



Office of the Legal Defender

Annual Report ~ FY12

Marty Lieberman, Director

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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.

EXECUTIVE SUMMARY

Employee Satisfaction

Employee satisfaction with the office rose from 6.04 to 6.19 (on a scale of 2 – 8). The County average was 6.05. Negative scores were only 2% as compared to the county average of 5% in the prior year. Management is committed to ensuring an enjoyable work environment for all members of the office and has worked hard over the past year to provide the tools needed for employees to do their job well.

Consistency is important as well. Management has worked to ensure that performance and discipline issues are treated consistently. The office has revamped its performance measure evaluations to more meaningfully measure job performance in each of the varied areas of work. We believe that this will result in continued and improved employee satisfaction.

Internal Training

Management, along with one of our senior capital lawyers, created and delivered a three hour presentation entitled “Law for Mitigation Specialists.” This program was presented to mitigation specialists, paralegals, and investigators in an effort to give them a better understanding of the capital process, how they fit into that process, and why some of the lawyer’s decisions and directions are made. The program was also designed to comply with Guidelines applicable to the defense of capital cases. We were able to create and present this program at no additional cost to the County.

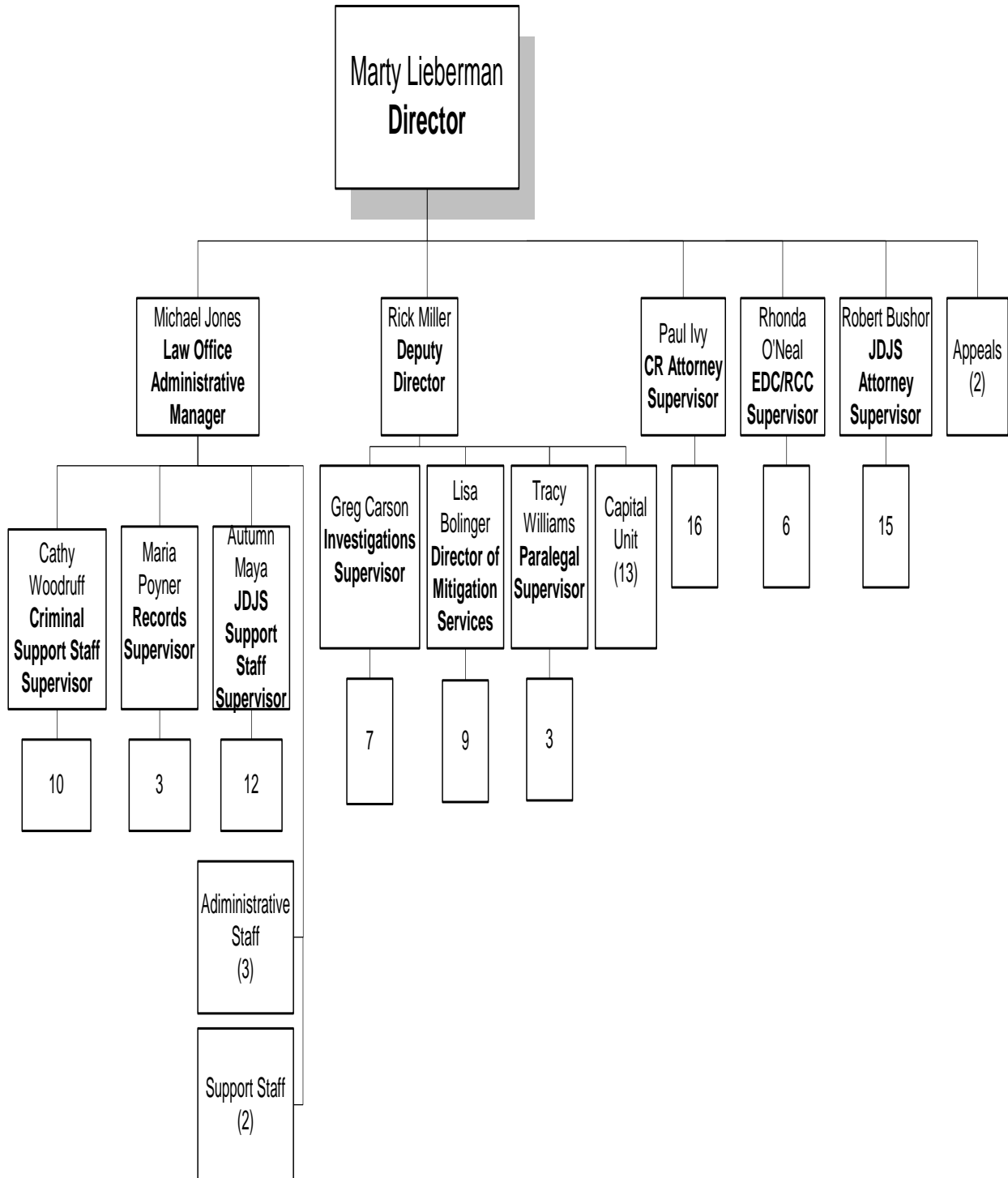
Appeals

In 2010, the Legal Defender began representing clients who had been civilly committed if they sought to appeal the commitment order, taking this representation over from the Public Defender’s Office. Although only two attorneys are assigned to this division, in FY13 the office started to represent our own criminal clients in their appeals, for class 3, 4, 5 and 6 felonies. This allows us to continue representation of our clients while helping to lighten, a bit, the appeal load of other portions of the public defense services.

Juvenile Dependence/Severance (JDJS)

During 2012, the number of dependency cases increased greatly. By assigning lawyers to specific courts, minimizing travel and other “down” time, to the extent possible, JDJS attorneys are able to carry a significant case load and, for a good part of the year, attorneys were at maximum case loads. Towards the end of the year, as a result of resignations occurring close together, the office has had to reduce its total case load. County financial conditions have hampered recruitment for those positions, but we have been able to partially fill the void by using an “on-call” attorney to assist in certain cases and/or coverage. As we move forward, we will be challenged to meet the demand.

ORGANIZATION CHART



DEPARTMENT OVERVIEW

Attorneys & Staff

At the close of Fiscal Year 2012 the Office of the Legal Defender had 120 budgeted positions. This includes 113 full-time positions and 7 part-time or on-call positions. The Office employs 62 attorneys and has 58 employees filling positions in management, administration and support staff. The Office of the Legal Defender scope of representation is divided into three divisions: Criminal Felony, Juvenile Dependence/Severance (JDJS) and Appeals. The Criminal division comprises 72% of the office, with JDJS making up 26% and Appeals at 2%.

Exciting Changes

During Fiscal Year 2012, the Office of the Legal Defender welcomed a new Deputy Director and Attorney Supervisor to the management team. Rick Miller accepted a position as Deputy Director in November of 2011. Prior to becoming Deputy Director, Rick served as both a trial and capital attorney for the office. Rick is also one of the original members of the Office of the Legal Defender, having joined in 1995.

In February of 2012, Rhonda O'Neal accepted a position as EDC/RCC Attorney Supervisor. Rhonda first joined OLD in 1998 and has worked as an attorney in our Criminal Trial Unit, JDJS Unit and EDC/RCC Unit during her tenure with the office.

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 indigent representation. In Fiscal Year 2012 the Legal Defender hosted nine (9) externs from Arizona State University Sandra Day O'Conner School of Law, Phoenix School of Law and Valparaiso School of Law.

The Legal Defender externship program immerses students in the demanding and rewarding work performed by our attorneys. Externs meet with clients, participate in case strategy meetings, make Rule 38 court appearances and conduct detailed research on relevant case law and legal issues. In FY12, two students elected to stay on in a volunteer capacity after their externships ended. These students received no pay or course credit for their work, but found the experience to be worthy of their time and effort.

Since 1997, over 39 externs have participated in the Office of the Legal Defender Externship Program.

ACCOMPLISHMENTS

Diversity

During Fiscal Year 2012 the Office of the Legal Defender continued a commitment to embrace Diversity activity in Maricopa County. Staff members Rose Rubio Gaytan and Ann Woodrick built upon their work from the previous year by working with other staff and management to create a Diversity Council which is becoming an active group within the office. Further, they worked to develop a monthly Diversity Publication highlighting awareness of diversity issues such as inclusion, cultural holidays and observances celebrated both nationally and globally.

The Combined Charitable Campaign

In Fiscal Year 2012 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 41.2% from the previous year. Legal Secretary Tina Stewart spearheaded efforts in the office, and a total of \$8,290.28 was raised.

Adopt-a-Family

In Fiscal Year 2012, the Office continued a long standing holiday tradition by teaming up with the City of Phoenix to participate in the "Adopt a Family" program. Dozens of staff members reached into their own pockets to help purchase clothing, toiletries and toys for the family in need. Thanks to the generous nature of Legal Defender employees, all gifts requested by the family were filled.

Good Members of the Community

- In February of 2012, eight attorneys and four staff members volunteered their time at Arizona Stand Down, helping veterans resolve outstanding criminal and civil matters. This community outreach event provides over 1,000 veterans access to shelter, services and healthcare. The Office of the Legal Defender worked in conjunction with prosecutorial agencies and the courts to help veterans clear up warrants and fines.
- Attorney Shab Amiri and Mitigation Specialist Ann Woodrick spent numerous weekends during the year volunteering with the Animal Defense League of Arizona (ALDA) to help trap, neuter and release feral cats. Shab also serves as a foster parent for abandoned cats, and gives countless hours of volunteer time to the Humane Society. In 2012 the ADLA gave care to 15,000 cats in Maricopa County and Shab took 18 cats into her home as a foster parent.
- In May of 2012, NBC Petside.com recognized Attorney Joy Parker for her dedication to animals. Joy owns three rescue dogs, one of which she adopted after finding it running along Central and Van Buren.

TRAINING ACTIVITIES

The Office of the Legal Defender views training as an essential component in providing high quality legal representation to clients. In order to make the best use of limited funding, the Office is committed to getting the most out of every dollar spent for training. This commitment is evidenced by OLD's participation in seminars offering reimbursements for public service employees, a willingness to partner with other government agencies and with the development of internal training opportunities.

Highlights in FY12:

- Office of the Legal Defender Advanced Training Program - In Fiscal Year 2012 the Office of the Legal Defender hosted a training seminar for Advanced Trial Advocacy. Held in April, this two-day intensive seminar was led by national trial advocacy expert Ira Mickenberg, with Senior Deputy Legal Defender attorneys providing instruction and mentoring during breakout group sessions. To save money, the office worked with the Maricopa County Human Resources Department to secure a large training room, and self-produced training materials. All total, 24 attorneys with the Office (and 3 attorneys from the Maricopa County Office of the Legal Advocate) participated in the two-day training program. The total cost was \$8,017.00, which is roughly \$300.00 per attorney.
- SBOA Rules Update – In October of 2011, the State Bar of Arizona (SBOA) conducted a live webcast titled “Updates to the Rules of Evidence.” The cost of the webcast was \$84.00 per person. When ten (10) attorneys expressed interest in being able to participate in the training, the Office contacted the SBOA and requested that multiple people be permitted to view the webcast in one location. The SBOA gave permission to have a group viewing of the webcast and all 10 attorneys participated, at a cost of \$8.40 per person.
- L.A. County Public Defender “Forensic Science Conference” – In September of 2011, the office was able to obtain a partial travel scholarship and waiver of fee registration to send Deputy Director, Rick Miller, to the Los Angeles County Public Defender “Forensic Science Conference.” This seminar focused on litigating forensic science issues using the National Academy of Sciences (NAS) Report on Forensic Sciences. Total cost of attendance, \$216.70.
- The Fight for Life 2012 – In December 2011 the office served as a co-host for the annual Death Penalty Conference (“The Fight for Life”), held in downtown Phoenix. With no cost for travel, 19 Attorneys and 12 Staff members were able to obtain 1 ½ days of capital case training at a cost of \$4,000.00, which breaks out to \$129.00 per person.
- The Arizona Forensic Science Academy – In September 2011, three members of the office enrolled in a 20 week seminar (with classes each Friday) focused on forensic science used in Arizona. Special focus in this interactive course is devoted to methods of direct and cross-examination of scientific experts. Total cost for attendance for all 20 weeks was \$200.00 per person.

The Public Defender Training Fund

The Public Defender Training Fund (PDTF) is a critical tool in providing access to training for attorneys and staff. Over the course of FY12 the PDTF supported 246 training slots for Legal Defender team members.

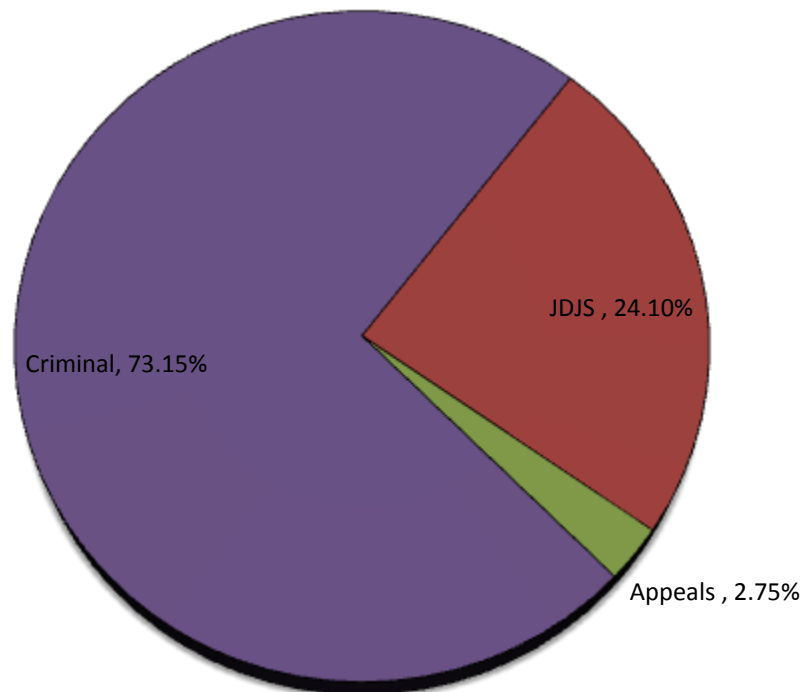
Training funded by the PDTF in FY12

Title	Date	Topic	Attendees
<i>L.A. County Public Defender Forensic Service Conference</i>	<i>Sep. 2011</i>	<i>Forensic Science</i>	<i>1</i>
<i>Arizona AG Advanced Forensic Science Academy</i>	<i>Sep. 2011</i>	<i>Forensic Science</i>	<i>3</i>
<i>Arizona Attorneys for Criminal Justice (AACJ) - Fall Seminar</i>	<i>Sep. 2011</i>	<i>Case Strategies</i>	<i>4</i>
<i>State Bar of Arizona – Rules Update</i>	<i>Oct. 2011</i>	<i>Update to the Rules of Evidence</i>	<i>10</i>
<i>NADCL – Defending the Drug Case</i>	<i>Nov. 2011</i>	<i>Case Strategies</i>	<i>1</i>
<i>Advanced Legal Writing and Editing</i>	<i>Nov. 2011</i>	<i>Writing/Editing Skills</i>	<i>2</i>
<i>Cross Country Education Seminar</i>	<i>Dec. 2011</i>	<i>Autism & Rhett’s Disorder</i>	<i>1</i>
<i>The Fight for Life</i>	<i>Dec. 2011</i>	<i>Capital Defense Training</i>	<i>31</i>
<i>Cross Country Education Seminar</i>	<i>Jan. 2012</i>	<i>Anger & Oppositional Disorder</i>	<i>5</i>
<i>AACJ Winter Seminar</i>	<i>Jan. 2012</i>	<i>Trial Skills</i>	<i>3</i>
<i>NACDL – Mid Winter Seminar</i>	<i>Feb. 2012</i>	<i>Confronting the Mob Mentality</i>	<i>1</i>
<i>CACJ/CPDA Capital Case Seminar</i>	<i>Feb. 2012</i>	<i>Capital Case Training</i>	<i>9</i>
<i>Best for Babies Seminar</i>	<i>Feb. 2012</i>	<i>Juvenile Dependence /Severance Training</i>	<i>3</i>
<i>NCADL Forensic Science Seminar</i>	<i>Mar. 2012</i>	<i>Trial Skills</i>	<i>7</i>
<i>Legal Defender Advanced Trial Advocacy</i>	<i>Mar. 2012</i>	<i>Trial Skills</i>	<i>24</i>
<i>Interview and Interrogation Technique</i>	<i>Apr. 2012</i>	<i>Investigator Training</i>	<i>2</i>
<i>AACJ 25th Annual Defense of the Accused</i>	<i>May. 2012</i>	<i>Trial Skills</i>	<i>1</i>
<i>CLE West Roger Dodd – Winning Your Trial</i>	<i>June. 2012</i>	<i>Trial Skills</i>	<i>1</i>
<i>Nancy Pensis – Team Development</i>	<i>May. 2012</i>	<i>Teamwork in Capital Cases</i>	<i>31</i>
<i>10th Annual APDA Conference</i>	<i>Jun. 2012</i>	<i>Various Topics</i>	<i>95</i>
<i>APDA Conference – Colorado Method of Capital Voir Dire</i>	<i>Jun. 2012</i>	<i>Capital Jury Selection</i>	<i>11</i>

BUDGET ABSTRACT

In Fiscal Year 2012 the Office of the Legal Defender once again came in under budget. The Office of the Legal Defender remains 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: Criminal, Juvenile Dependency/Severance and Appeals.

Legal Defender Expenditures FY12



STATISTICAL ABSTRACT

Cases Assigned

History of Cases Assigned by Case Categories FY09-FY12 Cases Assigned¹				
Case Type	FY09	FY10	FY11	FY12
Capital	7	14	4	9
All other Homicide	19	35	52	44
Class 2-3 Felony	1,120	1,094	1,078	1,084
<i>Class 2-3 Felony - RCC/EDC</i>	522	466	418	417
<i>Class 2-3 Felony - Non RCC/EDC</i>	598	628	660	667
DUI	89	108	136	145
<i>DUI - RCC/EDC</i>	68	95	82	86
<i>DUI - Non RCC/EDC</i>	21	13	54	59
Class 4-6 Felony	4,510	4,310	4,251	4,013
<i>Class 4, 5, & 6 Felony - RCC/EDC</i>	3,846	3,743	3,666	3,441
<i>Class 4, 5, & 6 Felony - Non RCC/EDC</i>	664	567	585	571
Violation of Probation	535	507	420	431
Trial Division Total	6,280	6,068	5,941	5,726
Dependency	1,257	1,121	1,561	1,572
Appeals	N/A	N/A	67	99
Total of Above	7,537	7,189	7,569	7,397

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

Cases Resolved

History of Cases Resolved by Case Categories FY09-FY12 Cases Resolved¹				
Case Type	FY09	FY10	FY11	FY12
Capital	8	14	4	6
All other Homicide	21	19	27	30
Class 2-3 Felony	795	916	787	682
<i>Class 2-3 Felony - RCC/EDC</i>	389	338	284	253
<i>Class 2-3 Felony - Non RCC/EDC</i>	406	578	503	429
DUI	72	84	99	105
<i>DUI - RCC/EDC</i>	44	77	75	61
<i>DUI - Non RCC/EDC</i>	28	7	24	44
Class 4-6 Felony	4,273	4,232	4,159	3,604
<i>Class 4, 5, & 6 Felony - RCC/EDC</i>	3,631	3,591	3,676	3,097
<i>Class 4, 5, & 6 Felony - Non RCC/EDC</i>	642	641	483	507
Violation of Probation	514	507	420	406
Trial Division Total	5,683	5,772	5,496	4,833
Dependency	1,049	1,040	1,241	1,300
Appeals	N/A	N/A	28	69
Total of All Above	6,732	6,812	6,765	6,202

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).