

THE
SPANGENBERG
GROUP

1001 Watertown Street
West Newton, MA 02465
Tel: 617.969.3820
Fax: 617.965.3966
www.spangenberggroup.com

**STATEWIDE INDIGENT DEFENSE
SYSTEMS: 2006**

Robert L. Spangenberg
President

Rangita de Silva-de Alwis
Director, International
Programs

Ross M. Shepard
Senior Associate

Jennifer W. Riggs
Senior Associate

Jennifer M. Saubermann
Associate

David J. Newhouse
MIS Analyst

Meghan E. Cary
Administrative Assistant

Michael R. Schneider
Of Counsel

**Prepared for the American Bar Association
Bar Information Program**

Prepared by The Spangenberg Group

STATEWIDE INDIGENT DEFENSE SYSTEMS: 2006

In the decades since the opinion in *Gideon v. Wainwright* was issued, states have adopted varying approaches to fulfill the U.S. Supreme Court's mandate to provide counsel at government expense to indigent persons in criminal (and various other) proceedings. In some states, the responsibility for indigent defense services is entirely a state responsibility: both funding and oversight operate at a state level. In other states, indigent defense services remain primarily a county responsibility. In still other states, indigent defense is a shared responsibility between state and local governments.¹

Despite these variations, there is a clear trend among states to develop some sort of statewide oversight. In many states, both those with a statewide public defender program and those without, such oversight is provided exclusively through a state commission or oversight board. The oversight board is typically charged with setting policy for indigent defense services and advocating for state resources. In several states the commission provides some statewide oversight, but lacks full authority over indigent defense services. In other states, the oversight is provided exclusively by the chief public defender, and there is no commission.

The accompanying table, *Statewide Indigent Defense Systems: 2005*, sets out the statewide delivery systems, where they exist, used among the states and the District of Columbia. For the majority of states, the table describes the type of system used to oversee provision of all indigent defense services, including trial and appellate cases. However, for a few states, there are more specialized programs listed, such as statewide appellate or capital post-conviction defender programs.

For each program listed, the table indicates:

- whether it is a statewide public defender system. The table further indicates whether a public defender program handles all criminal cases at the trial level, or handles some other type of cases, such as selected cases at the trial level, direct appeals or capital post-conviction;
- whether it has an oversight commission;
- if a commission exists, the duties and responsibilities of the commission;
- if it is a state public defender program, the selection process, term, qualifications and duties of the chief public defender; and
- if it is a commission without a public defender program, the selection process, qualifications and duties of the executive director.

¹ In 17 states, counties are responsible for more than 50 percent of indigent defense services funding. In two of these states, Pennsylvania and Utah, indigent defense funding at the trial level is 100 percent a local responsibility.

For the purposes of the table, a statewide public defender system is defined as a program where the primary representation of indigent defendants is provided throughout the state by salaried, staff public defenders paid entirely with state funds. Nineteen states² have a state public defender system providing trial level representation statewide in felonies, misdemeanors and juvenile delinquency cases. With the exception of Arkansas, all of these state public defender programs also provide primary appellate services.

As previously mentioned, a number of the states with public defender programs also have oversight commissions, but that is not always the case. Similarly, there are five states that have oversight commissions with full authority over indigent defense services statewide, but there is not a full-service statewide public defender program that is responsible for all cases.³

Two states (Florida and Tennessee) are served by state-funded elected public defender offices. Due to the independence of elected officials, there is no state oversight for those programs, and we have not categorized them as statewide public defender systems. Ten states fall into the category of having an oversight commission for trial-level services that lacks full authority over indigent defense services.⁴ Finally, 15 states have trial-level indigent defense systems that resist easy categorization. In 11 of these 15 states, indigent defense funding is primarily a county responsibility.⁵

Nine of the states⁶ that have no statewide public defender system providing trial level representation do have statewide appellate defender offices funded by the state. Offices in California, Indiana, Mississippi and Tennessee are specialty programs handling select types of appeals (such as capital post-conviction proceedings).

² Alaska, Arkansas, Colorado, Connecticut, Delaware, Hawaii, Iowa, Kentucky, Maryland, Minnesota, Missouri, Montana, New Hampshire, New Jersey, New Mexico, Rhode Island, Vermont, Wisconsin and Wyoming.

³ Massachusetts, North Carolina, Oregon, Virginia and West Virginia. All of these states make use of public defender programs but the programs either do not serve all areas of the state or are restricted to select cases, such as just felonies.

⁴ Georgia, Kansas, Indiana, Louisiana, Nebraska, Nevada, Ohio, Oklahoma, South Carolina and Texas.

⁵ Alabama, Arizona, California, Idaho, Illinois, Maine, Michigan, Mississippi, Montana, New York, North Dakota, Pennsylvania, South Dakota, Utah and Washington.

⁶ California, Idaho, Illinois, Indiana, Kansas, Michigan, Mississippi, Oklahoma and South Carolina.

STATEWIDE INDIGENT DEFENSE SYSTEMS: 2005

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
ALABAMA			None	Not applicable	None	Not applicable
ALASKA State Public Defender Agency (executive agency, Department of Administration, est. 1980), ALASKA STAT. §§ 18.85.010-85.180.	√		None	Not applicable	Chief Public Defender appointed by Governor from nominations of judicial council. Confirmed by majority of legislature in joint sitting. Four-year term; renewal requires legislative confirmation. Member of bar. Governor can remove for good cause.	Appoint, supervise and control assistant public defenders and other employees. Submit annual report to legislature & Supreme Court on number and types of cases, dispositions and expenditures. Full-time; private practice prohibited.
ALASKA Office of Public Advocacy (executive agency, Department of Administration, est. 1984), ALASKA STAT. §§ 44.21.410-21.420.	√		None	Not applicable	Public Advocate appointed by Governor. Serves at will of Governor.	Provides Guardians Ad Litem for abused and neglected children and status offenders. Provides representation in conflict cases from the Alaska Public Defender Agency. Acts as Public Guardian and conservator for citizens with disabilities.
ARIZONA			None	Not applicable	None	Not applicable
ARKANSAS Arkansas Public Defender Commission (executive agency, est. 1997), ARK. CODE ANN. §§ 16-87-101 to -87- 110.	√		Seven member Commission appointed by Governor: at least four licensed Arkansas attorneys experienced in criminal defense; at least one county judge. Governor designates one member as Chair. No more than two residents of same congressional district. No two members from same county. Serve five-year terms.	Establish policies and standards for Public Defender System. Approve budgets for trial public defender offices. Require annual reports from trial public defender offices. Appoint Executive Director. Evaluate performance of Executive Director, Capital, Conflicts & Appellate Office, trial public defenders and private assigned counsel. Maintain list of private attorneys willing and qualified to accept capital case appointments. Authorize contracts with trial public defenders.	Executive Director appointed by Commission. Must have experience in defense of capital cases. Serves at will of commission.	Maintain records of operation of public defender system. Prepare budget for commission. Implement attorney performance procedures pursuant to commission's standards. Maintain court opinions, statutes, etc. for use by trial public defenders and court-appointed counsel. Supervise capital conflict and appellate office. Maintain appellate brief bank. Convene training program related to public defender system. Prepare annual report.

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
CALIFORNIA California Habeas Corpus Resource Center (judicial branch, est. 1998), CAL. GOV'T CODE §§ 68660-68666.		√	Five-member Board of Directors confirmed by the Senate. Each of the state's five Appellate Projects shall appoint one board member; all must be attorneys. No lawyer working as judge, prosecutor or in a law enforcement capacity is eligible. Four year terms.	Appoint Executive Director.	Executive Director appointed by Board of Directors. Must be member of California State Bar during the five years preceding appointment and possess substantial experience in the representation of accused or convicted persons in criminal or juvenile proceedings during that time. Serves at the will of the board.	Hire up to 30 attorneys to represent any indigent person convicted and sentenced to death in California in postconviction actions in state and federal courts. Work with the supreme court to recruit attorneys to accept death penalty habeas case appointments and to maintain a roster of attorneys so qualified. Employ investigators and experts to provide services to appointed attorneys in capital postconviction cases. Develop and maintain brief bank for use by appointed counsel. Review case billings and recommend compensation of members of the private bar to the court. Prepare annual report on the status of appointment of counsel for indigent prisoners in capital postconviction cases.
CALIFORNIA Office of the State Public Defender (judicial branch, est. 1976), CAL. GOV'T CODE §§ 15400-15404, 15420-15425.		√	None	Not applicable	State Public Defender appointed by Governor subject to confirmation by the Senate. Must be member of California State Bar for the five years preceding appointment and must have substantial experience in the representation of accused or convicted persons in criminal or juvenile proceedings during that time. Appointed for term of four years.	Employ deputies and other employees, establish and operate offices as needed. May contract with county public defenders, private attorneys, and nonprofit corporations to furnish legal services to indigent defendants. May hire 15 additional staff attorneys and support staff. Since 1990, Office of the State Public Defender has been required by all three branches of government to focus exclusively on representation in death penalty direct appeal cases.
COLORADO Office of State Public Defender (judicial agency, est. 1969), COLO. REV. STAT. §§ 21-1-101- to -1-106.	√		Five member Office of State Public Defender Commission appointed by Supreme Court. No more than three from same political party. Three attorneys, two non-attorneys. No judges, prosecutors, public defenders or law enforcement personnel.	Appoint State Public Defender and discharge for cause.	State Public Defender appointed by Commission. Five-year, renewable term. Member of bar five years prior to appointment. Full-time position.	Employ and set compensation for all employees (salaries approved by Supreme Court); establish regional offices as necessary; provide legal services to indigents accused of crimes that are "commensurate with those available to non-indigents" independently of any political consideration or private interests.

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
COLORADO Office of Alternate Defense Counsel (judicial agency, est. 1997), COLO. REV. STAT. §§ 21-2-101 to -2-106.			Nine member Office of Alternate Defense Counsel Commission appointed by Supreme Court. No more than five from same political party. Six member lawyers, each representing one of the six congressional districts, all of whom are Colorado licensed lawyers practicing criminal law. Three members citizens not licensed to practice law in Colorado. No member at any time a judge, prosecutor, public defender or employee of a law enforcement agency. Serve four-year terms.	Select an Alternate Defense Counsel; serve as an advisory board to the alternate defense counsel; advise alternate defense counsel on development and maintenance of competent and cost-effective representation. Shall meet at least annually.	Alternate Defense Counsel appointed by Commission to renewable five-year term. Must be licensed to practice law in Colorado for at least five years prior to appointment. May not hold private practice. Serves at will of the Commission.	Employ and set compensation for all employees. Provide legal representation to indigent persons and partially indigent persons in circumstances when the state public defender has a conflict of interest by contracting with licensed attorneys and investigators. Legal services provided to indigents shall be commensurate with those available to non-indigents and independent of any political considerations or private interests.
CONNECTICUT Public Defender Services Commission (autonomous body within judicial department for fiscal and budgetary purposes only, est. 1974), CONN. GEN. STAT. §§ 51-289 to 51-300.	√		Seven member Commission: two judges appointed by Chief Justice; one member appointed by each: Speaker of House, President Pro Tem of Senate, minority leader of House, minority leader of Senate. Chairman appointed by Governor. Three-year term. No more than three, other than chairman, from same party. Two of four non-judicial members non-attorneys. No public defenders.	Adopt rules for Division of Public Defender. Establish a compensation plan comparable to state's attorneys. Establish employment standards. Appoint Chief Public Defender and Deputy Chief Public Defender. Remove Public Defender and Deputy Public Defender for cause following notice and hearing. Submit annual report to Chief Justice, Governor and Legislature by October 15. (See duties of public defender.)	Chief Public Defender appointed by Commission for a four-year term. Member of state bar for five years. Full-time position.	Direct and supervise work of all personnel. Submit annual report, including data and recommendations for changes in law, to Commission by September 15. (Note extensive list in Sec. 51-291.)
DELAWARE Office of the Public Defender (executive agency, est. 1953), DEL. CODE ANN. tit. 29, §§ 4601-4607.	√		None	Not applicable	Public Defender appointed by Governor. Six-year term. Qualified attorney licensed in Delaware.	Appoint assistant attorneys, clerks, investigators and other employees as necessary and set salaries. Determine indigency prior to arraignment. Prepare annual report.

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
DISTRICT of COLUMBIA D.C. Public Defender Service (independent agency, est. 1960), D.C. CODE ANN. §§ 1-2701 to 1-2708.			Eleven member Board of Trustees. Appointed by panel of two U.S. judges, two D.C. judges and Mayor of D.C. Three-year term; not more than two consecutive. No judges. Four of eleven members non-attorney residents of D.C.	Establish general policy but shall not direct conduct of particular cases. Submit fiscal year report to Congress, chief judges of U.S. Courts and D.C. Courts and D.C. Mayor. Arrange annual independent audit. Quarterly reports to court on matters relating to appointment system. Appoint Director and Deputy Director and set their salaries.	Director appointed by Trustees. Serve at pleasure of Trustees. Member of D.C. Bar. No private practice.	Employ and supervise personnel. Set compensation not to exceed salary paid to U. S. Attorneys and staff.
FLORIDA Florida Public Defender Association (FPDA), Est. 1972; Florida Public Defender Coordination Office (FPDCO), not statutorily established.			None per se, but the FPDA is governed by a Board of Directors comprised of the 20 elected public defenders in Florida, two representatives of the assistant public defender staff and one representative apiece from public defender investigative and administrative staff. The FPCDO works with the FPDA.	The FPDA engages in activities that promote and develop the public defender system in Florida. The FPCDO coordinates FPDA meetings; collects caseload and budget information from public defenders; analyzes public defender workload; prepares annual funding formulae which are based on caseload and attorney unit cost and used by the three branches of government and the circuit public defenders in the budget request process; monitors pertinent legislative developments; conducts training for public defender staff; and circulates pertinent case law to the elected public defenders.	Not applicable	Not applicable

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
GEORGIA Georgia Public Defender Standards Council (independent agency within judicial branch, est. 2003), GA. CODE ANN. §§ 17-12-1 to -12-128.		√ ⁷	Eleven member council. Members appointed by the Governor, Lt. Governor, Speaker of the House, Chief Justice of the Supreme Court, and Chief Judge of the Court of Appeals. One member from each of the state's 10 judicial districts who serve four-year terms, plus a circuit public defender, selected by a majority of the circuit public defenders, who serves a two-year term.	Adopt standards on: staff size, qualifications and caseloads for circuit public defender offices; minimum experience, training, performance and compensation for appointed counsel; qualifications and performance of counsel in capital cases; determination of indigence; a uniform definition of a "case"; and use of contract systems. Appoint the Mental Health Advocate and Georgia Capital Defender.	Director appointed by Council. Must be member in good standing of the State Bar with at least three years experience in the practice of law.	Administer and coordinate the operations of the Council and supervise compliance with rules, policies, procedures, regulations, and standards adopted by the Council.
HAWAII Office of State Public Defender (executive agency, Department of Budget and Finance, est. 1970), HAW. REV. STAT. §§ 802-1 to 802-12.	√		Five member Defender Council (est. 1971). Appointed by Governor. Serve at Governor's pleasure. One member from each county.	Council is governing body of Office of State Public Defender. Shall appoint Public Defender. Approve employment decision of Public Defender. Council Chairman selected by members of the Defender Council.	State Public Defender appointed by Council. Four-year term. Qualified to practice law in Hawaii. Full-time position.	Employ assistant public defenders, investigators and other support personnel, subject to approval by the Council. Assistant public defenders may be part-time and engage in private practice other than criminal law.
IDAHO State Appellate Public Defender (within executive branch agency, the Department of Self-Governing Agencies, est. 1998), IDAHO CODE §§ 19-867 to 19-872.		√	None	Not applicable	State Appellate Defender appointed by the governor, with advice and consent of the senate, from a list of 2-4 persons recommended by a committee comprised of the president of the Idaho state bar association, chairmen of the senate judiciary and rules committee, and a citizen at large appointed by the governor. The chief justice of the Idaho supreme court, or her designee, is ex officio member of the committee. Public defender must be attorney licensed to practice in Idaho with at least five year experience practicing law. Four-year term; removed only for good cause.	Provide appellate and postconviction representation to indigent defendants convicted of felony offenses in those counties which participate in the capital crimes defense fund; prepare annual report. Employ deputy state appellate defenders and other employees. Adopt necessary policies or rules.

⁷ Public defender offices represent indigent defendants in Superior Court matters (felonies and juvenile delinquency cases) statewide.

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
ILLINOIS Office of State Appellate Defender (agency of the Judicial department, est. 1972), 725 ILL. COMP. STAT. 105/1 – 105/11.		√	Nine member Board of Commissioners appointed by various courts and bars. Governor appoints Chair. Serves one six-year term.	Approve budget. Advise Appellate Public Defender on policy. Can recommend dismissal of the Appellate Public Defender.	State Appellate Defender appointed by Illinois Supreme Court. Four-year term. Qualified to practice law in Illinois.	Provide representation in criminal appeals. Establish offices around the state. Train and assist trial level defenders.
INDIANA Public Defender Commission (judicial agency, est. 1989), IND. CODE §§ 33-40-5 to -40-5-5.			Eleven member Public Defender Commission: three appointed by Governor; three appointed by Chief Justice; one appointed by Board of Indiana Criminal Justice Institute; two House members appointed by the Speaker of the House; two Senate members, appointed by Speaker Pro Tempore of the Senate. Four-year term. No law enforcement officers or court employees. Members designate one member Chair.	Set standards for indigent defense services in capital and non-capital cases. Adopt guidelines and fee schedule under which counties may be reimbursed. Make recommendations concerning the delivery of indigent defense services in Indiana. Prepare annual report on operation of public defense fund.	None	Not applicable
INDIANA Public Defender of Indiana (judicial agency, est. 1945), IND. CODE §§ 33-40-1 to -40-1-6.		√	None	Not applicable	Public Defender appointed by Supreme Court. Four-year term. Resident. Practicing lawyer in Indiana for three years.	Represent all indigent defendants in post-conviction proceedings only.
IOWA Office of the State Public Defender (independent agency within executive branch, est. 1981), IOWA CODE §§ 13B.1-13B.11.	√		Five member Indigent Defense Advisory Commission: no more than three licensed to practice law in Iowa. Three members appointed by Governor - one who is nominated by Iowa State Bar, and one who is nominated by state supreme court. Two members from the General Assembly, one from each chamber and no more than one from each political party. Each member serves a three-year term.	Advise the Governor, General Assembly and the state public defender regarding hourly rates and per case fee limitations for court-appointed counsel.	State Public Defender appointed by Governor. Four-year term. Licensed to practice law in Iowa.	Oversee all 18 public defender offices. Coordinate non-public defender indigent defense program. Contract with attorneys when public defender unable to take case.

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
KANSAS State Board of Indigents' Defense Services (executive branch agency, est. 1982), KAN. STAT. ANN. §§ 22-4501 to -4529.		√ ⁸	Nine member Board: five lawyers, four non-lawyers. Appointed by Governor and confirmed by Senate. Two members from First Congressional District, one of whom is a registered Kansas lawyer, and at least one member from each other Congressional District. At least one (and up to five) registered Kansas lawyers from each county with over 100,000 population. No members may be judicial or law enforcement personnel. Three-year terms.	Appoint Director and public defenders. Maintain statistics on indigent defense representation. Conduct training programs. Establish public defender offices. Enter into contracts with attorneys to provide indigent defense representation and with cities or counties for misdemeanor representation. Provide technical assistance to public defenders and private attorneys.	Director appointed by Board. Must be licensed in Kansas and demonstrate commitment and ability in criminal law.	Serve as Chief Executive Officer of Board. Supervise operation, policies, procedures of Board. Prepare annual report.
KENTUCKY Department of Public Advocacy (independent state agency within executive branch, est. 1972), KY. REV. STAT. ANN. §§ 31.010-31.015.	√		Nine appointed members plus deans of Kentucky law schools. Two members appointed by Governor. One by speaker, one by president of the senate, two by Supreme Court; two criminal lawyers appointed by Governor from list of five submitted by Bar Association, one appointed by Governor from list submitted by Kentucky Protection and Advocacy Advisory Board. Four-year term. No prosecutors or law enforcement officials. Chair elected by Commission to one-year term. Also a 17-member citizen advisory board appointed by the Public Advocate.	Recommend to Governor three attorneys as nominees for Public Advocate. Assist Public Advocate in selecting staff. Provide general supervision of Public Advocate and review performance. Engage in public education and generate political support. Review and adopt annual budget. Not interfere with handling of cases.	Public Advocate appointed by Governor from nominees submitted by Commission. Member of Kentucky Bar with five years experience. Four-year term.	Appoint Deputy Public Defender. Appoint assistant public defenders and other personnel. Serve as ex officio, non-voting member of Commission. Appoint 17-member Advisory Board for Protection and Advocacy Division.

⁸ Public defender offices represent indigent defendants in felony cases statewide.

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
LOUISIANA Louisiana Indigent Defense Assistance Board (separate board within executive branch, est. 1997), LA. REV. STAT. ANN. §§ 15:151-15:151.4.			Nine member Board. The governor appoints three members and designates the chairman, the president of the Senate and the speaker of the House of Representatives each appoint three members. Members of the board serve staggered terms of four years. In addition there are three ex officio, nonvoting members of the board, one each appointed by the Louisiana Association of Criminal Defense Lawyers, the Louisiana Public Defender's Association and the Louisiana Trial Lawyers Association.	Sets terms of employment and compensation of Director. May provide supplemental funds and shall adopt rules for providing supplemental funds to judicial district indigent defender boards; may set the terms of employment and compensation of a director and staff; and enter into contracts for the purpose of maintaining and operating an office. In capital cases, board appoints counsel, adopts rules and retains counsel to represent capital defendants on direct appeal and for post-conviction relief. Administers the DNA Testing Post-Conviction Relief for Indigents fund. Prepares annual report for legislature.	Director selected by Board. Attorney with five years prior experience in criminal practice. Board sets term.	Assist Board in enforcing its standards and guidelines. Supervise attorneys in appellate Division and Capital Litigation programs. Manage monies in Expert Witness/Testing Fund and District Assistance Fund.
MAINE			None	Not applicable	None	Not applicable
MARYLAND Office of the Public Defender (executive agency, est. 1971), MD. ANN. CODE art. 27A, §§ 1-14.	√		Three-member Board of Trustees; two must be active attorneys. Appointed by Governor. Three-year term. Chair designated annually by Trustees.	Study and observe operation of Public Defender office. Coordinate activities of district Advisory Boards. Appoint Public Defender. Advise Public Defender on all relevant matters.	Public Defender appointed by Board of Trustees. Term is at the pleasure of Trustees. Attorney admitted in Maryland plus five years in practice.	Appoint Deputy Public Defender with Board approval. Appoint First District Defender in each judicial district. Appoint assistant public defenders with advice of District Defenders. Appoint other employees. Maintain at least one office in each district. General responsibility for operation of all offices. Maintain records. Supervise district defenders' maintenance of local attorney panels.

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
MASSACHUSETTS Committee for Public Counsel Services (independent agency; judicial branch for budget purposes only, est. 1983), MASS. GEN. LAWS ch. 211D, §§ 1-15.		√ ⁹	Fifteen member Committee. Appointed by Justices of Supreme Judicial Court. Three-year term. Chair elected by the Committee.	Establish standards for public counsel and private counsel divisions. Establish uniform standards of indigency. Establish guidelines for training and for qualification and removal of counsel in public and private divisions. Prepare annual report. Appoint chief counsel and two deputies. Extensive list of other duties and responsibilities enumerated by Statute.	Chief Counsel appointed by Committee. Attorney. Serves at pleasure of Committee.	Overall supervision of various divisions of committee. Perform duties as defined by the Committee. Authorize all payments certified by judges for private counsel.
MICHIGAN State Appellate Defender Office (agency of judicial branch, est. 1969), MICH. COMP. LAWS §§ 780.711-780.719.		√	Seven member Appellate Defender Commission appointed by Governor. Two recommended by Supreme Court; one recommended by Court of Appeals; one recommended by Michigan Judges Association; two recommended by State Bar; one non-attorney. Four-year term. No member a sitting judge, prosecutor or law enforcement officer.	Choose State Appellate Defender. Develop appellate defense program. Develop standards for program. Maintain list of attorneys willing and qualified for appointment in indigent appellate cases. Provide CLE training for attorneys on list.	State Appellate Defender chosen by Commission. Can only be removed for cause.	Provide appellate representation in not less than 25% of felony appeals statewide. Maintain a manageable caseload. Prepare and maintain brief bank available to court-appointed attorneys who provide appellate services to indigents.

⁹ Public defender offices represent indigent defendants in felony cases statewide.

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
MINNESOTA State Board of Public Defense (separate agency within judicial branch, est. 1986), MINN. STAT. § 611.215.	√		Seven member Board. One district court judge appointed by Supreme Court. Four attorneys familiar with criminal law but not employed as prosecutors, appointed by Supreme Court. Two public members appointed by Governor. In addition, nine member ad hoc board established when appointing a district public defender. Must include two residents of the district, appointed by the chief judge of the district, to reflect characteristics of the population served by that district.	Elect chair and appoint State Public Defender. Chair may appoint Chief Administrator. Appoint a chief district public defender for each judicial district. Prepare annual report. Recommend budget for Board, Office of State Public Defender and public defense corps. Establish procedures for distribution of funds for public defense. Set standards for state and district public defenders and court-appointed system.	State Public Defender appointed by Board to four-year term. Must be full-time qualified attorney, licensed to practice in the state.	Provide trial, juvenile, appellate and post-conviction proceeding representation in all indigent cases. Assist in trial representation in conflict of interest cases when requested by a district public defender or appointed counsel. Conduct training programs.
MISSISSIPPI Office of Capital Defense Counsel (judicial branch agency, est. 2000), MISS. CODE ANN. §§ 99-18-1 to -18-19.		√			Director appointed by Governor with advice and consent of senate for term of four years. Must be active member of the Mississippi Bar. May be removed by the Governor.	Provide representation to persons under indictment for death eligible offenses. Establishes staff salaries and expenses of the office. General office administration. Must prepare monthly report for the Administrative Office of Courts on the activities, receipts and expenditures of the office and a docket of all indicted state death eligible cases.
MISSISSIPPI Office of Capital Post-Conviction Counsel (judicial branch agency, est. 2001), MISS. CODE ANN. §§ 99-39-101 to -39-119.		√			Director appointed by Chief Justice of the state supreme court with approval of a majority of the justices voting. Four-year term. Active member of the Mississippi Bar or, if not, must apply within twelve months of hiring. May be removed by Chief Justice.	Provide representation to indigent parties sentenced to death in post-conviction proceedings. Appoints attorneys and support staff. Establishes staff salaries and expenses of the office. General office administration. Must keep a docket of all state death penalty cases and a roster of all death penalty cases originating in Mississippi courts and pending in state and federal courts. Copies must be submitted to state supreme court. Must provide monthly report to the Chief Justice on the activities, receipts and expenditures of the office.

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
MISSOURI Office of State Public Defender (independent department in judicial branch, est. 1982), MO. REV. STAT. §§ 600.010 - 600.166.	√		Seven member Public Defender Commission: four lawyers; no more than four from same party. Appointed by Governor with advice and consent of Senate. Six-year term. State Public Defender is ex officio member without vote. Chair elected by members.	Select director and deputies. Establish employment procedures. Review office performance and monitor director. Public education to ensure independence of system. Advise on budgetary matters. Contract with private attorneys. Approve fee schedule for assigned counsel.	Director appointed by Commission. Four-year term. Attorney with substantial criminal law experience, also experienced in personnel administration.	Administer and coordinate operation. Direct and supervise work of employees. Submit annual budget report to Commission. Supervise training. Contract out for legal services with approval of Commission.
MONTANA Public Defender Commission (within the department of administration, executive branch agency for administrative purposes only, est. 2005), MONT. CODE ANN. §2-15-1028.	√		Eleven members selected by the Governor: two attorneys selected by nominees offered by the supreme court; three attorneys from nominees submitted by the president of the State Bar of Montana including attorneys experienced in felony defense, juvenile delinquency and abuse and neglect cases; two non-attorneys or judges nominated by the president of the senate and the speaker of the house; one person from each of the following types of organizations: an organization that advocates on behalf of indigent persons, racial minorities, people with mental illness and developmental disabilities, and one that provides counseling for addictive behavior.	Replaces Appellate Public Defender Commission. Establish qualifications, duties and compensation of the chief public defender; appoint chief public defender; establish statewide standards for the qualification and training of assistant public defenders including establishing acceptable caseloads and workload monitoring protocols; review and approve the strategic plan and budget proposals submitted by the chief public defender; establish policies and procedures related to conflict of interests; establish policies and procedures to ensure that detailed expenditure and caseload data is collected and reported; submit a biennial report to the Governor, supreme court and Legislature.	State Public Defender appointed by, and serves at the pleasure of, the Commission.	Hire or contract for and supervise necessary personnel including a chief appellate defender and a chief contract manager to oversee and enforce the contracting program. Act as secretary to the commission and provide administrative staff support to the commission; develop and present for the commission's approval a regional strategic plan for the delivery of public defender services; establish procedures regarding the use of information technology to monitor caseloads and expenditure data; establish procedures for managing caseloads and assigning cases; establish policies for assigning counsel in capital cases; establish and supervise training for both attorneys and non-attorneys; maintain a minimum client caseload; actively seek alternative revenue sources including government grants for the public defender office.
NEBRASKA Nebraska Commission on Public Advocacy (executive branch agency, est. 1995), NEB. REV. STAT. §§ 29-3923 to 29-3930.			Nine member Commission: six members for each judicial district; chair and two positions at large. Governor appoints from list prepared by State Bar. Non-salaried. Qualified attorneys with criminal defense experience or demonstrated commitment.	Provide legal services and resources to assist counties in providing effective assistance to indigent persons through its capital litigation, appellate and felony resource center divisions. Select a chief counsel.	Chief Counsel selected by Commission. Serves at will of Commission. Five years Nebraska practice. Criminal defense experience including capital case defense.	Overall supervision of appellate, capital and major case divisions and litigation support fund. Prepare budget and annual report. Establish and administer projects and programs for the operation of the commission. Oversee training programs.

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
NEVADA State Public Defender (agency within the State Department of Human Resources, executive branch, est. 1971), NEV. REV. STAT. 180.010 - 180.110.			None	Not applicable	Chief Public Defender serves for a four-year term. Selected by Governor. Must be a member of the Nevada Bar.	Establish statewide system for all counties with populations under 100,000 which do not create a county public defender office. Oversee activities of these programs. Prepare annual budget. Annual report to legislature.
NEW HAMPSHIRE Judicial Council (judicial branch agency, est. 1945), N.H. REV. STAT. ANN. §§ 494:1 - 494:7.			Twenty-four member Council: the five members of the judicial branch administrative council; the attorney general or designee; a clerk from each the superior, district and municipal courts; the president-elect of the NH Bar Association; chairperson of the senate judiciary committee or designee; chairperson of the house judiciary and family law committee or designee; eight members appointed by the governor and council; and five members appointed by the chief justice of the supreme court.	The Judicial Council's responsibilities related to indigent defense include processing payments for legal representation and guardian ad litem services provided to indigent individuals, contracting with local defender corporations and individual attorneys for provision of defense services and general supervision of indigent programs.	Executive Director of the Judicial Council serves at the pleasure of the Council. Has a three-member staff.	Executive Director's responsibilities are contained in a contract with the Judicial Council.
NEW HAMPSHIRE New Hampshire Public Defender (judicial branch, est. 1972), N.H. REV. STAT. ANN. §§ 604-B:1 - B:8.	√		Volunteer Board of Directors of a private non-profit corporation. The Judicial Council contracts with an organization or group of lawyers approved by the board of governors of the New Hampshire Bar Association to operate a public defender program.	Oversees program's operations.	Chief Public Defender appointed by Board of Directors.	Represents children in juvenile delinquency cases, adults in misdemeanor, felony, homicide and capital cases, and handles appeals.

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
NEW JERSEY Office of the Public Defender (executive agency, part of Division of the Public Advocate, est. 1967), N.J. STAT. ANN. §§ 2A:158A-1 to :158A-25.	√		None	Not applicable	Public Defender appointed by Governor with advice and consent of Senate. Five-year term. Attorney, experienced in practice in New Jersey.	Appoint deputy and assistant public defenders as well as support personnel. Establish State Public Defender system for all counties. Engage and compensate assigned counsel.
NEW MEXICO State Public Defender (executive department, est. 1973), N.M. STAT. ANN. §§ 31-15-1 to -15-12.	√		None	Not applicable	Chief Public Defender appointed by and serves at pleasure of Governor. Attorney active for five years prior to appointment and is experienced in defense or prosecution.	Manage all operations of department. Set fee schedule for assigned counsel. Establish local public defender districts. Appoint district public defenders who serve at his/her pleasure.
NEW YORK Capital Defender Office (independent agency in judicial branch, est. 1995), N.Y. Jud. Ct. Acts § 35b.			Three-member Board of Directors. Members may not be an attorney employed as a judge, prosecutor or in a law enforcement capacity. One member appointed by the chief judge of the court of appeals, one by the temporary president of the senate and one by the speaker of the assembly. Serve a three year term.	Reviews office policy, appoints Capital Defender.	Capital Defender selected by Board of Directors.	In consultation with Board of Directors, hire attorneys as deputy capital defenders, investigators and other staff. The Capital Defender Office provides both direct representation and consultation services; it also has responsibility for determining, in consultation with the administrative board of the judicial conference, attorney qualification standards.

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
NORTH CAROLINA Office of Indigent Defense Services (independent office in judicial department, est. 2000), N.C. GEN. STAT. §§ 7A-498 – 498.8.			Thirteen member Commission on Indigent Defense. Chief Justice appoints one active or former member of North Carolina judiciary; Governor appoints one non-attorney; General Assembly appoints one member recommended by President Pro Tempore of the Senate and one member recommended by the Speaker of the House of Representatives; the North Carolina Public Defenders Association, the North Carolina State Bar, the North Carolina Bar Association, the North Carolina Academy of Trial Lawyers, the North Carolina Association of Black Lawyers and the North Carolina Association of Women Lawyers each appoint one member. The Commission appoints three members, who must reside in different judicial districts from one another - one must be a non-attorney, one may be an active member of the North Carolina judiciary, one must be Native American.	Appoint the Director of the Office of Indigent Defense Services and elect Commission Chair. Develop standards and guidelines governing provision of indigent defense services. Determine methods of delivering indigent defense services (appointed counsel, contract counsel, part-time public defender, full-time public defender, appellate defender or some combination of these) throughout the state. Establish compensation rates for court-appointed counsel and schedules of allowable expenses, appointment and compensation for expert witnesses. Approve budget for Office of Indigent Defense Services.	Director of the Office of Indigent Defense Services appointed by Commission, chosen on the basis of training, experience, and other qualifications. The Commission must consult with the Chief Justice and Director of the Administrative Office of the Courts in selecting a Director, but has final authority in making the appointment.	Director of Office of Indigent Defense Services prepares and submits to the Commission a proposed budget for the Office and an annual report containing pertinent data on the operations, costs, and needs of the Office; assist the Commission in developing rules and standards for the delivery of services; administer and coordinate the operations of the Office and supervise compliance with standards adopted by the Commission; hire professional, technical, and support personnel as deemed necessary; conduct training programs for attorneys.

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
NORTH DAKOTA North Dakota Commission on Legal Counsel for Indigents (executive branch agency, est. 2005), N.D. CENT. CODE ch. 54-61 (2005)			Seven members. Two members appointed by the Governor, one of whom must be appointed from a county with a population of not more than ten thousand. Two members from the legislative assembly, one from each house, appointed by the chairman of the legislative council. Two members appointed by the chief justice of the supreme court, one of whom must be appointed from a county with a population of not more than ten thousand. One member appointed by the Board of Governors of the State Bar Association of North Dakota. New Commission established by Legislature in 2005 replaces former Commission established by juridical rule.	Develop standards: governing eligibility for indigent defense services; for maintaining and operating regional public defender offices if established; prescribing minimum experience, training and other qualifications for contract counsel and public defenders; for contract counsel and public defender caseloads; for the evaluation of contract counsel and public defenders; for dealing with conflicts of interest; for reimbursement of expenses incurred by contract counsel; and any other necessary standards. Establish and implement a process of contracting for legal counsel services. Establish public defender offices. Monitor and track caseloads of contract counsel and public defenders. Approve and submit a biennial budget request.	Commission Director appointed by Commission on the basis of training, experience and other qualifications deemed appropriate. Must be licensed attorney in North Dakota and eligible to practice law.	Assists Commission in developing standards for the delivery of adequate indigent defense services; administers and coordinates these services and supervises compliance with commission standards; recommend the establishment of public defender offices when appropriate; conduct regular training programs for contract counsel and public defenders; hire personnel, including attorneys to serve as public defenders; prepare and submit to the Commission a proposed biennial budget and an annual report of the operation, needs and costs of the indigent defense contract system and public defender offices.
OHIO Ohio Public Defender Commission (independent commission within the executive branch, est. 1984), OHIO REV. CODE ANN. §§ 120.01 - 120.05.			Nine member Commission. Chair appointed by Governor. Four appointed by Governor; two of whom are from each political party. Four members appointed by Supreme Court. Chair and at least four members are bar members. Four-year terms.	Provide, supervise and coordinate legal representation. Establish rules for Public Defender such as compensation, indigency standards and caseloads. Approve budgets. Appoint State Public Defender.	State Public Defender appointed by Commission. Attorney with minimum of four years experience. State bar member.	Appoint Assistant State Public Defender. Supervise maintenance of Commission standards. Keep records and financial information. Establish compensation procedures.
OKLAHOMA Oklahoma Indigent Defense System (executive branch agency, est. 1991), OKLA. STAT. tit. 22, §§ 1355-1369.		√	Five member Board of Directors appointed by Governor subject to advice and consent of Senate for five-year terms. At least three lawyers. Governor designates Chair.	Make policies for indigent defense programs. Approve budget. Appoint advisory council of indigent defense attorneys. Establish policies on maximum caseloads. Appoint Executive Director.	Executive Director appointed by and serves at pleasure of Board. Licensed as Oklahoma attorney for four years. Experienced in criminal defense.	Develop state system, with exception of Oklahoma and Tulsa counties. Prepare system budget. Keep list of private attorneys for capital and non-capital case appointments. Advisor to indigent defenders. Act on system's behalf in legislative efforts. Conduct training.

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
OREGON Public Defense Services Commission (agency in judicial branch but outside the state court system, est. 2001), OR. REV. STAT. §§ 151.010 - 151.505.			Seven member Commission, appointed by order of the Chief Justice, who serves as non-voting, ex-officio member. Members must include at least: two non-lawyers; one criminal defense lawyer whose practice does not serve primarily indigent defendants; and one former Oregon state prosecutor. No current judge, prosecuting attorney, or law enforcement officer may serve. Four year terms. Chief Justice appoints chairperson and vice chairperson.	Effective October 1, 2001, Commission assumed responsibility for the Office of Public Defense Services (formerly the appellate State Public Defender). Effective July 1, 2003, the Commission assumed responsibility for the administration of the Indigent Defense Program, including all related administrative tasks formerly handled by the courts and the State Court Administrator's office, except for appointing counsel. Judges continue to make the appointments, subject to Commission rules. Other responsibilities include hiring Executive Director and adopting rules regarding: indigency determination; appointment of counsel; fair compensation of appointed counsel; resolution of appointed counsel compensation disputes; costs associated with representation of persons by appointed counsel; and performance standards.	Executive Director of OPDS selected by PDSC. Four-year term. Active member of Oregon State Bar, private practice prohibited.	Employ deputies and other staff, including expert investigators, witnesses and interpreters.
PENNSYLVANIA			None	Not applicable	None	Not applicable
RHODE ISLAND Office of the Public Defender (agency of executive branch, est. 1941), R.I. GEN. LAWS §§ 12-15-1 to -15-11.	√		None	Not applicable	Chief Public Defender appointed by Governor with advice and consent of Senate. Three-year term. Attorney with five years experience.	Appoint, supervise and direct assistants as necessary. Develop and oversee statewide system by regions.

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
SOUTH CAROLINA Office of Indigent Defense (independent agency within executive branch, est. 1993), S.C. CODE ANN. §§ 17-3-300 to -3-360. ¹⁰		√	Fifteen member Commission on Indigent Defense. Eleven members appointed by Governor as follows: six members on recommendation of South Carolina Public Defender Association, one from each congressional district; one member from state at-large who serves as Chair; a member, appointed upon recommendation by the respective president of the following organizations: the South Carolina Bar, the South Carolina Trial Lawyers Association, the South Carolina Criminal Defense Lawyers Association, and the South Carolina Public Defender Association. Four-year terms. Remaining four members appointed as follows: two by the Chief Justice of the South Carolina Supreme Court, one of whom must be either a retired family court judge or a retired appellate court judge, and the Chairmen of the Senate and House Judiciary Committees or their legislative designees.	May establish divisions within the Office of Indigent Defense to provide necessary services. Appoint Executive Director of the Office of Indigent Defense Services. Shall develop rules, policies, procedures, regulations and standards for providing indigent defense services, including the nature and scope of services to be provided, the clientele to be served, and the establishment of criteria to be used in determining indigency and qualification for services. Shall cooperate and consult with state agencies and various organizations concerning the causes of criminal conduct, the rehabilitation and correction of persons charged with and convicted of crimes, the administration of criminal justice and the improvement and expansion of defender services.	Executive Director appointed by Commission.	May hire other administrative, clerical, and legal staff and is authorized to contract with outside consultants on behalf of the office. Shall: administer and coordinate the operations and divisions within the office and supervise compliance with rules, procedures, regulations, and standards adopted by the commission; maintain records of all financial transactions related to the operation of the office; coordinate the services of the office with any federal, county, private, or other programs established to provide assistance to indigent persons and consult with professional organizations concerning the implementation and improvement of programs for providing indigent services; and perform other duties as the commission assigns.
SOUTH DAKOTA			None	Not applicable	None	Not applicable

¹⁰ As of July 1, 2005 the former statewide Office of Appellate defense, which had a seven-member Commission of Appellate Defense, was incorporated into the Office of Indigent Defense (OID). It is now a Division within OID.

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
TENNESSEE District Public Defenders Conference (agency of the judicial branch, est. 1989), TENN. CODE ANN. §§ 8-14-301 to -14-501.			There is no statewide commission in Tennessee, however, the District Public Defenders Conference is a statewide system of elected public defenders. Public defenders in Tennessee are publicly elected.	All 31 judicial districts are served by public defenders and the Office of the Executive Director serves as the central administrative office for all but two of the district public defenders.	Executive Director is elected by the district public defenders for a four-year term and serves as a member of the Judicial Council and other judicial planning groups.	The executive director is responsible for budgeting, payroll, purchasing, personnel, and administration of all fiscal matters pertaining to the operation of district public defender offices. Other duties include coordinating defense efforts of the various district public defenders, development of training programs, and maintaining liaison with various state government agencies.
TENNESSEE Office of the Post-Conviction Defender and Post-Conviction Defender Commission (est. 1995), TENN. CODE ANN. §§ 40-30-201 to -30-210.		√	Nine members: two appointed by the Governor; two appointed by the lieutenant governor; two appointed by the speaker of the House of Representatives; three appointed by the Supreme Court of Tennessee. Serve four-year terms.	Appoint Post-Conviction Defender; prepare annual budget for the Office of Post-Conviction Defender.	Post-Conviction Defender appointed by Post-Conviction Defender Commission. Four-year term. Must be lawyer in good standing with Supreme Court of Tennessee and possess demonstrated experience in capital case litigation.	Provide legal representation to indigent persons convicted and sentenced to death; hire assistant post-conviction defenders, investigators and support staff; maintain clearinghouse of materials and brief bank for public defenders and private counsel who represent indigents charged or convicted of capital crimes; provide CLE training and consulting services to lawyers representing defendants in capital cases; recruit qualified members of the bar to provide representation in state death penalty proceedings.

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
TEXAS Task Force on Indigent Defense (standing committee of Texas Judicial Council, est. 2001), TEX. GOV'T CODE ANN. §§ 71.051 - 71.063.			<i>Eight ex officio members:</i> chief justice of the supreme court; presiding judge of the court of criminal appeals; member of the senate appointed by the lieutenant governor; member of the house of representatives appointed by the speaker of the house; a courts of appeal justice serving on the judicial council designated by the governor to sit on Task Force; a county court, statutory county court or probate court judge serving on the judicial council designated by governor to sit on Task Force; chair of the Senate Criminal Justice Committee; and chair of the House Criminal Jurisprudence Committee. <i>Five appointive members:</i> Governor appoints, with advice and consent of senate: active district judge serving as presiding judge of an administrative judicial region; either a judge of a constitutional county court or a county commissioner, practicing criminal defense attorney; public defender, either a judge of a constitutional county court or county commissioner in county with >250,000 population.	Develop policies and standards for providing legal representation and other defense services to indigent defendants at trial, on appeal and in post-conviction proceedings. Develop a plan that establishes statewide requirements for counties relating to reporting indigent defense information. Use the information collected to monitor the effectiveness of the counties' indigent defense policies, standards and procedures. Submit annual report to governor, lieutenant governor, speaker of the house, and council regarding the quality of legal representation provided to indigent defendants; current indigent defense practices in Texas as compared to state and national standards; efforts made by the task force to improve indigent defense; and recommendations by the task force for improving indigent defense in the state. Distribute state funds for indigent defense to county governments.	Director of the Task Force on Indigent Defense is hired by the Commission. Under statutory authority the Task Force hires employees "who are assigned to assist the task force in performing its duties," as authorized by the Appropriations Act.	The Director is charged with implementing a statewide system of standards, financing and other resources for indigent defense. Responsibilities include overseeing the distribution of state funds provided to county governments; collecting, reviewing and maintaining all county expenditure data and plan information relating to county indigent defense services for each of Texas' 254 counties.
UTAH			None	Not applicable	None	Not applicable

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
VERMONT Office of the Defender General (agency of executive branch, est. 1972), VT. STAT. ANN. tit. 13, §§ 5251-5258.	√		None	Not applicable	Defender General appointed by Governor with advice and consent of Senate. Four-year term.	Operates program through public defenders and deputy public defenders or by contracting out to private attorneys. May establish local offices headed by a public defender. Contract with member of bar to serve as assigned counsel coordinator.
VIRGINIA Virginia Indigent Defense Commission (agency of judicial branch, est. 2004), VA. CODE ANN. §§ 19.2-163.01 to -163.02.			Consists of 12 members, including the chairmen of the House and Senate Committees for Courts of Justice; the chairman of the Virginia State Crime Commission; the Executive Secretary of the Supreme Court or his designee; two attorneys officially designated by the Virginia State Bar; two persons appointed by the Governor, the Speaker of the House of Delegates, and the Senate Committee on Privileges and Elections. At least one of the appointments made by the Governor, the Speaker, and the Senate Committee on Privileges and Elections must be an attorney in private practice with a demonstrated interest in indigent defense issues. Persons who are appointed by virtue of their office shall hold terms coincident with their terms of office. All other appointments are for three years.	Publicize and enforce qualification standards for court-appointed attorneys; develop initial training courses and CLE courses for court-appointed counsel and public defenders; maintain a qualified list of court-appointed attorneys; establish standards of practice for court-appointed counsel to follow in representing clients and guidelines for the removal of an attorney from the official list; establish and maintain standards of conduct for indigent defense counsel; establish caseload limits for public defender offices; maintain all public defender and regional capital defender offices; hire, employ and remove an executive director, counsel and other necessary employees for each public defender or capital defender office; authorize each public defender or capital defender to employ necessary assistants and support staff and to maintain an office; require and ensure that each public defender office collects and maintains caseload data.	Executive Director , selected by Commission, serves at pleasure of Commission.	Appoints chief public defenders and chief capital defenders in local offices, fixes the compensation of all personnel within the offices.

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
WASHINGTON Office of Public Defense (independent agency of the judicial branch, est. 1996), WASH. REV. CODE §§ 2.70.005 – 70.050.			Nine member Advisory Committee: three persons appointed by the chief justice; two non-attorneys appointed by the governor; two senators and two members of the house of representatives; one person appointed by the court of appeals executive committee; and one member appointed by the Washington State Bar Association.	Submit three names to the Supreme Court for Director of the Office of Public Defense.	Director serves at the pleasure of the supreme court, which selects from list of three names submitted by Advisory Committee. Director must have: practiced law in Washington for at least five years, represented criminal defendants, and proven managerial or supervisory experience.	Administers all criminal appellate indigent defense services; submits to state legislature a biennial budget for costs related to appellate indigent defense; recommends indigency standards; collects information and reports to the legislature on indigency cases; coordinates with the supreme court and judges of each division of the court of appeals to determine how attorney services should be provided. The Office of Public Defense does not provide direct representation.
WEST VIRGINIA Public Defender Services (agency of executive branch, est. 1989), W. VA. CODE §§ 29-21-3 to -21-6.			None	Not applicable	Executive Director is appointed by the Governor with the advice and consent of the Senate. Serves at will of Governor. Must be member of the bar of the supreme court of appeals.	Oversees agency responsible for the administration, coordination and evaluation of local indigent defense programs in each of West Virginia's 31 judicial circuits. Hires staff as necessary. May promulgate rules to effectuate the governing statute. Operates a criminal law research center, an accounting and auditing division to monitor local public defender corporations compliance with statute and an appellate advocacy division.
WISCONSIN Office of the State Public Defender (independent agency within executive branch, est. 1977), WIS. STAT. §§ 977.01 – 977.09.	√		Nine member Public Defender Board. Appointed by Governor, approved by Senate. At least five must be attorneys. Three-year terms. Chair is elected by Board.	Appoint state Public Defender and establish salary. Approve budget and submit to Governor. Promulgate standards of indigency. Promulgate rules for assignment of private counsel in regard to standards, payments and pro bono programs. Perform all other duties necessary and incidental. Contract with federal agencies and local public defender organizations for provision of services.	State Public Defender appointed by Board. Member of Wisconsin Bar. Five-year term.	Supervise operation of all state and regional public defender offices. Maintain data and submit biennial budget to Board. Delegate cases to any member of Wisconsin Bar. Negotiate contracts for representation as directed by Board. Appoint staff.

STATE Program (Where located in government)	Statewide Public Defender System?		Commission	Commission Duties and Responsibilities	Director or Chief Public Defender Selection Process, Terms and Qualifications	Director or Public Defender Duties and Responsibilities
	Trial	Other				
WYOMING State Public Defender (executive agency, est. 1977), WYO. STAT. ANN. §§ 7-6-101 to -6-114.	√		None	Not applicable	State Public Defender appointed by Governor. No term specified. Member of Wyoming Bar with experience in defense or prosecution.	Administer public defender program in districts and oversee operation of public defender system statewide. Assistant public defenders appointed by Governor and serve at pleasure of Public Defender. Public Defender may require them to be full-time. Public defender in each district appointed by Governor upon recommendations from district judge and county commissioners.