

# **Public Defender Client Choice Project**

## **Project Guidelines**

The purpose of the Client Choice Project is to measure any impact that client choice has on (1) client satisfaction, (2) case outcome, and (3) cost. Baseline data on these measures were collected on indigent defense cases for a 14-month period in 2017-18.

Iowa Code 814.11(6) requires that appointment of counsel shall be on a rotational and equalization basis, considering the experience of the attorney and the difficulty of the case. In 2016, Governor Branstad signed Justice System Appropriation (HR 2458, Ch. 1137, Sec. 21), permitting the State Public Defender to establish this pilot project, notwithstanding any other provision of the law to the contrary, allowing an indigent person to choose an eligible attorney to represent the person.

In order to maintain the integrity of this pilot project, the following guidelines have been established and should be followed to the best of our collective ability:

1. Contract attorneys and public defenders shall have an Attorney Page in the Client Choice Book. Attorney Pages shall be uniform and created by CJJP staff. Information for Attorney Pages shall be gathered through the Attorney Information Form completed by the attorneys and submitted to CJJP. CJJP shall create Attorney Pages in both English and Spanish.
2. The Client Choice Book shall be maintained by CJJP, and shall be organized based on offense class. Attorney Pages shall only be found in the offense class sections for which they are qualified. The Client Choice Book shall be updated monthly to conform with the contract attorney rosters. The Client Choice Book shall present the Attorney Pages in random order, and the pages should be shuffled monthly as the books are maintained.
3. CJJP will send updated Client Choice Books (or page replacements) to the counties monthly. A pre-determined number of copies of the Client Choice Book will be sent to the county courthouses and county jails. Each county shall designate an individual at the county courthouse and an individual at the county jail to receive the Client Choice Books. That individual at each location shall be responsible for replacing the old books/pages with the updated books/pages and ensuring that the books are available to the defendants at the designated time for attorney selection.
4. The time that a defendant is allotted to review the Client Choice Book and complete the Attorney Selection Form shall be at the discretion of the judge or jail personnel present at the time of the selection. The intent of this pilot project is that each defendant be permitted approximately 10 minutes to review the book to make the choice component of this project meaningful.
5. Once a defendant has completed the Attorney Selection Form and a judge or magistrate has determined that the defendant is entitled to court-appointed counsel, the Attorney Selection Form shall be e-filed by court personnel. The Attorney Selection Form shall be created by CJJP in both English and Spanish.

6. The judge or magistrate shall endeavor to appoint a defendant's "First Choice" attorney unless the defendant has mistakenly selected an attorney unqualified to handle his/her offense class. A judge may also bypass a defendant's First Choice attorney if the judge knows that attorney to be otherwise unavailable to accept the appointment.
7. In the event that a defendant's First Choice attorney is unavailable, the judge or magistrate shall subsequently appoint a defendant's Second Choice attorney, and so on. In the event that all attorneys selected by a defendant are unavailable to represent the defendant, the judge or magistrate may select any attorney from the contract attorney roster to represent the defendant without further consultation with the defendant.
8. In the event that a defendant makes no attorney selection on the form or selects the "No Preference" option, the judge or magistrate may select any attorney from the contract attorney roster to represent the defendant. The Attorney Selection Form should still be e-filed by court personnel even if the defendant selects "No Preference."
9. Attorneys are responsible for notifying the State Public Defender if they are temporarily or permanently unavailable to take additional cases so that they may be removed from the roster and Attorney Book for the appropriate time period.