

# OFFICE OF THE STATE PUBLIC DEFENDER



## Legislative Budget Presentation

February 10, 2025



To ensure... indigent lowans are provided *high-quality* legal representation in the *most efficient* manner...

## Hybrid System

Office of the  
State Public Defender

## SPD Operations

253 Authorized Positions

- 176 Attorneys
- 28 Investigators
- 44 Secretaries
- 5 Administrative Staff

## Indigent Defense Fund

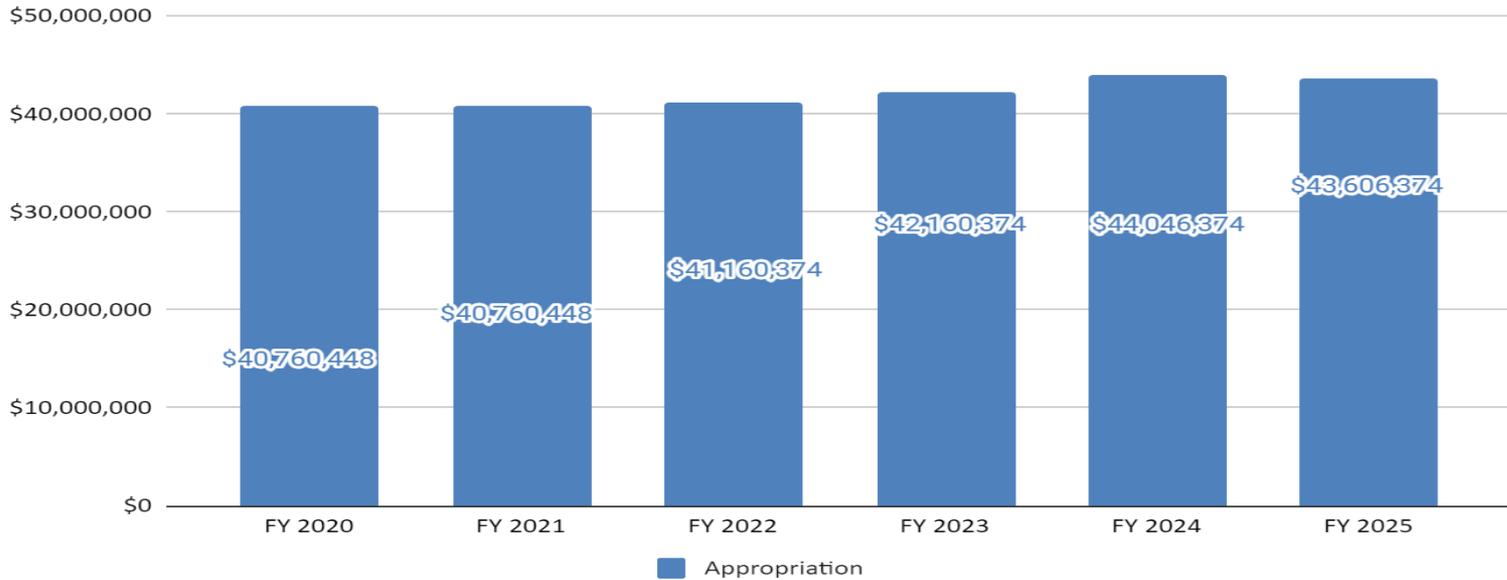
- 492 Contract Attorneys

## Total Appropriations

	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Actual	FY 2025 Estimate
SPD Operations	\$27,144,382	\$29,483,120	\$30,112,503	\$30,718,203	\$33,477,894
Indigent Defense Fund	\$40,760,448	\$41,160,374	\$42,160,374	\$44,046,374	\$43,606,374
Total	\$67,904,830	\$70,643,494	\$72,272,877	\$74,764,577	\$77,084,268



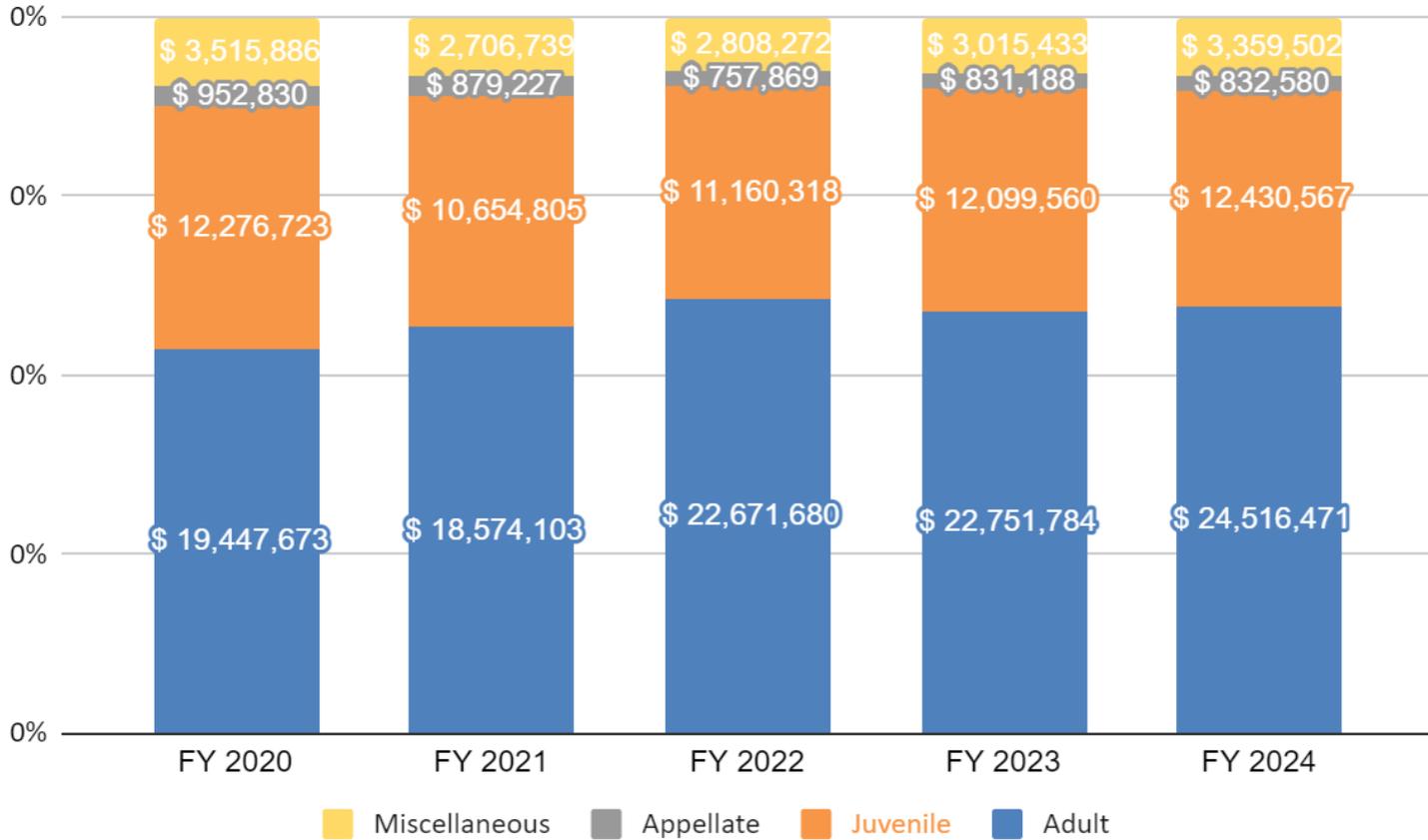
# Indigent Defense Appropriation History



	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$40,760,448	\$40,760,448	\$41,160,374	\$42,160,374	\$44,046,374	\$43,606,374
Supplemental						
Transfer In/Allocation						
<b>Total</b>	<b>\$40,760,448</b>	<b>\$40,760,448</b>	<b>\$41,160,374</b>	<b>\$42,160,374</b>	<b>\$44,046,374</b>	<b>\$43,606,374</b>



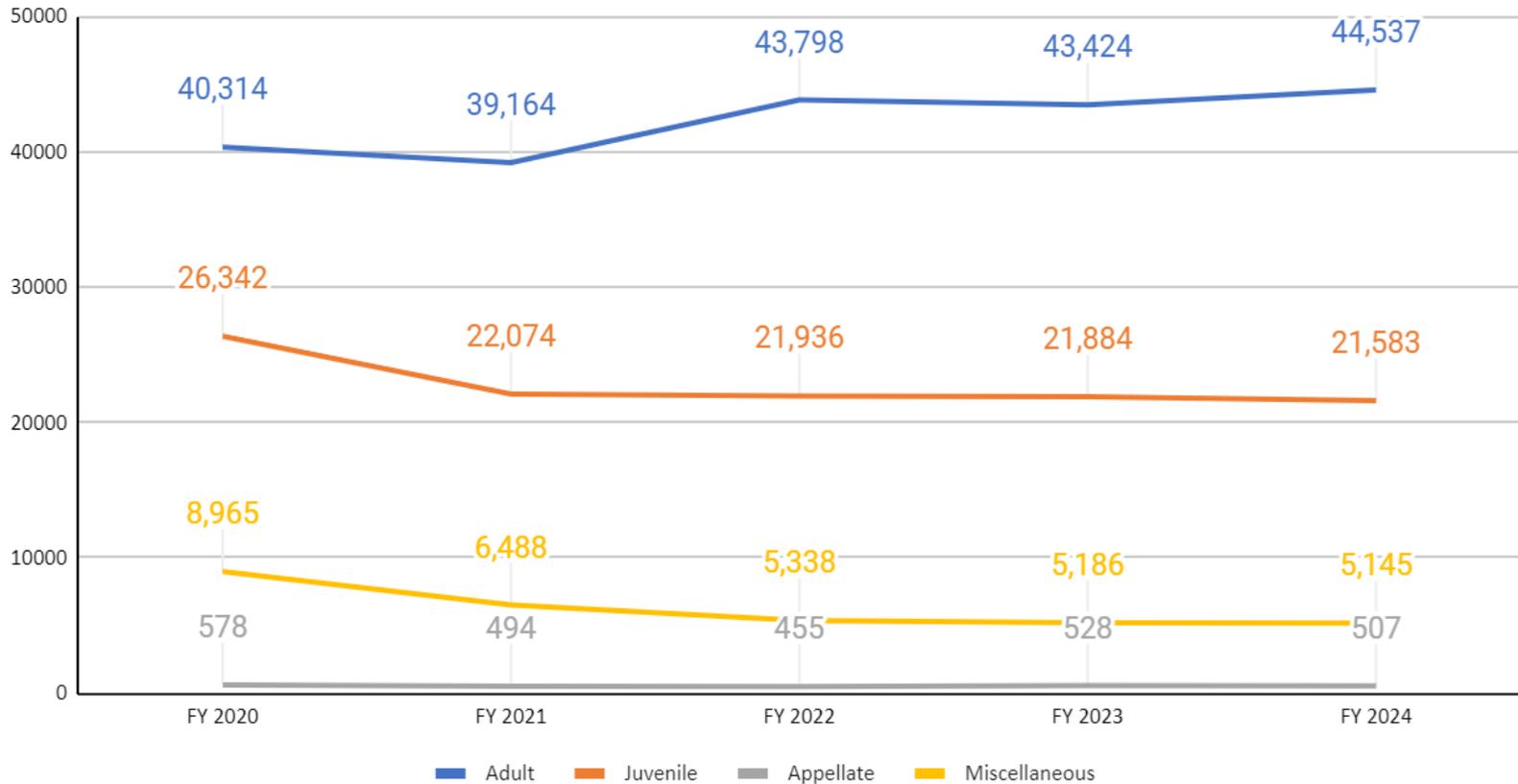
# Indigent Defense Fund Expenditures



- Expenditures are actual Indigent Defense claims paid (excludes reversions).



# Indigent Defense Claims



**Note:**

FY2017: Reflects date of service adjustment



# SPD/Indigent Defense Caseloads

## State Public Defender System

- 2024: 94,756 charges
- 2023: 90,854 charges
- 2022: 96,223 charges
- 2021: 88,878 charges
- 2020: 91,758 charges
- 2019: 88,173 charges
- 2018: 82,117 charges
- 2017: 83,398 charges

## Indigent Defense Fund

- 2024: 72,200 claims
- 2023: 71,020 claims
- 2022: 71,801 claims
- 2021: 68,220 claims
- 2020: 76,199 claims
- 2019: 84,265 claims
- 2018: 82,496 claims
- 2017: 76,734 claims \*

\*11 month – Date of Service change



# IV-E Dollars Reversion - Juvenile Justice Improvement Fund

Juvenile Justice Improvement Fund Balance for  
FY 2025: \$4,672,015

## **How IV-E Dollars Are Used**

- Funding source for the Project to Preserve Families.
- Used for training and development of juvenile-based programs designed to keep families together and save costs long-term.
- Must be used to supplement and not to supplant existing funding.



# IV-E Dollars Reversion – Juvenile Justice Improvement Fund

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.



# Decline of Contract Attorneys

## At a Critical Stage:

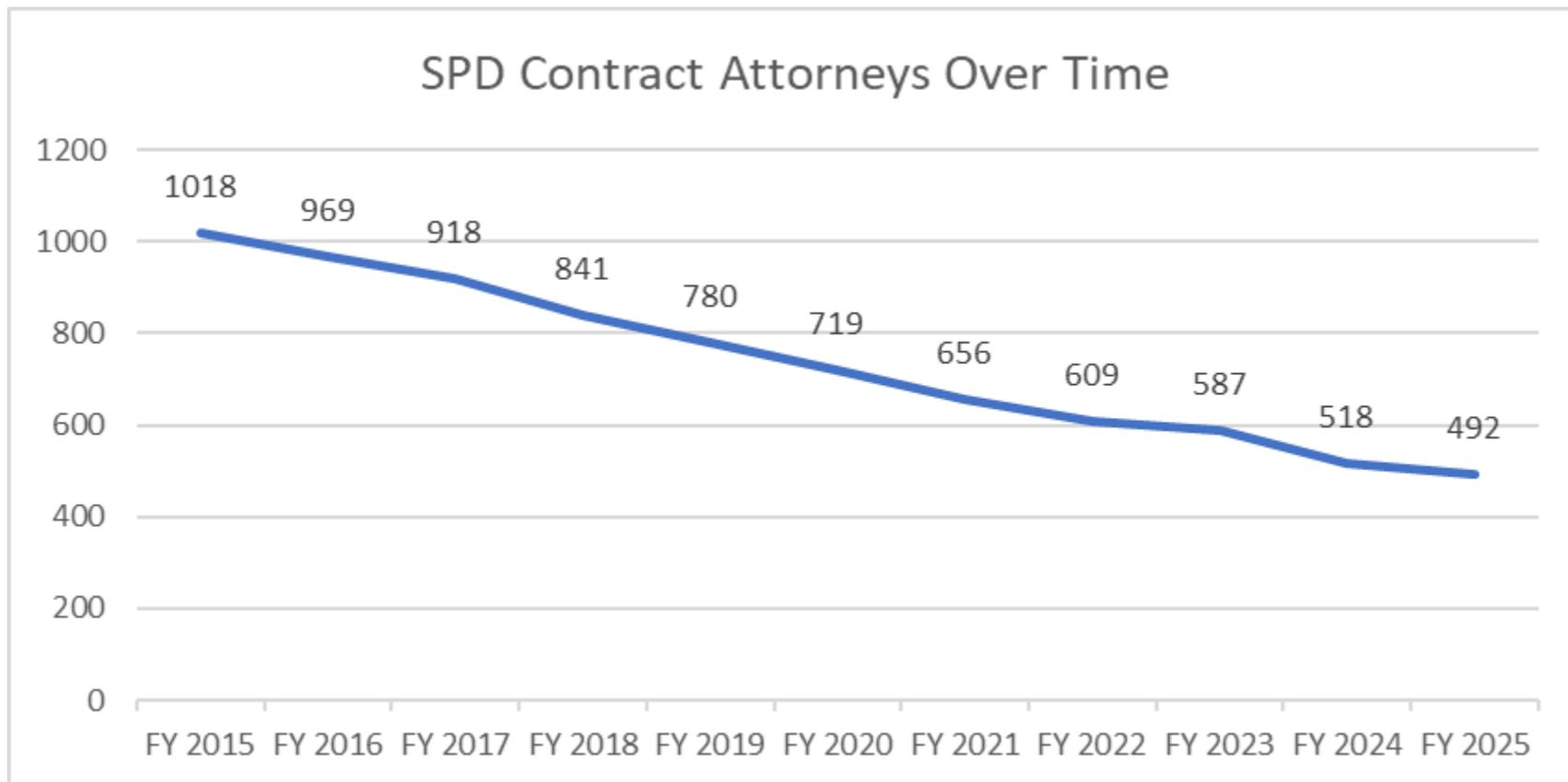
- 492 Contract Attorneys
- Counties and judges having a difficult time finding contract attorneys to handle cases of all types

## Special Contracts:

- The State Public Defender's Office continues to work with the Judicial Branch to determine where special contracts can provide better efficiency and higher quality representation.

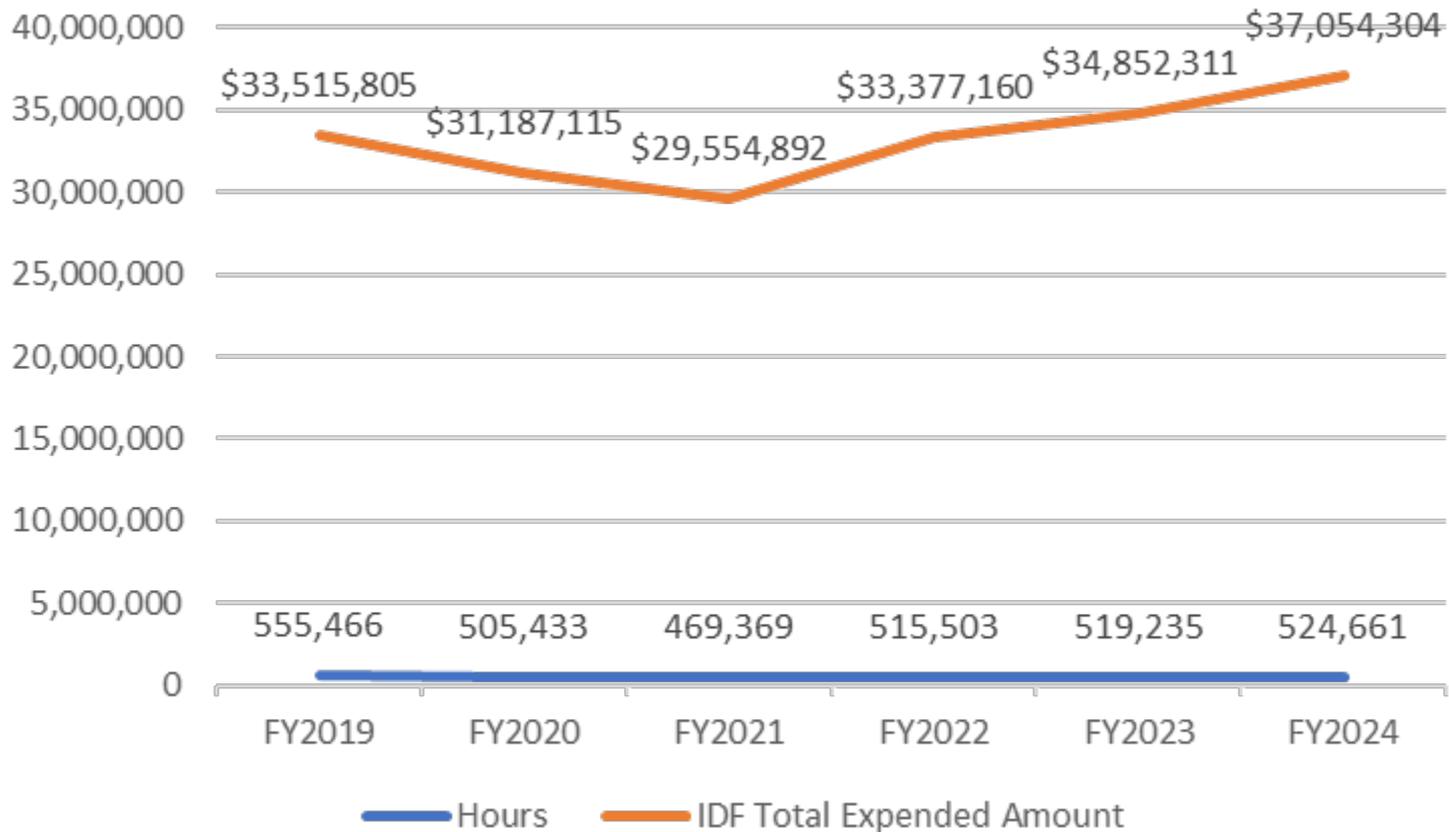


# Decrease in SPD Contract Attorneys



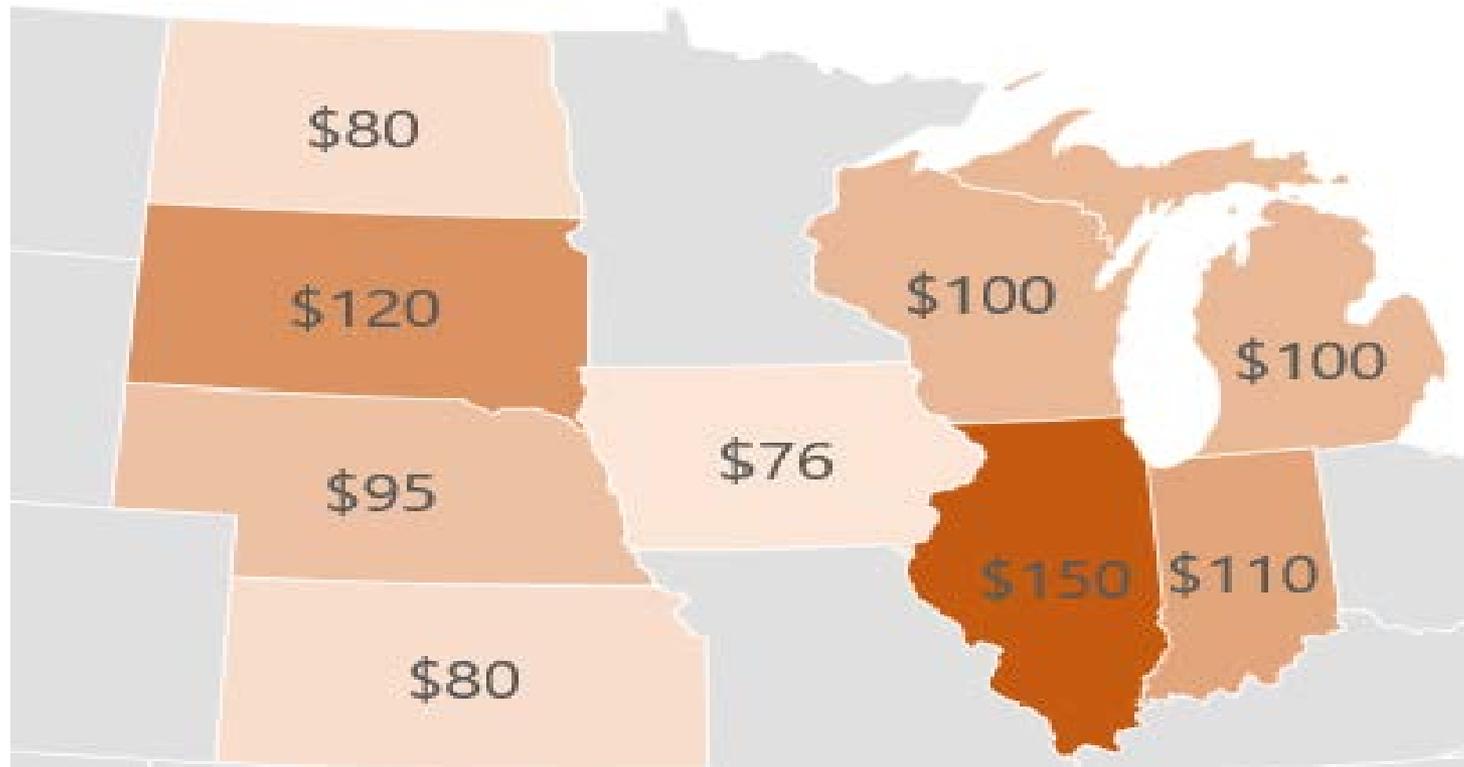


# Claim Hours and Indigent Defense Fund Expenditures





# Midwest Contract Attorney Hourly Rates



*Note: Kansas grants up to \$120/hour in special exception cases.*



'It corrupts our justice system': Lawsuit remains, as Wisconsin public defender shortage persists

## 'A state of triage': Illinois public defenders in crisis amid staffing shortage

### **Report finds deficiencies in defense of South Dakotans who can't afford an attorney**

**Some Public Defenders Offices withdrawing from cases due to caseloads, staffing issues**

*Port: Indigent defense in North Dakota 'perilously close to a constitutional failure'*

**Milwaukee County postpones hundreds of cases due to public defender shortage**



# Long Term Plan

## Flipping the Budget

- Accepting the reality of the situation
- There are fewer attorneys in Iowa
- Creating a system which can endure
- Plan began 5 years ago



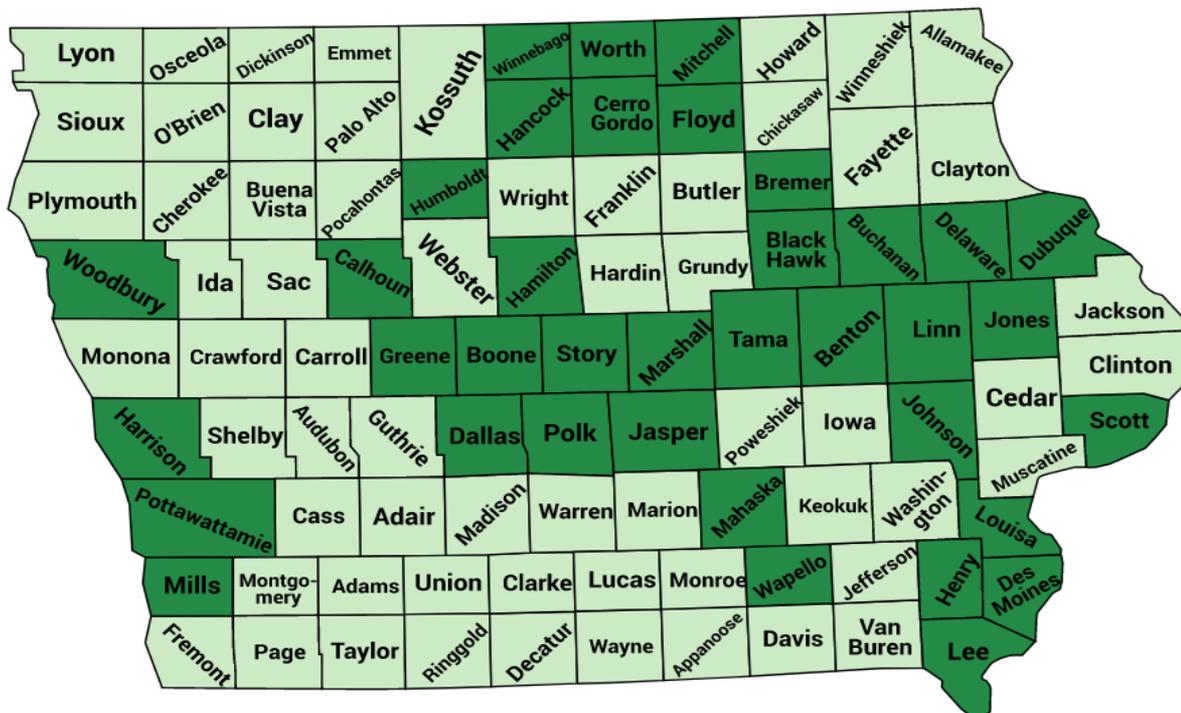
# FTE Increases

Increase from 223.0 to 253.0 FTEs (266 for 2025)

- 10 FTEs in 2021
  - Addressed shortages in rural counties
- 7 FTEs in 2023
  - Created Post-Conviction Relief Unit
- 12 FTEs in 2024
  - Scott, Blackhawk, and Woodbury Counties
- 13 FTEs in 2025
  - Prioritizing areas of greatest need



# State Public Defender Field Office Coverage

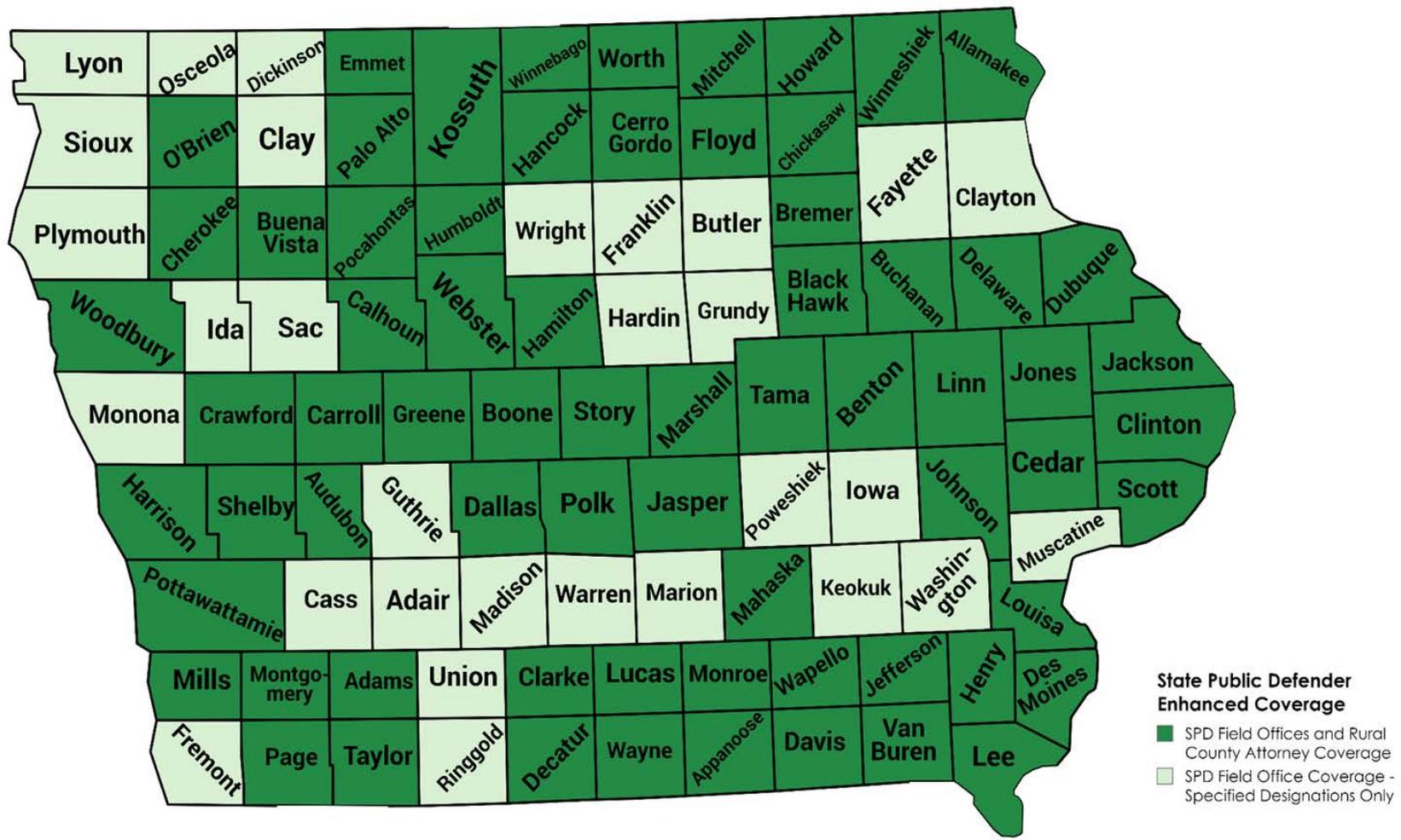


## State Public Defender Field Office Coverage

-  SPD Field Offices - All Case Types
-  SPD Field Office - Specified Designations Only



# Rural County Attorney Project – Enhanced Coverage Across Iowa



**State Public Defender  
Enhanced Coverage**

- SPD Field Offices and Rural County Attorney Coverage
- SPD Field Office Coverage - Specified Designations Only



Iowa Code Section 815.10(1)(a):

“The court, for cause and upon its own motion or upon application by an indigent person or a public defender, shall appoint the state public defender’s designee”



## Iowa Code Section 815.10(2):

“If the state public defender or the state public defender’s designee is unable to represent an indigent person, the court shall appoint an attorney who has a contract with the state public defender to represent the person in a particular type of case and in the county in which the case is pending.”



Iowa Code Section 815.10(3):

“If the court determines that no contract attorney is available to represent the person, the court may appoint a noncontract attorney. The order of appointment shall include a specific finding that no contract attorney was available.”

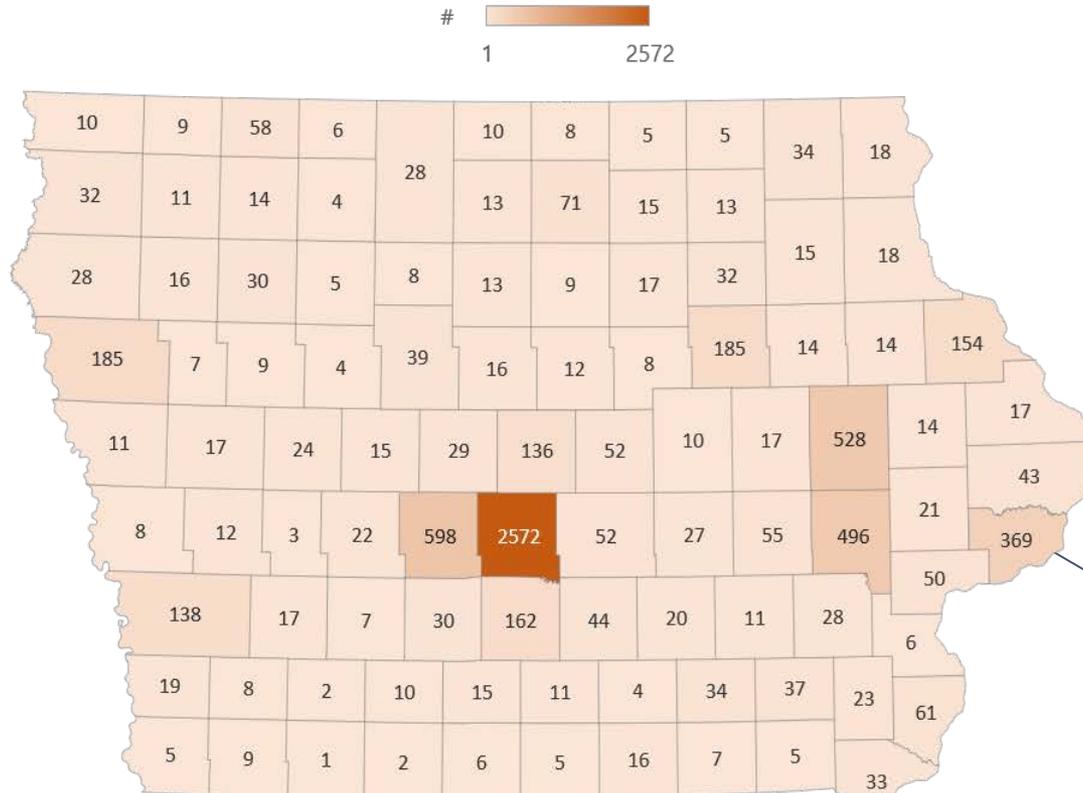


Iowa Code Section 815.10(4):

The appointment of an attorney shall be on a rotational or equalization basis, considering the experience of the attorney, the difficulty of the case, and the geographic proximity of the attorney's office to the courthouse and the client.”



# Licensed and Active Attorneys in Iowa

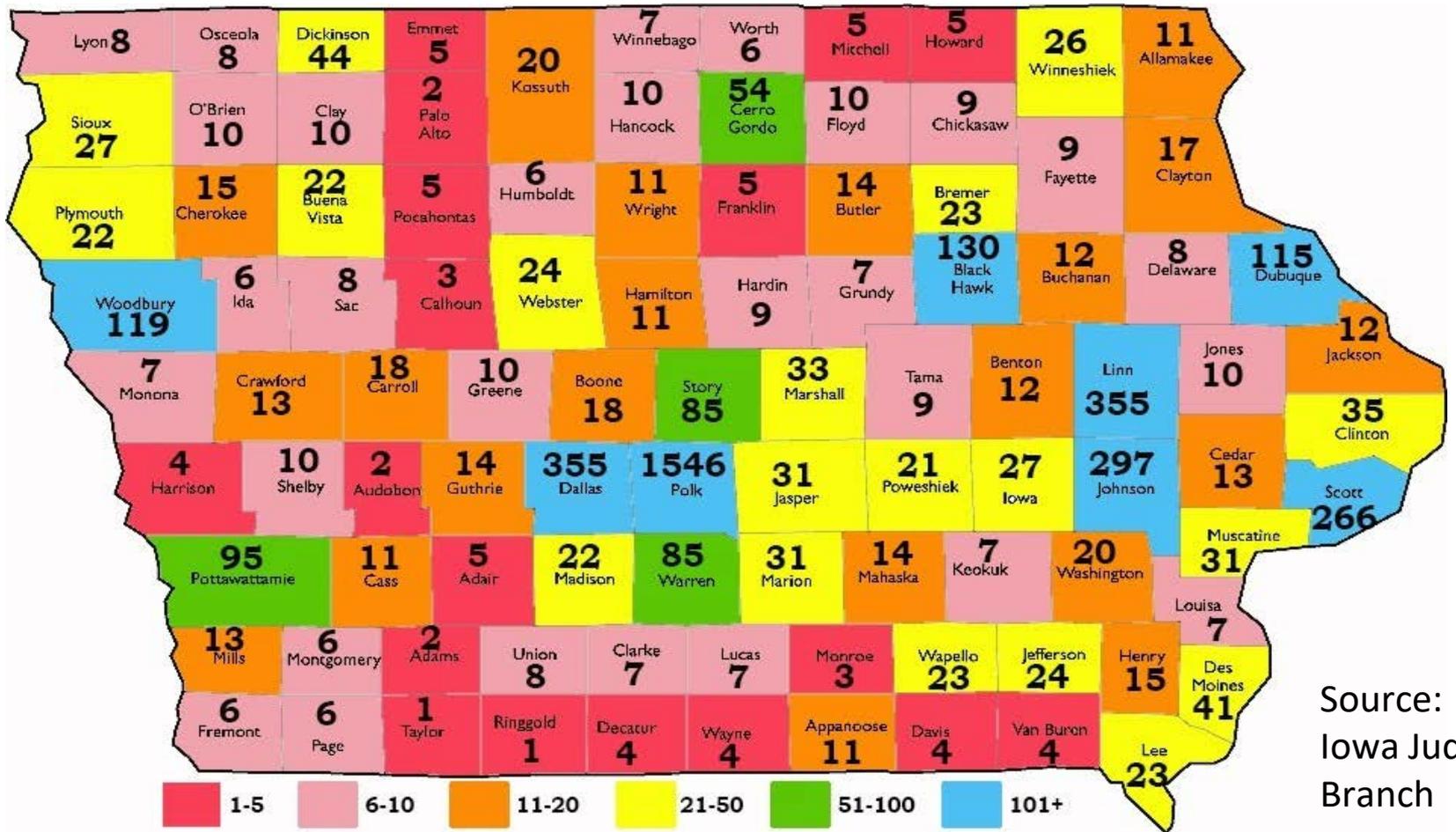


Less than 1% of licensed and active attorneys in Scott County are contract attorneys providing indigent defense

Total number of active Iowa attorneys: 7,176



# Full-Time Private Practice Attorneys



Source:  
Iowa Judicial  
Branch



# FY25-FY26 Budget Request

## FY 2025 Supplemental Budget Request

**\$260,000**

- 2.0 PD2s
- 1.0 Investigator 2

## FY 2026 Budget Need

**\$450,000 added to base appropriation to fund 3.0 FTEs**

# Questions?

