

# Legal Defenders



## Mission Statement

The Davis County Legal Defenders zealously advocate for people in the criminal justice system, parental rights cases, juvenile delinquency matters and civil commitment proceedings by protecting the rights of our clients and providing superior, client-based services for the betterment of our clients as well as our community.

## Core Functions & Services

Per constitutional and statutory mandates, the legal defenders:

1. Represent all indigent persons facing criminal charges in the Second Judicial District, Davis County Division, as well as in the Davis County Justice Court. That accounts for approximately 75% of the cases prosecuted by the Davis County Attorney's Office.
2. Represent all parents who are subjects of parental rights/child welfare proceedings and all juveniles facing delinquency allegations unless private counsel is retained – which rarely happens because the defenders are automatically appointed as required by statute.
3. Represent Davis County residents in mental health commitment hearings held within Davis County as well as at the Utah State Hospital in Provo.
4. Provide representation on appeal from adverse judgments entered in the above proceedings.

In all cases, the legal defenders are constitutionally required to provide necessary defense resources (investigators, experts, transcripts, etc.) in addition to providing qualified defense counsel with expertise in the area of representation.

## Prior Year Inputs/Outputs

FTE (2025): 4

○ The salaries for two of our full time employees are partially funded by a grant from the Utah Indigent Defense Commission, and we can use Title IV-E federal reimbursements to fund the benefits for one of those employees.

# Legal Defenders

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## Current Year Projected Outcomes

SLFRF funding for three of our legal defenders expires on December 31, 2025. The Legal Defenders have consistently emphasized the need to transition those positions from SLFRF funding to county funding as originally contemplated when SLFRF funds were first sought. For each grant cycle since SLFRF was implemented, the Legal Defenders have applied for additional grant funding from the IDC. Those applications have been denied in part because Davis County's per capita spending for indigent defense is by far the lowest of the Wasatch Front counties and well below the statewide average. Failure to fund those positions would severely compromise the constitutionally mandated representation of indigent clients at a time when all of the legal defenders carry caseloads that exceed recommended levels.

The imposition of COVID restrictions severely limited the availability of in-person court proceedings and resulted in an enormous backlog of cases awaiting trial. Although the backlog finally appears to be declining, its impact is still evident with trials often being set as far out as June of 2026. Unsurprisingly, the number and complexity of appeals has continued its upward trajectory and will likely continue to increase in 2026.

The number of Parental Rights Defense and Juvenile Delinquency cases appear to be leveling off, but the Administrative Office of the Courts expects a gradual increase in filings in the coming years on par with growth in Davis County. Careful monitoring of juvenile court caseloads is of ongoing importance but complicated because of the confidentiality of juvenile court proceedings.

Finally, the number and complexity of civil commitment proceedings continue to be difficult to predict but appear to be leveling off after increasing during COVID. That increase that may or may not be attributable to COVID given that case levels have not significantly declined since last year.

As Davis County continues to grow, it must plan for increased indigent defense funding to assure the County effectively and efficiently provides all of the constitutionally and statutorily mandated services required of the legal defender department.

# Legal Defenders



## Next Year Budget Initiatives

1. It is imperative that Davis County commit ongoing funding for the three SLFRF funded legal defenders as specified before the application for that temporary, federal funding was submitted. The legal defenders carry caseloads well in excess of recommended levels. The loss of even one district court defender would compromise the legal defender program and require a significant restructuring of how legal defender resources are allocated. The loss of three defenders would be devastating and would clearly jeopardize the County's ability to satisfy constitutional and statutory mandates for indigent defense.
2. The increased number and complexity of cases at both the trial and appellate level has required budget increases for both "PROF & TECH" (investigators, expert witnesses, transcripts, etc.) and "APPELLATE LEGDEF NON-CONTRACT" (conflict or overflow appeals) each of the last few years. Instead of making mid-year or after the year's end budget amendments to meet those needs, funding for those expenses should be budgeted at levels consistent with past and expected expenditures. Professional and technical services should be funded at a minimum of \$300,000.00. Conflict and overflow appeals should be funded at a minimum of \$200,000.00.
3. The Legal Defender CLE Program has never received county funding. Because of the vital role of specialized training, the CLE program has been funded by the coordinator since it was created nine years ago. Seminars feature local and national experts on many topics. Attendees and presenters often include judges, prosecutors, guardian ad litem, and other stakeholders. The monthly sessions double as department meetings to share updates and enhance teamwork among the defenders. The program has also strengthened relationships among county departments and other entities such as AP&P, the IDC, and treatment providers. To promote maximum attendance, the CLE sessions include lunch and are provided free of charge to all attendees. To assure continuation of its successful CLE program, the Legal Defenders request \$3,600.00 so that educational seminars can continue to be provided free of charge in their current format.

## Additional Requests: Legal Defenders

Rank in priority order, with highest priority first.

Rank	Org Object		Short Description	Explanation/Justification	Estimated Cost, including one-time and ongoing expenses				
					2026	2027	2028	2029	2030
1	1010126	555331 - 55	LEGAL DEFENDERS 1-14, 16-22, 25 (provide mandated legal services)	4% increases required under contracts. Amounts do not include COLA & need to be adjusted to include whatever COLA is provided for county employees.	TO BE DETERMINED AFTER QUESTION OF COLA IS RESOLVED				
2	1010126	548230	TRAVEL/EDUC (Defender monthly CLE program)	County has not funded defender training; coordinator has funded CLE program for nine years. Attorneys must complete 12 CLE hours annually. County should fund training similar to other departments.	\$3,600	\$3,700	\$3,800	\$3,900	\$4,000
3	1010126	555310	PROF & TECH (investigators, experts, transcripts, etc.)	Constitutionally/statutorily mandated. Budget increases made for several years. It's evident this expense should be budgeted at the requested, higher level.	\$300,000	\$310,000	\$320,000	\$330,000	\$340,000
4	1010126	555345	APPELLATE LEGDEF NON-CONTRACT (mandatory representation for appeals)	Number & complexity of appeals has increased. Midyear increases made for several years shows expense should be budgeted at requested, higher level.	\$200,000	\$210,000	\$220,000	\$230,000	\$240,000
5	1010126								
6	1010126								
7	1010126								
8	1010126								
9	1010126								
10	1010126								
Total					\$503,600	\$523,700	\$543,800	\$563,900	\$584,000

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