



AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION

Idaho

# Questions and Answers

## about the Idaho public defense class action lawsuit

### What is the Idaho public defense lawsuit about?

The lawsuit is about the public defense system in Idaho. We are asking the court to rule that the public defense system is unconstitutional. Anyone facing jail, prison, or probation who cannot afford a lawyer has a right to a public defender. Public defenders are hard-working, dedicated lawyers. But the State of Idaho is not giving them what they need to do their job. Public defenders should have enough time to spend on each one of their cases. Public defenders should have investigators and experts to help them. People facing charges should be able to understand their choices and make good decisions. That takes public defenders who have time to talk their clients through their case and their choices. This lawsuit asks the court to order the State to make changes to the public defense system.

The case is called *Tucker v. State of Idaho*. It is in Idaho state court.

### The lawsuit is a class action. What is a class action?

A class action is a lawsuit that includes many people. The Idaho public defense lawsuit includes all people currently facing charges in Idaho state courts who cannot afford a lawyer. When the judge rules on the case, the ruling will affect all of those people.

## **How do I join the class action?**

You do not have to do anything to join the class action. You are automatically part of the class action if you can check off these three boxes:

- I am currently facing charges in Idaho state court.
- I could get jail, prison, or probation if I am convicted.
- I cannot afford the full cost of a private lawyer to defend me.

If you are only facing federal charges, you are not part of this class action.

## **What is going to happen next in the lawsuit?**

In spring 2019, the judge asked the Idaho Supreme Court to take the case. The case is now on appeal. Both sides will file briefs about the constitutional issues in the case and the Idaho Supreme Court will make a decision later in 2019 or in 2020.

## **What will happen if we win the lawsuit?**

If we win, the State will have to fix the Idaho public defense system. The judge will decide how to make sure the State fixes the system. The lawsuit does not ask for money for individuals.

## **How does this lawsuit help my case?**

The lawsuit may not directly affect your own case. If you have already been convicted, this lawsuit will not erase your conviction. If you have already been sentenced, this lawsuit will not change your sentence.

If you are facing charges now or if you are on appeal in your criminal case, you should talk with your lawyer about how this lawsuit might affect your case.

**My public defender is not able to do what needs to be done in my case. Who should I tell?**

You should tell the ACLU and the Idaho Public Defense Commission.

You can contact the ACLU online, by email, or by mail:

File a complaint online at: [intake.acluidaho.org](https://intake.acluidaho.org)

Email us at: [PublicDefense@acluidaho.org](mailto:PublicDefense@acluidaho.org)

Write to us at:

ACLU of Idaho  
Public Defense Class Action  
PO Box 1897  
Boise, ID 83701

You can write to the Public Defense Commission at:

Public Defense Commission  
816 W. Bannock Street  
Boise, ID 83702  
[info@pdc.idaho.gov](mailto:info@pdc.idaho.gov)

Do not share confidential details about your case. Just share basic info instead, like “My lawyer does not have time to return my calls,” or “There is no investigator in my case,” or “No lawyer was there to help me at my first court date.”

**Will the ACLU take my criminal case?**

Your public defender still represents you in your criminal case. Many people ask us for help, but we can only take two or three new cases a year. We mostly pick cases about basic human rights that affect a lot of people at one time. If you think your case is that kind of case, ask your public defender to contact us.

**How do I contact the ACLU and the lawyers working on the lawsuit?**

You can file a complaint or contact us online or through the mail.

File a complaint online at: [intake.acluidaho.org](https://intake.acluidaho.org)

Email us at: [PublicDefense@acluidaho.org](mailto:PublicDefense@acluidaho.org)

Write to us at:

ACLU of Idaho  
Public Defense Class Action  
PO Box 1897  
Boise, ID 83701