Human Resources - Legal Defenders

Davis COUNTY

Mission Statement

In alignment with Davis County principles, values and vision, it is our mission to support the larger community – the employees of this organization and the citizens of this county - to meet its objectives through its most valuable resource – its PEOPLE. We serve them with respect and integrity by promoting their livelihood, safety, equity, liberty and opportunity.

Prior Year Inputs/Outputs	Core Functions & Services
2020 FTES: 2	The Legal Defender's Office provides effective, compassionate and professional legal advocacy for the citizens and children of Davis County who are unable to represent themselves in the judicial system. Per statutory and constitutional mandates, the legal defenders automatically represent all juveniles facing delinquency allegations in juvenile court as well as all parents who are subjects of child welfare/parental rights cases in both juvenile and district court unless and until they hire private counsel. Once we are appointed, however, people rarely retain counsel. We also represent all indigent persons facing criminal charges in district court and in our justice court. That amounts to approximately 80% of the cases prosecuted by the Davis County Attorney's Office.

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Current Year Projected Outcomes

In 2020, the Legal Defender's Office continued providing CLE sessions to defenders, prosecutors and judges. The sessions meet CLE requirements and are received well. Unfortunately, the program had to be put on hold due to COVID-19 but will restart it as soon as restrictions are lifted.

The Legal Defender program also continues to provide ongoing and critical support for Pretrial Services. This year we continued to build relationships, and process consensus with stakeholders about protocols affecting court procedures, defense/prosecution procedures and jail procedures.

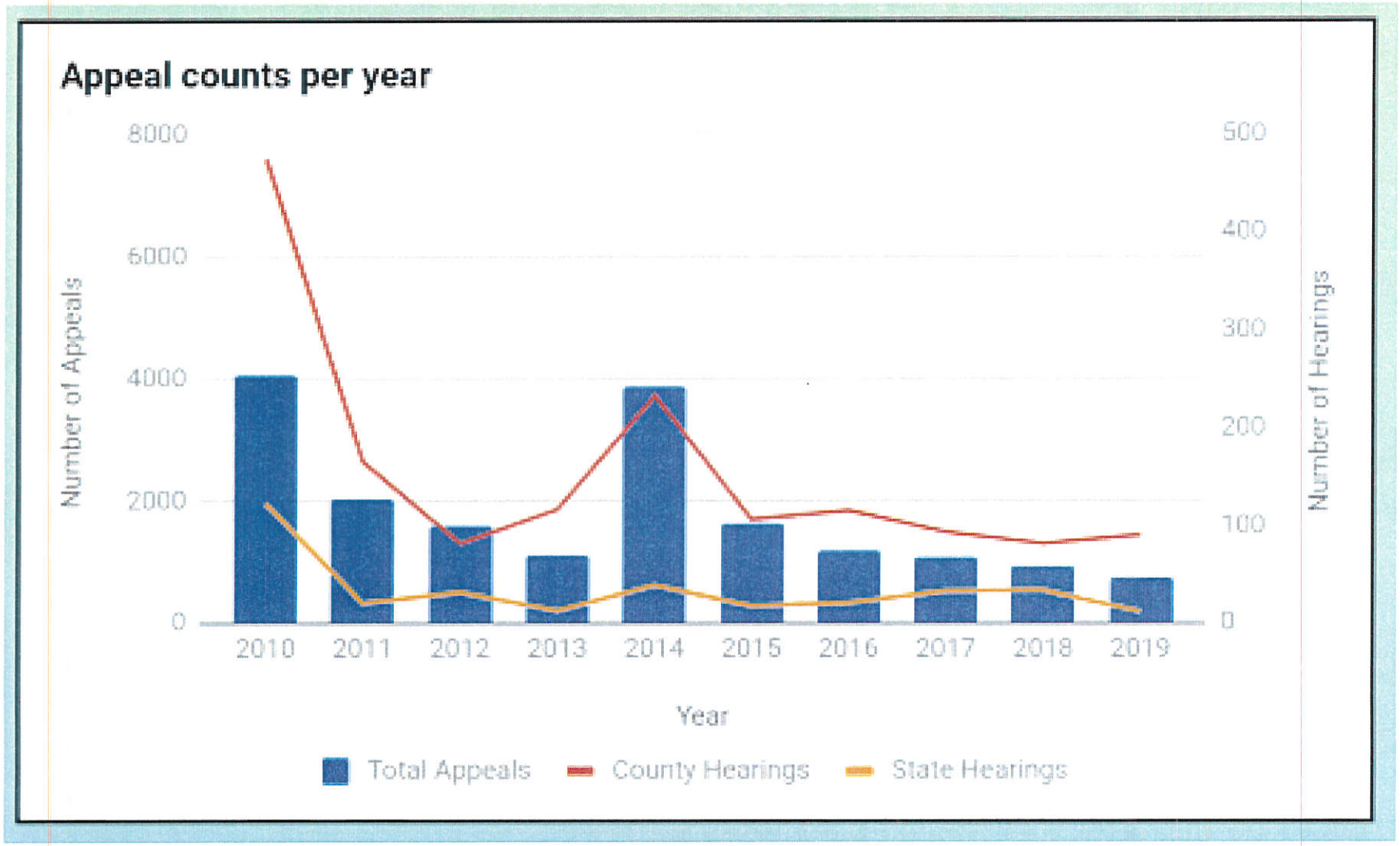
Like all departments, the Legal Defender program had to adapt to COVID-19 restrictions. All Utah courts essentially shut-down for over a month while transitioning to "virtual" hearings. The process has been cumbersome, and it is clear that we will face an enormous backlog of cases once restrictions are eased.

Finally, the court of appeals in August stated its intent to appoint counsel for appeals from all cases involving criminal defendants -- including post-conviction cases -- in addition to direct appeals. We have also seen an increase in appeals requiring conflict counsel. It is unclear how much these changes will impact our appellate caseloads, but the budget committee did approve a new line item of $30,000.00 to carry us through the end of the year should those funds be needed to hire additional appellate counsel.

Next Year Budget Initiatives

The three most significant changes between this year's budget and next year's budget are as follow:

1. An additional line item of $50,000.00 for additional appellate counsel for conflict cases and post-conviction cases. Counsel will be paid on an hourly basis with appropriate limits depending upon the type and complexity of the appeal.
2. A 3% increase in compensation for all contract legal defenders as specified in their contracts. (Note that all defender contracts expire at the end of calendar year 2021.)
3. An increase in the amount Davis County pays into the Utah Capital Case Defense Fund from $$$ to $$$. (This fund pays all costs associated with defending aggravated murder cases that may be filed in Davis County. The county's participation in the fund effectively serves as an insurance policy to protect the county from the staggering costs of defending capital murder cases.)


Appeal counts per year
8000
6000
4000
2000
0
Number of Appeals
500
400
300
200
100
0
Number of Hearings
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
Year
Total Appeals
County Hearings
State Hearings