

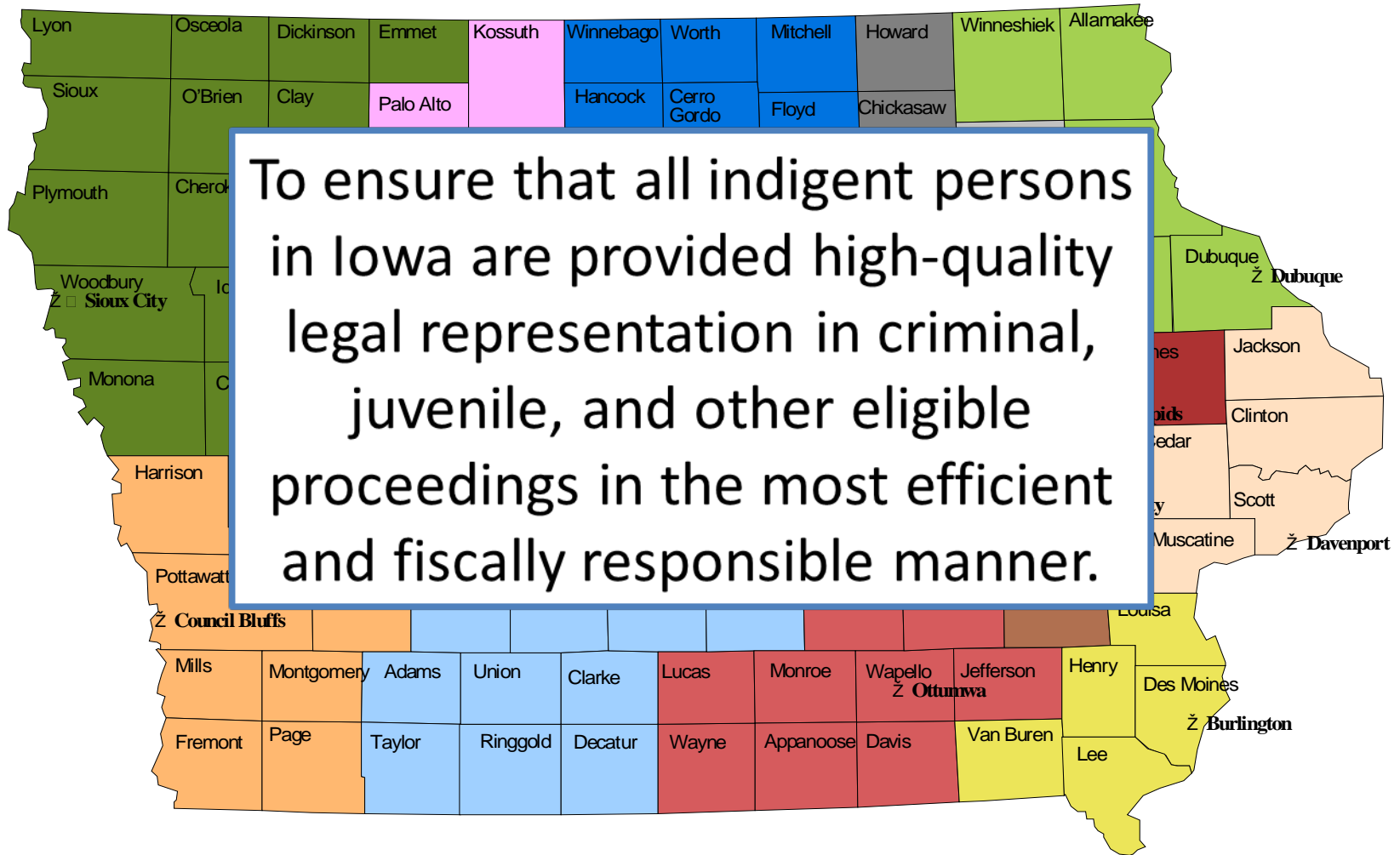
Office of the State Public Defender



Fiscal Year 2016 Budget Presentation

January 29, 2015

Mission of the State Public Defender



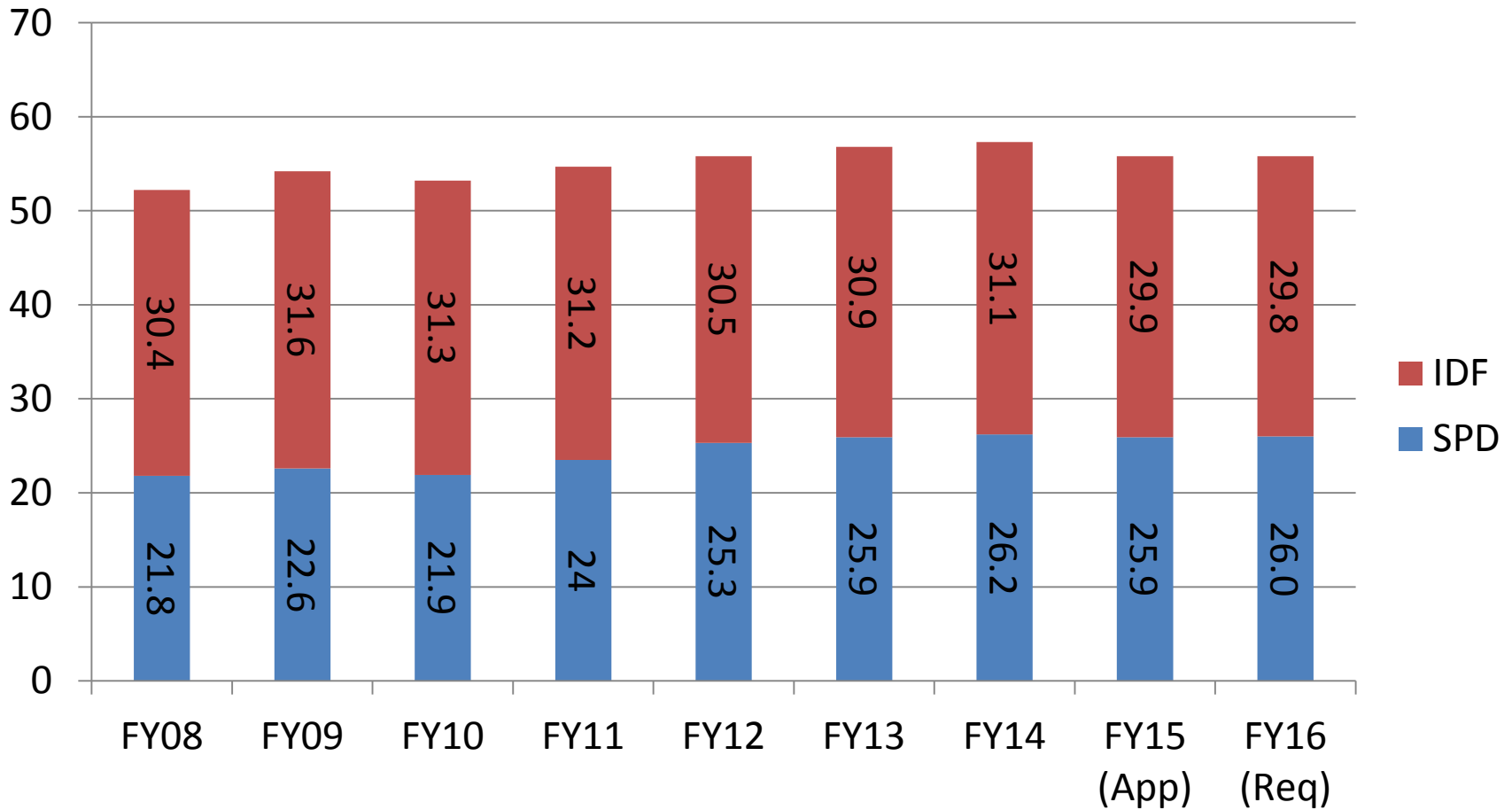
Who are our clients?

- **Indigency determined – Iowa Code Sec. 815.9**
 - **Poverty guidelines under federal HHS rules**
 - 1 person in household - \$11,770
 - 125% = \$14,713
 - 200% = \$23,540
 - 4 persons in household - \$24,250
 - 125% = \$30,313
 - 200% = \$48,500
 - **125% of FPL**
 - Entitled to court appointed attorney, unless court finds person can pay
 - **Greater than 125% of FPL up to 200% of FPL**
 - Not entitled to court appointed attorney, unless court finds that not appointing counsel would cause financial hardship
 - **Greater than 200% of FPL**
 - Not entitled to court appointed attorney, unless charged with a felony, and court finds that not appointing counsel would cause financial hardship

What types of cases?

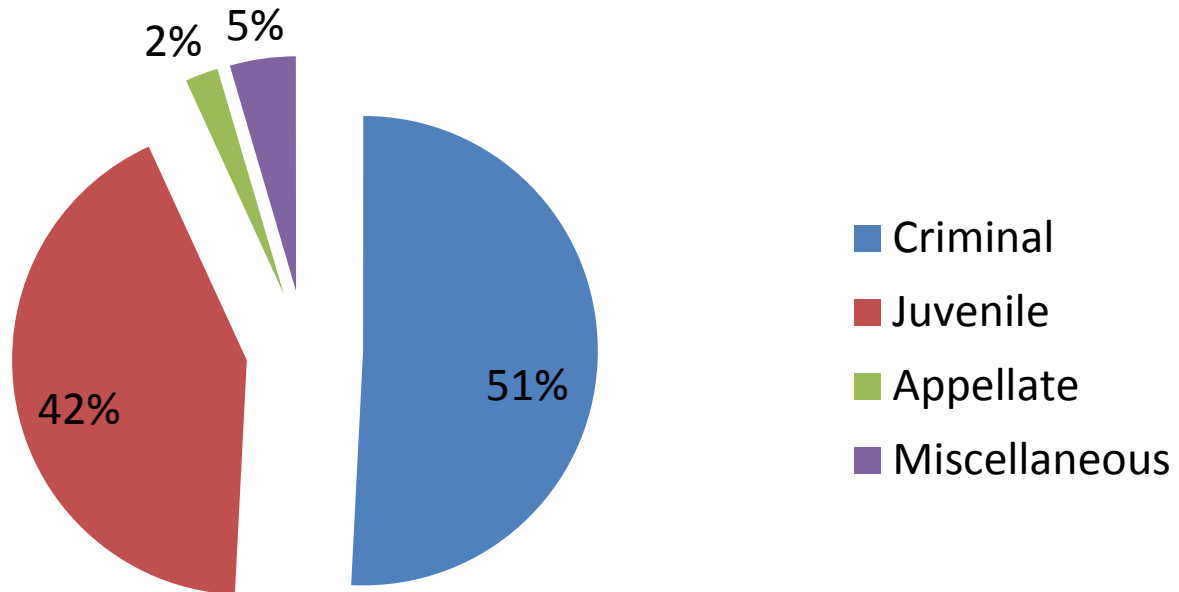
- Criminal
- Juvenile
- Appellate
- Post-conviction relief
- Contempt cases

Total Indigent Defense Spending



FY14 Spending Breakdown

Indigent Defense Fund Spending



SPD/IDF Cost Comparison

Fiscal Year	SPD Cases	Cost / Case	IDF Claims	Cost / Claim
FY09	68,356	\$330.46	60,042	\$526.42
FY10	80,405	\$273.26	65,360	\$479.65
FY11	87,504	\$268.27	70,266	\$444.42
FY12	90,397	\$279.86	61,267	\$497.67
FY13	91,940	\$282.02	60,929	\$507.86
FY14	87,632	\$299.07	62,846	\$494.91

Hot Topic: Hourly Rates

- Current rates – Iowa Code Sec. 815.7
 - Class A felonies - \$70/hour
 - Class B felonies - \$65/hour
 - All other cases - \$60/hour
- SPD report to legislature – Iowa Code Sec. 13B.2A
 - Required to make recommendations regarding hourly rates
 - Did not recommend an increase
- Estimated impact of proposed \$5/hour increase
 - FY11 - \$2.6M
 - FY12 - \$2.7M
 - FY13 - \$2.8M
 - FY14 - \$2.7M

Hot Topic:

Minimum Qualifications Rules

- Effort to provide the highest quality legal representation to defendants
 - Requires increased experience and training in order to take on more serious cases
- Resulted in a slight decrease in the number of contract attorneys
- Effect on rural Iowa
 - Some counties with very few attorneys qualified for A and B felonies
 - Reasonable enforcement and guidance to courts
 - May need to create additional flexibility in our own rules

Hot Topic:

High Billing Attorneys

- **SPD identified potential abuses, reviewed and confirmed by State Auditor**
 - Billing over 24 hours in a day
 - Billing for time not actually worked
 - Meetings/hearings not attended
 - Aggregating small increments of time
 - Standardized billing
 - Duplicative mileage claims
- **Adopted new rules on claims**
 - Maximum hours
 - No billing over 16 hours/day, limits on over 12 hours/day
 - Billing must be actual time
 - Mileage policy clarified and strengthened
- **Next steps: Online claim submission**

Hot Topic: Gideon Fellowship Update

- FY16 BUDGET REQUEST: Add 2 FTEs at an estimated cost of \$150,000
- Legislation approved authorizing the Gideon Fellowship entry-level hiring program:
 - Two-year Term Appointments
 - Enable recruiting of top law students competitively with other legal employers.
- When fully implemented, anticipate net savings of \$225,000 to total expenditures.

Continued Fiscal Challenges

- Lack of control over volume of criminal and juvenile court filings and limited control over cost of representation.
- Increase in Appellate Cases and Costs
- Polk County Conflict-of-Interests Removals (*McKinley* Interlocutory Appeal)
- Transition to Electronic Court Filing (EDMS)
- Increase in Costs of Representation in Juvenile Resentencing
- Health insurance cost increases

Efficiency and Cost Containment Initiatives

- In Depth Review of High Billing Contract Attorneys
- Continued Development of Specially Negotiated Contracts for Attorneys and Nonprofit Organizations
- Lean Kaizen Event with DIA Fiscal Bureau to Improve Indigent Defense Claims Process.
- Online Indigent Defense Claim Submission System
- New Administrative Rules Regarding Claims Review Process and Contract Attorney Minimum Qualifications.

Looking Ahead

- Better use of data and technology
- Improved partnerships with private sector
 - 2nd Chair/Mentoring Program
 - Special Contracts
- Continued practical training and CLE at low or no cost
- Possible pilot project on client choice
- Better customer service

Conclusion

Questions?