

Innovation
&
Tradition
in
Indigent
Defense

Office of the Legal Defender
Maricopa County

1998-99 ANNUAL REPORT

Office of the Legal Defender
~~Maricopa County~~
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Mission:

The Maricopa County Office of the Legal Defender will provide the highest quality legal representation to those indigent clients represented by the Office.

Goals:

- I. Develop an effective representation for each client in an ethical fashion that protects his or her rights and ensures equal protection under the law.
- II. Provide the county a cost-effective method of representation for indigent clients who would otherwise be represented by the Maricopa County Office of the Public Defender or the Office of Court-Appointed Counsel.
- III. Retain and develop attorneys and staff highly regarded for their respective skills in representing, investigating, or supporting the defense of assigned clientele.
- IV. Create an environment in which professionalism and respect for clients and fellow employees are inherent.
- V. Endorse measures to provide effective alternatives to imprisonment and incarceration.
- VI. Maintain workloads that do not jeopardize

any client's defense.

History:

The Office of the Legal Defender was created in 1995 to provide the county an alternate indigent defense office that could render excellent legal defense while efficiently and cost-effectively handling the burgeoning number of indigent defense cases. Having the option of assigning conflict and overflow cases to another county agency allowed the county to significantly reduce the costs of directing these cases to private counsel who held contracts with the county.

The founding philosophy of the Office of the Legal Defender, which concentrated on acquiring exceptional staff and providing them with modern equipment, quickly attracted experienced and respected attorneys and support staff.

In the four years following its inception, the Office maintained its high standards of traditional representation while increasingly incorporating the latest technology in an economical fashion.

Clients:

The Office of the Legal Defender is assigned by the Superior Court of Arizona in Maricopa County to represent certain clients. Our clients are:

1. Those charged with a serious criminal

offense, or one of the parents in a juvenile dependency/severance action, and;

2. Individuals who the court has determined are unable to afford a private attorney.

Operations:

The Office, aiming to provide the finest legal representation, regularly

- ~ participates in inter-agency activities to maintain currentness and cooperation,
- ~ updates Office members on legal issues and court matters,
- ~ promotes advanced technology, and
- ~ provides training opportunities to Office members to hone or enhance their skills.

Service**L**

In addition to maintaining high standards within the Office, our members serve with other government agencies to discover and develop more efficient ways of utilizing the justice system's resources. Representatives from the Office routinely work with court members and community spokespersons on Criminal Justice issues, Juvenile Dependency / Severance issues, and legislative matters.

During Fiscal Year 1998-1999, as the Superior Court of Arizona in Maricopa County sought to

reorganize and streamline its criminal and juvenile dependency/severance operations, Office members spent considerable time attending court developmental meetings as well as being participants in the revised case-flow court systems. As the Presiding Criminal Judge explored ways to expedite criminal-case processing, staff members routinely provided reports and/or memos outlining the impact these changes would have on the system in general and indigent defense in particular. Simultaneously, the juvenile dependency/severance staff members were offering their observations and recommendations as the Model Court Project was implemented in the southeast courts. Office members carefully watched and responded to the pertinent legal issues and rule changes in both areas to ensure that individual rights were preserved.

Technology

Management enhanced the Office's technological capabilities through a number of innovations and acquisitions during the past fiscal year. By adding Microsoft Word and Excel to its extensive repertoire of software packages, management extended to staff greater access to county- and court-produced documents. These additions necessitated the creation of new templates and macros by the Office's MIS Manager. The Office's case-tracking capabilities were augmented with the addition of Crystal Reports. In addition, Office management continued to work with Data Text Corporation to make improvements in Time Matters, our case-processing software.

County information and procedures became more available to staff members with the implementation of Office-wide access to the county's Electronic Business Center. With the on-line addition of the Office's Policies and Procedures Manual, each staff member now has the ability to review both the county's and the Office's governing documents through automation. Additionally, our MIS Manager conducted extensive research of local and national Web sites before launching in June the Office's Web site which is included on the county's Internet Web page.

The addition of these resources reflects the Office's continued commitment to providing staff with the technology to stay current with the ever-changing world.

Externship

In addition to maximizing the use of equipment and computers where feasible, the Office continues to share the benefits of externship with the College of Law at Arizona State University. Having established a year-round externship that immerses students in actual casework, the Office gains legal research and case assistance at no budgetary expense while giving students the invaluable benefit of hands-on legal experience. The Office's reputation at the Law School translates into a regular flow of applicants for the limited number of externship positions.

Death

One project that combined both the Office's

Penalty L

commitment to exceptional indigent defense and the Office's concern with fiscal responsibility was the internally conducted Death Penalty Study. A representative selection of death penalty cases handled by Office attorneys was scrutinized to determine the average number of hours and staff members needed to adequately handle a death penalty case. While such a study must be considered with caution because of the extreme difficulty in reducing to simple statistics the extensive number of variables in these complex cases, the Office was able to create a valuable picture of death penalty work. This tool will provide a guideline for the future estimation of staffing needs to meet this specialized caseload.

Community Projects L

In keeping with the county's belief in community service, our Office has supported staff involvement in the following activities/organizations:

- Courthouse Experience
- County HR Department's Job Fair
- KAET-TV holiday pledge drive
- Thomas J. Pappas School
- Animal Welfare League
- Salvation Army food drive
- Salvation Army Angel Project
- Blood drives
- Bring Your Child to Work Day
- United Way programs

To help ensure that staff members maintain and

Training

expand their knowledge/skills, the Office set (at its inception in 1995) a training standard of 15 hours per year for each staff person.

During FY98-99, staff training included:

- Computer classes
- Defending Against Allegations of Child Abuse Conference
- NACDL Cross-Examination Conference
- Jury Selection Seminar
- Constitutional Law Seminar
- DNA Testing Seminar
- Expert Testimony Seminar
- Death Penalty & Mitigation training
- AZ Supreme Court Seminar --
Permanency Puzzle
- MCBA Seminars --
Paternity,
Children's Health Care, and
Medical School
- Investigation Seminars on --
Homicide
Mitigation
Child Abuse, and
Advanced Interviewing Techniques
- National Defender's Investigators
Conference (covering testifying,
developing social histories, and using
the Internet in investigations)
- National Association of Sentencing
Advocates.

Most training was paid by the Public Defender Training Fund (PDTF) at no cost to the

taxpayers. The PDTF is funded by fees added to fines paid by convicted offenders. During FY99, a total of 53 attorney seminar opportunities and 21 support-staff seminar opportunities were funded by PDTF.

Finances L

While representing the rights of individuals accused of criminal or negligent behavior is paramount for the Office, staff members also continue to expend considerable energy on the business side of running a law firm. During this fiscal year, the Office concentrated on refining its accounting procedures and coordinating its records with the county Department of Finance to facilitate the budget process. The utilization of the Intranet to access newly available county databases greatly assisted in this area.

S **taff:**

Attorneys, Criminal Division	=	26
Attorneys, Juvenile Division	=	8
Administration	=	4
Support Staff	=	9
Client Services	=	3
Dependency Services	=	6

Investigators	=	6
Legal Assistant	=	1
MIS Manager	=	1
Process Server	=	1

Attorneys:

The Office’s attorneys possess a range of talents, from death penalty and white-collar crime expertise to juvenile dependency and severance skills. Our attorneys are assigned, based on their levels of experience and their fields of interest, to handle cases in one of three areas: major felonies, regular felonies, and juvenile dependency and severance matters. The attorneys’ exceptional backgrounds continue to make them not only respected courtroom advocates, but also sought-after speakers and writers in their respective fields.

CR Attorneys

Attorneys in the criminal division routinely work on complex felony cases that require extensive knowledge of the intricacies of Arizona’s court system, criminal and constitutional law, and the various rules of procedure. They confront the daily challenge of presenting ardent, creative defenses while juggling heavy caseloads and remaining cognizant of the Office’s budget constraints, all in the face of the substantial forces brought to bear by the much larger prosecutorial and law enforcement agencies.

During the year, criminal casework necessitated

attorneys' and investigators' travel to Minnesota, Washington, California, and Arkansas. Additionally, one case required the production of eight witnesses from Arkansas to testify on behalf of the defendant. This particular case, one of nine death-penalty cases in the fiscal year, ended in a "Not Guilty" verdict.

***JD/JS
Attorneys***

Attorneys in the Juvenile Division, who represent parents in dependency/severance cases, deal with similar caseload and budget concerns while meeting the special challenges of the juvenile system's civil courts. These attorneys strive to protect the parents' rights and preserve the integrity of Arizona families. The delicate issues in dependency and severance cases require a sensitive approach to family situations in addition to a wide-ranging knowledge of the laws covering not only dependency and severance, but also divorce, child support, guardianship, and paternity matters.

***I*nvestigation:**

Investigators, who come to the Office with extensive and varied experience, play a critical part in the defense team's representation of indigent

clients. They routinely engage in locating and interviewing potential witnesses; obtaining and evaluating physical and documentary evidence; and assisting in the development of defense strategies and case theories. In the course of their duties, investigators maintain contact with clients, other agencies, and interested parties, and they present oral and/or written investigative reports. In certain cases, Office investigators are uniquely qualified to provide critical information at the trial level and are called upon by our attorneys to testify in court.

Client Services
Division:

The Client Services Division primarily assists attorneys with the preparation of death penalty cases for trial and mitigation hearings. In addition, assistance is available for developing case strategies, selecting jurors for trials, and formulating sentencing plans on major and regular felony cases. By obtaining relevant social history records, interviewing clients and interested parties, serving as liaison to social and government agencies, providing clients with general information about the court process and representation, and maintaining current information on community resources, this division is able to assist attorneys in determining how to appropriately resolve cases in a cost-effective manner while maintaining the highest level of quality representation.

Legal Assistant:

The Legal Assistant (paralegal) assists attorneys in legal research and trial preparation. In the area of legal research, the Legal Assistant serves as the WESTLAW researcher and in-house instructor for the entire Office. During the trial preparation phase, the Legal Assistant may assist with discovery, organize evidence, prepare summaries and trial materials, and help with jury selection.

Juvenile
Dependency/
Severance
Division:

The Juvenile Dependency/Severance Division is a unique operation specifically designed by the Office to utilize a new team concept. The Division's Case Preparation Managers (CPMs) are organized to assist the attorneys in the representation of parents in dependency and severance actions by maintaining contact with and drawing information from the clients, court programs, state agencies, and other pertinent interested parties. By providing a base of current information and helping develop case strategies, the CPMs free their attorneys to concentrate on legal issues, court hearings, and trial work.

Budget:

Funding for the office is provided annually by the Maricopa County Board of Supervisors.

FY 98-99:

\$ 2,951,222.00 for the Criminal Division and

\$ 919,872.00 for the Juvenile Division.

This funding served the county in the handling of:

CASES--

3,155 Felony cases,
559 Pre-Dependency cases,
145 Report and Review cases,
226 Dependency Recertifications,
and
116 Severance cases.

TRIALS--

63 Criminal
5 Juvenile Dependency
17 Juvenile Severance.

APPEALS--

5 Juvenile Dependency/Severance.

Reputation:

The Office's reputation for excellence has grown rapidly. Today, the Office is regarded as an outstanding legal resource as well as an ideal place for employment and extern opportunities.