

ORGANIZATIONAL MODELS FOR PUBLIC DEFENDER AGENCIES

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A significant number of public defender agencies are supervised by a commission or a board. In most of these organizations, the commission or board is given statutory authority to appoint a chief public defender or executive director. This Memo sets out two different organizational models.

Attorney Model. A number of states in which a commission or board has the statutory authority to appoint a chief public defender or executive director require that the position must be filled by an attorney. States with this model include **Colorado** (public defender commission appoints the state public defender, who “shall have been licensed to practice law in this state for at least five years”); **Maryland** (Board of Trustees appoints a public defender, who “shall be an attorney admitted to practice law in the State”); **Massachusetts** (a committee for public counsel services “shall appoint a chief counsel, whose responsibilities and duties shall be defined by the committee and shall include, but not be limited to, the overall supervision of the workings of the various divisions of the committee.”); **Missouri** (a commission selects a director of the office of state public defender, who “shall be an attorney with substantial experience in the representation of persons accused of crime. He shall have experience in administration of personnel...”); **New Mexico** (public defender commission appoints a chief public defender); **North Carolina** (Commission on Indigent Defense Services appoints a director who “shall be an attorney licensed and eligible to practice..”); **North Dakota** (a commission on legal counsel appoints a director who “must be an attorney licensed and eligible to practice law..”); **Wisconsin** (a board shall appoint a state public defender “who shall be a member of the State Bar of Wisconsin.”)

Co-equal Model. The **Minnesota** model is structured differently: it appears to establish both an attorney and a chief administrator apparently in co-equal leadership roles. The agency is overseen by a Board of Public Defense. Statutes create the position of state public defender, which is responsible to the State Board. The State Board, with the

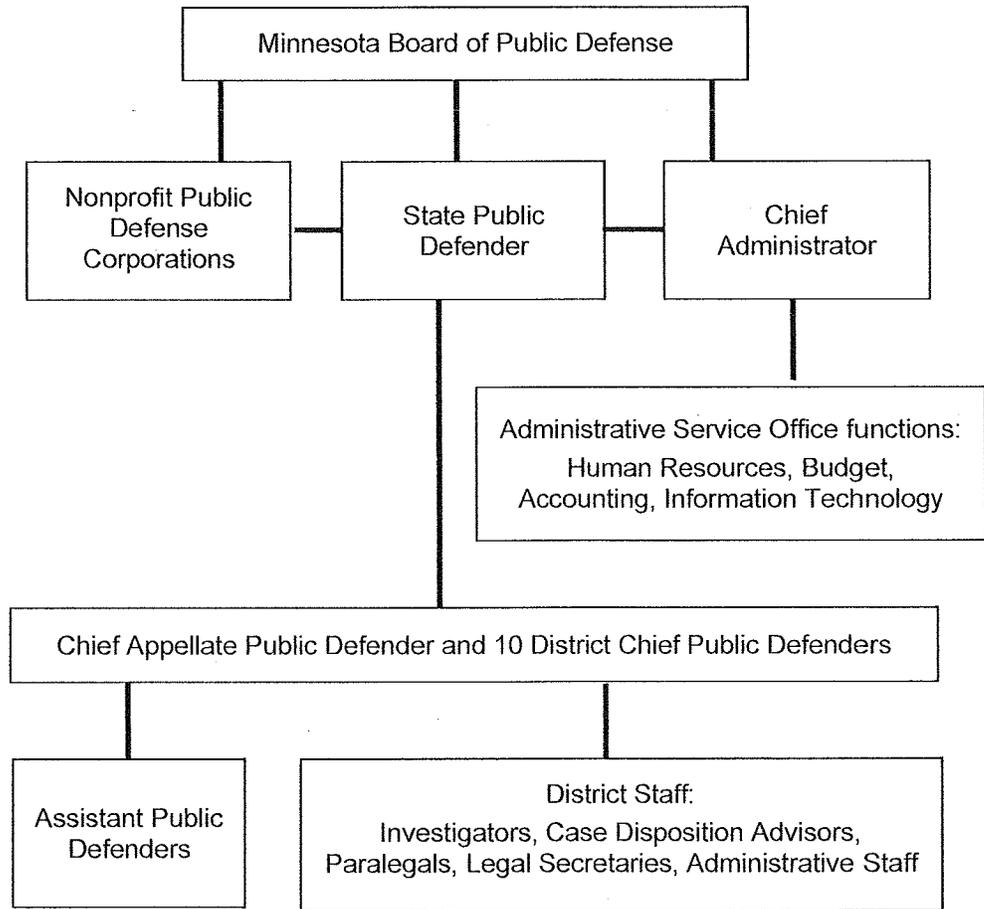
advice of the state PD, also shall appoint a chief administrator, who need not be an attorney. The statute setting out the chief administrator position is as follows:

Chief administrator. -- The State Board of Public Defense, with the advice of the state public defender, shall appoint a chief administrator who must be chosen solely on the basis of training, experience, and other qualifications, and who will serve at the pleasure of the State Board of Public Defense. The chief administrator need not be licensed to practice law. The chief administrator shall attend all meetings of the board, but may not vote, and shall:

- (1) enforce all resolutions, rules, regulations, or orders of the board;
- (2) present to the board and the state public defender plans, studies, and reports prepared for the board's and the state public defender's purposes and recommend to the board and the state public defender for adoption measures necessary to enforce or carry out the powers and duties of the board and the state public defender, or to efficiently administer the affairs of the board and the state public defender;
- (3) keep the board fully advised as to its financial condition, and prepare and submit to the board its annual budget and other financial information as it may request;
- (4) recommend to the board the adoption of rules and regulations necessary for the efficient operation of the board and its functions; and
- (5) perform other duties prescribed by the board and the state public defender.

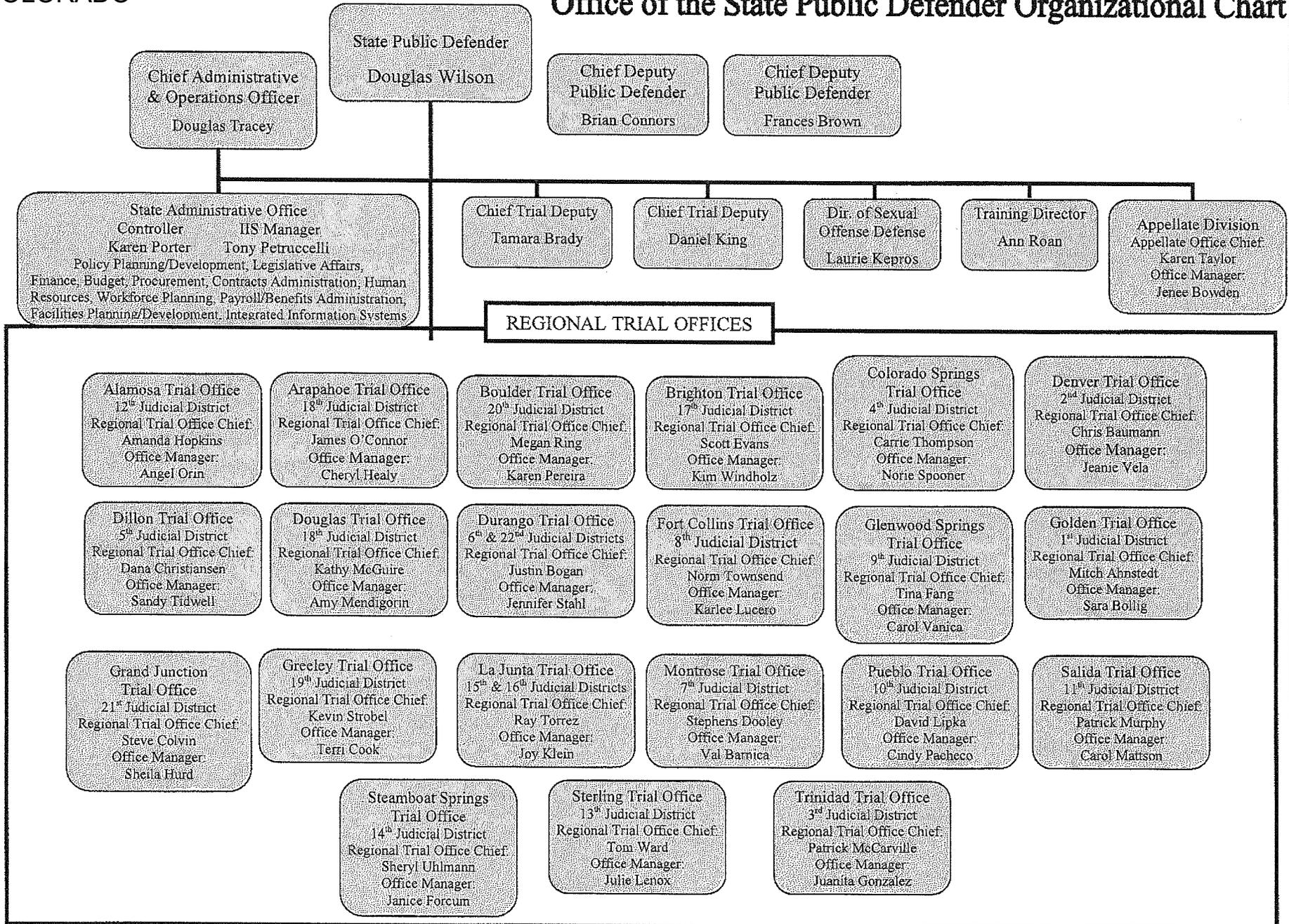
Minn. Stat. § 611.215 (2015).

Figure 1.1: Organization of the Minnesota Public Defender System, 2010



SOURCE: Office of the Legislative Auditor, analysis of *Minnesota Statutes* 2009, chapter 611.

Office of the State Public Defender Organizational Chart



MARYLAND

OFFICE OF PUBLIC DEFENDER

Governor Lawrence J. Hogan, Jr.

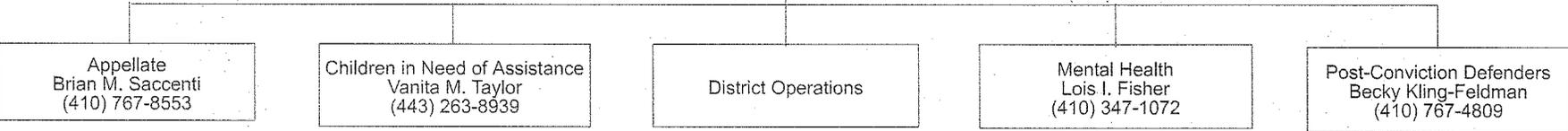
Michael A. Millemann
Chair
Board of Trustees

Paul B. DeWolfe, Jr.
Public Defender
(410) 767-8479

A. Stephen Hut General Counsel (301) 563-8941	Recruitment & Hiring Johanna C. Leshner (410) 767-8467
Information Technology Michael Cummings (410) 223-3754	Strategic Planning & Organizational Development Jonathan A. Rapping (410) 767-8479

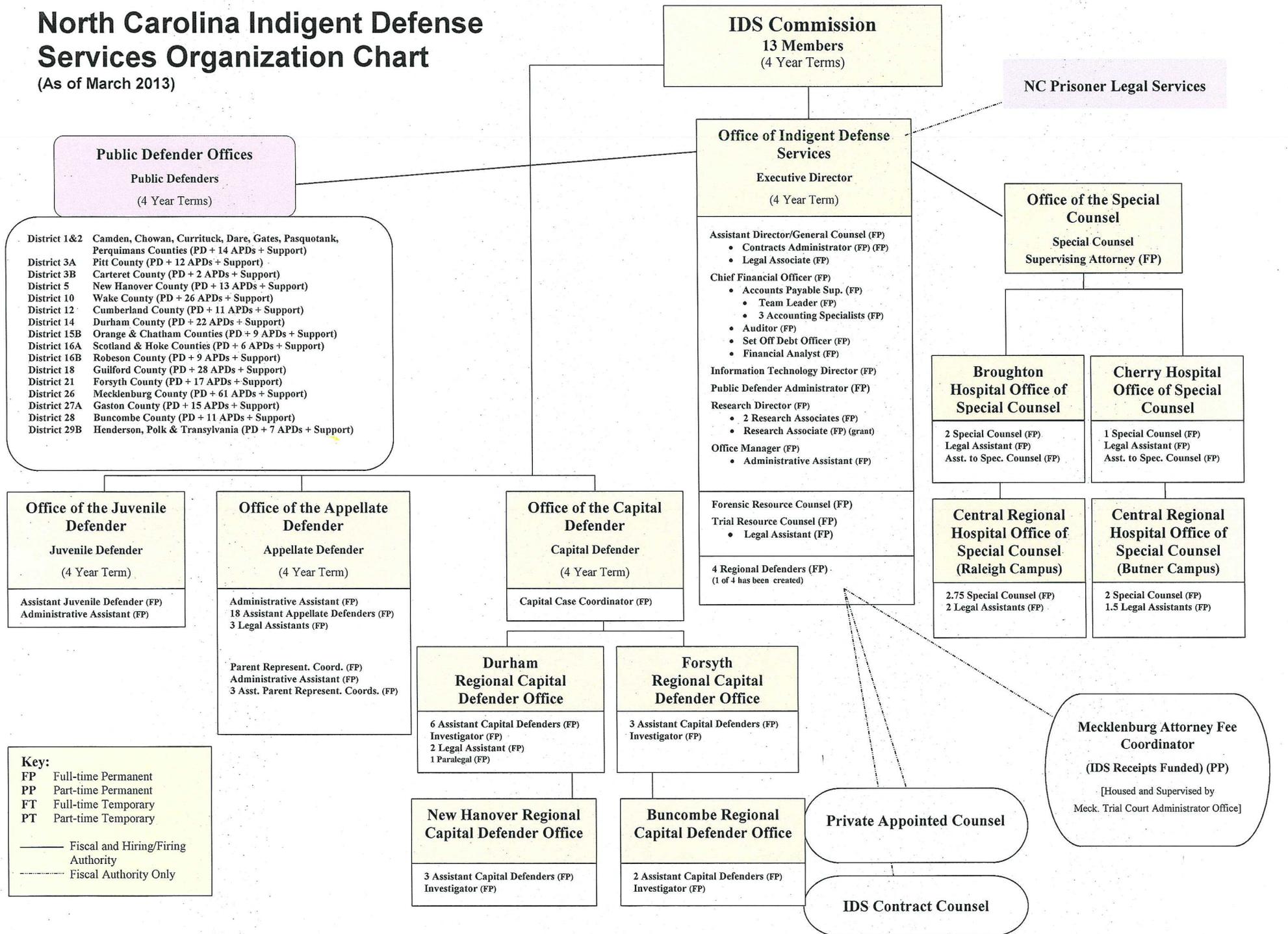
Charles H. (Chip) Dorsey III
Deputy Public Defender
(410) 767-8474

Training Mary Jo Livingston (410) 767-8468	Litigation Support Stephen B. Mercer (410) 767-5541
	Aggravated Homicide Katy C. O'Donnell (410) 767-9852
	Forensics Stephen B. Mercer (410) 767-5541
	Juvenile Protection Deborah St. Jean (410) 223-3783
	Social Work Lori James-Townes (410) 767-8469



North Carolina Indigent Defense Services Organization Chart

(As of March 2013)



- Public Defender Offices**
- Public Defenders
(4 Year Terms)
- District 1&2 Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans Counties (PD + 14 APDs + Support)
 - District 3A Pitt County (PD + 12 APDs + Support)
 - District 3B Carteret County (PD + 2 APDs + Support)
 - District 5 New Hanover County (PD + 13 APDs + Support)
 - District 10 Wake County (PD + 26 APDs + Support)
 - District 12 Cumberland County (PD + 11 APDs + Support)
 - District 14 Durham County (PD + 22 APDs + Support)
 - District 15B Orange & Chatham Counties (PD + 9 APDs + Support)
 - District 16A Scotland & Hoke Counties (PD + 6 APDs + Support)
 - District 16B Robeson County (PD + 9 APDs + Support)
 - District 18 Guilford County (PD + 28 APDs + Support)
 - District 21 Forsyth County (PD + 17 APDs + Support)
 - District 26 Mecklenburg County (PD + 61 APDs + Support)
 - District 27A Gaston County (PD + 15 APDs + Support)
 - District 28 Buncombe County (PD + 11 APDs + Support)
 - District 29B Henderson, Polk & Transylvania (PD + 7 APDs + Support)

Key:

FP Full-time Permanent
 PP Part-time Permanent
 FT Full-time Temporary
 PT Part-time Temporary

— Fiscal and Hiring/Firing Authority
 - - - Fiscal Authority Only

Office of the State Public Defender

