

Lawyers under pressure to find public-defender caseload cap solution

BY JARED GRAFMAN Sep 18, 2012 Updated Jun 12, 2015

COLUMBIA – The fix is easy: "More money for more public defenders," said Boone County District Defender David Wallis.

The moment of wishful thinking took place Tuesday morning in the law library of the Boone County Courthouse at a meeting of Boone County defense and prosecuting attorneys and judges with Callaway judges, prosecutors and defense attorneys teleconferencing into the gathering.

But without the funding needed to hire more public defenders and an Oct. 1 deadline looming for putting a cap on the number of cases defenders can take, the challenge for the group was finding solutions quickly to an old problem.

"We're on a short fuse on coming up with approaches for addressing [the caseload cap]," said 13th Circuit Presiding Judge Gary Oxenhandler.

With Oxenhandler running the meeting, the group came up with a few possible ways to cope with the cap including:

- Waiting to assign public defenders to misdemeanor cases if the person is not facing jail time.
- Not assigning probation violation cases to public defenders.
- Asking for [assistance from private attorneys](#).

Most of these solutions, however, probably won't bring the public defenders beneath the limit.

"If we took out misdemeanor cases, we're still at 106 percent capacity for August," Oxenhandler said, referring to an analysis of numbers from just Boone County Circuit Court from last month.

The monthly limit on public defender hours is the result of [a ruling by the Missouri Supreme Court earlier this year](#) that said judges could not assign cases to a public defender if the public defender was already working at capacity.

A [formula](#) was created to set the maximum number of cases the public defender's office can take on each month. The formula will limit the Boone County public defenders' office to 1,727 hours per month. The office will be required to assign specific hours depending on the case. For example, five hours are assigned for a misdemeanor case while 14 hours are assigned for a felony.

Wallis, in an interview after the meeting, said he could not provide numbers to compare to the 1,727 monthly limit. But he said that his office — District 13 — was at 186 percent of capacity for August and at 83 percent for September with the month just a little over halfway over.

Oxenhandler said that by the end of this week, he would draft a set of guidelines for the court to follow so the circuit can comply with the cap.