

OFFICE OF THE PUBLIC DEFENDER STRATEGIC PLAN



Compiled
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OFFICE OF THE PUBLIC DEFENDER
(008)
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Cheyenne, Wyoming 82002

September 1, 2015

OFFICE OF THE PUBLIC DEFENDER

STRATEGIC PLAN

(July 1, 2013 to June 30, 2017)

QUALITY OF LIFE RESULT:

The Office of the Public Defender is a responsible steward of State assets and effectively responds to the needs of residents and guests of the State of Wyoming and helps ensure that families and individuals live in a stable, safe, supportive, nurturing, and healthy environment by providing legal representation for indigent persons accused of a crime and by providing guardian *ad litem* services in child protection, children in need of supervision, delinquency cases, and termination of parental rights and appellate cases arising from the previous three types of cases.

AGENCY:

Office of the Public Defender (008).

CONTRIBUTION TO WYOMING QUALITY OF LIFE:

The Office of the State Public Defender encompasses two divisions, the Public Defender's Office (PD) and the Guardian *ad Litem* (GAL). The sole purpose of the Public Defender's Office is to provide effective assistance of counsel to indigent adults and juveniles accused of a crime in the circuit, district and juvenile courts as mandated by the federal and state constitutions. The Public Defender's Office maintains 15 field offices (14 trial and 1 appellate) located throughout the state, providing the State of Wyoming with competent, experienced counsel to represent a vast majority of the criminal defendants who seek counsel. The Public Defender's Office ensures the protection of due process rights for its clients at all stages of a criminal proceeding by informing, advising, advocating and negotiating on behalf of the client. In all stages of a criminal case, the Public Defender's Office provides zealous representation for its clients, including attempts to resolve cases through fair plea negotiations.

The GAL provides legal services as Guardians *ad Litem* in child protection, children in need of supervision (CHINS), delinquency, and in certain termination of parental rights and appellate cases. The GAL provides quality and consistent representation to children thereby improving the outcomes for Wyoming children and families in juvenile court and improving the juvenile court system in Wyoming.

BASIC FACTS:

The Office of the Public Defender has 93 authorized positions (including 20 part-time positions). The Office employs 55 Attorneys (trial, GAL, and appellate), 9 administration employees (including the State Public Defender, Deputy State Public Defender, Deputy Guardian *ad Litem*, fiscal, and HR), 5 Investigators and 24 staff (including Legal Assistants and Legal Support Specialists). In addition, the Office utilizes 25 PD contractors and 23 GAL contractors. The BY2015/2016 budget is \$25,471,980 (Public Defender - \$20,298,693; GAL - \$5,173,286). The total PD appropriation is 85% from State general funds and 15% from county augmenting revenues. The total GAL appropriation is from State general funds with a 25% match from the participating counties.

The Public Defender must provide effective assistance of counsel pursuant to the Wyoming and Federal Constitutions. In order to guarantee that right to public defender clients, each attorney must have a manageable caseload. The ABA *Standards for Criminal Justice* state that “defense counsel should not carry a workload that, by reason of its excessive size, interferes with the rendering of quality representation, endangers the client’s interest in the speedy disposition of charges, or may lead to the breach of professional obligations.” Defense Function Standard 4-1.3(e). Whether or not a caseload is excessive depends not only on the number of cases but also on case complexity, availability of support systems and the lawyer’s experience and ability. The Public Defender monitors caseloads that are recorded by an in-house case-weighted database system. The Public Defender utilizes the caseload maximum recommendations by the *National Advisory Commission on Criminal Justice Standards and Goals* (1973) (NAC). Annual caseloads should not exceed the following: 150 felonies per attorney, 400 misdemeanors per attorney and 200 juvenile court cases per attorney. If an attorney is assigned cases from more than one of these categories (felony, misdemeanor, juvenile), the percentage of maximum caseload in each should be assessed and the combined total should not exceed 100%. These standards are in accordance with Formal Opinion 06-441, *Ethical Obligations of Lawyers Who Represent Indigent Criminal Defendants When Excessive Caseloads Interfere With Competent and Diligent Representation*, American Bar Association, Standing Committee On Ethics And Professional Responsibility and *Reasonable Caseloads: Ethics and Law in Public Defense*, Norman Lefsten, an American Bar Association, Standing Committee on Legal Aid and Indigent Defendants publication.

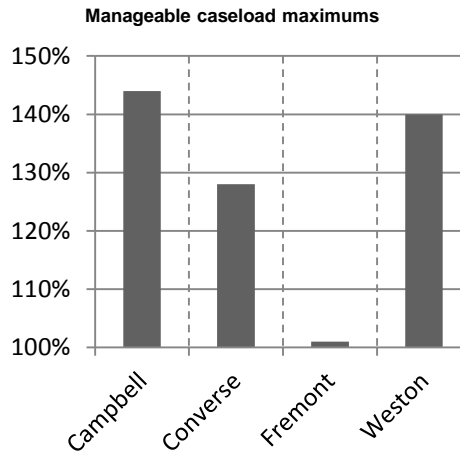
The function of the Public Defender’s Office is to represent persons accused of misdemeanors, felonies and probation violations in circuit and district courts who cannot afford to hire an Attorney. The Public Defender’s Office represents juveniles accused of delinquency and children in need of supervision cases (CHINS) in juvenile court and individuals on appeal in the Wyoming Supreme Court. Additional functions include representing individuals who are to be extradited to other states and individuals seeking post-conviction relief. In FY15, the Public Defender’s Office handled 14,738 criminal cases and 117 appeals. In FY14, the Public Defender’s Office handled 13,931 criminal cases and 107 appeals. The Public Defender was at 100 % of caseload maximum in FY14 and at 99.75% of caseload maximum in FY15.

The function of the Guardian *ad Litem* division is to provide legal services as Guardians *ad Litem* in the cases listed above under a hybrid model of representation, where the GAL is to advocate for the child’s best interests and the child’s wishes at the same time. In FY15, the GAL provided services to 2,531 children with 1180 new cases assigned for GAL representation. In FY14, the GAL provided services to 2,153 children with 1034 new cases assigned for GAL representation.

PD PERFORMANCE MEASURE #1: Manageable Caseload Maximums

Chart #1 shows the number of field offices above 100% of caseload maximums.

Chart #1



STORY BEHIND THE PERFORMANCE:

There are 14 Public Defender trial field offices which handle the caseload throughout the state. Some field offices are responsible for more than one county. The county in which the field office resides must provide office space or a stipend for each public defender attorney. Some field offices exist in an attorney's private office. Chief Trial Counsel handles serious and high profile cases, including capital cases, around the state; Chief Trial Counsel also assists with overload in the field offices when necessary. The Appellate Division, located in Cheyenne, handles the criminal appeals to the Wyoming Supreme Court. The Office provides administrative staff, legal assistants, and investigators to its field offices. Investigators are provided regionally, with the main field offices in Campbell, Natrona, Sweetwater and Laramie Counties staffing full-time investigators. The administrative office located in Cheyenne houses the Director, Deputy, and fiscal employees.

When an accused person appears in court upon a criminal citation or Information, the courts determine whether a person's financial circumstances require the appointment of the Public Defender. Once appointed, the Public Defender *must* provide representation. The Public Defender must provide representation in each case to which it is appointed. The Public Defender represents a vast majority of all criminal defendants who seek counsel. In FY15, the Public Defender represented 92.88% of all criminal defendants represented by counsel in state trial courts, which is an increase from FY14 (86%). In FY15, the Public Defender provided counsel in 14,738 trial cases and 117 appeals. The average newly assigned cases per attorney FTE and part-time contract attorneys was 281.80. In FY14, the Public Defender provided representation in 13,931 trial cases and 107 appeals. The average newly assigned caseload per attorney was 282.58.

The Public Defender must not only provide counsel to appointed indigent defendants, it must provide constitutionally competent counsel pursuant to the Federal and State Constitutions. In

order to be competent, each public defender attorney must have a manageable caseload and adequate resources. The ABA *Standards for Criminal Justice* state that “defense counsel should not carry a workload that, by reason of its excessive size, interferes with the rendering of quality representation, endangers the client’s interest in the speedy disposition of charges, or may lead to the breach of professional obligations.” Defense Function Standard 4-1.3(e). Whether or not a caseload is excessive depends not only on the number of cases but also on case complexity, availability of support systems and the lawyer’s experience and ability. The Public Defender monitors caseloads that are recorded by an in-house case-weighted database system. The Public Defender utilizes the caseload maximum recommendations by the *National Advisory Commission on Criminal Justice Standards and Goals* (1973) (NAC). Annual caseloads should not exceed the following: 150 felonies per attorney, 400 misdemeanors per attorney and 200 juvenile court cases per attorney. If an attorney is assigned cases from more than one of these categories (felony, misdemeanor, juvenile), the percentage of maximum caseload in each should be assessed and the combined total should not exceed 100%. These standards are in accordance with Formal Opinion 06-441, *Ethical Obligations of Lawyers Who Represent Indigent Criminal Defendants When Excessive Caseloads Interfere With Competent and Diligent Representation*, American Bar Association, Standing Committee On Ethics And Professional Responsibility and *Reasonable Caseloads: Ethics and Law in Public Defense*, Norman Lefsten, an American Bar Association, Standing Committee on Legal Aid and Indigent Defendants publication.

Caseloads are tracked for the Public Defender as a whole as well per each field office, each county and each attorney. But because each field office provides representation to the local courts, resources are allocated based upon the caseloads of each field office. In order to ensure that each field office has a manageable caseload, the Public Defender utilizes the *NAC Criminal Justice Standards and Goals* for each field office; this is done by calculating the percentage of caseload maximum using the total field office number of assigned felonies, misdemeanors and juvenile court cases and the field office attorney FTE, which includes part-time independent contract attorneys. The primary objective is to reduce caseloads below 100% in each field office.

In addition to providing adequate attorneys to cover the caseloads, the Public Defender must also provide adequate investigation resources, support resources and funding for expert services, conflict attorneys, interpreters and other necessary items. The constitutional requirement that the Public Defender provide effective assistance of counsel requires “conflict free” counsel. *Asch v. State*, 62 P.3d 945 (Wyo. 2003). In order to comply with this mandate, the Public Defender must contract with attorneys in each of its field offices. Furthermore, these contract Attorneys maintain caseloads in the local field office in proportion to the caseload percentage of each contractor. Conflict attorneys are also hired on an as-needed basis when the agency is appointed to large multi-defendant drug cases. The Public Defender has a duty to conduct reasonable investigations or make a reasonable decision that makes particular investigations unnecessary. *Cooper v. State*, 2014 WY 36, 319 P.3d 914 (Wyo. 2014). The Public Defender only employs five staff investigators so it must contract with investigators. These contractors provide necessary investigative services to the rural field offices. The right to counsel includes the right to utilize expert assistance when required to do so. *Cooper v. State*, 2014 WY 36, 319 P.3d 914 (Wyo. 2014); *Hinton v. Alabama*, 134 S. Ct. 1081, 1088, 188 L. Ed. 2d 1 (2014). Experts such as psychologists, accident re-constructionists, investigators, and forensic scientists are utilized for evaluation of clients and evidence, and to provide legal consultation, written reports and potential testimony. The Public Defender must also provide training to its attorneys and staff in ensure that each attorney has the necessary skills to handle the criminal caseload. Other resources include: interpreters, court reporters, transcription costs, speakers for trainings, and other professional services necessary to provide each defendant

with constitutionally competent counsel. As caseloads increase, the need for other resources, such as expert witnesses, increases.

The Public Defender must provide high quality representation in capital cases pursuant to the federal and state constitutional law and the *ABA Guidelines for Appointment and Performance of Defense Counsel in Death Penalty Cases, Revised Edition, February, 2003*, as well as the *ABA Supplementary Guidelines for the Mitigation Function of Defense Teams in Death Penalty Cases*. Providing this representation requires the appointment of at least 2 qualified attorneys, a fact investigator and mitigation specialist to each defense team. One member of the defense team must be qualified by training and experience in screening for mental illness and impairment. In addition to constitutionally required investigation of the facts of the alleged crime, in a capital case the Public Defender has a constitutional and ethical obligation to conduct a thorough and comprehensive investigation into the capital defendant's life for evidence that might mitigate a sentence of death; the investigation of the penalty phase requires an extensive investigation into the personal and family life of the capital client; counsel must explore the medical history, family and social history, educational history, military service, employment and training history, and prior juvenile and adult institutional or correctional placement history. Each mitigation investigation is as unique as the capital client whom the Public Defender represents; all capital cases are complex, time consuming, and costly. The Public Defender does not currently employ a mitigation specialist, who would undertake and direct this investigation, which requires contracting with professionals from out of state. Experts are necessary in both phases of a capital case so adequate funding must be provided for experts, other team members and legal support. In order to be qualified to handle a capital case, an attorney must receive capital case training at least every two years. Failure to provide high quality representation has resulted in death penalty sentences being vacated. See *Eaton v. Wilson*, No. 09-CV-261-J, 2014 WL 6622512 (D.Wyo. Nov. 20, 2014) and *Harlow v. Murphy*, No.05-CV-39-B (D. Wyo. Feb. 15, 2008)

The Public Defender requires adequate technological resources. The agency provides hardware, software and connectivity to its offices. This includes laptops and power point presentation software. The Office maintains an in-house case administration system. The Office provides access to the in-house database's attorney-client tool to assist attorneys in case management and case administration. Currently the agency provides electronic legal research through Westlaw for all attorneys and legal assistants.

In addition to requiring adequate funding to provide effective assistance of counsel, pursuant to W.S. § 7-6-109, the Public Defender can be ordered by the Wyoming state courts to compensate non-Public Defender attorneys appointed by the Court and to provide funding for defense services in non-Public Defender cases.

Wyoming Statute §7-6-109 provides:

§ 7-6-109. Appointment of outside attorney

- (a) Nothing in this act shall prevent a court on its own motion or upon application by the state public defender or by the individual defendant, from appointing an attorney other than the public defender to represent the defendant or to assist in the representation of the defendant at any stage of the proceedings or on appeal.
- (b) If a court assigns an attorney to represent a needy person, it may recommend a reasonable rate of compensation for his services and shall determine the direct expenses for which he should be reimbursed. The state public defender shall consider the court's recommendation and the customary compensation as prescribed

by the standard fee schedule promulgated pursuant to W.S. 7-6-103(c)(vi), and shall pay the appointed attorney for his services when the case for which he was appointed is concluded.

- (c) An attorney appointed under subsection (b) of this section shall be compensated for his services with regard to the complexity of the issues, the time involved, prevailing local fees of attorneys, the amount reasonably necessary to provide a defense as is required by constitutional process and other relevant considerations as determined by the court.
- (d) If a defendant initially retains counsel and then requests the provision of counsel or any other defense services, including but not limited to mental evaluations, expert witnesses and witness travel expenses, the court shall make a determination whether the defendant is a “needy person” under this act, subject to the following:
 - (i) The procedures set forth in W.S. 7-6-106 shall be followed;
 - (ii) The court shall make the findings required by W.S. 7-6-106 and rule 44 of the Wyoming Rules of Criminal Procedure;
 - (iii) The defendant shall complete an affidavit or otherwise disclose on the record his entire financial situation, including the amount he has already paid to retain defense counsel, the source of those funds and whether additional funds are available to him through any means;
 - (iv) The defendant shall disclose the disposition of any retainer and any amounts remaining; and
 - (v) The state public defender shall be served by the defendant's retained counsel with a copy of any such request and shall be heard by the court prior to any decision on the request.

The Public Defender requires adequate funding to abide by Court orders pursuant to this section of the Public Defender Act (W.S. 7-6-101, *et. seq.*)

Proposals for Improvement of PD Performance in the Next Two Years

Two Attorney Positions for Campbell County Trial Division: The Public Defender must provide effective assistance of counsel pursuant to the Wyoming and Federal Constitutions. In order to guarantee that right to public defender clients, each attorney must have a manageable caseload. The *ABA Standards for Criminal Justice* state that “defense counsel should not carry a workload that, by reason of its excessive size, interferes with the rendering of quality representation, endangers the client’s interest in the speedy disposition of charges, or may lead to the breach of professional obligations.” Defense Function Standard 4-1.3(e). Whether or not a caseload is excessive depends not only on the number of cases but also on case complexity, availability of support systems and the lawyer’s experience and ability. The Public Defender monitors caseloads that are recorded by an in-house case-weighted database system. The Public Defender utilizes the caseload maximum recommendations by the *National Advisory Commission on Criminal Justice Standards and Goals* (1973) (NAC). The Public Defender needs to add 2.75 attorneys to reduce caseloads below maximum in the Campbell County Trial Division. Other exception requests address the remaining .75. Additionally, the Campbell County Trial Division has only two Legal Assistants assigned to 4.75 Attorneys with excessive caseload. In order to reduce the impact of excessive caseloads and to provide the attorneys with the necessary time to provide effective assistance of counsel, additional legal support is necessary. (Exception Request: \$626,104)

Increase Part-time Attorney positions to Full-time in Campbell County and, Converse/Goshen/Platte/Niobrara County Trial Divisions: The Public Defender must provide effective assistance of counsel pursuant to the Wyoming and Federal Constitutions. In order to guarantee that right to public defender clients, each attorney must have a manageable caseload. The *ABA Standards for Criminal Justice* state that “defense counsel should not carry a workload that, by reason of its excessive size, interferes with the rendering of quality representation, endangers the client’s interest in the speedy disposition of charges, or may lead to the breach of professional obligations.” Defense Function Standard 4-1.3(e). Whether or not a caseload is excessive depends not only on the number of cases but also on case complexity, availability of support systems and the lawyer’s experience and ability. The Public Defender monitors caseloads that are recorded by an in-house case-weighted database system. The Public Defender utilizes the caseload maximum recommendations by the *National Advisory Commission on Criminal Justice Standards and Goals* (1973) (NAC). Per the standards, the Campbell County Trial Division and the Converse/Platte/Goshen/Niobrara County Trial Division cannot provide effective assistance of counsel. The Public Defender needs to add .25 FTE to an attorney position in each trial division to reduce excessive caseloads. (Exception Request: \$112,167)

Part-time Contract Attorneys for Campbell County, Converse/Goshen/Platte/Niobrara County, Fremont County and Weston County: The Public Defender must provide effective assistance of counsel pursuant to the Wyoming and Federal Constitutions. In order to guarantee that right to public defender clients, each attorney must have a manageable caseload. The *ABA Standards for Criminal Justice* state that “defense counsel should not carry a workload that, by reason of its excessive size, interferes with the rendering of quality representation, endangers the client’s interest in the speedy disposition of charges, or may lead to the breach of professional obligations.” Defense Function Standard 4-1.3(e). Whether or not a caseload is excessive depends not only on the number of cases but also on case complexity, availability of support systems and the lawyer’s experience and ability. The Public Defender monitors caseloads that are recorded by an in-house case-weighted database system. The Public Defender utilizes the caseload maximum recommendations by the *National Advisory Commission on Criminal Justice Standards and Goals* (1973) (NAC). Per the standards, the Campbell County, Converse/Platte/Goshen/Niobrara, Fremont and Weston/Crook County Trial Divisions cannot provide effective assistance of counsel. The Public Defender needs to add part-time contract attorneys to reduce caseload maximums. (Exception Request: \$518,440)

Funding for Reclassifications for Eligible Attorneys: The Public Defender must provide effective assistance of counsel pursuant to the Wyoming and Federal Constitutions. In order to guarantee that right to public defender clients, each attorney must have a manageable caseload. The *ABA Standards for Criminal Justice* state that “defense counsel should not carry a workload that, by reason of its excessive size, interferes with the rendering of quality representation, endangers the client’s interest in the speedy disposition of charges, or may lead to the breach of professional obligations.” Defense Function Standard 4-1.3(e). Whether or not a caseload is excessive depends not only on the number of cases but also on case complexity, availability of support systems and the **lawyer’s experience and ability**. The Public Defender monitors caseloads that are recorded by an in-house case-weighted database system. The Public Defender utilizes the caseload maximum recommendations by the *National Advisory Commission on Criminal Justice Standards and Goals* (1973) (NAC). The State of Wyoming Attorney classification levels are based upon years of practice rather than job duties, although Public Defender and GAL attorneys must be practicing at a Level 3 regardless of years of experience. This funding would allow the Office to fund re-classifications and bring attorneys to the necessary level of practice. The OSPD 0100 series budget allocation does not allow for flexibility to meet classification needs and personnel rules. Currently

OSPD 0100 series is running at a deficit due to these reclassifications. Public Defender attorneys must have the necessary skills and experience to provide quality representation as mandated by statute and by the Federal and State Constitutions. In order to recruit and retain qualified attorneys, the OSPD must be able to compensate attorneys at the requisite level. (Exception Request: \$57,209)

Case Management System: In FY14 the Department of Audit conducted an audit of the OSPD FY13 performance measures. The findings of the audit require the Public Defender upgrade or build a new case management system for tracking caseloads in order to ensure manageable caseloads. This request has been approved by ETS. (Exception Request: \$197,065)

Capital Case Funding: In regard to death penalty cases, the agency must ensure that sufficient resources are available to provide high quality representation of clients faced with the ultimate punishment. In order to do this, the agency will follow the *ABA Guidelines for Appointment and Performance of Defense Counsel in Death Penalty Cases, Revised Edition, February, 2003*, as well as the *ABA Supplementary Guidelines for the Mitigation Function of Defense Teams in Death Penalty Cases*. \$500,000 is for actual case expenses and \$80,000 for attorney training. (Exception Budget Request: \$580,000)

Increase in Funding for Experts, Conflict Attorneys and other Professional Services: The right to counsel includes the right to utilize expert assistance when required to do so. *Cooper v. State*, 2014 WY 36, 319 P.3d 914 (Wyo. 2014); *Hinton v. Alabama*, 134 S. Ct. 1081, 1088, 188 L. Ed. 2d 1 (2014). Experts such as psychologists, accident re-constructionists, investigators, and forensic scientists are utilized for evaluation of clients and evidence, and to provide legal consultation, written reports and potential testimony. State law and court rules require the program to reimburse experts for actual costs of travel, meals and lodging, as well as their professional fees. Caseload trends over a 10 year period indicate that caseloads have increased at a rate of 3%. (Exception Request: \$100,204)

Increase Fremont County Legal Assistant from Part-Time to Full-Time: Currently, the Fremont County field office has one full-time Legal Assistant and one part-time Legal Assistant for the attorneys with excessive caseloads; in order to provide effective assistance of counsel, each attorney must have the necessary time to handle each case appropriately. This requires adequate support staff. This request is to increase a part-time legal assistant to full-time at minimal cost. Excessive caseloads can be reduced by providing adequate support systems to the attorneys. An attorney is less able to provide effective assistance of counsel when he does not have skilled and adequate legal support in his office. (Exception Request: \$1,938)

Investigator Position (convert from Contract) for 5th Judicial District: The Public Defender has a duty to conduct reasonable investigations or make a reasonable decision that makes particular investigations unnecessary. *Cooper v. State*, 2014 WY 36, 319 P.3d 914 (Wyo. 2014). . This specific Investigator provides services in up to 1,300 cases per fiscal year for the entire 5th Judicial District (covering Park, Big Horn, Hot Springs, and Washakie Counties), which includes 8 assistant public defenders. Furthermore, this investigator is the only trained and experience mitigation specialist within the Public Defender Division. (Exception Request: \$44,864).

Technology and Communication: The Public Defender requires adequate technological resources. The agency provides hardware, software and connectivity to its offices. Equipment such as computers, laptops, tablets, monitors, smartphones and printers are needed, and funding is needed for maintenance, subscription renewal. (The Office is currently awaiting ETS recommendations for a portion of this request). (Exception Budget Request: \$221,202)

Transfer HR Position to Administration and Information: For the purposes of efficiency and to minimize duplication of services, the Office of the State Public Defender has entered an Attorney General authorized interagency agreement with the Department of Administration, for A&I to provide human resources services to the Office. As a component of this agreement, the Public Defender's Office transferred the position of Human Resource Coordinator to this Office. The funding portion of this transition was previously handled via the B-11 process. [Exception Request: \$(126,779)]

Court Ordered Funding for Capital Case: A Wyoming District Court has ordered the Public Defender to pay for all costs and expenses associated with a capital case pursuant to W.S. §7-6-109 and pursuant to Wyoming Rules of Criminal Procedure, Rule 44(e)(B). The Public Defender must abide by this court order; in order to comply with said order, the Public Defender will need at least two million dollars (\$2 million) in budget year 17/18. (Exception Request: \$2,000,000+)

Low Cost/No Cost Alternatives: Where possible, resources will be shifted among field offices. Historically, the Public Defender has obtained financial assistance from the National Defense College and other defense training in order to provide training to a small number of Public Defender attorneys each year. The Public Defender will continue to seek these opportunities. The Public Defender will also strive to utilize low cost technological options to lower the cost of travel and to provide training when practical. The Public Defender will continue to be active in the Community Juvenile Service Boards and the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiatives throughout the state and to participate in the Governor's councils, committees, and forums involving substance abuse, juvenile justice, mental health and other criminal justice issues, as well as Drug Courts.

GAL DIVISION

The Office has determined not to use performance measures for the GAL because these measures are not amenable to an audit due to the confidential nature of GAL cases, data and information.

STORY BEHIND THE PERFORMANCE:

The Guardian *ad Litem* Division was transferred to the Office of the State Public Defender on July 1, 2008 in a budget footnote and was codified July 01, 2012. The GAL Division employs 7 full-time attorneys and contracts with an additional 28 attorneys. All attorneys for the Division provide legal services for children acting as their guardian *ad litem* in child protection (abuse and neglect), children in need of supervision, delinquency and termination of parental rights cases brought by the State of Wyoming and in appellate actions arising thereof. Pursuant to Statute, the Office has entered into Memorandums of Understanding (MOU) with twenty-two (22) of Wyoming's twenty-three (23) counties. The GAL Division began providing services in Sweetwater County in Fiscal Year 2014. Goshen County has chosen not to accept the GAL Divisions services. The Counties have agreed to match twenty five percent (25%) of the state funds expended by the GAL Division in their county, pursuant to W.S. § 14-12-103(b).

Procedurally, the District Court appoints the GAL Division to provide representation for a child upon the initiation of a case or upon request. (All children subject to an abuse/neglect action in Juvenile Court are entitled to a GAL. W.S. § 14-3-416.) The GAL Division, through use of supervising attorneys, then assigns the case to an attorney. The GAL Division is administered by a Deputy State Public Defender who must be an attorney pursuant to statute. The administrative arm of the Division consists of the Deputy, a fiscal specialist and a paralegal. The GAL Division Deputy monitors caseloads, provides trainings and resources and consults on individual cases as needed, maintains files. Attorneys are monitored through periodic audits of files to ensure they are meeting their ethical and statutory duties. All cases are monitored for compliance by certain filed documents kept in the administrative office.

The GAL Division often partners with the Wyoming Supreme Court Children's Justice Project (CJP) on projects, including the Children's Justice Conference. All trainings provided by the GAL Division ensure the attorneys are able to provide effective representation to children.

In FY15, the GAL provided services to 2531 children with 1180 new cases. In FY14, the GAL provided services to 2,153 children with 1034 new cases. Caseloads in Laramie and Sweetwater Counties continue to increase.

Proposals for Improvement of Performance in the Next Two Years

Agency Assigned Vehicles: GAL Attorneys provide services across many counties requiring extensive amounts of travel (approximately 2,000 miles per month). Currently, the division uses ten fully depreciated vehicles (vehicles that were deemed ready for replacement in other agencies) in an effort to reduce mileage costs to the state (up to \$10,350 estimated required reimbursement per traveler per year). At this time, the Division seeks to replace five of these fully depreciated vehicles with new vehicles that would be replaced on a routine basis as MVMS guidelines dictate for purposes of anticipated long-term cost savings and safety. (Exception Request: \$144,920)

Technology and Communication: The Guardian *ad Litem* Division provides hardware, software and connectivity to its 11 field offices. This request includes the following technological necessities that have been vetted and approved by ETS. This request includes tablets, computers, increases in data storage capabilities, monitors, network printers, and software requests. This request has been approved by ETS. (The Office is awaiting ETS' recommendation for a portion of this request. (Exception Request: \$71,133).

Low Cost/No Cost Alternatives: The GAL will continue to utilize the Pro Bono Panel and the work of law student externs from the University of Wyoming, College of Law. The GAL will continue to partner with the CJP to develop and present the Annual Children's Justice Project and explore other ways to provide training to the GAL attorneys with matches from CJP and low cost to the state. The GAL Deputy will continue to work as a liaison with courts, county attorneys, DFS, CASA, and be a general advisor to the GAL attorneys throughout the state; and will continue to strive to decrease the number of contracts, thereby improving representation of the clients, streamlining government and decreasing administrative costs. Furthermore, the GAL will continue to improve the program website and resources to provide more resources and training to the GAL attorneys. The GAL is currently working with ETS to create a case management system.

Public Defender Performance Measures

