



Idaho

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Idaho Supreme Court Again Sides with ACLU in Public Defense Lawsuit

*Decision paves the way for structural changes
to Idaho's public defense system*

BOISE—On Thursday, April 8, the Idaho Supreme Court issued its latest decision in *Tucker v. State of Idaho*, the class action lawsuit over whether Idaho's public defense system is constitutional. The Supreme Court's unanimous ruling sets the standard in the lawsuit that will be used to determine whether Idaho's public defense system is unconstitutional, and largely adopts the standard proposed by the ACLU. The Court's standard focuses on whether the public defense system as a whole is structurally flawed, and does not require proof of ineffective assistance of counsel on a case-by-case or county-by-county basis.

"The ACLU applauds the Idaho Supreme Court's decision, which recognizes what plaintiffs have asserted all along: a public defense system that suffers from widespread, persistent structural deficiencies that jeopardize defendants' right to a lawyer would violate the Constitution," said ACLU Idaho Legal Director Ritchie Eppink. "The State of Idaho is robbing its people of their Sixth Amendment rights—and Idaho's public defenders are given an impossible task because the Idaho government has failed to set up a constitutional system and get them all the support they deserve. We now look forward to proving the crisis that system continues to wreak for Idaho families, communities, and local economies."

The new decision, written by Justice Gregory Moeller, received unanimous agreement from the Supreme Court's four other justices. The decision is the latest across the country in litigation challenging overburdened public defense systems, and other states may now look to the Idaho Supreme Court's latest opinion when evaluating the constitutionality of other systems.

The plaintiffs in the lawsuit are a class of all people in Idaho facing pending charges in Idaho courts but who cannot afford the full cost of a defense. The lawsuit was filed in 2015. In 2017, the Idaho Supreme Court ruled in favor of the plaintiffs, saying that the

case should proceed. In 2018, the District Court certified the lawsuit as a class action. The case will now continue under the legal standard that the Supreme Court set out in yesterday's decision.

The plaintiffs are represented by the American Civil Liberties Union, the ACLU of Idaho and the global law firm Hogan Lovells.

Read the full decision here:

https://www.acluidaho.org/sites/default/files/field_documents/published_opinion.pdf

Read more about *Tucker v. State of Idaho*:

<https://www.acluidaho.org/en/cases/tucker-v-state-idaho>

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About the ACLU of Idaho:

The ACLU of Idaho is a non-partisan, non-profit organization dedicated to the preservation and enhancement of civil liberties and civil rights. The ACLU of Idaho strives to advance civil liberties and civil rights through activities that include litigation, education and lobbying. Learn more at acluidaho.org.

About Hogan Lovells:

Global law firm Hogan Lovells is committed to ensuring access to justice and provides pro bono representation to organizations and people to bring about change. We donate our legal skills to help the wrongfully convicted, those fleeing persecution and violence, disenfranchised voters, the homeless and hungry, victims of human trafficking, and other underserved populations.