

States are required by law to provide legal defense to those who are unable to afford an attorney and who are charged with a criminal offense involving possible incarceration. In 2013, 28 states and the District of Columbia delivered such criminal defense services through state-administered indigent defense programs. These programs served an estimated 104 million residents and closed an estimated 2.7 million criminal, appellate, civil, and juvenile cases.

Types of indigent defense systems

There are a number of ways these defense systems represent the indigent:

- *Governmental public defender offices* provide representation through publicly operated government offices staffed by government employees and funded by the state or county.
- *Governmental conflict public defender offices* provide representation through publicly operated government offices for cases in which legal conflicts exist and are staffed by government employees.
- *Nongovernmental public defender offices* provide representation through written contracts between a government entity and a nonprofit entity.
- *Contract systems* provide representation through agreements between a government entity and private attorneys or for-profit firms.
- *Assigned or appointed counsel systems* provide representation through individual attorneys or law firms using attorneys appointed on a case-by-case basis.

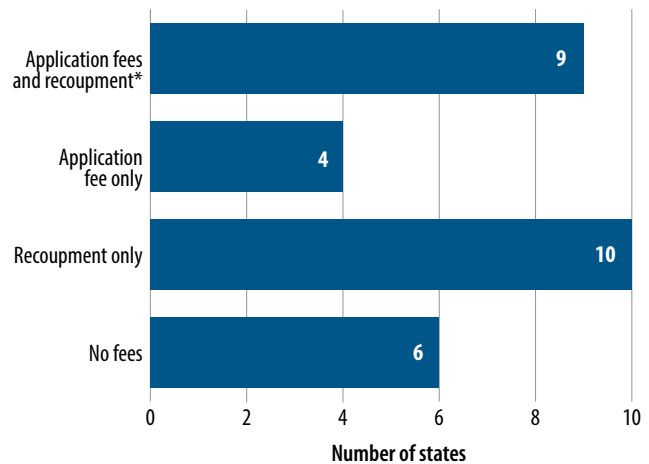
Numbers of public defenders

In 2013, state-administered indigent defense systems employed 6,564 full-time equivalent (FTE) litigating assigned or appointed counsel, 5,270 FTE litigating public defenders, and 1,793 FTE litigating contract counsel (numbers exclude states that did not respond to the survey). States ranged from a low of 40 FTE attorneys to a high of 1,810. Twenty-two states reported on public defender staffing in both the 2007 Census of Public Defender Offices and the 2013 National Survey of Indigent Defense Systems. During that 6-year period, 16 states reported an increase in the number of FTE litigating defenders.

Response times and caseloads

Ten states and the District of Columbia assigned an interim attorney to cases within 1 day of arrest, detention, or

States that collected fees for indigent defense, fiscal year 2013



Note: The fiscal year for states is July 1, 2012, through June 30, 2013, and for the District of Columbia, October 1, 2012, through September 30, 2013. If any office or delivery method required a fee or recoupment, it was presented for the entire state.

*Includes the District of Columbia.

Source: Bureau of Justice Statistics, National Survey of Indigent Defense Systems, 2013.

defendant's request for an attorney, and 19 states and the District of Columbia assigned a permanent attorney within 3 days. In 2013, indigent defense attorneys closed caseloads ranging from 50 cases per attorney to 590 cases per attorney. Twelve states and the District of Columbia maintained a standard caseload limit for their attorneys in 2013. Of those, five states indicated that those limits were mandatory and seven states indicated that attorneys could reject cases if their limit was exceeded.

Funding legal defense

State-administered indigent defense offices spent more than \$1 billion to provide indigent defense in 2013—of that, \$900 million covered personnel costs, including salaries and benefits for all full- and part-time employees. To offset these costs, eight states and the District of Columbia charged indigent clients both up-front application fees and recoupment. Four states charged an application fee ranging from \$10 to \$212. Ten states required recoupment, eight of which based the amount owed on a client's ability to pay. Six states did not charge clients application fees or recoupment.

The full report (*State-Administered Indigent Defense Systems, 2013*, NCJ 250249), related documents, and additional information about the Bureau of Justice Statistics can be found at www.bjs.gov.