




Office of the Legal Defender

FY10 Annual Report



Maricopa County, Arizona

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EXECUTIVE SUMMARY

Presented herein is the Maricopa County Office of the Legal Defender Annual Report, for the fiscal year July 1, 2009 through June 30, 2010.

This report contains summaries of Office of the Legal Defender staffing, budgeting, training, case assignments and case closures. This report is intended to provide the County Manager, Board of Supervisors and citizens of Maricopa County a comprehensive overview of the Office of the Legal Defender and the services we deliver.

The Legal Defender was established in 1995 in order to provide Maricopa County with an alternative defense office that could render excellent defense services while efficiently and cost-effectively handling the burgeoning number of indigent defense cases.

Like many other County departments the current economic downturn forced the Office of the Legal Defender to address serious budget constraints in FY10. Specifically, the Office of the Legal Defender was presented with the challenge of resolving more cases with fewer resources. In response to that challenge the Office of the Legal Defender is proud to report the following accomplishments for FY10:

- A Budget Surplus of \$176,002 in General Fund Expenditures.
- A Budget Surplus of \$15,222 in Training Fund Expenditures.
- Increased Assignment of Capital cases compared to FY09 & FY08.
- Increased Resolution of Capital Cases compared to FY09 & FY08.
- Increased Resolution of Total Criminal Cases compared to FY09 & FY08.

The success of the Office of the Legal Defender in FY10 is due in large part to the tireless efforts and hours of dedication given by the attorneys and staff members of this office. Their enduring commitment to the cause of protecting the rights of the accused is essential to the preservation of our system of justice. It is my sincere hope that this report encapsulates their extraordinary efforts in FY10.

Gary Bevilacqua
Acting Legal Defender

MISSION STATEMENT

The mission of the Office of the Legal Defender is to provide quality legal representation to indigent individuals assigned to us by the court, thus safeguarding the fundamental legal rights of each member of the community.

VISION

By providing our indigent clients with the highest quality legal representation, the community will benefit significantly from our work, including

- I. Setting a legal standard with our adherence to exceptional , innovative representation of clients' interests by attorneys, investigators, mitigation specialists, and other team members, all while observing fiscal responsibilities;
- II. Preserving the constitutional rights of all citizens with our dedication to protecting the rights of the accused;
- III. Enhancing the citizenry's confidence in our legal system by consistently demanding just and equitable treatment for all.



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, the Office of the Legal Advocate, or the Office of Contract 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.

STAFFING

Attorneys & Staff

The Office of the Legal Defender had 101 funded regular staff positions in FY10, filling two divisions; Criminal (CR) and Juvenile Dependency/Severance (JDJS).

Attorneys (CR)	35
Attorneys (JDJS)	13
Administrative & Support Staff	53
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TOTAL	101

Extern Program

The Office of the Legal Defender is committed to the development of future attorneys and promoting the benefits of public service. In FY10 the office continued to promote these ideals through the Legal Defender extern program.

The Legal Defender extern program immerses law students in actual casework, giving the students valuable hands-on legal experience while the office gains legal research and casework assistance. In FY10 law students in the Legal Defender extern program arrived from the College of Law at Arizona State University and Phoenix School of Law. In total, five law students took part in the extern program, working in both our Criminal and JDJS Divisions.

BUDGETING AND MANAGING FOR RESULTS

Maricopa County *Managing for Results (MfR)* is a comprehensive and integrated performance management system focused on achieving results for customers. Over the last number of years, as our County struggles with declining revenues, population growth and a greater demand for services, it is essential that strategic planning be utilized to determine best practices.

The Office of the Legal Defender is committed to using MfR as a means of fulfilling Maricopa County's Mission to *provide regional leadership and fiscally responsible, necessary public services so that residents can enjoy living in a healthy and safe community.*

The Office of the Legal Defender serves as one unit of Maricopa County Public Defense Services (OPDS). The Office of the Legal Defender and OPDS are in frequent conversation concerning indigent representation practices, MfR goals, tracking procedures and statistics.

The circular process of MfR assists indigent representation offices plan, budget, deliver, analyze and evaluate business practices each year. The Office of the Legal Defender utilizes MfR as a tool; necessary and helpful in achieving office wide goals and strategic goals established by the Board of Supervisors.

FY10 BUDGET ABSTRACT

Office of the Legal Defender Budget

July 1, 2009 – June 30, 2010

ACCOUNT	EXPENDITURES
SALARIES & BENEFITS	\$9,278,285.63
GENERAL SUPPLIES	\$67,123.14
FUEL	\$4,067.34
NON-CAPITAL EQUIPMENT	\$0.00
LEGAL SERVICES	\$228,742.28
OTHER SERVICES	\$27,110.22
RENT & OPERATING LEASES	\$62,462.79
REPAIRS AND MAINTENANCE	\$2,032.19
INTERNAL SERVICE CHARGES	\$6,278.84
TRAVEL AND EDUCATION	\$65,239.54
POSTAGE/FREIGHT/SHIPPING	\$15,739.89
CAPITAL EQUIPMENT	\$0.00
VEHICLES	\$0.00
DEBT SERVICES (Technology Financing)	\$19,108.61
TOTAL EXPENDITURES	\$9,776,190.47
APPROPRIATIONS	AMOUNT
GENERAL FUNDS	\$9,855,901.00
TRAINING SPECIAL REVENUE FUND	\$75,794.00
FILL THE GAP SPECIAL REVENUE FUND	\$59,000.00
TOTAL APPROPRIATIONS	\$9,990,695.00

TRAINING ACTIVITIES

The Office of the Legal Defender views training as an essential component in providing a high quality legal representation to clients. The office values each employee's contribution to this mission. As such, every attorney and staff member is entitled to opportunities that enhance their own skill set and contribution to the Office of the Legal Defender.

Utilizing Existing Resources

Recognizing the current financial situation, many members of the Office participated in training opportunities that incurred zero departmental cost. Team members attended training hosted by various county departments – with topics including:

- Indigent Representation Information System (IRIS)
- Offender Screening Tool (OST) Training
- Evidenced Based Sentencing
- Microsoft Word, Excel, PowerPoint & Outlook
- PSR Format and Earned Time Credit
- Purposeful Productivity
- Professional Telephone Skills
- File Management
- The Art of Criticism, Giving and Taking
- “Be Prepared to Lead”
- “How to Develop a Power Memory”

Creating New Opportunities

Members of the Office of the Legal Defender have a wealth of experience, knowledge and expertise. In 2009-10 the Office utilized those skills to provide in-house training opportunities for attorneys and staff. These training sessions incurred no departmental cost, and when possible were open to other county departments.

- In September of 2009 team members Sandie Cundiff and Emily Traher organized “Kids Count” for the office’s Juvenile Dependency/Severance Unit. Ms. Cundiff and Ms. Traher’s presentation focused on data manipulation for the Time Matters case management database used by attorneys and staff.
- In October of 2009, team member Georgia Bohm coordinated a presentation on “Workplace Conduct.” Offering two separate sessions, employees learned steps to building better teamwork, defining appropriate business behaviors with co-workers and clients, and guidelines for creating a productive environment that promotes problem solving.
- In February of 2010, Michael Jones organized a lunchtime presentation providing an overview of the TASC diversion program. Representatives from Legal Defender, Public Defender and Legal Advocate were in attendance as TASC coordinator, Marrya Briggs, provided a program overview and answered questions concerning the science of drug screen testing conducted by TASC.

FY10 – Office of the Legal Defender

The Public Defender Training Fund

The Office of the Legal Defender is committed to indentifying training opportunities that meet individual attorney continuing legal education (CLE) requirements and that improve the overall quality of service provided. The Public Defender Training Fund (PDTF) remains a critical tool in realizing these goals. Over the course of FY10 the PDTF supported 182 training slots for Legal Defender team members.

Highlighting the fiscal year was the Legal Defender’s co-sponsorship of the December Death Penalty Conference, “The Fight for Life.” As a co-sponsor, the Office was able to send 20 attorneys and 21 staff members to 3 days of specialized training in capital representation.

Additional training funded by the PDTF in FY10

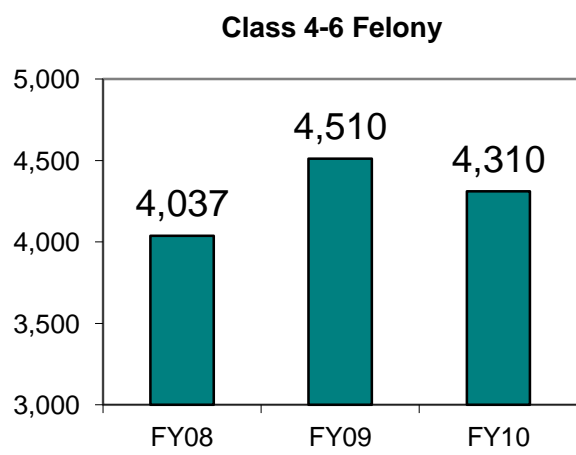
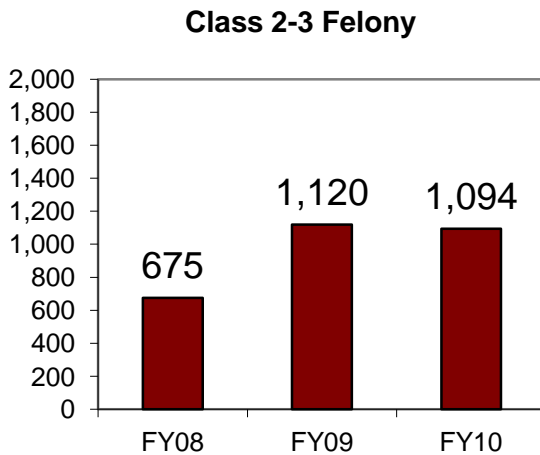
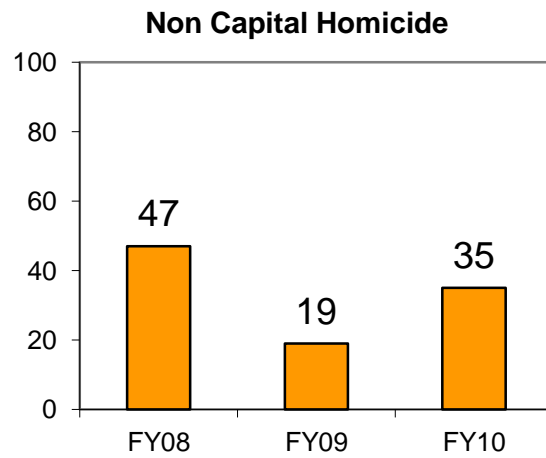
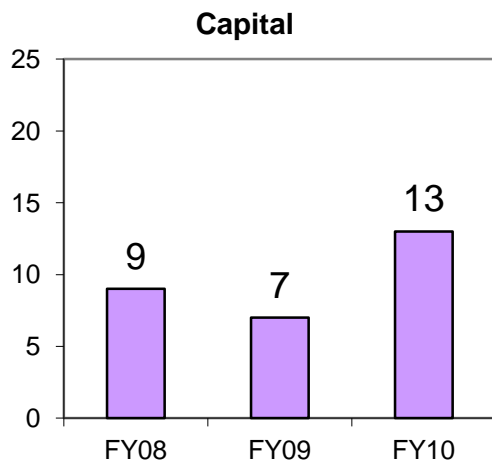
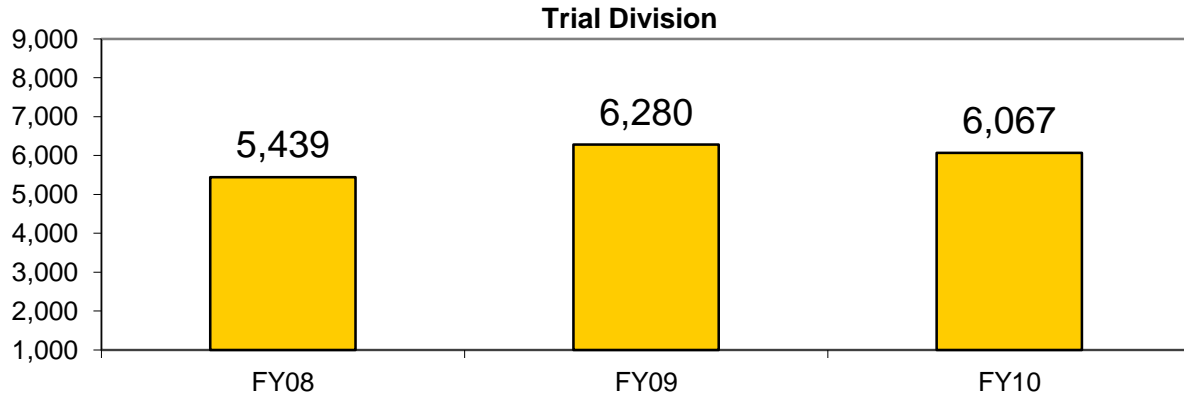
<i>Title</i>	<i>Date</i>	<i>Topic</i>	<i>Attendees</i>
<i>AACJ Fall Conference - Technology & the Law</i>	<i>Sep 11-12, 2009</i>	<i>Technology Developments</i>	<i>9</i>
<i>Personality Disorders in Social Work and Health Care</i>	<i>Dec. 8, 2009</i>	<i>Mitigation Issues in Cases</i>	<i>3</i>
<i>AACJ Winter Seminar - The Brain on Trial</i>	<i>Jan. 23-24, 2010</i>	<i>Neuropsychology & Neurobiology</i>	<i>14</i>
<i>CLE West</i>	<i>March 19th & 26th, 2010</i>	<i>Criminal Law Seminar</i>	<i>11</i>
<i>Making Sense of Science III</i>	<i>March 26-27, 2010</i>	<i>Forensic Science & the Law</i>	<i>7</i>
<i>8th Annual APDA Conference</i>	<i>June 9-11, 2010</i>	<i>Various Subjects</i>	<i>91</i>
<i>Capital Voir Dire</i>	<i>May 13-15, 2010</i>	<i>Voir dire in capital representation</i>	<i>2</i>

CASE ASSIGNMENTS

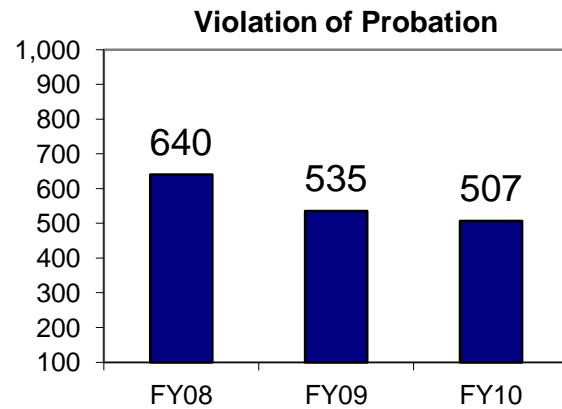
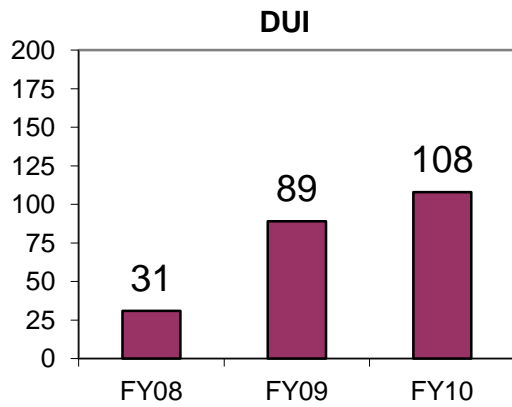
History of Cases Assigned by Case Categories FY08-FY10 Cases Assigned ¹			
Case Type	FY08	FY09	FY10
Capital	9	7	13
All other Homicide	47	19	35
Class 2-3 Felony	675	1,120	1,094
<i>Class 2-3 Felony - RCC/EDC</i>	192	522	466
<i>Class 2-3 Felony - Non RCC/EDC</i>	483	598	628
DUI	31	89	108
<i>DUI - RCC/EDC</i>	0	68	95
<i>DUI - Non RCC/EDC</i>	31	21	13
Class 4-6 Felony	4,037	4,510	4,310
<i>Class 4, 5, & 6 Felony - RCC/EDC</i>	3,229	3,846	3,743
<i>Class 4, 5, & 6 Felony - Non RCC/EDC</i>	808	664	567
Violation of Probation	640	535	507
Trial Division Total	5,439	6,280	6,067
Dependency	1,121	1,257	1,121
Total of Above	6,560	7,537	7,188

¹ Total cases opened minus cases closed during the time period with the following dispositions: no complaint, administrative transfer, and workload withdrawal

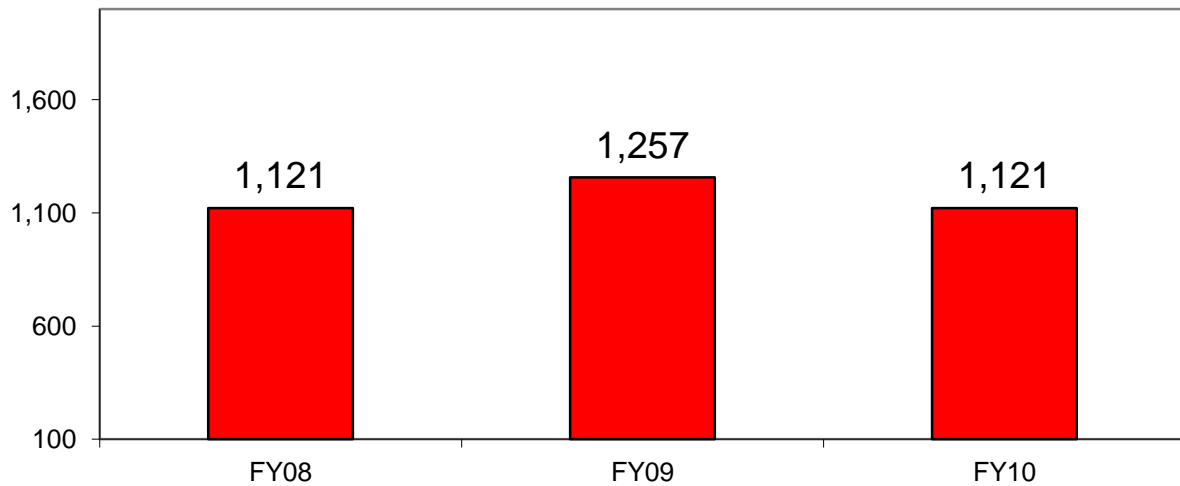
Criminal Case Assignments



FY10 – Office of the Legal Defender



Juvenile Dependency Case Assignments



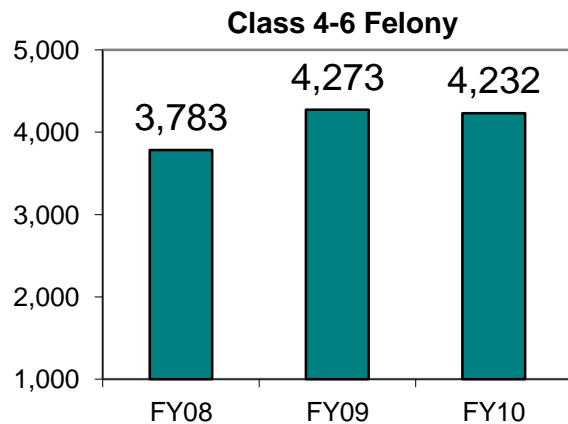
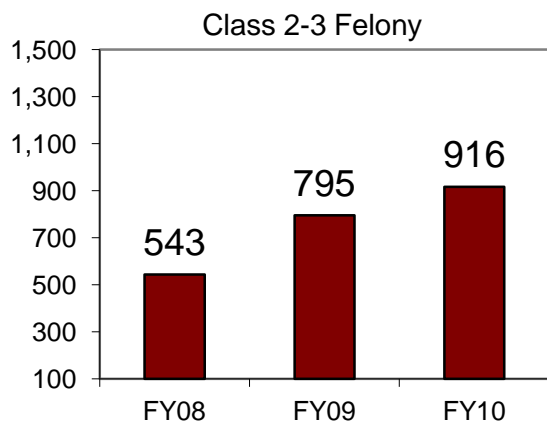
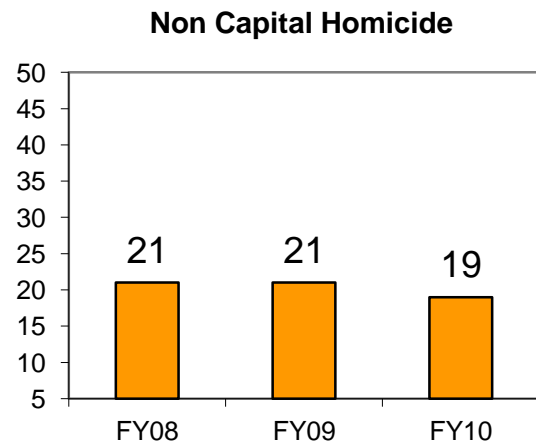
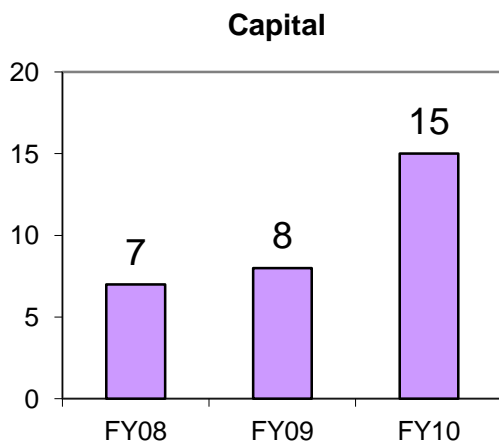
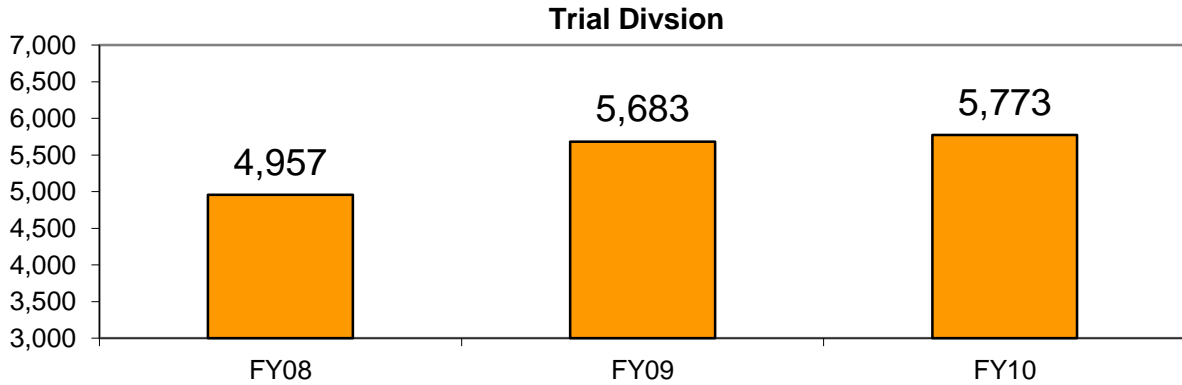
CASE CLOSURES

In FY2010 the Office of the Legal Defender successfully increased the overall case closure rate compared to FY08 and FY09. Highlighting the fiscal year, the Office of the Legal Defender resolved 15 capital cases.

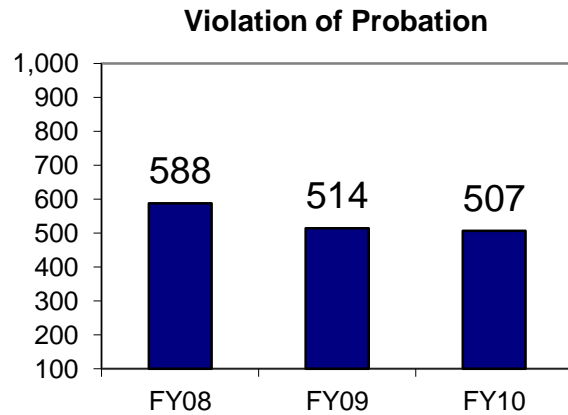
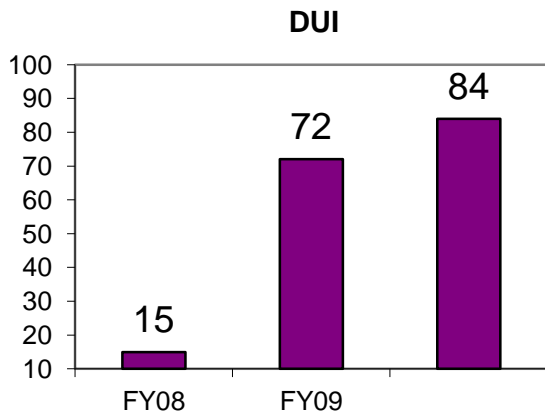
History of Cases Resolved by Case Categories FY08-FY10 Cases Resolved ¹			
Case Type	FY08	FY09	FY10
Capital	7	8	15
All other Homicide	21	21	19
Class 2-3 Felony	543	795	916
<i>Class 2-3 Felony - RCC/EDC</i>	194	389	338
<i>Class 2-3 Felony - Non RCC/EDC</i>	349	406	578
DUI	15	72	84
<i>DUI - RCC/EDC</i>	0	44	77
<i>DUI - Non RCC/EDC</i>	15	28	7
Class 4-6 Felony	3,783	4,273	4,232
<i>Class 4, 5, & 6 Felony - RCC/EDC</i>	3,026	3,631	3,591
<i>Class 4, 5, & 6 Felony - Non RCC/EDC</i>	757	642	641
Violation of Probation	588	514	507
Trial Division Total	4,957	5,683	5,773
Dependency	1,034	1,049	1,040
Total of All Above	5,991	6,732	6,813

¹ 2 Total cases closed during the fiscal year, minus cases closed during the fiscal year that were not resolved by the office directly (i.e., reduced by cases in which no complaint is filed, private counsel is retained, conflict withdrawals, workload withdrawals, and transfers to another IR department).

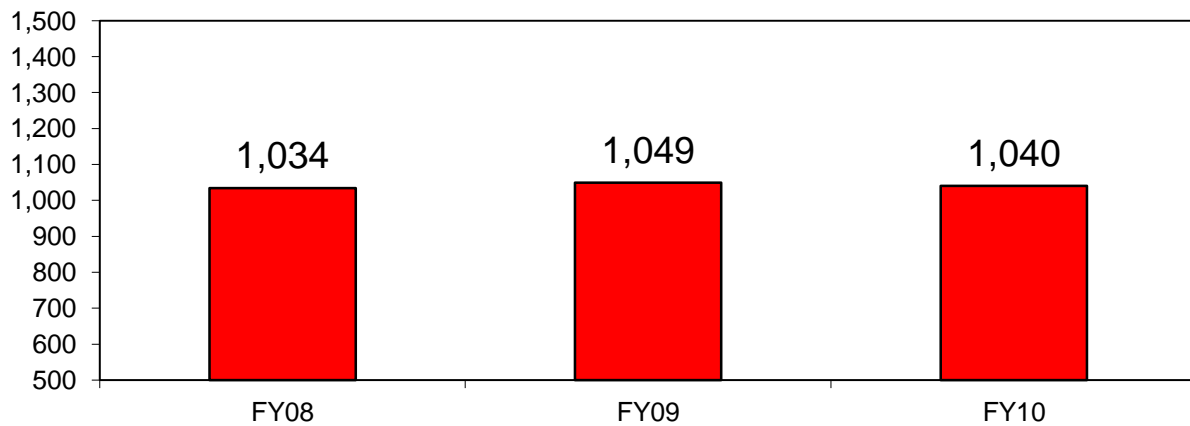
Criminal Cases Closed



FY10 – Office of the Legal Defender



Juvenile Dependency Cases Resolved



Office of the Legal Defender

~Maricopa County~

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