).

Inflation Impact on Contract Attorneys (assumes proposed \$5 increase FY 2024)



Contract Attorney Pay Matters

(assumes proposed \$5 increase for FY 2024)

