

State of Alaska Department of Administration

Public Defender Agency

Presentation to House Finance Subcommittee

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February 14, 2023



PDA: Overview

- **Mission:** To provide constitutionally mandated legal representation to indigent clients appointed by the court.
 - **83%-85% of all indigent appointments are handled by the Public Defender Agency**

Criminal Litigation	Civil Litigation	Post-Conviction	Administration
<ul style="list-style-type: none">• Misdemeanors• Felonies• Petitions to revoke probation & parole• Juvenile Delinquency• 5th Amendment	<ul style="list-style-type: none">• Child in Need of Aid• Commitment	<ul style="list-style-type: none">• Appeals<ul style="list-style-type: none">• Merit, Bail, Sentence• Petitions for post-conviction relief (PCR)	<ul style="list-style-type: none">• Management<ul style="list-style-type: none">• Legislation• Operations• Budget & Accounting• Records• AmeriCorps/HDP



PDA: Overview

Office	Attorneys
Anchorage	57
Bethel	8
Dillingham	2
Fairbanks	16
Juneau	5
Kenai	9
Ketchikan	4
Kodiak	2
Kotzebue	2
Nome	3
Palmer	12
Sitka	1
Utqiagvik	0
Total	121



PDA: Challenges

- **Workload**
- COVID-19 Backlog
- Average number of cases assigned to each attorney in FY23 with full staffing is projected to be 154 for all attorneys, 172 for trial attorneys
- New Caseload standards to be published this year, NAC set at 150 in the '70s
- Juvenile appointments are up 25% statewide
- Projected 18,000 new cases appointed to the Public Defender Agency in 2023
- 11,790 cases are open currently



PDA: Challenges

- **Retention & Recruitment**

- ↓ in highly skilled and experienced attorneys
- ↑ training and supervision needs
- ↑ backlog of misdemeanor & felony cases
- ↑ backlog of serious felony trials
- 30% of trial attorneys have the necessary training and experience to handle most serious felonies – unclassified and A felonies
- 40% of the agency attorneys have been with the agency for less than three years, mostly for one to two years
- 15 attorney positions currently vacant out of 121 (12%).
 - 9 of these vacancies candidates have accepted positions and start with the agency March through September 2023
 - An additional 4-5 third year law student applicants are currently under consideration or have been offered positions
 - 7 vacant support staff positions out of 91 (8%)



PDA: Bethel & Nome Unclassified & Class A Felonies

- **2/13/23 PDA not accepting new appointments**
 - Average of 225 cases per attorney opened in Nome in FY23 (with full staffing)
 - Average of 199 cases per attorney opened in Bethel in FY23 (with full staffing)
- **Actions to reduce current caseloads**
 - Redistribution of cases to other attorneys in the Agency
 - Increases travel costs
 - May impact retention
 - Contract cases to private attorneys
 - Increased costs
 - Increase retention of new attorneys so they will gain the experience to handle these case types
- **New case appointments after notice issued:**
 - Court may continue to appoint PDA to cases
 - Court may appoint Office of Public Advocacy
 - Court may use Court Rule 12e to appoint private counsel



Department of Administration

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For more information, please contact Ken Truitt at ken.truitt@alaska.gov