Failing Gideon

Utah's Flawed County-By-County Public Defender System

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EXECUTIVE SUMMARY

> *"[R]eason and reflection, require us to recognize that, in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth."*
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> - *Gideon v. Wainright*, 372 U.S. 335, 344 (1963).

Part I: *Gideon v. Wainwright* and the Right to Counsel

The United States Constitution is the supreme law of the land protecting all citizens of the United States and all those residing within it. It is against that backdrop that our individual rights must be considered and protected.

In the popular culture of the United States, we are generally familiar with the Fourth Amendment (the right against unreasonable searches and seizures), the Fifth Amendment (the right against compelled self-incrimination), and—of course—the First Amendment (protections for freedom of speech and the press, and to freedom of religion). Although we are generally less familiar with the Sixth Amendment, the rights it protects are no less important (U.S. Const., amend. VI (emphasis added)[1]):

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed . . . to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

The Supreme Court has interpreted the Sixth Amendment to guarantee, among other rights, the right to state-appointed attorneys for all individuals accused of state crimes[2] who face the possibility of incarceration if convicted of the crimes with which they are charged.[3] *Gideon v.*

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[1] Like the United States Constitution, the Utah State Constitution provides: "In criminal prosecutions the accused shall have the right to appear and defend in person and by counsel . . . ." Utah Const. art. I, § 12.

[2] *Gideon* dealt only with the right to counsel in state criminal prosecutions. Years earlier, in *Johnson v. Zerbst*, 304 U.S. 458 (1938), the Supreme Court concluded that indigent defendants accused of crimes in federal court were entitled to court-appointed counsel.

[3] Two other cases decided by the Supreme Court in 1972, *Argersinger v. Hamlin*, 407 U.S. 25, and 2002, *Alabama v. Shelton*, 535 U.S. 654, respectively, affirmed that the Sixth Amendment guarantee of counsel encompasses the appointment of counsel for individuals accused of misdemeanors in state court, even if the jail sentence to be imposed is later suspended.

Wainwright, 372 U.S. 335, 344 (1963) (noting that, although "[t]he right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, . . . it is in ours").

Where the accused individual is too impoverished to retain and pay for his own attorney, the Supreme Court has recognized that it is incumbent on the state to provide counsel. *See Gideon*, 372 U.S. at 344. As the *Gideon* Court recognized (*id.*):

> From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him.

Relying on language from *Powell v. Alabama*, 287 U.S. 45, 68-69 (1932),[4] a case establishing the right to appointed counsel in capital cases, the *Gideon* Court explained:

> Even the intelligent and educated layman has small and sometimes no skill in the science of law. . . . Left without the aid of counsel, he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the

[4] *Powell v. Alabama* is also infamously known as the Scottsboro Boys case. The "Scottsboro Boys" were nine black teenage boys accused of raping two white women in Alabama in 1931. They were tried together in front of an all-white jury only twelve days after their arrest. "[U]ntil the very morning of the trial, no lawyer had been named or definitely designated to represent the defendants." *Powell*, 287 U.S. at 56. On the morning of trial, all defendants were deemed to be represented by two attorneys who were inexperienced in criminal law and, in any event, were given no time to investigate or otherwise to prepare an adequate defense. *Id.* at 57. Eight of the nine defendants were convicted and sentenced to death. *Id.* at 50. Conceding that the Sixth Amendment guaranteed the right to counsel, *id.* at 66, the Supreme Court reversed the convictions on the additional ground that due process had been violated by defense counsel's lack of time and opportunity to prepare an adequate defense. *Id.* at 71 ("[U]nder the circumstances just stated, the necessity of counsel was so vital and imperative that the failure of the trial court to make an effective appointment of counsel was likewise a denial of due process within the meaning of the Fourteenth Amendment.").

> danger of conviction because he does not know how to establish his innocence.

The Supreme Court has also held that state- or court-appointed attorneys may not be just anyone, with any set of skills (or lack thereof). Instead, "the right to counsel is the right to the effective assistance of counsel."[5] *Strickland v. Washington*, 466 U.S. 668, 686 (1984) (emphasis added) (citing *McMann v. Richardson,* 397 U.S. 771 n.14 (1970)); *see also Cuyler v. Sullivan,* 446 U.S. 335, 344 (1980) ("The right to counsel prevents the States from conducting trials at which persons who face incarceration must defend themselves without adequate legal assistance." (emphasis added)).

The constitutional mandate is clear and cannot be gainsaid: individuals who are accused of committing crimes for which jail time might be assessed are entitled to appointment, by the state, of constitutionally adequate, effective public defenders. And this right matters to more than just a few people; some estimate that as many as four out of every five people accused of crimes are eligible for court-appointed counsel.[6]

Part II: Public Defense Systems in Utah and Elsewhere

There are three primary models for the provision of public defense services in the United States: (i) public defender offices, which have full- or part-time salaried employees who provide public defense services, often from a single, centralized office with support staff and supportive resources (e.g., Salt Lake County, Utah County); (ii) assigned counsel, who are private sector attorneys appointed as necessary on a case-by-case basis, usually with an agreement that they will be paid hourly (e.g., Daggett County); and (iii) contract counsel, who are private sector attorneys selected to provide on-going public defense services on a contract basis for a set contractual fee. Most Utah counties follow the contract counsel model.

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[5] Although seemingly simple on its face, enforcing the requirements of "effectiveness" and "adequacy" has proven difficult. Even in cases where counsel have been caught sleeping or using drugs in court, or shown up admittedly unprepared, courts have been loathe to find that the services provided by counsel were constitutionally "ineffective." *See* David Cole, No Equal Justice: Race and Class in the American Criminal Justice System (NY, NY: The New Press 1999), at 78-79, *cited in* Justice Policy Institute, System Overload: The Costs of Under-Resourcing Public Defense (July 2011) ("2011 JPI Report"), at 3 & n.15, *available at* http://www.justicepolicy.org/research/2756 (last visited Aug. 11, 2011).

[6] *See* 2011 JPI Report, supra note 5, at 2 & n.3 (citing, in turn, Scott Wallace & David Carroll, Implementation and Impact of Indigent Defense Standards (Wash., D.C.; Nat'l Legal Aid & Defender Ass'n 2003), at i, *available at* www.ncjrs.gov/pdffiles1/nij/grants/205023.pdf (last visited Aug. 11, 2011)).

Although the constitutional obligation to provide adequate, effective attorneys rests with the state, the State of Utah fails to live up to its constitutional obligation. We are not the first to draw this conclusion; almost 20 years ago, a task force commissioned by the Utah Supreme Court found that there was such "a significant problem with inconsistent appellate representation of indigents," that it recommended the creation of a statewide appellate public defenders' office.[7] Utah never adopted that recommendation, and what we found (*see* discussion infra at pp. 12-84 & Appendix A hereto) indicates that its commitment to trial-level public defender services is no better.

Utah is one of only two states in the United States—Pennsylvania is the other—that provides no state funding or oversight of public defense services within the state.[8] Instead, in what is essentially an unfunded mandate, Utah requires that each of its 29 counties bear the full financial and administrative responsibility for providing constitutionally adequate public defense services to those who require them. *See* Utah Code Ann. § 77-32-301 (stating that "[e]ach county, city, and town shall provide for the defense of an indigent . . ."). With no state support or oversight, counties in Utah spend an average of only approximately $5.22[9] per capita on public defense services, which is only 44 percent of the national average of $11.86.[10]

County-, as opposed to state-, based funding of public defender services is "often criticized because it can create 'patchwork' systems in

[7] Judicial Council, Task Force on Appellate Representation of Indigent Defendants, Final Report (Sept. 14, 1994), at 2, 5. A second Appellate Task Force was formed in 2008 ("2008 Appellate Task Force"). *See* Judicial Council, Study Comm. on Appellate Representation of Indigent Criminal Defendants, Final Report (Jan. 6, 2011) ("2011 Utah Appellate Task Force Report"), at 1. The 2011 Utah Appellate Task Force Report again found significant problems with Utah's provision of public defender services on appeal, s*ee*, *e.g.*, *id*. at 3-4 (summarizing task force findings and recommendations), and the work of the task force encouraged the Judicial Council to commission a similar group to study trial-level public defender services.

[8] Nat'l Legal Aid & Defender Association, Gideon's Unfulfilled Promise: The Right to Counsel in America (Jan. 31, 2008) (draft report) ("Gideon Unfulfilled"), at 9 (on file with the ACLU of Utah). This is so despite the fact that many states, post-*Gideon*, "have been moving towards full or greater statewide funding, recognizing that statewide funding structures offer a number of advantages." *See* 2011 JPI report, supra note 5, at 4.

[9] Nat'l Legal Aid & Defender Association, A Race to the Bottom: Speed and Savings Over Due Process: A Constitutional Crisis (2008) ("2008 NLADA Report") at iii, *available at* http://www.mynlada.org/michigan/michigan_report.pdf (last visited July 3, 2011).

[10] *See id.* at 7. Admittedly, relying on per capita estimates is an imperfect measure, as it necessarily overvalues monies spent in counties with high numbers of transient workers, visitors, and others. So, for example, using the per capita measure in a place like Uintah County, which has high numbers of transient oil field and other seasonal workers, may create the impression that the public defense system is more adequately funded than it really is.

which access to justice could depend on which side of the county line a person is arrested."[11] And the problem of "patchworks" extends far beyond just money. Although the Utah Code of Criminal Procedure sets forth minimum standards for public defense—including, for example, that the state "afford timely representation by competent legal counsel," "provide the investigatory resources necessary for a complete defense," and "assure undivided loyalty of defense counsel to the client," *see* Utah Code Ann. § 77-32-301(2)-(4)—few, if any, of the counties studied in this report have in place any systems to monitor whether those minimum standards are being satisfied, let alone systems for corrective action if they are not. The State of Utah, perhaps not surprisingly, is wholly absent from that process.

Part III: Methodology of This Report

In 2008, the ACLU of Utah sent public information requests under the Utah Government Records Access and Management Act, 63G-2-101, *et seq.*, to each of Utah's 29 counties.[12] Each GRAMA request sought information pertaining to the county's individualized system for providing public defense, including:

- Qualifications for public defenders;
- Procedures for advertising and evaluating bids for public defender contracts;
- Public defender contract terms;
- Public defense budgets; and
- Systems to track public defender caseloads, quality of services provided, and actual or potential conflicts of interest.

We requested similar information from each County Attorney's office so that we could compare resources between the two.[13]

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[11] *See* 2011 JPI Report, supra note 5, at 4 & n.21 (citing April 27, 2011, telephone interview with James Neuhard, Former Director of the State Appellate Defender Office of Michigan). Michigan's constitutionally deficient public defense system is under legal challenge by the ACLU of Michigan in a case entitled *Duncan v. Michigan*. Information on that case is available at http://www.aclu.org/racial-justice/duncan-et-al-v-state-michigan-executive-summary (last visited Aug. 5, 2011). Similar lawsuits have been brought by various ACLU affiliates in, for example, Montana, *see* http://www.aclu.org/racial-justice/aclu-files-class-action-lawsuit-against-montanas-indigent-defense-program (last visited Aug. 5, 2011), and New York, *see* http://www.nyclu. org/node/1483 (last visited Aug. 5, 2011) and http://www.nytimes.com/2010/03/16/ nyregion/16defenders.html?scp=1&sq=%22public%20defenders%22&st=cse (last visited Aug. 5, 2011).

[12] A sample ACLU of Utah GRAMA request from 2008 is attached to this report in Appendix B.

[13] Our desire to compare the two is hardly surprising. As the Supreme Court noted in *Gideon*, the significant monetary resources spent on prosecutors and, where possible, criminal

After analyzing the documents received in connection with our 2008 GRAMA requests, we realized that an analysis of all 29 counties would be unwieldy, at best. We decided instead to analyze the public defender systems in a smaller, but diverse, array of counties[14]: Box Elder County, Daggett County, Duchesne County, Iron County, Kane County, San Juan County, Sevier County, Uintah County, and Weber County. We also began the process of increasing public awareness of the problems we saw as we examined public defender systems across the state.[15]

In 2009, to ensure that we had the most updated information possible, we—now in cooperation with the University of Utah, S.J. Quinney College of Law Civil Rights Clinic (under the supervision of Associate Professor of Law Emily Chiang)—sent each county a second GRAMA request, and followed up in some counties with additional correspondence in 2010.[16] We also relied on publicly available information such as county commission board minutes, public officials' salaries, and budget information filed annually by the counties with the State Auditor's Office. We conducted interviews and observed court proceedings in the targeted counties, and sent additional public information requests to third parties, such as the Utah Administrative Office of the Courts. We also obtained and analyzed hundreds of reports from Utah residents who had received public defender services in the various counties.[17]

We then compiled and compared all the data against information from other states describing their public defender systems, and published reports assessing the pros and cons of various forms of public defender systems throughout the country. We also assessed the information we

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defense attorneys reflect vital truths about our criminal justice system. *See* 372 U.S. at 344 ("That government hires lawyers to prosecute and defendants who have the money hire lawyers to defend are the strongest indications of the widespread belief that lawyers in criminal courts are necessities, not luxuries."). Our comparison of the budgets of public defenders who defend against criminal accusations versus the county attorneys who prosecute them was, in a word, alarming. *See* discussion infra at pp. 7-10 & Appendix A.

[14] We felt strongly that demographic diversity was important. We realized, for example, that to look only at Davis, Summit, and Weber Counties would necessarily skew the data toward problems inherent in urban areas, while to ignore them completely in favor of more rural counties such as Carbon, San Juan, and Wayne would skew the data in the opposite direction. We also wanted to analyze the public defender systems in counties from throughout the state, rather than, for example, only those on the Wasatch Front.

[15] *See*, *e.g.,* Marina Lowe, *Indigent Defense in Utah: Constitutionally Adequate?*, Utah Bar Journal (Utah Bar Ass'n, Nov./Dec. 2009).

[16] A sample ACLU of Utah GRAMA request from 2009 is attached to this report in Appendix B.

[17] Although anecdotal, we found these reports to be helpful evidence when assessing the on-the-ground effects of each county's public defense system.

collected against, for example, published reports analyzing funding of public defense nationwide,[18] and national standards for public defense systems such as the American Bar Association's ("ABA") Ten Principles of a Public Defense Delivery System[19] and the U.S. Department of Justice National Advisory Commission ("NAC") standards for public defender caseloads.[20]

Part IV: Summary Results

What we saw confirmed that our initial concerns were well-founded: in every county we studied, the public defender system fails *Gideon* in almost every (if not every) respect.

Public defenders in the counties we studied appear to be chronically underfunded and overworked, with some handling caseloads that, based on the contract fee, result in $400 (or less) per felony or felony equivalent.[21] Those same caseloads may result in an average of less than 10 hours to spend on each such case.[22] And those figures don't (and can't) fully account for either the non-case-related expenses that these public defenders must deduct from their contract fee for overhead and other costs (such as

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[18] *See*, *e.g.*, 2008 NLADA Report, supra note 9; 2011 JPI Report, supra note 5; Gideon Unfulfilled, supra note 8.

[19] *See* American Bar Association, Ten Principles of a Public Defense Delivery System (Feb. 2002) ("ABA Ten Principles"), at 1, *available at* http://www.americanbar.org/content/dam/aba/migrated/legalservices/downloads/sclaid/indigentdefense/tenprinciplesbooklet.pdf (last visited July 4, 2011).

[20] NAC guidelines state: "[T]he caseload of a public defender office should not exceed the following: felonies per attorney per year: not more than 150; misdemeanors (excluding traffic) per attorney per year: not more than 400; juvenile court cases per attorney per year: not more than 200; Mental Health Act cases per attorney per year: not more than 200; and appeals per attorney per year: not more than 25." U.S. Dept. of Justice, Nat'l Advisory Comm'n on Criminal Justice Standards & Goals, Task Force on Courts, Courts § 13.12 (1973).

[21] "Felony equivalent" case totals were derived by dividing the attorney's misdemeanor caseload by 2.66 (the relative felony weight under standards promulgated by NAC) and adding that number to the attorney's felony caseload. "Other" or "miscellaneous" cases are not included in the NAC felony equivalent for lack of a standard weight, but they are included in the "Total Cases" calculation.

[22] As one study notes: "One of the single most important impediments to the furnishing of quality defense services for the poor is the presence of excessive caseloads. . . . Unfortunately, not even the most able and industrious lawyers can provide quality representation when their workloads are unmanageable. Excessive workloads, moreover, lead to attorney frustration, disillusionment by clients, and weakening of the adversary system." American Bar Association, Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases (revised ed. Feb. 2003) ("ABA Guidelines For Death Penalty Cases"), at 39 (quoting American Bar Association Standards For Criminal Justice: Providing Defense Services, Standard 5-5.3 cmt. (3d ed. 1992)), *available at* http://www.nacdl.org/sl_docs.nsf/issues/ABADPGuidelines/$FILE/ABA_DPGuidelines2003.pdf (last visited July 4, 2011).

insurance or continuing education) or for the additional civil or other matters they might handle outside their criminal docket.

Moreover, after comparing each county's public defense budget against the budget for the various county attorneys, we found staggering discrepancies. Public defender budgets routinely fall in the range of 25-35 percent of the county attorneys' budgets, with little or no monies set aside in the public defense budgets for investigative, expert, or other resources necessary to build an adequate defense in many cases. A full budget comparison for all nine counties included in this report is contained in Appendix A. Not surprisingly, chronic underfunding of public defense systems can, in the end, generate additional, hidden costs to the taxpayers in the form of over-incarceration both pre- and post-trial, increased pressure to plead guilty, and wrongful convictions.[23]

Note, as well, that this already-alarming resource disparity doesn't take into account the numerous non-budgeted resources available to county attorneys, but not to public defenders, in support of the counties' criminal prosecutions. Those resources include, but are not limited to: ready access to law enforcement; state-funded forensic services; expert witnesses; state-funded prosecutors for juvenile and certain other cases; and free or low-cost continuing legal education classes provided by the Utah Prosecution Council and others. In addition, there are potentially substantial funds available to the various county attorneys' offices through the Utah Statewide Association of Prosecutors.

Equally troubling, in many counties we examined, we learned that the county attorney (or other potentially biased individual) has a hand in selecting which attorneys will be awarded the public defender contracts. We further learned that, in every county we examined, there are no formal systems in place to track public defender caseloads, monitor performance, screen for conflicts of interest, or otherwise to oversee the on-going provision or quality of public defender services.

Finally, in no county we studied were there sufficient (if any) minimum qualifications or criteria to actually be a public defender. As a result, some of the public defenders we saw are extremely new to the practice of law, e.g., 2-3 years out of law school, which means they have little to no prior experience with criminal (or any other) law, and some have produced such dubious work product as to have been repeatedly chastised by the courts.

[23] *See*, *e.g.*, 2011 JPI Report, supra note 5, at 18-27.

When comparing these nine Utah counties against the ABA's Ten Principles, it is not hard to see why a 2008 national report determined that Utah was rightfully placed in the author's lowest possible category, "Gideon Ignored."[24] Indeed, as viewed against each and every of the Ten Principles, the realities of Utah's county-by-county public defender system indicate systemic failure:

ABA PRINCIPLE	**UTAH REALITY**
1- The public defense function, including the selection, funding, and payment of defense counsel, is independent.	County attorneys routinely help select public defenders, and may also help negotiate the terms of their contracts.
2- Where the caseload is sufficiently high, the public defense delivery system consists of both a defender office and the active participation of the private bar.	There are no systems in place to track caseloads, and thus little to no ability to engage the private bar when necessary.
3- Clients are screened for eligibility, and defense counsel is assigned and notified of appointment, as soon as feasible after clients' arrest, detention, or request for counsel.	We were advised that clients often wait weeks for even initial meetings with their public defenders, and that those meetings often occur at the courthouse in the 5-10 minutes before court appearances.
4- Defense counsel is provided sufficient time and a confidential space within which to meet with the client.	See above.
5- Defense counsel's workload is controlled to permit the rendering of quality representation.	There are no systems in place to track caseloads or quality of representation.
6- Defense counsel's ability, training, and experience match the complexity of the case.	There are few, if any, written criteria or minimum qualifications for public defenders, and no on-going monitoring of ability or training.
7- The same attorney continuously represents the client until completion of the case.	Unknown.
8- There is parity between defense counsel and the prosecution with respect to resources and defense counsel is included as an equal partner in the justice system.	Resource disparities are significant, with county attorneys routinely receiving 3-5 times the budget allocated to public defense.
9- Defense counsel is provided with and required to attend continuing legal education.	There are no requirements for continuing education, and public defender contracts rarely include any monies set aside for that purpose.
10- Defense counsel is supervised and systematically reviewed for quality and efficiency according to nationally and locally adopted standards.	There are no procedures in place to supervise public defenders, or to monitor the quality or efficiency of their services.

[24] *See* Gideon Unfulfilled, supra note 8, at 7.

Overall, we determined that, in most counties we studied, public defenders' caseloads are so high as to effectively preclude "timely representation" of their indigent clients. *See* Utah Code Ann. § 77-32-301(2). And, in many counties, those caseloads may also be so high as to render "competent" representation impossible—regardless of the dedication or skill of the public defender.

Similarly, there is a systemic deficiency in providing the "investigatory resources necessary for a complete defense," *id*. at § 77-32-301(3), and no systems whatsoever to ensure the "undivided loyalty of defense counsel to the client," *id.* at § 77-32-301(4).

Finally, because in none of the counties we studied were public defenders precluded from maintaining private practices, the counties' complete failure to monitor caseloads and conflicts may cause problems not just when the public defender has conflicts as between his court-appointed clients, but also when the public defender must weigh the needs of court-appointed clients against those clients who are willing and able to pay an hourly rate.

Part V: Conclusion

As discussed above, and as more fully detailed below, the State of Utah's county-by-county public defense system is constitutionally inadequate. It places at risk not just the rights set forth in the Sixth Amendment of the United States Constitution and article I, section twelve of the Utah State Constitution, but also the lives and livelihoods of every single Utah resident who is accused of committing a crime and who cannot afford to retain private counsel.

The risks of such a deeply flawed system should not be viewed in the abstract. Consider what you would do if your daughter or son were charged with a felony—rightfully or wrongfully—and the case were assigned to a public defender who had only 10 hours to devote to the case, or whose compensation for the matter would come out to only $400 no matter the outcome. And then ask yourself: would that be enough for you? Because if the answer is no, then your answer should similarly be "no" when Utah's underfunded, under-resourced, and under-managed county-by-county public defense system affects anyone's daughter, or anyone's son, anywhere in Utah.

Of course, recognizing the myriad problems presented by Utah's county-by-county public defense system is only the first step in formulating and implementing a solution. Certainly, the state must be held to the

constitutional mandate set forth in the Sixth Amendment and acknowledged in *Gideon*; the quality of justice meted out in the State of Utah's criminal courts cannot depend on the wealth of the accused, or on the location of her arrest or trial. But there are conceivably a number of approaches that could lead to crafting a solution of county and state involvement that would be responsive to Utah's political and geographic realities. Whether assistance from the state comes in the form of statewide standards and oversight of county or regional public defender offices, coupled perhaps with substantial funding allocated by the state to subsidize counties' public defense budgets, or in some other form, it cannot reasonably be disputed that assistance from the state, in one form or another, is necessary.

Hopefully, this report will add to—or, for some, spark the beginning of—important discussions by and among the stakeholders throughout the state who, like the ACLU of Utah, care deeply about finding a solution to Utah's constitutional failures.[25] This includes not only the elected officials and other political leaders who have the power to enact change, but also the judges, public defenders, prosecutors, private sector criminal defense attorneys, and others who—by sharing their observations and expertise—can help lead the way.

[25] We note, for example, the on-going efforts of the current Judicial Council task force on trial-level public defense. Supra note 7. Those individuals—many of whom also served on the 2008 Appellate Task Force, *see id.*—reflect a diverse array of backgrounds and political interests. We believe they also share our goal of effecting significant, meaningful, and long-lasting changes to ensure that the State of Utah starts meeting its constitutional obligations under *Gideon*.