



Office of the Legal Defender

Marty Lieberman, Director

Annual Report
Fiscal Year 2011

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MISSION

The mission of the Maricopa County 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 STATEMENT

In order to provide the highest quality legal representation to our clients, the Legal Defender will:

- ❖ Ensure that every client receives high quality and aggressive representation without regard to their economic or social situation and without regard to the nature of the accusations against them.
- ❖ Defend the Constitutions of the United States and the State of Arizona.
- ❖ Protect our clients from any governmental overreaching.
- ❖ Consistently seek just and equitable treatment for our clients.

EXECUTIVE SUMMARY

FY11 presented challenges for the Office of the Legal Defender due to several changes in top management. The Director resigned in the fall, an Acting Director was appointed, and then a new Director started approximately nine months after the previous Director left. These changes created a good deal of uncertainty within the office with respect to the direction of the office and the changing leadership styles.

Despite these uncertainties, the lawyers and staff, as described elsewhere in this report, excelled in their performance, accomplishments, and duties, handling an increasing caseload while coming in under budget. Community service, diversity events, and unparalleled training opportunities continued unabated. New attorneys were added to help absorb the increasing caseloads, saving the County money by decreasing the number of cases which had to be assigned to private counsel.

Due to conflicts being generated within the Public Defender's Office, in FY11, the Office of the Legal Defender started a small appeals unit which represents the interests of indigents who have been involuntarily committed to the hospital under procedures established by Title 36. By absorbing these tasks, the office has reduced the number of conflicts and therefore the number of cases which must be assigned to private counsel at a greater cost, thereby saving the County money.

FY11 also brought an increase in Juvenile Dependency and Severance (JDJS) filings and, as a result, the Office's caseloads increased. The office was able to absorb most of the additional filings without increasing staff. By the close of FY11, the office had accepted 15% more cases in FY11 (Compared to FY10) and increased individual caseloads by more than 20%.

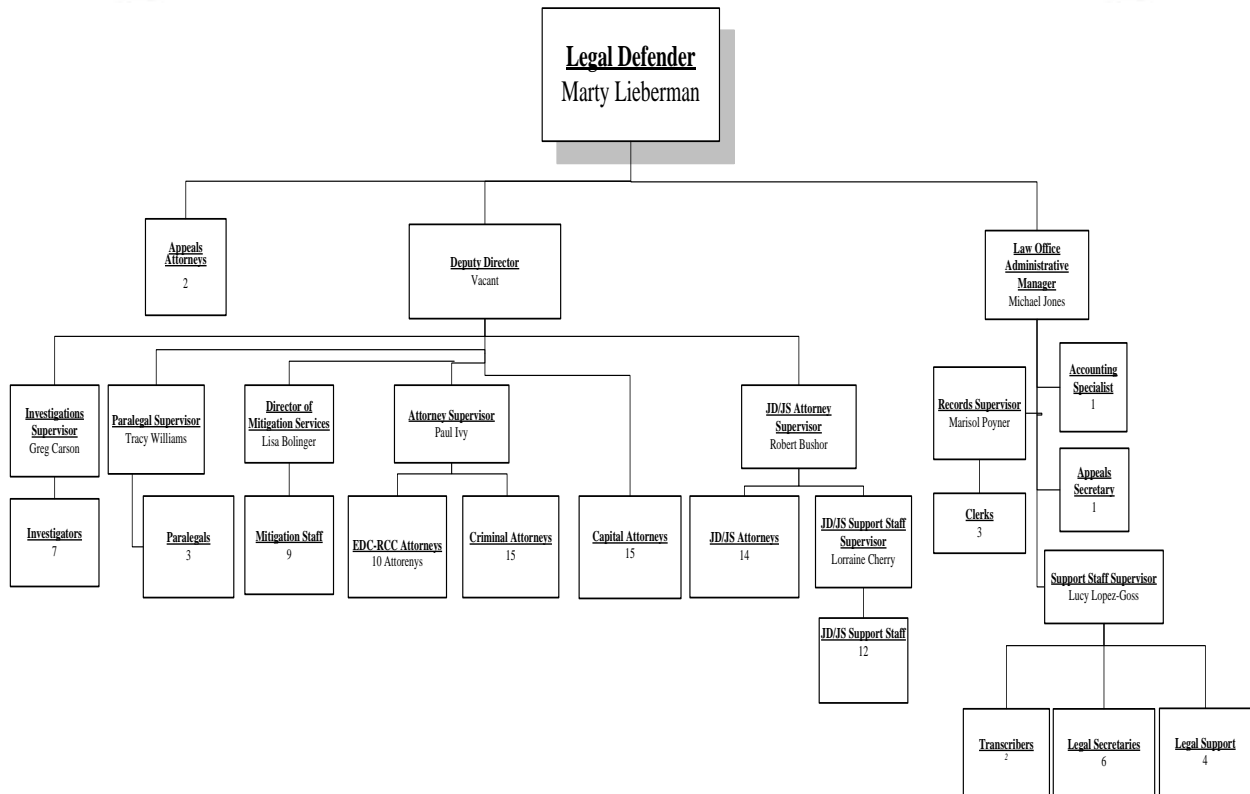
Upon his arrival, the new Director took time to learn the business practices of the Office, while assuring lawyers and staff of his primary commitment to quality representation of the indigent. An employee satisfaction survey conducted at the end of the fiscal year showed that the uncertainty which preceded the new Director was dissipating and that the members of the office were able to focus all of their energy on their primary tasks.

With the uncertainty of FY11 behind us, and with a stable future, the Office of the Legal Defender looks forward to doing what it does best, affording quality and efficient representation to the indigent while seeking ways to decrease the cost of representation without sacrificing quality.

ORGANIZATION CHART



Office of the Legal Defender ~ Maricopa County



DEPARTMENT OVERVIEW

Attorneys & Staff

The Office of the Legal Defender is comprised of three divisions; Criminal, Juvenile Dependency/Severance (JD/JS) and Appeals. Primary offices for the Legal Defender are in the Security Building, at 222 N. Central Avenue, Phoenix, AZ 85004. The office also has satellite locations in the Superior Court Complex (downtown), Juvenile Court Center - Durango and the Southeast Court Facility.

In FY11, the Office of the Legal Defender had 125 funded positions to begin the fiscal year; with 117 of those positions filled at budget adoption. During the course of the fiscal year, filled positions fluctuated between 117 and 108.

At fiscal year close, Legal Defender staffed 112 employees:

Attorneys (Criminal)	39
Attorneys (JD/JS)	14
Attorneys (Appeals)	2
Support Staff (Criminal)	39
Support Staff (JD/JS)	12
Support Staff (Appeals)	1
Administration	4
Information Technology	1

Legal Externship Program

The Office of the Legal Defender is committed to the development of future attorneys and promoting the benefits of public service and public defense work. In Fiscal Year 2011 the Legal Defender welcomed law students from Arizona State University Sandra Day O'Conner School of Law, Phoenix School of Law and Valparaiso School of Law to the office.

The Legal Defender externship program immediately immerses students into the demanding and rewarding work performed by our attorneys. Externs work on actual case work, meeting with clients and participating in case strategy meetings. Since 1997 over 30 externs have participated in the Office of the Legal Defender Extern Program.

ACCOMPLISHMENTS

Diversity

During Fiscal Year 2011 the Office of the Legal Defender renewed its commitment to embrace Diversity activity in Maricopa County. Staff members Rose Rubio Gaytan and Ann Woodrick took lead roles, becoming Legal Defender Diversity Coordinators. In their respective roles, Ann and Rose have attended County Diversity meetings, held a diversity meeting in the office, attended the Diversity 1 and 3 training courses, and composed diversity newsletters emailed to all Legal Defender employees.

Early Identification of Conflicts

One of the most difficult and costly issues that can occur is late discovery of potential conflicts of interest resulting in the Office of the Legal Defender being removed as appointed counsel. In Fiscal Year 2011 the Office added a Conflicts Check Coordinator, responsible for checking and identifying the names of clients, witnesses, and other related parties that could potentially create a conflict of interest. Prior to the creation of this position, the Office relied on a combination of investigators, mitigation specialists and attorneys to identify potential conflicts. By adding this position the Office has streamlined the conflict check process and generated salary savings - taking the time consuming process of identifying potential conflicts out of the hands of attorneys and other higher paid staff.

Adopt-a-Family

Giving back and helping the less fortunate has become a holiday tradition for the Office of the Legal Defender through participation in the "Adopt a Family" program. In Fiscal Year 2011, staff members Jessica Mukavetz and Rose Rubio Gaytan worked with the City of Phoenix to have a family in need partnered with the Office. The family, made up of a father, mother and three children had undergone a very difficult year. Gift requests ranged from jeans and socks to small toys for the children. A holiday tree, adorned with paper angels, each citing a needed or wanted gift was placed on the 6th floor of our office. Thanks to the generous nature of Legal Defender employees every angel was plucked from the tree. Gifts were wrapped and delivered to the family in time to make the holidays a little more special.

The Combined Charitable Campaign

In Fiscal Year 2011, the Office of the Legal Defender stepped up efforts to encourage charitable giving through the Combined Charitable Campaign. As a result, office-wide participation increased by 55.1% from the previous year. Legal Secretary Tina Stewart spearheaded efforts in the office, and a total of \$5,345 was raised.

TRAINING ACTIVITIES

The Office of the Legal Defender views training as an essential component in providing high quality legal representation to our clients. The Office values each employee's contribution to this mission. As such, every attorney and staff member is encouraged to take advantage of training opportunities that enhance their skill set and overall contributions to Maricopa County and the Office of the Legal Defender.

Money well spent

The Office of the Legal Defender is constantly searching for opportunities to get the most out of every dollar spent. Requesting scholarships, searching for seminars that offer reimbursements and partnering with other government agencies to host training have allowed us to maximize every dollar allocated for training. Highlights from Fiscal Year 2011 include:

- The "Fight for Life" – Legal Defender served as a co-sponsor for the annual death penalty seminar. The Fight for Life was held in Phoenix and provided two days of training for 21 attorneys and staff members. Total cost per attendee: \$190
- Santa Clara University College of Law "Death Penalty College" – With the office being awarded a scholarship, an entire capital team was able to travel to Santa Clara, CA and obtain four days of capital defense training. Total cost per attendee: \$152
- "Capital Defense Mental Health Training III" – Held in Cleveland, Ohio, the American Civil Liberties Union's "Capital Defense Mental Health Training III" seminar was a 'bring your case' program focused on mental health training in capital cases. Faculty included leading mental health professionals and capital defense practitioners. With only 40 spaces open for registration, the Office acted fast and was able to secure spots for 2 capital teams (4 attorneys, 5 staff), and receive a scholarship of \$3,150 to cover travel costs. Total cost per attendee: \$884

The Public Defender Training Fund

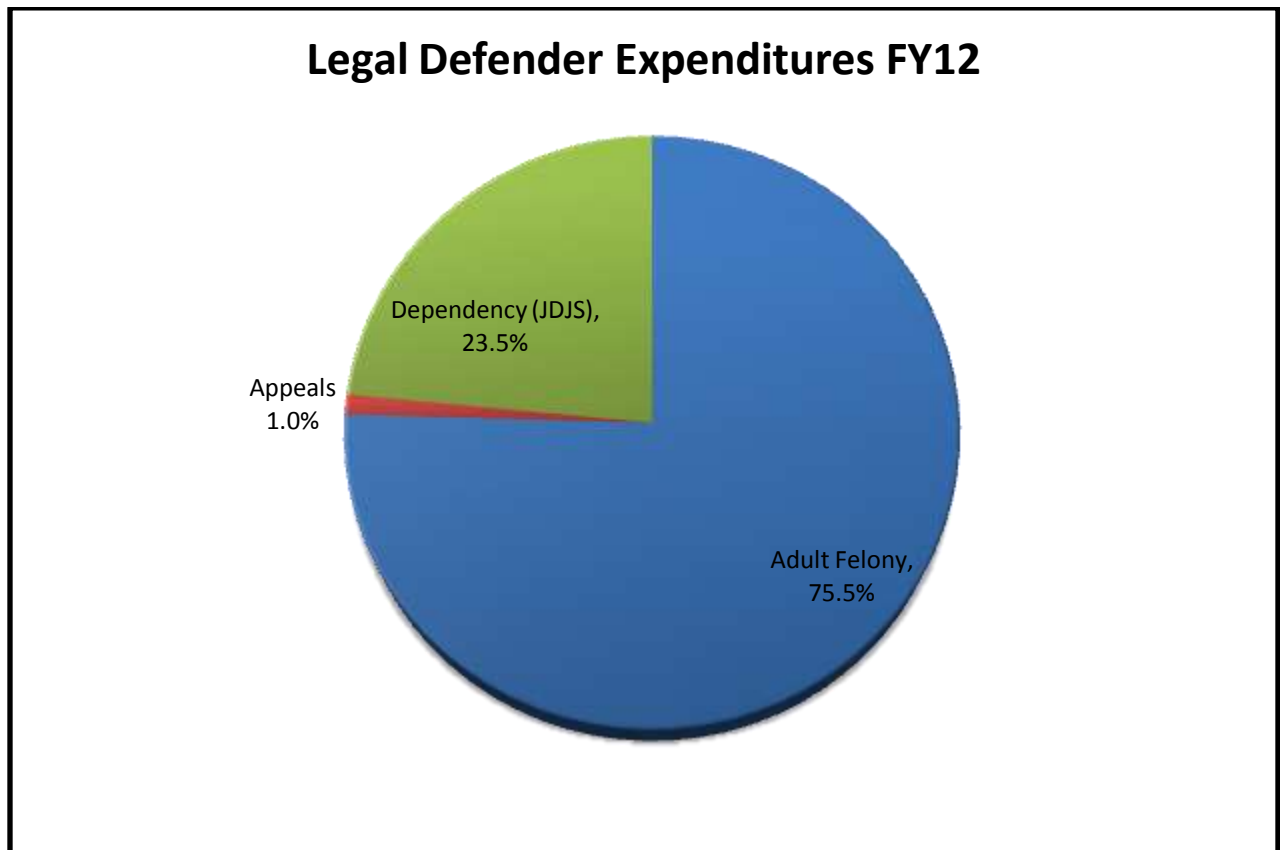
The Office of the Legal Defender is committed to identifying training opportunities that meet individual attorney continuing legal education (CLE) requirements and that improve the overall quality of service our office provides to the citizens of Maricopa County. The Public Defender Training Fund (PDTF) remains a critical tool in realizing these goals. Over the course of FY11 the PDTF supported 196 training slots for Legal Defender team members.

Training funded by the PDTF in FY11

Title	Date	Topic	Attendees
<i>Death Penalty College - Santa Clara University</i>	<i>Aug. 2010</i>	<i>Capital Defense Training</i>	<i>4</i>
<i>Emotional Manipulation</i>	<i>Sep. 2010</i>	<i>Mitigation Issues in Cases</i>	<i>9</i>
<i>AACJ Fall Seminar</i>	<i>Sep. 2010</i>	<i>Technology Developments</i>	<i>3</i>
<i>Completing the Mental Status Exam</i>	<i>Oct. 2010</i>	<i>Mitigation Issues in Cases</i>	<i>6</i>
<i>Bi-Polar Disorder and Other Mood Disorders</i>	<i>Nov. 2010</i>	<i>Mitigation Issues in Cases</i>	<i>7</i>
<i>NADCL - Defending the Drug Case</i>	<i>Nov. 2010</i>	<i>Trial Strategies</i>	<i>2</i>
<i>Helping Adult Clients Grow Up</i>	<i>Dec. 2010</i>	<i>Mitigation Issues in Cases</i>	<i>1</i>
<i>The Fight for Life</i>	<i>Dec. 2010</i>	<i>Capital Defense Training</i>	<i>21</i>
<i>NDIA 2011 National Conference</i>	<i>Dec. 2010</i>	<i>Various Topics in Investigations</i>	<i>2</i>
<i>Arizona Forensic Science Academy</i>	<i>Jan. - Jun. 2011</i>	<i>Forensic Science & the Law</i>	<i>1</i>
<i>AACJ Winter Seminar</i>	<i>Jan. 2011</i>	<i>Trial Strategies</i>	<i>10</i>
<i>9th Annual APDA Conference</i>	<i>Jun. 2011</i>	<i>Various Topics</i>	<i>89</i>
<i>Cognitive Behavioral Therapy</i>	<i>Feb. 2011</i>	<i>Mitigation Issues in Cases</i>	<i>7</i>
<i>Personality Disorders in Social Work</i>	<i>Mar. 2011</i>	<i>Mitigation Issues in Cases</i>	<i>7</i>
<i>NADCL - Making Sense of Science</i>	<i>Mar. 2011</i>	<i>Trial Strategies</i>	<i>5</i>
<i>SBOA 2011 Minority Bar Convention</i>	<i>Apr. 2011</i>	<i>Various Topics</i>	<i>1</i>
<i>Beyond Burnout</i>	<i>Apr. 2011</i>	<i>Mitigation Issues in Cases</i>	<i>1</i>
<i>Capital Voir Dire Training</i>	<i>May. 2011</i>	<i>Capital Defense Training</i>	<i>6</i>
<i>Death Penalty College - Clarence Darrow</i>	<i>May. 2011</i>	<i>Capital Defense Training</i>	<i>3</i>
<i>Social Difficulties of Learning</i>	<i>May. 2011</i>	<i>Mitigation Issues in Cases</i>	<i>2</i>
<i>Capital Defense Mental Health Training III</i>	<i>Jun. 2011</i>	<i>Capital Defense Training</i>	<i>9</i>

BUDGET ABSTRACT

In Fiscal Year 2011 the Office of the Legal Defender once again came in under budget. While significant savings were realized through vacancies, the office also took steps to account for reductions in funding of several budgeted areas (such as supplies and legal services) as a result of the continued economic downturn. The Office of the Legal Defender is committed to spending money where necessary to effectively represent our clients while avoiding unnecessary costs that would cause budget overruns. Legal Defender expenditures are classified amongst the three office divisions, Adult Felony, Juvenile Dependency/Severance and Appeals.



STATISTICAL ABSTRACT

Case Assignments

History of Cases Assigned by Case Categories FY08-FY11 Cases Assigned¹				
Case Type	FY08	FY09	FY10	FY11
Capital	9	7	14	4
All other Homicide	47	19	35	52
Class 2-3 Felony	675	1,120	1,094	1,078
<i>Class 2-3 Felony - RCC/EDC</i>	192	522	466	418
<i>Class 2-3 Felony - Non RCC/EDC</i>	483	598	628	660
DUI	31	89	108	136
<i>DUI - RCC/EDC</i>	0	68	95	82
<i>DUI - Non RCC/EDC</i>	31	21	13	54
Class 4-6 Felony	4,037	4,510	4,310	4,251
<i>Class 4, 5, & 6 Felony - RCC/EDC</i>	3,229	3,846	3,743	3,666
<i>Class 4, 5, & 6 Felony - Non RCC/EDC</i>	808	664	567	585
Violation of Probation	640	535	507	420
Trial Division Total	5,439	6,280	6,068	5,941
Dependency	1,121	1,257	1,121	1,561
Appeals	N/A	N/A	N/A	67
Total of Above	6,560	7,537	7,189	7,569

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

Cases Resolved

History of Cases Resolved by Case Categories FY08-FY11 Cases Resolved¹				
Case Type	FY08	FY09	FY10	FY11
Capital	7	8	14	4
All other Homicide	21	21	19	27
Class 2-3 Felony	543	795	916	787
<i>Class 2-3 Felony - RCC/EDC</i>	194	389	338	284
<i>Class 2-3 Felony - Non RCC/EDC</i>	349	406	578	503
DUI	15	72	84	99
<i>DUI - RCC/EDC</i>	0	44	77	75
<i>DUI - Non RCC/EDC</i>	15	28	7	24
Class 4-6 Felony	3,783	4,273	4,232	4,159
<i>Class 4, 5, & 6 Felony - RCC/EDC</i>	3,026	3,631	3,591	3,676
<i>Class 4, 5, & 6 Felony - Non RCC/EDC</i>	757	642	641	483
Violation of Probation	588	514	507	420
Trial Division Total	4,957	5,683	5,772	5,496
Dependency	1,034	1,049	1,040	1,241
Appeals	N/A	N/A	N/A	28
Total of All Above	5,991	6,732	6,813	6,737

1 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).