

PROGRAM NARRATIVE**188 Commission on Legal Counsel for Indigents****Date:** 12/07/2012**Time:** 14:12:12**Program:** Counsel for Indigents Operations**Reporting level:** 00-188-100-00-00-00-00000000**Program Performance Measures**

The Commission oversees the administrative office and evaluates the Executive Director, who, in turn, evaluates staff of the administrative office and staff of the public defender offices (after the Supervising Attorney performs his/her evaluation). Attorneys for the agency must meet standards provided in the Rules of Professional Conduct and State Bar Association of North Dakota.

Attorneys contracted with our agency must meet the Minimum Performance Standards as adopted by our agency, as well as standards provided in the Rules of Professional Conduct and State Bar Association of North Dakota. Attorneys contracted with our agency must provide to us updated proof of malpractice insurance as well as any disciplinary complaints. They also must stay current in their case reporting duties.

Program Statistical Data

The contract attorneys in North Dakota are assigned roughly 56% of our total cases in a year's time. The full-time public defenders handle the remaining 44% of the cases. We assign approximately 10,000 cases a year throughout the state of North Dakota, with the majority of those cases being criminal cases, next followed by juvenile court assignments.

Explanation of Program Costs

The majority of costs for our program include fees for non-contract attorneys (who handle conflict cases), monthly fees paid to contract attorneys, and salaries and benefits for the agency's 30 full-time employees and 8 part-time employees. Other significant costs would include the administrative costs of running the offices, IT costs, travel for employees, and support services (medical experts, private investigators, and mental evaluations) for cases attorneys to which attorneys are assigned.

Program Goals and Objectives

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The goal of our program is to provide adequate licensed counsel for indigent persons who qualify for counsel in accordance with adopted indigency guidelines. (We utilize the Federal Poverty Guidelines in our indigency determinations). If a person earns more than 125% of the Federal Poverty Guidelines, then he or she will most likely not qualify for appointed counsel. (There are some qualifying factors to consider). Our goal is to have our attorneys meet performance guidelines and rules of professional responsibility in their legal representation of their client to insure that the client is adequately represented in the court system.

REQUEST DETAIL BY PROGRAM188 Commission on Legal Counsel for Indigents
Biennium: 2013-2015

Bill#: SB2022

Date: 12/07/2012

Time: 14:12:12

Program: Counsel for Indigents Operations Reporting Level: 00-188-100-00-00-00-00000000

Description	Expenditures 2009-2011 Biennium	Present Budget 2011-2013	Budget Request Change	Requested Budget 2013-2015 Biennium	Optional Request 2013-2015
Legal Counsel for Indigents					
Salaries - Permanent	3,182,863	3,486,556	26,879	3,513,435	432,864
Temporary Salaries	145,457	246,480	75,036	321,516	0
Fringe Benefits	1,138,696	1,294,251	50,029	1,344,280	189,702
Travel	180,810	218,440	0	218,440	0
Supplies - IT Software	3,108	3,000	0	3,000	0
Supply/Material-Professional	66,625	58,300	0	58,300	0
Miscellaneous Supplies	4,218	6,100	0	6,100	0
Office Supplies	39,836	32,500	0	32,500	0
Postage	38,537	32,000	0	32,000	0
Printing	8,263	12,700	0	12,700	0
IT Equip Under \$5,000	22,682	23,600	0	23,600	0
Other Equip Under \$5,000	4,954	11,000	0	11,000	0
Office Equip & Furn Supplies	20,176	17,500	0	17,500	0
Insurance	410	1,150	0	1,150	0
Rentals/Leases-Equip & Other	1,222	2,500	0	2,500	0
Rentals/Leases - Bldg/Land	294,247	389,407	0	389,407	0
Repairs	3,116	5,100	0	5,100	0
IT - Data Processing	103,660	120,444	0	120,444	0
IT - Communications	73,817	78,136	0	78,136	0
IT Contractual Srvcs and Rprs	19,288	19,804	0	19,804	0
Professional Development	51,628	50,700	0	50,700	0
Operating Fees and Services	85,238	110,650	0	110,650	0
Fees - Professional Services	5,160,305	5,558,964	494,677	6,053,641	1,201,732
IT Equip/Sftware Over \$5000	33,830	0	0	0	0
Total	10,682,986	11,779,282	646,621	12,425,903	1,824,298
Legal Counsel for Indigents					
General Fund	9,429,666	9,808,430	133,832	9,942,262	1,824,298
Federal Funds	0	0	0	0	0
Special Funds	1,253,320	1,970,852	512,789	2,483,641	0
Total	10,682,986	11,779,282	646,621	12,425,903	1,824,298
Total Expenditures	10,682,986	11,779,282	646,621	12,425,903	1,824,298

Funding Sources**General Fund**

Total	9,429,666	9,808,430	133,832	9,942,262	1,824,298
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Description	Expenditures 2009-2011 Biennium	Present Budget 2011-2013	Budget Request Change	Requested Budget 2013-2015 Biennium	Optional Request 2013-2015
Special Funds					
282 Indigent Defense Admin. Fund	1,253,320	1,970,852	512,789	2,483,641	0
Total	1,253,320	1,970,852	512,789	2,483,641	0
Total Funding Sources	10,682,986	11,779,282	646,621	12,425,903	1,824,298
FTE Employees	30.00	30.00	0.00	30.00	5.00

CHANGE PACKAGE DETAIL

188 Commission on Legal Counsel for Indigents
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Program: Counsel for Indigents Operations **Reporting Level:** 00-188-100-00-00-00-00000000

Description	Priority	FTE	General Fund	Federal Funds	Special Funds	Total Funds
Base Budget Changes						
One Time Budget Changes						
A-B 100 Oil Impact Ind Def Fund		0.00	0	0	500,000	500,000
Total One Time Budget Changes		0.00	0	0	500,000	500,000
Ongoing Budget Changes						
A-A 7 Base budget reduction		0.00	(5,323)	0	0	(5,323)
Base Payroll Change		0.00	139,155	0	12,789	151,944
Total Ongoing Budget Changes		0.00	133,832	0	12,789	146,621
Total Base Budget Changes		0.00	133,832	0	512,789	646,621
Optional Budget Changes						
One Time Optional Changes						
A-D 100 Oil Impact	2	0.00	1,500,000	0	0	1,500,000
Total One Time Optional Changes		0.00	1,500,000	0	0	1,500,000
Ongoing Optional Changes						
A-C 1 Attorney II	3	1.00	192,859	0	0	192,859
A-C 3 3 Legal Assistant II	4	3.00	343,941	0	0	343,941
A-C 4 Bismarck Admin I	5	1.00	85,766	0	0	85,766
Total Ongoing Optional Changes		5.00	622,566	0	0	622,566
Total Optional Budget Changes		5.00	2,122,566	0	0	2,122,566
Optional Savings Changes						
A-G 5 Optional Saving	1	0.00	(298,268)	0	0	(298,268)
Total Optional Savings Changes		0.00	(298,268)	0	0	(298,268)