

# OFFICE OF THE STATE PUBLIC DEFENDER



## Legislative Budget Presentation

February 5, 2026



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

266 Authorized Positions

- 187 Attorneys
- 29 Investigators
- 50 Administrative Staff

### Indigent Defense Fund

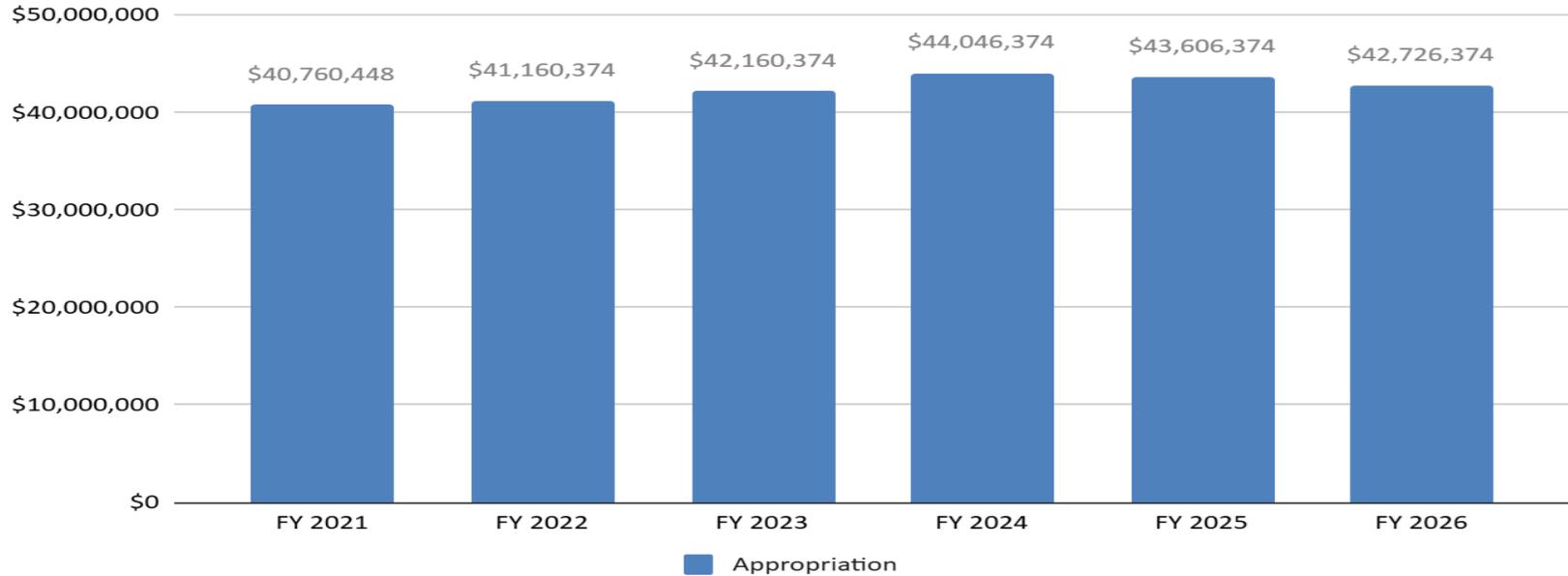
- 470 Contract Attorneys

## Total Appropriations

	FY 2023 Actual	FY 2024 Actual	FY 2025 Actual	FY 2026 Actual	FY 2027 Estimate
SPD Operations	\$30,112,503	\$30,718,203	\$33,477,894	\$35,527,894	\$38,627,894
Indigent Defense Fund	\$42,160,374	\$44,046,374	\$43,606,374	\$42,726,374	\$41,226,374
<b>Total</b>	<b>\$72,272,877</b>	<b>\$74,764,577</b>	<b>\$77,084,268</b>	<b>\$78,254,268</b>	<b>\$79,854,268</b>



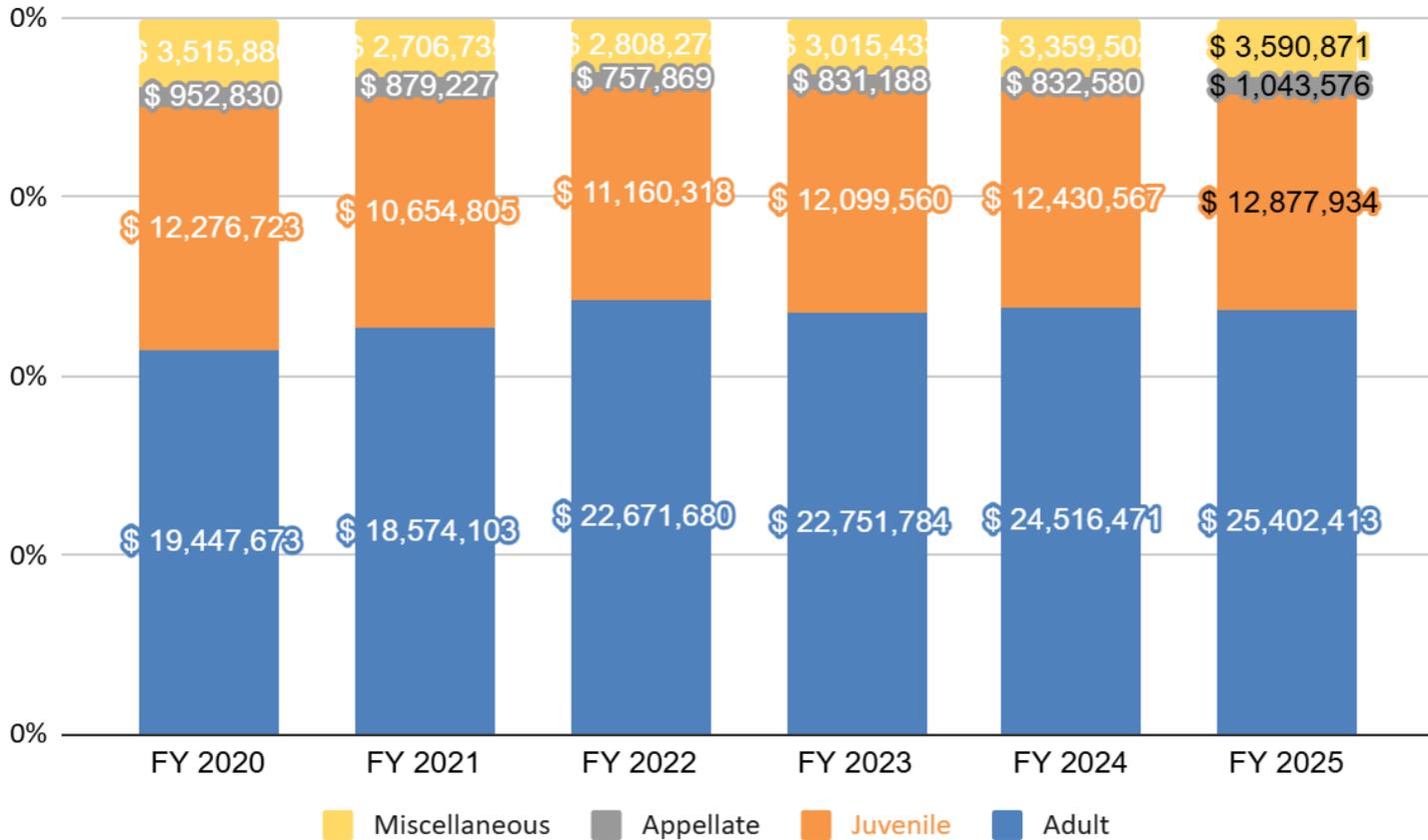
# Indigent Defense Appropriation History



	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$40,760,448	\$41,160,374	\$42,160,374	\$44,046,374	\$43,606,374	\$42,726,374
Supplemental						
Transfer In/Allocation						
<b>Total</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>	<b>\$42,726,374</b>



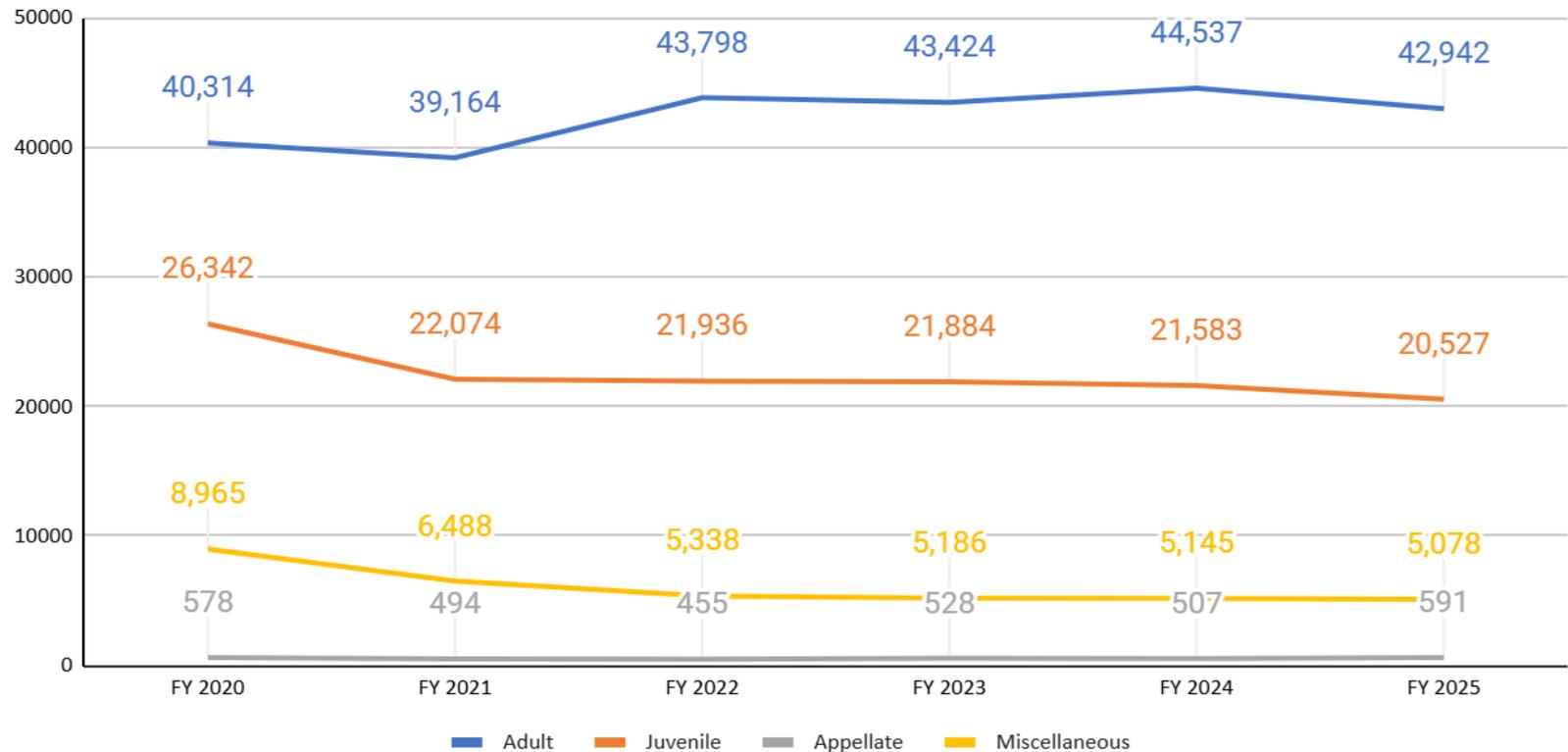
# Indigent Defense Fund Expenditures



- 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

- 2025: 91,432 charges
- 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

## Indigent Defense Fund

- 2025: 69,138 claims
- 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



# IV-E Dollars Reversion - Juvenile Justice Improvement Fund

## 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.

# Project to Preserve Families

- The Project has received 403 referrals across 12 counties since its inception.
- 174 referrals were active at the 18-month follow-up; of those, only 4 referrals were involved in juvenile court after participating in the program.
- Only **19 referrals out of 403 (4.71%)** became CINA cases (15 did not respond to project follow-up).

*95% of families participating in PTPF have received pre-filing representation that has removed the need for juvenile court proceedings.*



# Decline of Contract Attorneys

## At a Critical Stage:

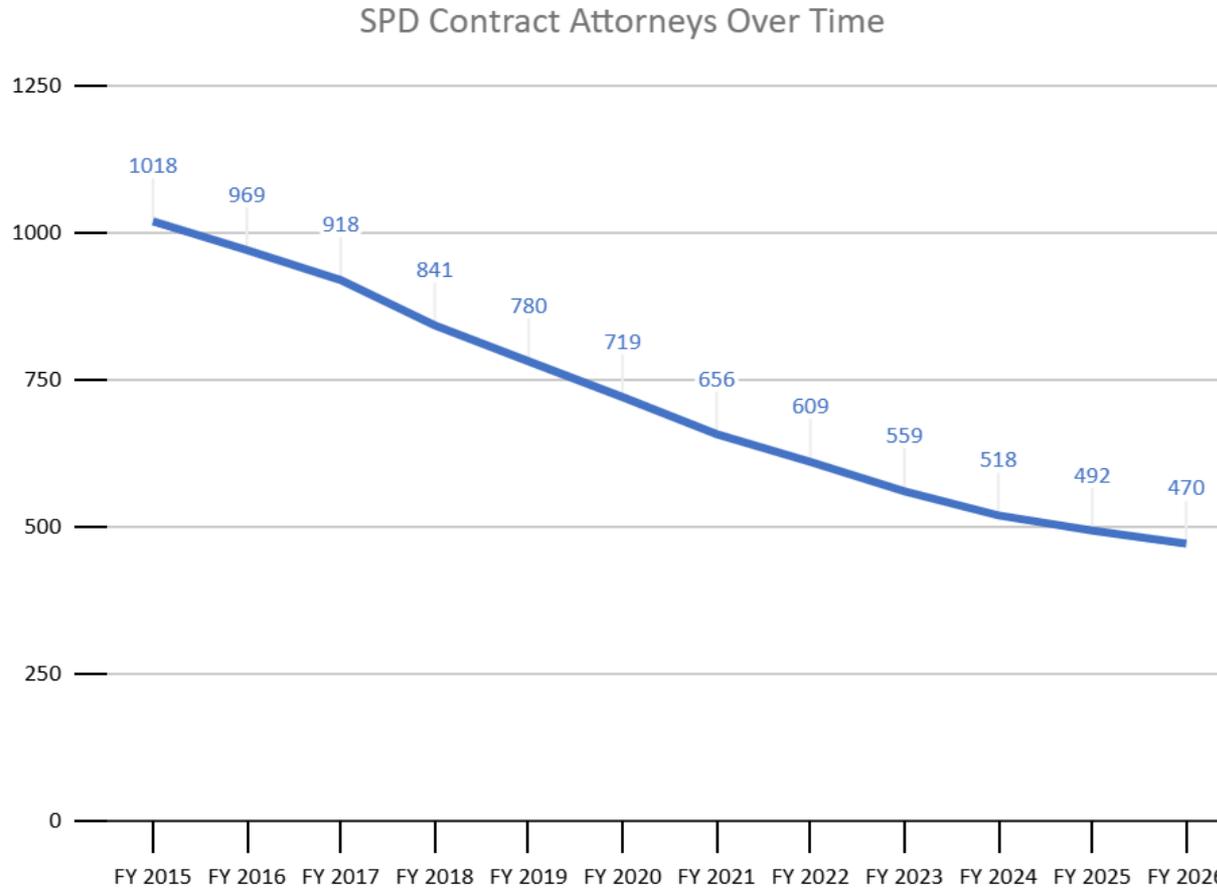
- 470 Contract Attorneys
- Counties and judges having a difficult time finding contract attorneys to handle cases of all types

## 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.

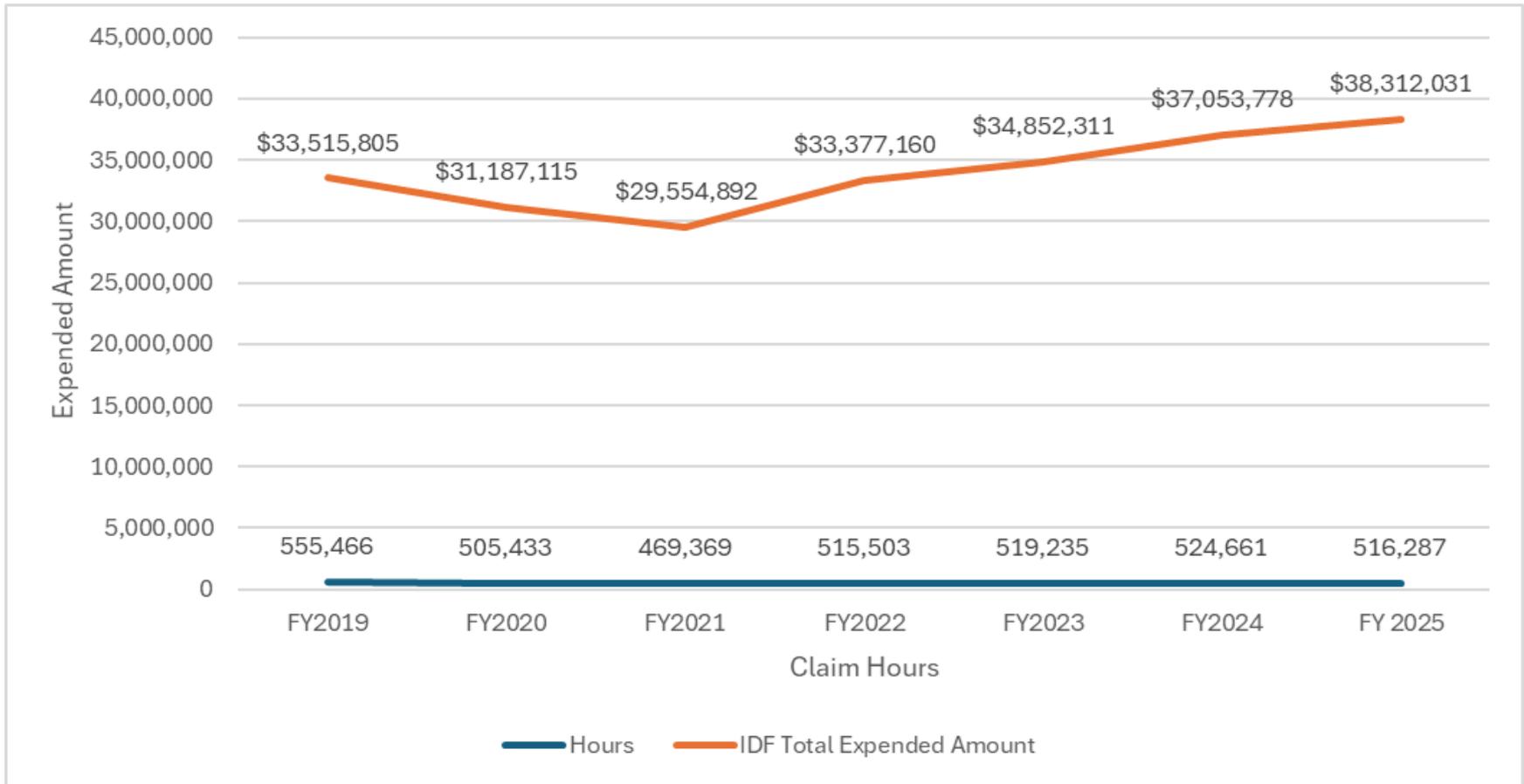


# Decrease in SPD Contract Attorneys





# Claim Hours and Indigent Defense Fund Expenditures

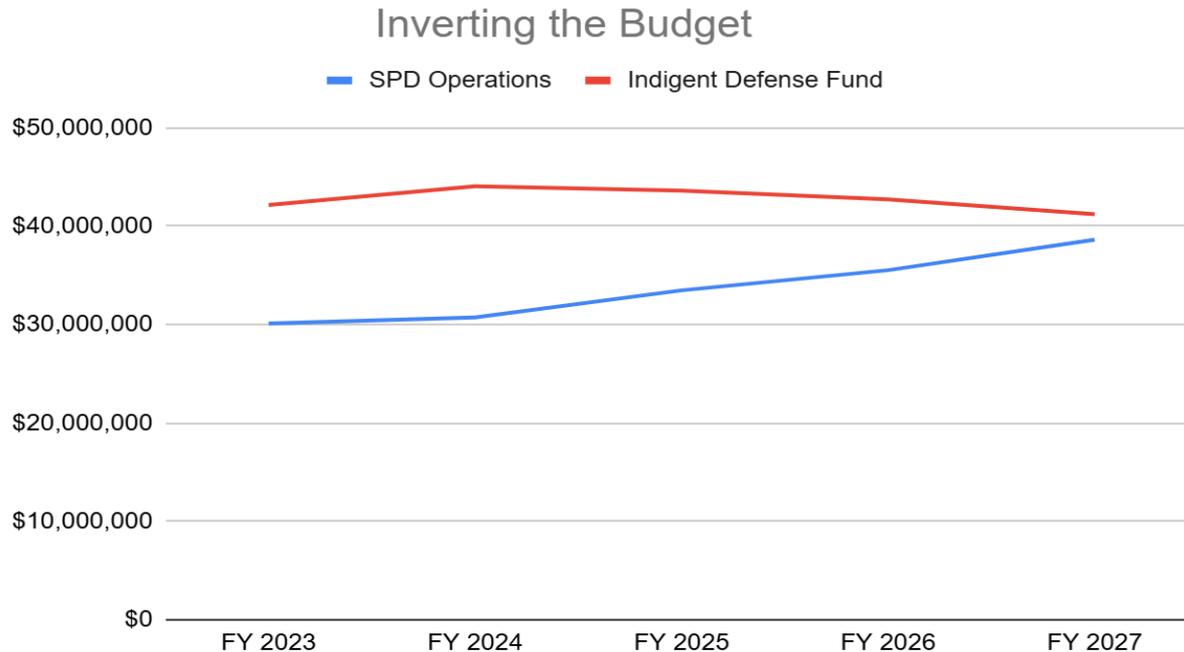




# Long-Term Plan

## Flipping the Budget

- There are fewer attorneys in Iowa
- Creating a system which can endure
- Plan began 5 years ago

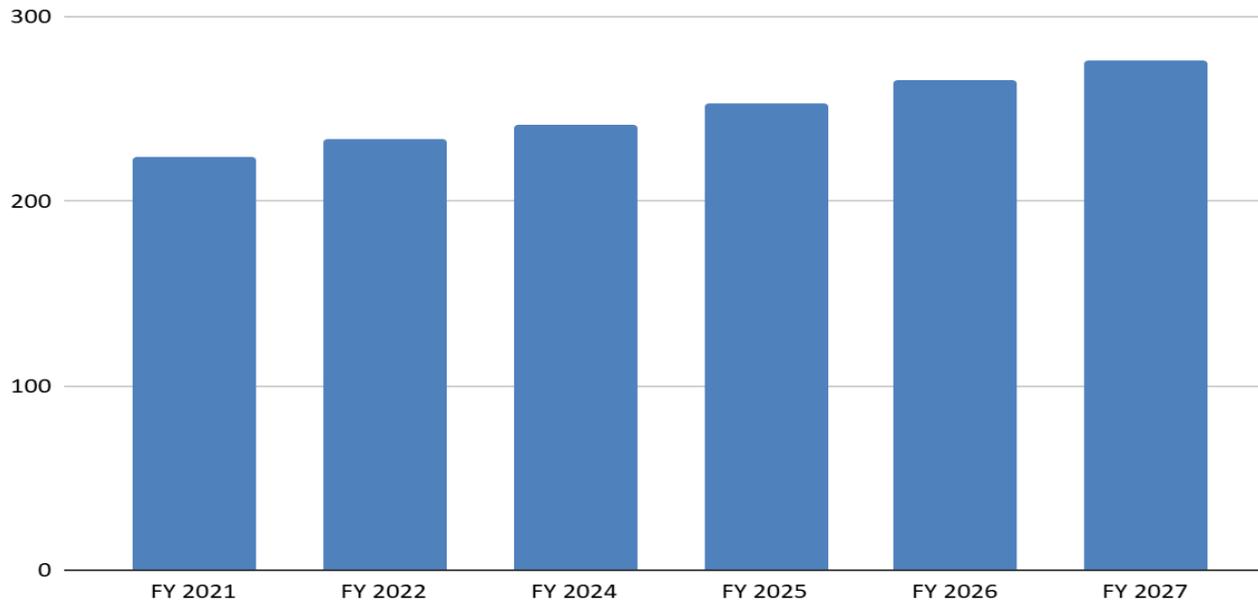




# FTE Increases

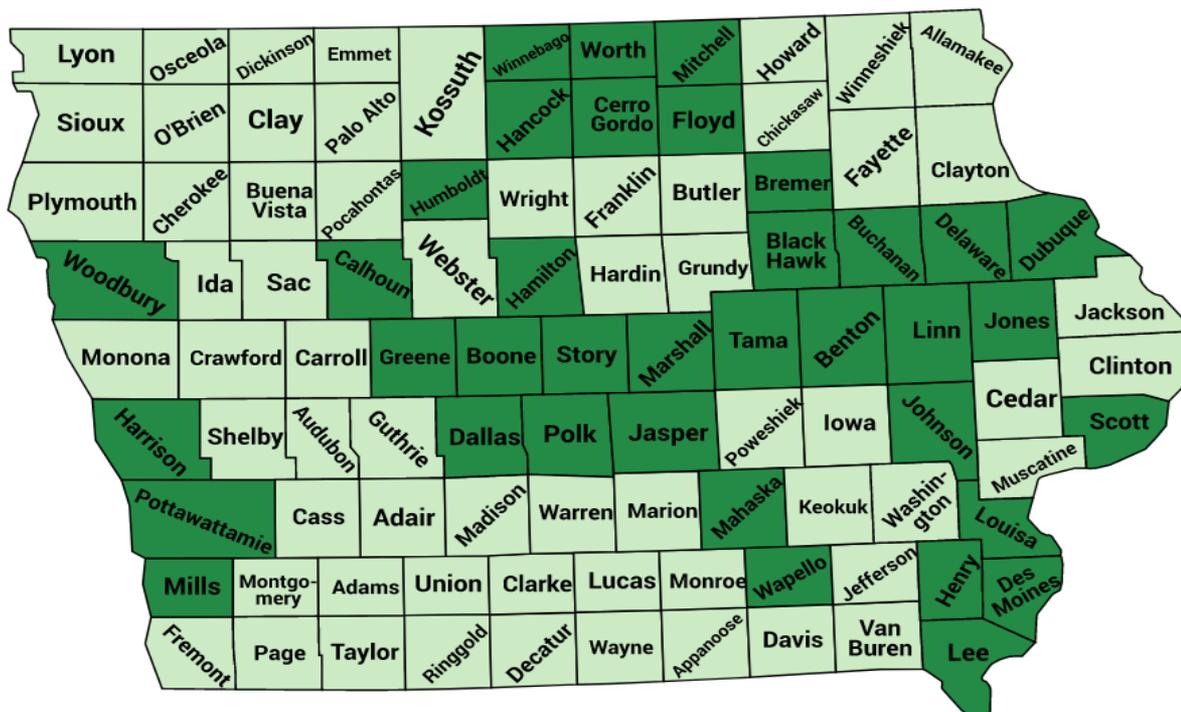
Increase from 223.0 to 266.0 FTEs (276.0 effective 7/1/2026)

- 10 FTEs in FY 2022
  - Addressed shortages in rural counties
- 7 FTEs in FY 2024
  - Created Post-Conviction Relief Unit
- 12 FTEs in FY 2025
  - Scott, Blackhawk, and Woodbury Counties
- 13 FTEs in FY 2026
  - Prioritizing areas of greatest need
- 10 FTEs in FY 2027 (estimated)





# State Public Defender Field Office Coverage

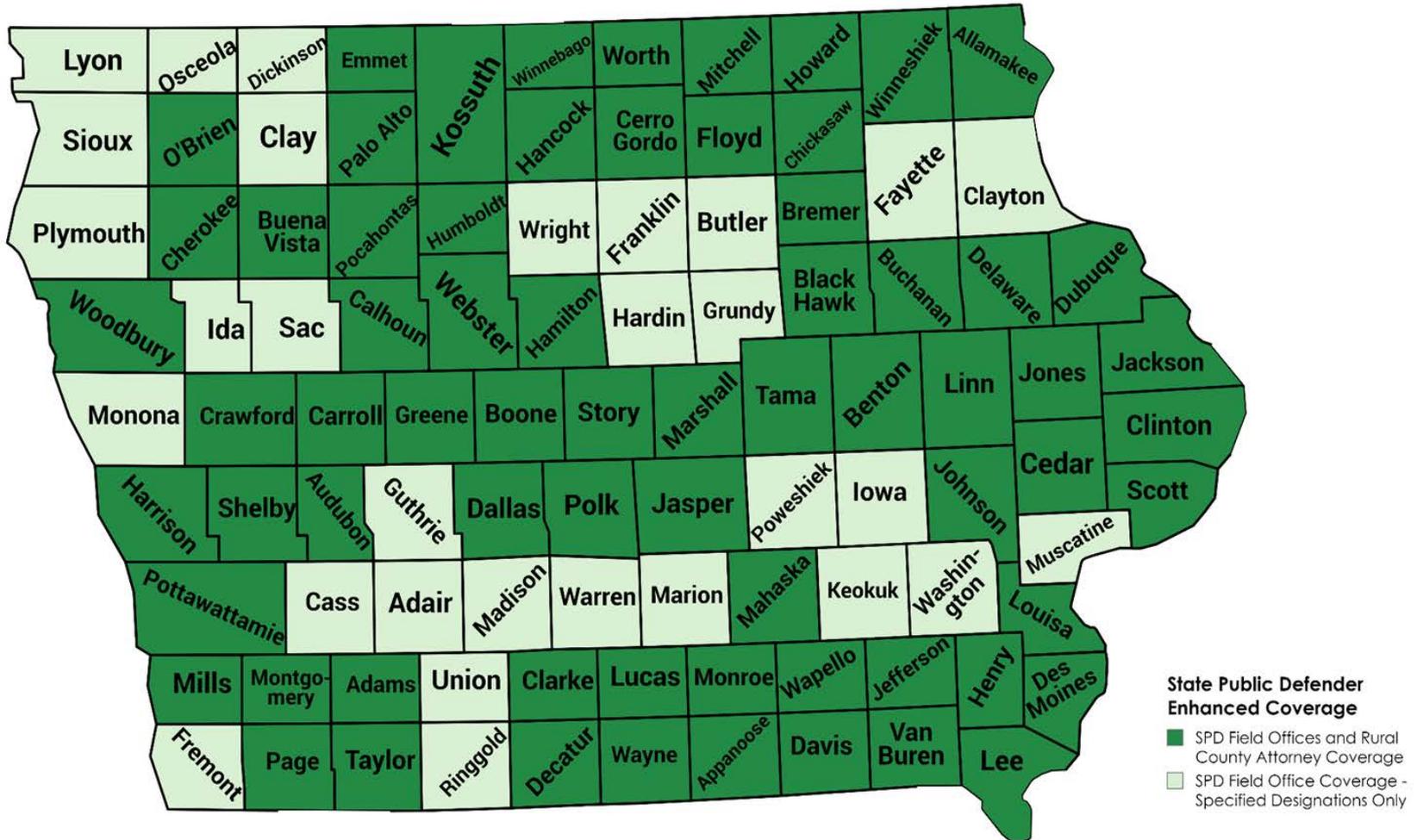


## State Public Defender Field Office Coverage

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

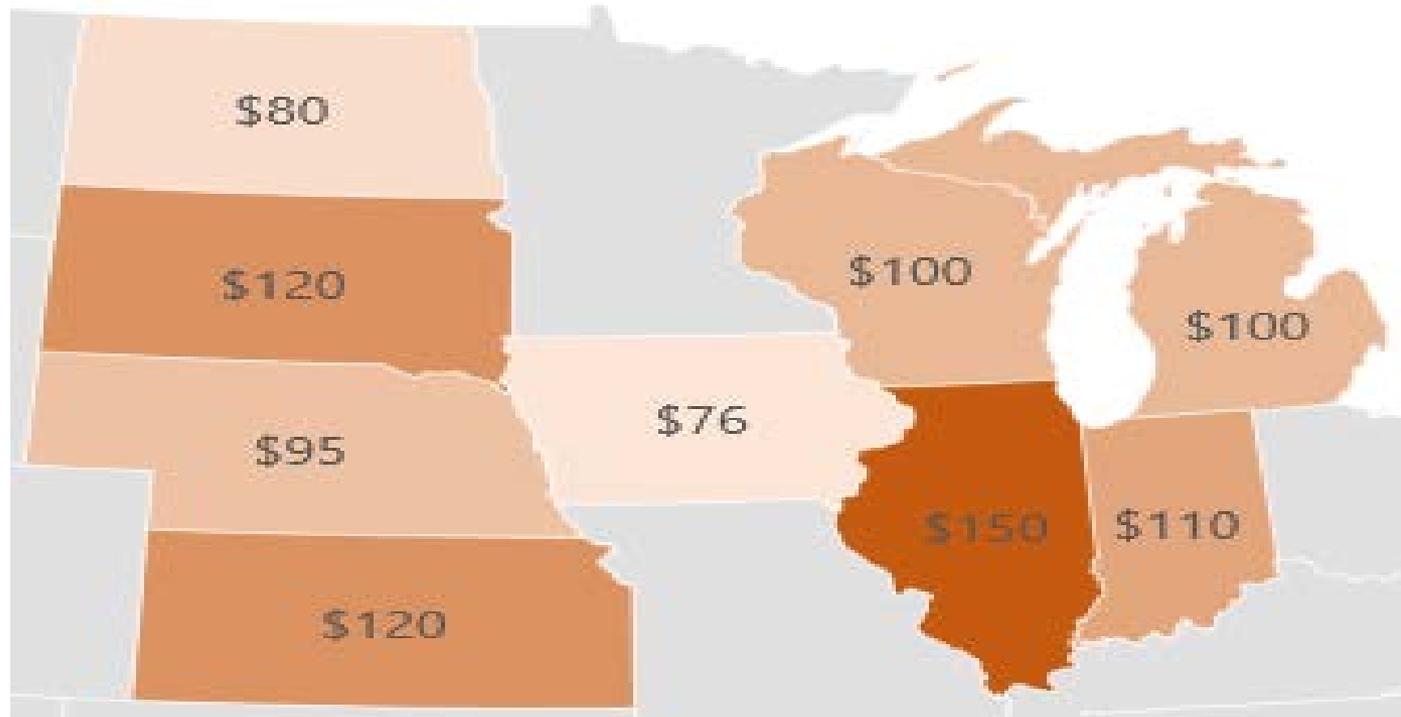


# Rural County Attorney Project – Enhanced Coverage Across Iowa





# Midwest Contract Attorney Hourly Rates



*Note: Kansas grants up to \$140/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**



## United States Constitution, 6th Amendment:

“ In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.”



## Iowa Constitution, Article I, Section 10:

“ In all criminal prosecutions, and in cases involving the life, or liberty of an individual the accused shall have a right to a speedy and public trial by an impartial jury; to be informed of the accusation against him, to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses; and, to have the assistance of counsel.”



## Iowa Law:

The right to a court-appointed attorney is codified in Iowa Code Sections 815.9 and 815.10.

It is a cornerstone of constitutional jurisprudence that indigent defendants charged with crimes punishable by imprisonment are entitled to a state-provided defense lawyer. *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963); *Hall v. Washington Co.*, 2 Greene 473, 478–79 (Iowa 1850).



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.”

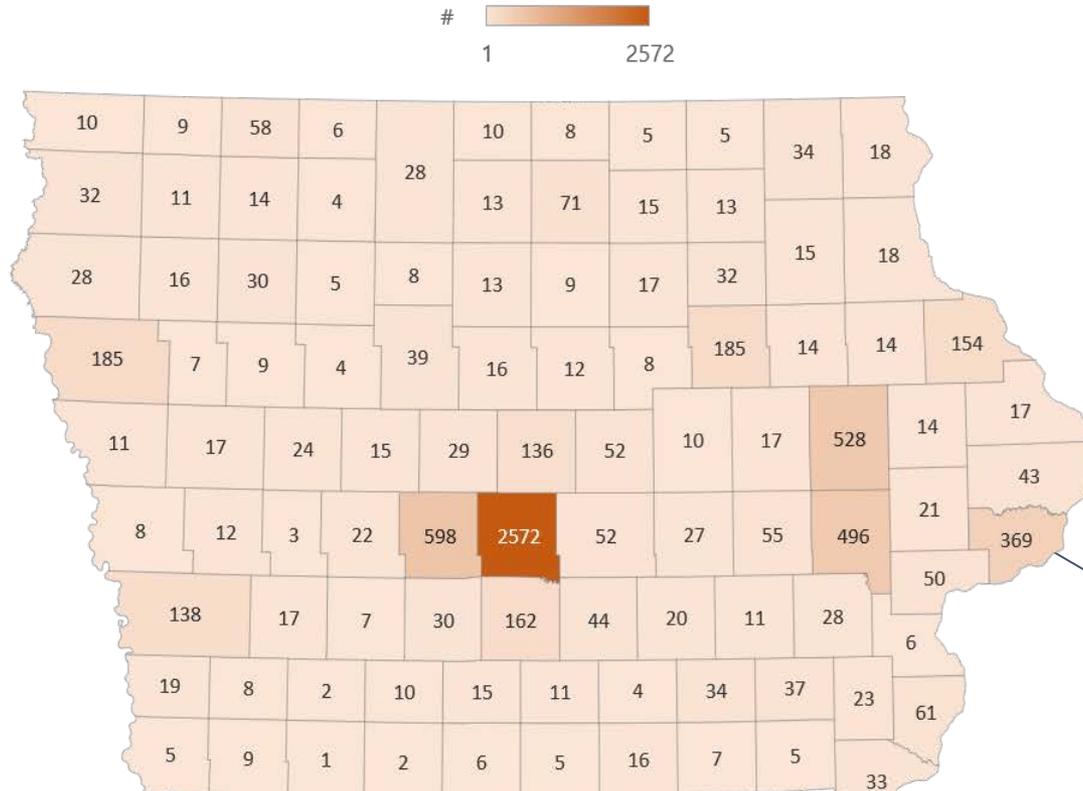


Iowa Code Section 815.10(4):

“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

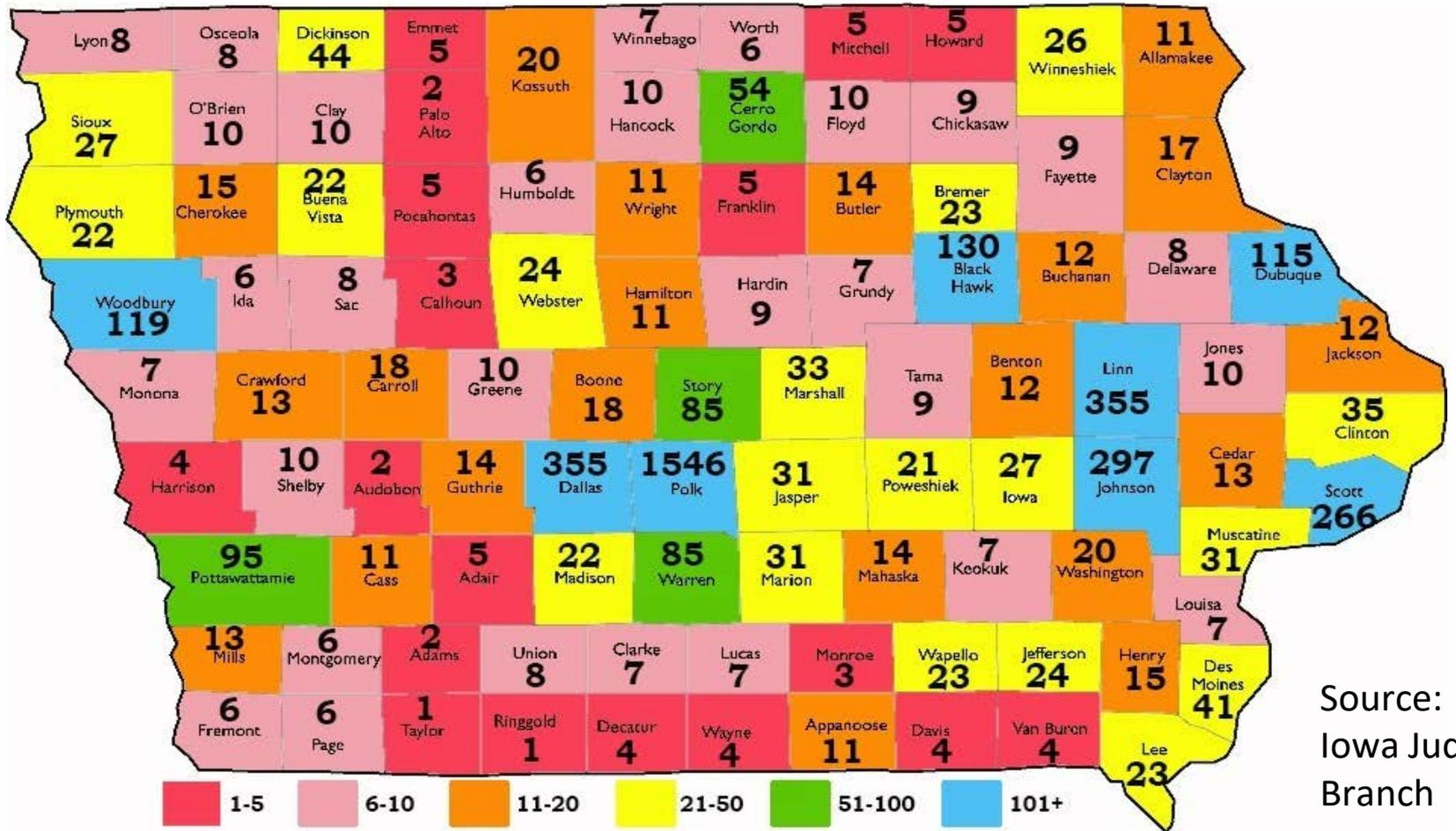


Less than 1% of licensed and active attorneys in Scott County are contract attorneys providing indigent defense

Total number of active Iowa attorneys: 7,176



# Full-Time Private Practice Attorneys



Source:  
Iowa Judicial  
Branch

# Questions?

