

**FOR IMMEDIATE RELEASE:**

Friday, April 28, 2017

**CONTACT:**

ACLU-Idaho Leo Morales, 208-860-0925; [lmorales@acluidaho.org](mailto:lmorales@acluidaho.org)

ACLU National: [media@aclu.org](mailto:media@aclu.org); [\(212\) 549-2666](tel:2125492666)

## IDAHO SUPREME COURT RULES IN FAVOR OF ACLU IN PUBLIC DEFENSE CASE

*Unanimous decision sends case back to lower court for continuation*

BOISE, Idaho – The Idaho Supreme Court today ruled that the ACLU’s class action lawsuit challenging Idaho’s public defense system statewide will proceed. In a unanimous decision, written by Idaho’s Chief Justice, the Court said that the Idahoans who brought the suit had raised systemic violations of fundamental constitutional rights. The case will now proceed, for the courts to determine the extent of the violations. The lawsuit, called *Tucker v. State of Idaho*, was filed in 2015 by the ACLU, the ACLU of Idaho, and the global law firm Hogan Lovells.

The plaintiffs, four Idahoans appointed overburdened public defenders, brought the lawsuit on behalf of all those in Idaho facing criminal charges but unable to afford a criminal lawyer to defend them. The Idaho Supreme Court concluded that the plaintiffs had raised “systemic inadequacies” in Idaho’s public defense system, and that their allegations “illustrate violations of constitutional and statutory requirements.” About 1 in 3 Idahoans could not afford to hire a private attorney if they needed to do so.

“This is a monumental decision for all Idahoans,” said Jason Williamson, Senior Staff Attorney ACLU Criminal Law Reform Project. “Every day thousands of Idahoans walk into courtrooms to face well-resourced prosecutors, police, and sheriffs trying to take their liberty away. This case is about making sure that every Idahoan has a fair chance against these daunting odds, and that their public defenders have all the resources they need to adequately defend against the full weight of the government.”

The Supreme Court rejected the lower court’s conclusions that the plaintiffs had prematurely brought their lawsuit and that a court decision would violate the separation of government powers. “The Court’s decision today clears the way for the ACLU and Hogan Lovells to move forward with our challenge to Idaho’s public defense system. We will now commence the most careful, comprehensive investigation of this system’s continuing deficiencies ever conducted,” said Leo Morales, ACLU of Idaho executive director. “We will not be done until the work of the Public Defense Commission is not only complete, but has been converted into constitutional systems in every county, for every single Idaho family caught up in our criminal system, both now and in the future.”

This case was filed in June of 2015 in Idaho's Fourth District Court against the State of Idaho asking the court to force the state to fix its unconstitutional system of public defense. As a 2010 report from the National Legal Aid and Defender Association revealed, Idaho's county-based public defense system deprives thousands of Idahoans of their Sixth Amendment right to adequate legal representation and withholds the resources needed by public defenders to effectively represent those prosecuted by state government.

Today's Idaho Supreme Court opinion dismisses Idaho Governor Butch Otter as a defendant in the case, concluding that his connection to Idaho's public defense system is too indirect for him to be held accountable for Idaho's human rights violations regarding public defense. The class action lawsuit will continue, however, against both the State of Idaho itself as well as the members of its Public Defense Commission.

More information about the ACLU of Idaho's work on public defense is available at: <https://www.acluidaho.org/en/campaigns/public-defense-reform>

More information about the ACLU's work on public defense is available at: <https://www.aclu.org/issues/criminal-law-reform/effective-counsel>

More information about Hogan Lovells is available at: [www.hoganlovells.com](http://www.hoganlovells.com)

Link to court opinion: <http://www.isc.idaho.gov/opinions/43922.pdf>

###