

Ohio Public Defender Commission

Senate Finance and Financial Institutions Committee

*Joseph Rogers, Senior Budget Analyst
Legislative Service Commission*

May 22, 2007

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LSC Redbook

for the

Ohio Public Defender Commission

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TABLE OF CONTENTS

OVERVIEW.....	1
Right to Counsel	1
Duties and Responsibilities	1
County Indigent Defense Services Delivery Systems	2
Mandated Expenditure Reductions	2
Recent Enacted Revenue Enhancements.....	2
Indigent Defense Application Fee.....	2
Civil Case Filing Fees.....	2
Executive Budget Summary.....	3
Program Series 1: State Legal Defense Services.....	3
Program Series 2: County-Level Indigent Defense	3
Program Series 3: Ohio Legal Assistance Foundation.....	3
Program Series 4: Program Management.....	4
Expense by Program Series Summary	4
Expense by Fund Group	5
Object of Expense Summary.....	5
Staffing Levels	6
FACTS AND FIGURES.....	7
MASTER TABLE: EXECUTIVE'S RECOMMENDATIONS FOR FY 2008 AND FY 2009.....	10
ANALYSIS OF EXECUTIVE PROPOSAL	12
1: State Legal Defense Services.....	12
Program 1.01: Appeals and Postconviction Representation	13
Program 1.02: Death Penalty Representation.....	14
Program 1.03: Intake and Prison Services	15
Program 1.04: Juvenile Legal Assistance.....	16
Program 1.05: Legal Resource Center.....	17
Program 1.06: Trial Services.....	18
Program 1.07: Investigation Services.....	19

2: County-Level Indigent Defense	20
Program 2.01: Indigent Defense Reimbursement	20
Program 2.02: Branch Offices.....	21
Program 2.03: Pro Bono Training Program	22
3: Ohio Legal Assistance Foundation.....	24
Program 3.01: Ohio Legal Assistance Foundation	24
4: Program Management	26
Program 4.01: Program Management.....	26

ATTACHMENTS:

- Catalog of Budget Line Items
- LSC Budget Spreadsheet By Line Item: Executive to House Passed
- Comparison Document: Permanent and Temporary Law

May 22, 2007

Ohio Public Defender Commission

- County reimbursement rate projected at around 25%
- Goal is to maintain legal services
- Civil Legal Aid on the rise

OVERVIEW

Right to Counsel

Criminal defendants have a constitutional right to court appointed attorneys if the accused are financially unable to retain private counsel, a right guaranteed by the Sixth and Fourteenth Amendments to the U.S. Constitution. The right to counsel extends from the time that judicial proceedings have been initiated against the accused, whether by way of formal charge, preliminary hearing, indictment, information, or arraignment, through sentencing and appeal. There is no absolute right to appointed counsel in postconviction proceedings.

Duties and Responsibilities

The Ohio Public Defender Commission, which was created effective January 13, 1976, pursuant to Am. Sub. H.B. 164 of the 111th General Assembly, provides, supervises, and coordinates legal representation for persons who cannot afford to hire an attorney to represent that person in criminal court. Arguably, from a fiscal perspective, the Commission's most significant role is as administrator of the subsidy program that partially reimburses counties for indigent defense expenditures related to the operation of local public defender offices or the use of appointed counsel.

Other notable Commission activities include:

- Establishing the standards and guidelines for county public defenders and appointed counsel, including a maximum fee schedule, and supervising the compliance with these standards.
- Providing technical assistance to county public defenders and appointed counsel.
- Providing legal services to inmates at the state's correctional facilities, trial level representation in some capital cases, and appellate and post-appeals representation in capital and noncapital cases.
- Serving as a portal through which funds are transferred to the Ohio Legal Assistance Foundation (OLAF) for the purpose of providing financial assistance to legal aid societies throughout the state.

The Commission itself consists of nine appointed members. The Governor appoints five of the members, including the chair. The Supreme Court of Ohio appoints the other four members. To foster a nonpartisan structure, no more than five Commission members can be from one of the two major political parties. The Commission appoints a state public defender who maintains and administers the Office of the Ohio Public Defender. The Commission and the Office of the Public Defender share a common state budget.

County Indigent Defense Services Delivery Systems

In meeting the right to counsel obligations in criminal matters, each county has the option of:

- Establishing a county public defender system.
- Establishing a joint county public defender system.
- Adopting a schedule to pay private appointed counsel.
- Contracting with the state public defender.
- Contracting with a nonprofit corporation.

A county may use one or any combination of the above options, and, in point of fact, most opt to utilize county public defender offices or appointed counsel systems.

Mandated Expenditure Reductions

Over the period covering FYs 2001 through 2005, the Governor, in response to ongoing revenue shortfalls, cut the Commission's enacted GRF appropriations by a total of approximately \$17.3 million. In order to reduce its GRF expenditures, the Commission took numerous actions that cut payroll and maintenance costs, delayed equipment purchases, and generally created more efficiency and less spending. Perhaps most notably, the Commission reduced the size of its payroll, largely through attrition. Since July 2001, approximately 49 attorneys have left the Commission, and only 37 new replacement attorneys have been hired, for a net loss of 12 attorneys.

Recent Enacted Revenue Enhancements

Indigent Defense Application Fee

Am. Sub. H.B. 66, the main operating appropriations act for the 126th General Assembly, enacted a permanent law provision that generates revenue from a nonrefundable \$25 indigent defense application fee. The purpose of this revenue stream was to support program activities of the Commission that would otherwise have been in financial jeopardy. Of this locally collected fee, 20% is transmitted to the Commission, which must deposit the remitted fees into the state treasury to the credit of the Client Payment Fund (Fund 408), and the remainder, or 80%, is retained by the collecting county to offset the costs of providing legal representation to indigent persons. Since September 30, 2005, the fee has generated a total of \$1,478,970 statewide. Of this amount, \$295,794 (20%) has been transmitted to the state treasury. The collecting counties have retained a total of \$1,183,176 (80%).

Civil Case Filing Fees

Am. Sub. H.B. 66 also provided for an increase in the surcharge on civil actions not in a small claims division (from \$15 to \$26) and on civil actions in a small claims division (from \$7 to \$11) that are used for the charitable purpose of providing financial assistance to legal aid societies, and adds a \$26 fee on name change, guardianship, adoption proceedings, and decedent estate proceedings to be used for the same purpose. Current law requires 4% of the funds collected be deposited in the state treasury to the credit of the newly enacted Civil Case Filing Fee Fund (Fund 5CX) to be used by the Public Defender for the purpose of appointing assistant public defenders and for providing other personnel, equipment, and facilities necessary for operation of the Public Defender, and requires the remainder of the funds collected (96%) be deposited in the state treasury to the credit of the existing Legal Aid Fund (Fund 574).

According to information provided by Commission staff, in FY 2006, \$387,606 was deposited to the credit of Fund 5CX, and, for FY 2007, a total of \$405,673 has been deposited to the credit of the fund through February 2007. This suggests that, for the same time periods, the amounts credited to the Legal Aid Fund were approximately \$9.3 million and \$9.7 million, respectively.

Executive Budget Summary

The executive budget recommendations for each of the Commission's four program series are summarized below.

Program Series 1: State Legal Defense Services

For its State Legal Defense Services program series, the Commission requested GRF and non-GRF funding sufficient to continue providing its FY 2007 level of services in each of FYs 2008 and 2009. The executive recommendations provide the same level of funding as was requested in most of the programs comprising this program series, which basically corresponds to the current estimated expenditures for FY 2007. With these recommended amounts, it appears that most of the State Legal Defense Services programs will continue to operate at, or very close to, their FY 2007 service delivery levels.

Program Series 2: County-Level Indigent Defense

For its County-Level Indigent Defense program series, the Commission requested GRF and non-GRF funding sufficient to continue providing its FY 2007 level of services in each of FYs 2008 and 2009. Current law requires the Commission, subject to available appropriations, to reimburse counties for up to 50% of their cost for providing indigent defense services. The executive-recommended budget, which provides less funding than the Commission calculated would be necessary to continue the FY 2007 county reimbursement rate of 28%, likely means future annual reimbursement rates estimated at about 25% and 24%, respectively, in FYs 2008 and 2009. The Commission has calculated that it would need additional GRF funding in the amount of \$30,065,731 in FY 2008 and \$33,694,566 in FY 2009 to reimburse counties for the full 50% of their annual cost of providing indigent defense legal services. The county reimbursement rate has not been as high as 50% since FY 1991.

Program Series 3: Ohio Legal Assistance Foundation

The executive-recommended budget fully funded the Commission's requested annual appropriation levels for the Ohio Legal Assistance Foundation program series. This essentially means that around \$40 million in each of FYs 2008 and 2009 will be appropriated for the purpose of supporting the state's legal aid societies. Prior to FY 2006, of the remaining portion of each fiscal year's appropriation for line item 019-606, Civil Legal Aid, 4.5% was reserved for the Ohio Legal Assistance Foundation (OLAF) to pay for the actual, reasonable costs in administering the program.

As a result of a statutory change contained in Am. Sub. H.B. 66, the main operating appropriations act for the 126th General Assembly, OLAF is now permitted to keep an additional 15% of the revenues credited to fund. Under current law then, this 15% is combined with the 4.5% that was previously used to administer the program, and this combined amount is then transferred to an entirely different fund, the Legal Assistance Foundation Fund, which is not a fund of the state treasury, but rather a private fund under OLAF's custody and control.

Pursuant to division (D)(1)(c) of section 120.53 and division (A) of section 120.521 of the Revised Code, the 15% set aside is used to: actively solicit and accept gifts, bequests, donations, and

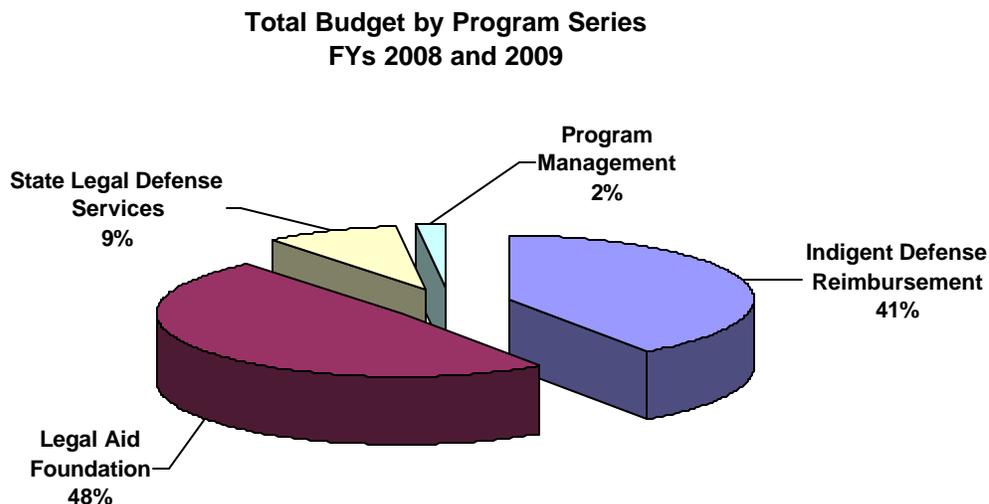
contributions for use in providing financial assistance to legal aid societies; enhance or improve the delivery of civil legal services to indigents; and operate the foundation. In each of FYs 2008 and 2009, approximately \$7.5 million, or 19.5%, of the civil legal aid revenues will be transferred to the Legal Assistance Foundation Fund. An additional \$6,119 in FY 2008 and \$6,381 in FY 2009 will be charged as administrative costs borne by the Commission for salaries and telephone expenses associated with managing Foundation activities.

Program Series 4: Program Management

The executive-recommended budget for the Commission's Program Management program series, which is identical to the Commission's requested amounts for FYs 2008 and 2009, will be largely devoted toward maintaining current FY 2007 staffing and service levels. Commission staff also expressed concern relative to a significant future increase in the cost of fiscal and payroll services provided by the Department of Administrative Services (DAS) given the pending implementation of the Ohio Administrative Knowledge System (OAKS), for which OBM instructed the agency to make no specific budgetary allowance. OAKS is a project involving the integration of five major state business functions – capital improvements, financials, fixed assets, human resources, and procurement – into one single computer system for performing some of the state's primary administrative tasks.

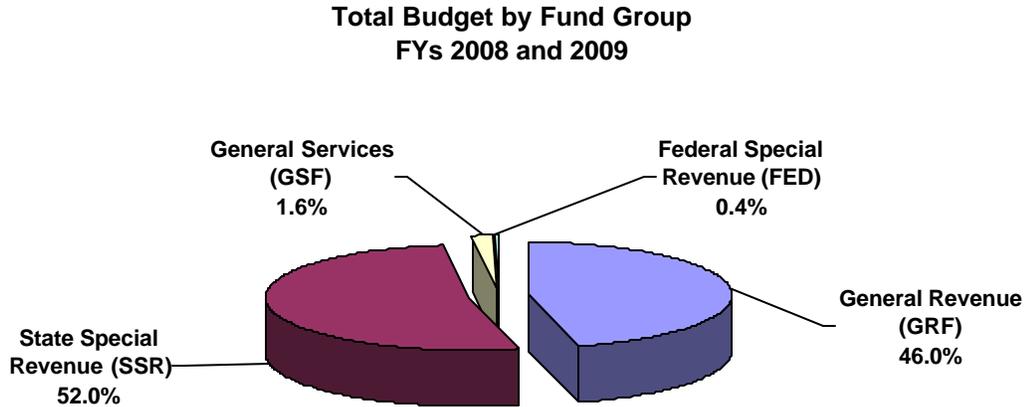
Expense by Program Series Summary

The pie chart immediately below shows the total recommended appropriations (FYs 2008 and 2009) by program series. This information is shown for the GRF and for all funds.



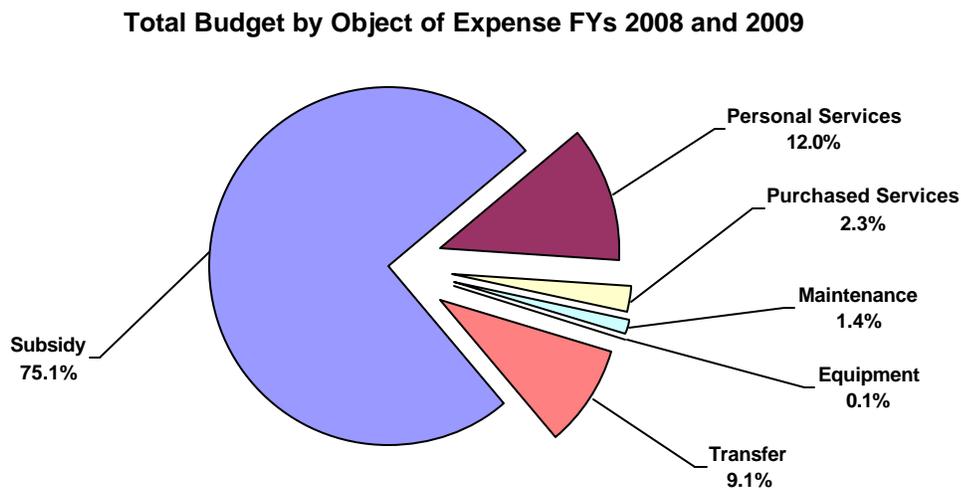
Expense by Fund Group

The pie chart immediately below shows the total recommended appropriations (FYs 2008 and 2009) by fund group. This information is shown for the GRF and for all funds.



Object of Expense Summary

The pie chart immediately below shows the total recommended appropriations (FYs 2008 and 2009) by major object of expense. This information is shown for the GRF and for all funds.



Staffing Levels

The table immediately below summarizes the number of staff that the Commission paid, or will pay, on the last pay period of FYs 2002 through 2009. The number of paid staff is expressed in terms of FTEs, or full-time equivalents, and does not include the nine members appointed to the Commission.

Ohio Public Defender Commission Staffing Levels by Fiscal Year								
Program Series	2002	2003	2004	2005	2006	2007*	2008**	2009**
State Legal Defense Services	102.0	73.5	74.5	71.5	71.5	71.5	74.5	74.5
County-Level Indigent Defense	33.0	28.5	27.5	27.5	27.5	27.5	27.5	27.5
Legal Assistance Foundation	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Program Management	32.5	23.0	22.0	22.0	22.0	22.0	22.5	22.5
Totals	167.5	125.0	124.0	121.0	121.0	121.0	124.5	124.5

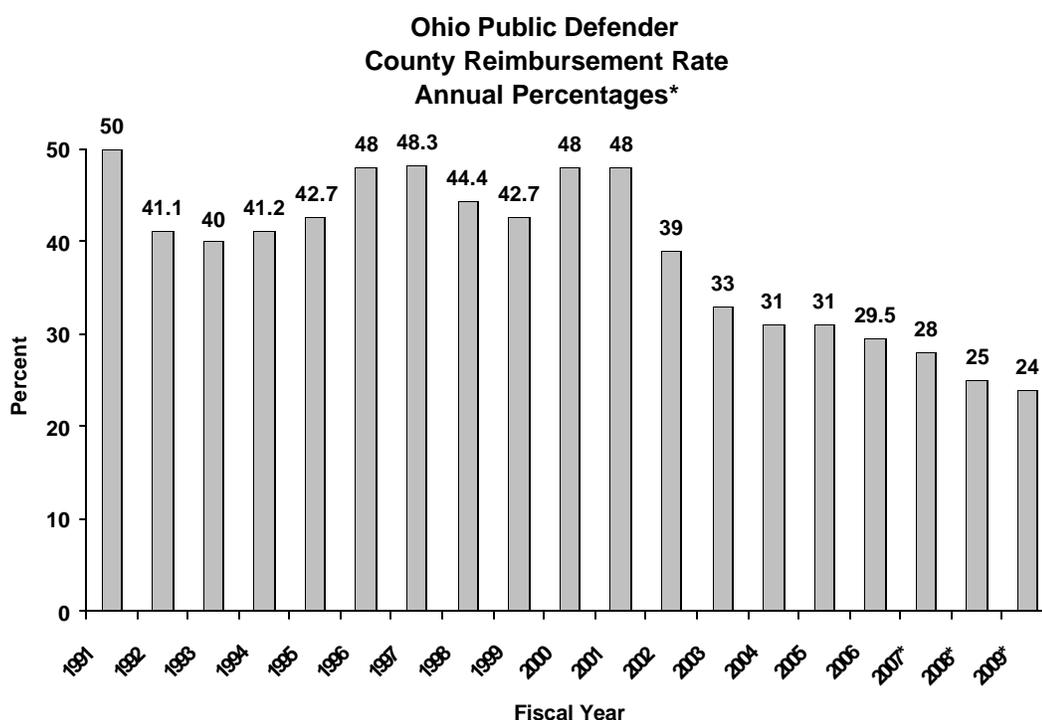
* The number of staff by program series to date in 2007.

** The staffing levels displayed in the above table for FYs 2008 and 2009 are estimates.

Since FY 2002, the Commission has experienced a noticeable reduction in its staffing levels, a decrease of 40-plus FTEs, or roughly one-quarter of its workforce. It is the goal of the Commission to maintain 124.5 FTEs through FY 2009.

As of this writing, it appears that, under the levels of funding provided in the executive-recommended budget, the Commission will be able to cover just the anticipated increases in payroll-related expenses. All other administrative functions and obligations will remain at the FY 2007 level.

FACTS AND FIGURES



*The FY 2007 through 2009 annual percentages for the county reimbursement rate in the above graph are estimates.

In the ten-year period covering FYs 1992 through 2001, the Commission's annual county reimbursement rate ranged between 40% and 48%. Since that time, the Commission's annual county reimbursement rate has declined to around 28% in FY 2007.

Pursuant to the Ohio Public Defender Law enacted in 1976, the state was required to reimburse counties for 50% of the costs associated with the provision of legal counsel to indigents. Effective July 1, 1979, pursuant to Am. Sub. H.B. 204 of the 113th General Assembly, the provision was amended to state that, if the amount appropriated by the General Assembly in any fiscal year is insufficient to pay 50% of the costs associated with the provision of legal counsel to indigents, the amount of money paid is to be reduced proportionately so that each county is paid an equal percentage of its total costs. Fiscal year 1991 was the last time the Commission was able to reimburse counties for 50% of their indigent defense costs.

County-Level Indigent Defense Closed Cases Subject to State Reimbursement & Branch Office Caseloads						
Fiscal Year	Appointed Counsel	Public Defender	Death Penalty	Multi-County	Trumbull County	Total Cases
1992	65,126	143,044	107	5,172	3,081	216,530
1993	67,321	151,676	129	5,370	3,091	227,587
1994	68,740	156,523	106	5,910	3,066	234,345
1995	68,738	170,668	111	6,929	3,488	249,934
1996	75,351	164,008	122	7,156	3,265	249,902
1997	72,883	184,519	120	7,660	4,139	269,321
1998	76,199	180,957	147	7,966	4,160	269,429

County-Level Indigent Defense						
Closed Cases Subject to State Reimbursement & Branch Office Caseloads						
Fiscal Year	Appointed Counsel	Public Defender	Death Penalty	Multi-County	Trumbull County	Total Cases
1999	88,738	189,787	140	10,197	4,753	293,615
2000	95,305	207,718	133	11,013	4,783	318,952
2001	103,495	209,129	106	10,873	4,745	328,348
2002	112,891	200,285	123	11,831	5,638	330,768
2003	126,356	240,244	108	11,977	6,330	385,015
2004	131,009	246,218	131	12,892	5,089	395,339
2005	137,833	247,613	142	12,485	6,128	404,201
2006	138,595	252,183	147	13,152	6,520	410,597
2007*	144,140	262,270	150	13,680	6,780	427,020
2008*	149,910	272,760	160	14,230	7,050	444,110
2009*	155,910	283,670	170	14,800	7,330	461,880

* The data associated with FYs 2007 through 2009 are estimates.

The table immediately above displays a breakdown of the total number of indigent defense cases that were closed annually from FYs 1992 through 2006, along with the estimated total number of indigent cases that are estimated to be closed annually from FYs 2007 through 2009. That breakdown shows closed cases that were directly handled by counties in some manner (the "Appointed Counsel," "Public Defender," and "Death Penalty" columns in the above table) and closed cases that were handled by the state in the form of the Office of the Ohio Public Defender Commission (the "Multi-County" and "Trumbull County" columns in the above table).

Relative to the table above, the caseload data for the period covering FYs 1992 through 2006 include the following highlights:

- The number of indigent defense cases closed annually by counties and the Office of the Ohio Public Defender Commission combined increased by approximately 89.6%, from 216,530 to 410,597 cases.
- The number of indigent defense cases closed annually by counties increased by 87.7%, from 208,277 to 390,925 cases.
- The number of indigent defense cases closed annually by the Office of the Ohio Public Defender Commission increased by approximately 138.4%, from 8,253 to 19,672 cases.
- Counties typically handled around 95% of the total number of indigent defense cases closed annually by counties and the Office of the Ohio Public Defender Commission combined.

County-Level Indigent Defense					
Amount Subject to State Reimbursement & Branch Office Costs					
Fiscal Year	Non-Capital Cases	Capital Cases	Multi-County	Trumbull County	Total Cases
1992	\$39,829,961	\$1,863,669	\$1,022,538	\$481,055	\$43,197,223
1993	\$42,970,070	\$2,370,609	\$1,343,043	\$657,937	\$47,341,659
1994	\$45,297,398	\$1,851,788	\$1,466,811	\$574,328	\$49,190,325
1995	\$46,006,401	\$1,940,440	\$1,550,604	\$638,865	\$50,136,310
1996	\$47,134,045	\$1,822,116	\$1,641,873	\$661,383	\$51,259,417
1997	\$49,294,565	\$1,915,573	\$1,851,456	\$698,931	\$53,760,525

County-Level Indigent Defense					
Amount Subject to State Reimbursement & Branch Office Costs					
Fiscal Year	Non-Capital Cases	Capital Cases	Multi-County	Trumbull County	Total Cases
1998	\$54,973,281	\$2,479,280	\$2,052,513	\$732,528	\$60,237,602
1999	\$57,887,608	\$2,074,700	\$2,091,608	\$756,009	\$62,809,925
2000	\$65,038,160	\$1,766,673	\$2,359,659	\$819,094	\$69,983,586
2001	\$70,127,153	\$1,758,853	\$2,484,460	\$844,302	\$75,214,768
2002	\$79,916,063	\$1,978,301	\$2,507,604	\$860,862	\$85,262,830
2003	\$88,592,159	\$2,141,417	\$2,585,325	\$863,038	\$94,181,939
2004	\$92,160,364	\$2,501,675	\$2,630,153	\$875,049	\$98,167,241
2005	\$96,170,308	\$2,337,473	\$2,607,554	\$850,974	\$101,966,309
2006	\$101,314,190	\$2,644,462	\$2,730,857	\$864,448	\$107,553,957
2007*	\$108,997,000	\$2,500,000	\$2,848,010	\$909,849	\$115,254,859
2008*	\$115,433,000	\$2,500,000	\$2,947,700	\$941,700	\$121,822,400
2009*	\$122,022,000	\$2,500,000	\$3,050,900	\$974,700	\$128,547,600

* The data associated with FYs 2007 through 2009 are estimates.

The table immediately above displays a breakdown of the total annual costs to counties and the Office of the Ohio Public Defender Commission for the provision of trial-level indigent defense services. That breakdown shows the costs associated with indigent defense cases that were directly handled by counties in some manner (the "Non-Capital Cases" and "Capital Cases" columns in the above table) and the costs associated with indigent defense cases handled by the state in the form of the Office of the Ohio Public Defender (the "Multi-County" and "Trumbull County" columns in the above table).

Relative to the table above, the cost data for the period covering FYs 1992 through 2006 include the following highlights:

- The annual cost to counties of providing indigent defense service more than doubled (149.4%), from \$41.7 million to \$104.0 million, an increase of \$62.3 million.
- The annual cost to the Office of the Ohio Public Defender Commission of providing trial-level indigent defense service more than doubled (140%), from \$1.5 million to \$3.6 million, an increase of \$2.1 million.

MASTER TABLE: EXECUTIVE'S RECOMMENDATIONS FOR FY 2008 AND FY 2009

The following table provides a comprehensive presentation of the executive's recommendations for each of the agency's line items and the programs each line item supports. Please note that some line items may provide funding for multiple program series and/or programs. See the Analysis of Executive Proposal section for more information on specific program funding.

Executive Recommendations for FY 2008 and FY 2009, By Line Item and Program				
Fund	ALI	Title	FY 2008	FY 2009
General Revenue Fund				
GRF	019-321	Public Defender Administration	\$1,287,404	\$1,347,070
		<u>Program Series 1: State Legal Defense Services</u>		
		Program 1.05: Legal Resource Center	\$3,610	\$3,610
		<u>Program Series 4: Program Management</u>		
		Program 4.01: Program Management	\$1,283,794	\$1,343,460
GRF	019-401	State Legal Defense Services	\$5,914,023	\$6,120,592
		<u>Program Series 1: State Legal Defense Services</u>	\$5,718,916	\$5,917,261
		Program 1.01: Appeals and Postconviction Representation	\$1,969,811	\$2,034,917
		Program 1.02: Death Penalty Representation	\$1,758,986	\$1,821,490
		Program 1.03: Intake and Prison Services	\$374,857	\$387,901
		Program 1.04: Juvenile Legal Assistance	\$452,104	\$469,051
		Program 1.05: Legal Resource Center	\$206,455	\$212,419
		Program 1.06: Trial Services	\$153,988	\$159,872
		Program 1.07: Investigation Services	\$802,715	\$831,611
		<u>Program Series 4: Program Management</u>		
		Program 4.01: Program Management	\$195,107	\$203,331
GRF	019-403	Multi-County: State Share	\$766,402	\$762,727
		<u>Program Series 2: County-Level Indigent Defense</u>		
		Program 2.02: Branch Offices	\$766,402	\$762,727
GRF	019-404	Trumbull County-State Share	\$244,816	\$243,650
		<u>Program Series 2: County-Level Indigent Defense</u>		
		Program 2.02: Branch Offices	\$244,816	\$243,650
GRF	019-405	Training Account	\$31,324	\$31,324
		<u>Program Series 2: County-Level Indigent Defense</u>		
		Program 2.03: Pro-Bono Training	\$31,324	\$31,324
GRF	019-501	County Reimbursement	\$29,834,251	\$29,572,857
		<u>Program Series 2: County-Level Indigent Defense</u>		
		Program 2.01: Indigent Defense Reimbursement	\$29,834,251	\$29,572,857
General Revenue Fund Subtotal			\$38,078,220	\$38,078,220
General Services Fund Group				
101	019-602	Inmate Legal Assistance	\$33,338	\$34,638
		<u>Program Series 1: State Legal Defense Services</u>		
		Program 1.03: Intake and Prison Services	\$33,338	\$34,638
407	019-604	County Representation	\$219,800	\$227,500
		<u>Program Series 1: State Legal Defense Services</u>		
		Program 1.06: Trial Services	\$219,800	\$227,500

Executive Recommendations for FY 2008 and FY 2009, By Line Item and Program				
Fund	ALI	Title	FY 2008	FY 2009
408	019-605	Client Payments	\$611,537	\$476,760
		<u>Program Series 1: State Legal Defense Services</u>	\$303,822	\$149,903
		Program 1.01: Appeals and Postconviction Representation	\$75,677	\$78,711
		Program 1.03: Intake and Prison Services	\$228,145	\$71,192
		<u>Program Series 4: Program Management</u>		
		Program 4.01: Program Management	\$307,715	\$326,857
5CX	019-617	Civil Case Filing Fee	\$409,237	\$598,400
		<u>Program Series 1: State Legal Defense Services</u>	\$313,205	\$492,703
		Program 1.02: Death Penalty Representation	\$142,715	\$148,627
		Program 1.03: Intake and Prison Services	\$170,490	\$344,076
		<u>Program Series 4: Program Management</u>		
		Program 4.01: Program Management	\$96,032	\$105,697
General Services Fund Subtotal			\$1,273,912	\$1,337,298
Federal Special Revenue Fund Group				
3S8	019-608	Federal Representation	\$350,948	\$364,917
		<u>Program Series 1: State Legal Defense Services</u>		
		Program 1.02: Death Penalty Representation	\$350,948	\$364,917
Federal Special Revenue Fund Subtotal			\$350,948	\$364,917
State Special Revenue Fund Group				
4C7	019-601	Multi-County: County Share	\$2,181,300	\$2,288,200
		<u>Program Series 2: County-Level Indigent Defense</u>		
		Program 2.02: Branch Offices	\$2,181,300	\$2,288,200
4X7	019-610	Trumbull County-County Share	\$696,800	\$731,000
		<u>Program Series 2: County-Level Indigent Defense</u>		
		Program 02.02: Branch Offices	\$696,800	\$731,000
574	019-606	Civil Legal Aid	\$40,000,000	\$40,000,000
		<u>Program Series 3: Ohio Legal Assistance Foundation</u>		
		Program 03.01: Ohio Legal Assistance Foundation	\$39,993,881	\$39,993,619
		<u>Program Series 4: Program Management</u>		
		Program 04.01: Program Management	\$6,119	\$6,381
State Special Revenue Fund Subtotal			\$42,878,100	\$43,019,200
Public Defender Total Funding			\$82,581,180	\$82,799,635

ANALYSIS OF EXECUTIVE PROPOSAL

What follows is LSC fiscal staff's analysis of the Ohio Public Defender Commission's biennial budget covering FYs 2008 and 2009 as contained in the executive budget. The presentation of that budget information is organized around the following four program series.

- **Program Series 1: State Legal Defense Services**
- **Program Series 2: County-Level Indigent Defense**
- **Program Series 3: Ohio Legal Assistance Foundation**
- **Program Series 4: Program Management**

Program Series

1: State Legal Defense Services

Purpose: Provides legal representation and services to indigent adults, juveniles, and incarcerated individuals in state and federal courts when Ohio law, the Ohio Constitution, or the U.S. Constitution requires representation

The following table shows the line items that are used to fund the State Legal Defense Services program series, as well as the Governor's recommended funding levels.

Fund	ALI	Title	FY 2008	FY 2009
General Revenue Fund				
GRF	019-321	Public Defender Administration	\$3,610	\$3,610
GRF	019-401	State Legal Defense Services	\$5,718,916	\$5,917,261
General Revenue Fund Subtotal			\$5,722,526	\$5,920,871
General Services Fund				
101	019-602	Inmate Legal Assistance	\$33,338	\$34,638
407	109-604	County Representation	\$219,800	\$227,500
408	019-605	Client Payments	\$303,822	\$149,903
5CX	019-617	Civil Case Filing Fee	\$313,205	\$492,703
General Services Fund Subtotal			\$870,165	\$904,744
Federal Special Revenue Fund				
3S8	019-608	Federal Representation	\$350,948	\$364,917
Federal Special Revenue Fund Subtotal			\$350,948	\$364,917
Total Program Series Funding: State Legal Defense Services			\$6,943,639	\$7,190,532

This analysis focuses on the following specific programs within the State Legal Defense Services program series:

- **Program 1.01: Appeals and Postconviction Representation**
- **Program 1.02: Death Penalty Representation**
- **Program 1.03: Intake and Prison Services**
- **Program 1.04: Juvenile Legal Assistance**
- **Program 1.05: Legal Resource Center**
- **Program 1.06: Trial Services**
- **Program 1.07: Investigation Services**

Program 1.01: Appeals and Postconviction Representation

Program Description: This program provides legal representation in state and federal courts to indigent persons who claim they are unlawfully incarcerated. Attorney staff, with the assistance of support staff, review the claims of unlawful incarceration of indigent persons to determine whether their claims have arguable merit. If arguable merit is present, attorney staff litigate the claim in the appropriate court. This program has nine staff attorneys and three supervising attorneys who provide representation in over 800 cases per year where the indigent claim unlawful incarceration.

Group	Fund	ALI	Title	FY 2008	FY 2009
GRF	GRF	019-401	State Legal Defense Services	\$1,969,811	\$2,034,917
GSF	408	019-605	Client Payments	\$75,677	\$78,711
Total Program Funding: Appeals and Postconviction Representation				\$2,045,488	\$2,113,628

Funding Sources: (1) GRF, (2) all moneys collected by the state from defendants who were provided appointed counsel or a public defender and ordered to pay all or a portion of the costs of their defense, and (3) 20%, or \$5, of a nonrefundable \$25 application fee assessed certain indigent defendants or parties in juvenile court

Line Items: See above table

Implication of Executive Recommendation: The executive budget fully funded the Commission's requested amounts for this program, which should enable the Commission to continue providing FY 2007 levels of service in FYs 2008 and 2009.

The loss of attorney staff over time has led to reductions in the number of cases that can be handled under this program, and to longer delays in the delivery of existing services. Given that there are more than 49,000 prisoners incarcerated in Ohio, Commission attorneys are unable to provide representation to every inmate requesting assistance. This program area has a total of 12 staff attorneys; thus, the Office of the Ohio Public Defender Commission has had to develop criteria for screening the number of petitions in order that they may focus scarce resources on those cases that have arguable merit. For example, legal representation is not provided to inmates who pleaded guilty and did not have a trial.

For the fiscal year ending June 30, 2006, the Appeals and Postconviction Representation program provided representation in 4,735 cases. Of that total number of cases, 2,491 were closed, and 2,244 were pending.

Temporary and Permanent Law

It does not appear that the executive-recommended budget contains any temporary or permanent law provisions directly affecting the Appeals and Postconviction Representation program.

Program 1.02: Death Penalty Representation

Program Description: The purpose of this program is to provide competent legal counsel to indigent persons under the sentence of death. The program's services include providing of legal counsel to Ohio's death row inmates on direct appeal, state postconviction, federal habeas corpus, and clemency appeals. The program also provides legal assistance, criminal investigation and mitigation, and trial services to private appointed attorneys in such cases. This program also supports training seminars on death penalty law to help ensure that the state bar meets requirements imposed under Ohio Supreme Court Superintendence Rule 20.

Group	Fund	ALI	Title	FY 2008	FY 2009
GRF	GRF	019-401	State Legal Defense Services	\$1,758,986	\$1,821,490
GSF	5CX	019-617	Civil Case Filing Fee	\$142,715	\$148,627
FED	3S8	019-608	Federal Representation	\$350,948	\$364,917
Total Program Funding: Death Penalty Representation				\$2,252,649	\$2,335,034

Funding Sources: (1) GRF, (2) 4% of filing fees collected by municipal courts, county courts, and courts of common pleas in each new civil action or proceeding, subject to exceptions on certain matters filed in the probate division of a court of common pleas, and forwarded to the state, and (3) partial reimbursement payments received from federal courts as a result of federal courts appointing the Commission to provide legal representation in federal habeas corpus death penalty cases.

Line Items: See above table

Implication of Executive Recommendation: The executive budget fully funded the Ohio Public Defender Commission's request for this program, all of which the Commission will allocate toward maintaining current FY 2007 levels of service in FYs 2008 and 2009. The Commission has striven to reduce program costs by seeking reimbursements from the courts for the cost of expert witnesses and reducing travel. The Commission considers this program its highest priority.

Of the program's 20 attorneys, 17 are available to work on capital appeals, postconviction, and habeas corpus cases. The remaining three attorneys focus on capital trial cases. The Ohio Public Defender is the counsel of record for roughly half of the inmates on death row. These attorneys not only provide counsel during the review of death penalty cases through the state courts, but also as those cases go through the federal habeas litigation process, which is complex and time consuming. Commission staff do not expect any decrease in the demand for capital case legal services.

Permanent Law

It does not appear that the executive-recommended budget contains any permanent law provisions directly affecting the Death Penalty Representation program.

Temporary Law

Federal Representation (Section 365.10). A temporary law provision contained in the executive budget states that federal line item 019-608, Federal Representation, is to serve as the depository for reimbursement payments received by the Commission from the federal courts for providing legal representation in federal court cases at the request of the federal courts.

Program 1.03: Intake and Prison Services

Program Description: This program consists of three units: (1) Intake, which fields calls, handles routine questions, and receives initial requests for legal representation, (2) Records Management, which opens new case files, gathers relevant documents, delivers the files to supervisors for attorney assignment, and generates statistical reports, and (3) Prison Legal Services, which provides legal advice to inmates at the three reception centers in Ohio's prison system. Incoming inmates receive an orientation, information regarding their legal rights, and an opportunity to speak with an attorney regarding their case. The program also provides representation in select parole revocation matters.

Group	Fund	ALI	Title	FY 2008	FY 2009
GRF	GRF	019-401	State Legal Defense Services	\$374,857	\$387,901
GSF	101	019-602	Inmate Legal Assistance	\$33,338	\$34,638
GSF	408	019-605	Client Payments	\$228,145	\$71,192
GSF	5CX	019-617	Civil Case Filing Fee	\$170,490	\$344,076
Total Program Funding: Intake and Prison Services				\$806,830	\$837,807

Funding Sources: (1) GRF, (2) all moneys collected by the state from defendants who were provided appointed counsel or a public defender and ordered to pay all or a portion of the costs of their defense, (3) 20%, or \$5, of a nonrefundable \$25 application fee assessed certain indigent defendants or parties in juvenile court, (4) 4% of filing fees collected by municipal courts, county courts, and courts of common pleas in each new civil action or proceeding, subject to exceptions on certain matters filed in the probate division of a court of common pleas, and forwarded to the state, and (5) quarterly legal services payments transferred from the GRF maintenance budget of the Ohio Department of Rehabilitation and Correction's Marion Correctional Institution

Line Items: See above table

Implication of Executive Recommendation: The executive budget fully funded the Ohio Public Defender Commission's request for this program, all of which the Commission will allocate toward maintaining current FY 2007 levels of service in FYs 2008 and 2009. The Commission should be able to provide orientation services to around 27,000 new inmates per year, as well as representation in certain parole revocation hearings in which the parolee is entitled to counsel. During FY 2006, the Commission provided representation in 1,926 parole board cases; a similar annual caseload is expected in FYs 2008 and 2009.

Temporary and Permanent Law

It does not appear that the executive-recommended budget contains any temporary or permanent law provisions directly affecting the Intake and Prison Services program.

Program 1.04: Juvenile Legal Assistance

Program Description: The purpose of this program is to provide legal assistance and representation to juveniles who have been committed to the Department of Youth Services. Upon entering a DYS correctional facility, juveniles receive an orientation from staff attorneys and have an opportunity to have their case reviewed. Currently, around 1,900 juveniles per year are committed to the care and custody of DYS. Additional activities include gathering general information for the juvenile, correcting sentencing errors, filing motions in juvenile court, and representing juveniles on appeal. With limited staff resources, not every case can be heard. Those cases with the strongest issues and the highest probability for relief will be processed.

The program also coordinates and provides training to defense attorneys who handle juvenile work and provides legislative advocacy on right to counsel issues and other substantive issues involving children in the juvenile justice system.

Group	Fund	ALI	Title	FY 2008	FY 2009
GRF	GRF	019-401	State Legal Defense Services	\$452,104	\$469,051
Total Program Funding: Juvenile Legal Assistance				\$452,104	\$469,051

Funding Source: GRF

Line Item: See above table

Implication of Executive Recommendation: The executive budget fully funded the Ohio Public Defender Commission's request for this program, all of which the Commission will allocate toward maintaining current FY 2007 levels of service in FYs 2008 and 2009. At this point in time, all of the costs for this program are funded with GRF moneys.

Several years ago, the Commission contracted annually with the DYS for a portion of the cost of this program. This contract ended in FY 2002 and with the resulting lack of funding, the Juvenile Program was disbanded. Effective FY 2004, funding for this purpose was built into the Commission's annual operating budget. The Commission has entered into a memorandum of understanding with DYS for the purpose of fulfilling obligations by both parties regarding access to counsel for juveniles.

Temporary and Permanent Law

It does not appear that the executive-recommended budget contains any temporary or permanent law provisions directly affecting the Juvenile Legal Assistance program.

Program 1.05: Legal Resource Center

Program Description: The purpose of this program is to support the Commission's Law Library, which is maintained pursuant to section 120.04(B)(1) of the Revised Code requiring the Ohio Public Defender Commission to maintain an office equipped with a library of adequate size, considering the needs of the office and the accessibility of other libraries, and other necessary facilities and equipment. The Law Library maintains a collection of print and electronic media materials to be used by Commission staff. Reference and research resources are also provided to all Commission staff, county public defenders, appointed counsel, and correctional institution librarians.

Group	Fund	ALI	Title	FY 2008	FY 2009
GRF	GRF	019-321	Public Defender Administration	\$3,610	\$3,610
GRF	GRF	019-401	State Legal Defense Services	\$206,455	\$212,419
Total Program Funding: Legal Resource Center				\$210,065	\$216,029

Funding Source: GRF

Line Items: See above table

Implication of Executive Recommendation: The executive budget fully funded the Ohio Public Defender Commission's request for this program, all of which the Commission will allocate toward maintaining current FY 2007 levels of service in FYs 2008 and 2009. As this program focuses on legal research, and because subscription based online services are emphasized, the major factor that drives the cost of this program are publisher prices, which steadily increase every year. The collection of materials is continually evaluated to determine if lesser-used materials can be cancelled. That said, the Commission believes it can no longer eliminate materials without compromising the service to the legal staff and clientele.

Temporary and Permanent Law

It does not appear that the executive-recommended budget contains any temporary or permanent law provisions directly affecting the Legal Resource Center program.

Program 1.06: Trial Services

Program Description: The purpose of this program is to provide direct representation and assistance to local counsel in trial level cases to indigent defendants throughout Ohio. Given that only three staff attorneys are available, representation is provided in a limited number of cases. Generally, the only times this program provides representation is when there are no local attorneys qualified to provide representation in a case. This typically involves serious capital cases. Representation may also be provided in situations where local counsel is available, but none are willing to take the case. With some frequency, local judges appoint Trial Services Program attorneys to take over the representation of an indigent defendant whose case proved to be too difficult or time consuming for a private appointed attorney to form the constitutionally requisite attorney-client relationship.

Group	Fund	ALI	Title	FY 2008	FY 2009
GRF	GRF	019-401	State Legal Defense Services	\$153,988	\$159,872
GSF	407	019-604	County Representation	\$219,800	\$227,500
Total Program Funding: Trial Services				\$373,788	\$387,372

Funding Sources: (1) GRF, (2) moneys a county is required to pay the State Public Defender for legal representation when the State Public Defender is designated by the court or requested by a county public defender or joint county public defender to provide legal representation for an indigent person in certain cases, and (3) moneys a county is required to pay the State Public Defender for 100% of the cost of investigation or mitigation services provided by the State Public Defender to private appointed counsel or to a county or joint county public defender in certain cases

Line Items: See above table

Implication of Executive Recommendation: During FY 2006, the Trial Services program provided representation or assistance in 121 cases, of which 32 were completed and 89 were pending at year's end. Given the executive-recommended level of funding for this program, the Commission expects to provide a similar level of trial services in FYs 2008 and 2009.

Temporary and Permanent Law

It does not appear that the executive-recommended budget contains any temporary or permanent law provisions directly affecting the Trial Services program.

Program 1.07: Investigation Services

Program Description: The Investigation Services Program provides both criminal and mitigation investigation services for Commission staff attorneys on trial and appellate level death penalty and nondeath penalty cases on behalf of indigent defendants in both adult and juvenile courts in Ohio. The program also provides criminal and mitigation investigation services for county public defender attorneys and court appointed attorneys on death penalty and nondeath penalty cases on behalf of indigent defendants.

Group	Fund	ALI	Title	FY 2008	FY 2009
GRF	GRF	019-401	State Legal Defense Services	\$802,715	\$831,611
Total Program Funding: Investigation Services				\$802,715	\$831,611

Funding Source: GRF

Line Item: See above table

Implication of Executive Recommendation: Given the executive-recommended level of funding for this program, the Commission expects to maintain the program's current FY 2007 service levels in FYs 2008 and 2009.

Temporary and Permanent Law

It does not appear that the executive-recommended budget contains any temporary or permanent law provisions directly affecting the Investigation Services program.

Program Series

2: County-Level Indigent Defense

Purpose: To provide, facilitate, and improve the delivery of criminal defense services to indigent persons accused of crimes handled by common pleas, municipal, and county courts

The following table shows the line items that are used to fund the County-Level Indigent Defense program series, as well as the Governor's recommended funding levels.

Fund	ALI	Title	FY 2008	FY 2009
General Revenue Fund				
GRF	019-403	Multi-County: State Share	\$766,402	\$762,727
GRF	019-404	Trumbull County - State Share	\$244,816	\$243,650
GRF	019-405	Training Account	\$31,324	\$31,324
GRF	019-501	County Reimbursement	\$29,834,251	\$29,572,857
General Revenue Fund Subtotal			\$30,876,793	\$30,610,558
State Special Revenue Fund				
4C7	019-601	Multi-County: County Share	\$2,181,300	\$2,288,200
4X7	019-610	Trumbull County - County Share	\$696,800	\$731,000
State Special Revenue Fund Subtotal			\$2,878,100	\$3,019,200
Total Program Series Funding: County-Level Indigent Defense			\$33,754,893	\$33,629,758

This analysis focuses on the following specific programs within the County-Level Indigent Defense program series:

- **Program 2.01: Indigent Defense Reimbursement**
- **Program 2.02: Branch Offices**
- **Program 2.03: Pro Bono Training**

Program 2.01: Indigent Defense Reimbursement

Program Description: Under this program, the Ohio Public Defender Commission subsidizes counties for the cost of providing counsel to indigent persons in criminal and juvenile matters pursuant to the requirements of sections 120.18, 120.28, and 120.33 through 120.35 of the Revised Code. The Revised Code stipulates that the Ohio Public Defender Commission shall reimburse the counties 50% of the costs of operating their local indigent defense systems, unless the legislature appropriates less funding than needed to reimburse at 50%, in which case each county receives a reduced share. The Indigent Defense Reimbursement program also establishes standards (including indigence), guidelines, and maximum fees for state reimbursement of county-level indigent defense services, and monitors county compliance with those standards.

In Ohio, counties are required to provide and pay for legal counsel for indigent persons where a right to counsel exists, and are reimbursed a portion of those costs by the state. The Revised Code allows counties to use one or more of five different types of legal services delivery systems. These include: (1) setting up a county public defender office, (2) setting up a joint county public defender office, (3) utilization of private appointed counsel, (4) contracting with the state public defender, or (5) contracting with a nonprofit corporation. Most counties use a county public defender office and/or appointed counsel system.

Group	Fund	ALI	Title	FY 2008	FY 2009
GRF	GRF	019-501	County Reimbursement	\$29,834,251	\$29,572,857
Total Program Funding: Indigent Defense Reimbursement				\$29,834,251	\$29,572,857

Funding Source: GRF

Line Item: See above table

Implication of Executive Recommendation: The executive budget appropriates \$29.8 million in FY 2008 and \$29.6 million in FY 2009 for this program, which is about \$1.1 million less than the Commission requested in each fiscal year. This level of funding is not expected to allow the Commission to reimburse counties at the current FY 2007 level of 28% of their annual cost of providing indigent defense legal services. The recommended level of funding corresponds to a reimbursement rate of about 25% in FY 2008 and 24% in FY 2009. The Commission has calculated that it would need additional GRF funding in the amount of \$30,065,731 in FY 2008 and \$33,694,566 in FY 2009 to reimburse counties for the full 50% of their annual cost of providing indigent defense legal services.

Temporary and Permanent Law Provisions

It does not appear that the executive-recommended budget contains any temporary or permanent law provisions directly affecting the Indigent Defense Reimbursement program.

Program 2.02: Branch Offices

Program Description: Under the Branch Offices program, the State Public Defender provides local indigent defense services as an alternative to traditional appointed counsel or county public defender offices. The Commission currently operates two such offices, referred to as the Trumbull County and the Multi-County Offices. The Trumbull County Branch Office, established in FY 1985, provides local indigent defense services for Trumbull County. The Multi-County Branch Office provides local indigent defense services to ten counties in the south and southeastern part of Ohio. The ten counties are Adams, Athens, Brown, Fayette, Jackson, Meigs, Pickaway, Pike, Ross, and Washington, with public defender offices located in Athens, Ross, and Washington counties. The Multi-County Branch Office was established in January 1991. These state public defender-operated offices are authorized under section 120.04(C)(7) of the Revised Code.

Group	Fund	ALI	Title	FY 2008	FY 2009
GRF	GRF	019-403	Multi-County: State Share	\$766,402	\$762,727
GRF	GRF	019-404	Trumbull County - State Share	\$244,816	\$243,650
SSR	4C7	019-601	Multi-County: County Share	\$2,181,300	\$2,288,200
SSR	4X7	019-610	Trumbull County - County Share	696,800	731,000
Total Program Funding: Branch Offices				\$3,889,318	\$4,025,577

Funding Sources: (1) GRF, (2) payments from ten counties in south and southeastern Ohio for their portion of the costs of operating the Commission's Multi-County Branch Office, and (3) payments from Trumbull County for their portion of the costs of operating the Commission's Trumbull County Branch Office

Line Items: See above table

Implication of Executive Recommendation: Although the branch office systems operate as an alternative to traditional public defender offices and appointed counsel systems, these operations are still affected by changes in state funding just like the direct reimbursement systems. As the level of state funding decreases, the state share of the branch office systems declines proportionate to the state reimbursement rate. For the next biennium, given the recommended funding in this program, the rate of state support for the branch offices will drop to 25% in FY 2008 and 24% in FY 2009.

For FY 2007, the branch office system is projected to handle 20,460 cases at a cost of about \$3.8 million. This breaks down into an average cost per case of \$184. The average cost per case in the appointed counsel systems is about \$403. In FYs 2008 and 2009, the branch office system is projected to handle 21,280 and 22,130 cases in FYs 2008 and 2009, respectively.

Temporary Law

Indigent Defense Office (Section 365.10). A temporary law provision contained in the executive budget stipulates that the funds appropriated to GRF line item 019-404, Trumbull County - State Share, and State Special Revenue line item 019-610, Trumbull County - County Share, be used for the purpose of supporting an indigent defense office for Trumbull County. The Commission currently maintains a branch office in the City of Warren that provides indigent defense services in Trumbull County. Funding for the Trumbull office is drawn solely from these two line items. Trumbull County's contribution to the indigent defense office is deposited in the state treasury to the credit of Fund 4X7 (line item 019-610, Trumbull County - County Share).

Multi-County Office (Section 365.10). A temporary law provision contained in the executive budget stipulates that the funds appropriated to GRF line item 019-403, Multi-County: State Share, and State Special Revenue line item 019-601, Multi-County: County Share, be used for the purpose of supporting the Commission's Multi-County Branch Office program. Under the program, the Commission provides indigent defense services to a ten-county region that covers the south and southeastern part of Ohio, including Adams, Athens, Brown, Fayette, Jackson, Meigs, Pickaway, Pike, Ross, and Washington counties. The program's regional office is located in Athens County, with branch offices situated in Ross and Washington counties. Funding for the Multi-County Branch Office program is drawn solely from these two line items. The local contribution provided by each of the ten participating counties is deposited in the state treasury to the credit of Fund 4C7 (line item 019-601, Multi-County: County Share).

Program 2.03: Pro Bono Training Program

Program Description: Under the Commission's Pro Bono Training program, it contracts with private and non-profit training companies to provide continuing legal education (CLE) certified seminars to attorneys who practice criminal indigent defense law. The Commission pays the seminar companies a fee for each attorney who attends a seminar under the program. The seminar companies presently charge \$125 per attorney for a regular one-day seminar and \$250 per attorney for the two-day Rule 20 seminars.

The Commission allows private attorneys to attend seminars at no cost to the attorney. In exchange for free attendance, each attorney must provide one pro bono (for free) case for every seminar attended. Pro bono cases must be provided within one year of the seminar date, and pro bono attorneys are limited to two seminars per year. Public defenders also are limited to two seminars per year.

Group	Fund	ALI	Title	FY 2008	FY 2009
GRF	GRF	019-405	Training Account	\$31,324	\$31,324
Total Program Funding: Pro Bono Training Program				\$31,324	\$31,324

Funding Source: GRF

Line Item: See above table

Implication of Executive Recommendation: The recommended FY 2008 and FY 2009 appropriations are identical to the program's estimated FY 2007 expenditure of \$31,324. All things being equal, this would allow the same number of attorneys to be trained, depending, of course, on whether the fees charged by seminar providers will change over the course of the next two years. There is no staff associated with this program.

Permanent Law

It does not appear that the executive-recommended budget contains any permanent law provisions directly affecting the Pro Bono Training program.

Temporary Law

Training Account (Section 365.10). A temporary law provision contained in the executive budget specifies that the Commission use the funds appropriated to GRF line item 019-405, Training Account, to provide legal training programs at no cost for private appointed counsel who represent at least one indigent person at no cost (*pro bono*), and for state and county public defenders and attorneys who contract with the Commission to provide indigent defense services. This GRF line item essentially supports the Commission's Pro Bono Training program that uses contracts with private and nonprofit training companies to provide continuing legal education (CLE) certified seminars to attorneys who practice criminal indigent defense law.

Program Series

3: Ohio Legal Assistance Foundation

Purpose: To administer and fund the state's civil legal services program

The following table shows the single line item that is used to fund the Ohio Legal Assistance Foundation program series, as well as the Governor's recommended funding levels.

Fund	ALI	Title	FY 2008	FY 2009
State Special Revenue Fund				
574	019-606	Civil Legal Aid	\$39,993,881	\$39,993,619
State Special Revenue Fund Subtotal			\$39,993,881	\$39,993,619
Total Program Series Funding: Ohio Legal Assistance Foundation			\$39,993,881	\$39,993,619

Program 3.01: Ohio Legal Assistance Foundation

Program Description: The Ohio Legal Assistance Foundation (OLAF) is a nonprofit entity, created by statute, and charged with administering state funds for Ohio's legal aid societies. The Foundation, established by Am. Sub. H.B. 152 of the 120th General Assembly, effective July 1993, develops financial support and solicits financial contributions for use in providing assistance to Ohio's legal aid societies. Moneys from four dedicated funding sources are deposited in Fund 574 and are then passed through the Commission to the Foundation. The Foundation then administers payments to nonprofit legal aid societies that provide legal representation to indigent persons in civil cases. These payments are distributed to legal aid societies throughout the state pursuant to a statutory formula based on poverty population. Every county is served by one or more legal aid societies.

Funding Sources: (1) Interest-bearing trust accounts established and maintained by attorneys, law firms, or legal professional associations pursuant to sections 4705.09 and 4705.10 of the Revised Code, (2) interest-bearing trust accounts established and maintained by title insurance agents or title insurance companies pursuant to section 3953.231 of the Revised Code, (3) additional filing fees collected by municipal, county, and common pleas courts on each new civil action or proceeding pursuant to sections 1901.26, 1907.24, and 2303.201 of the Revised Code, and (4) gifts, bequests, donations, contributions, and income from investments

Line Item: See above table

Implication of Executive Recommendation: The executive-recommended budget fully funded the Commission's requested annual appropriation levels for the Ohio Legal Assistance Foundation program series. This essentially means that around \$40 million in each of FYs 2008 and 2009 will be appropriated for the purpose of supporting the state's legal aid societies. Prior to FY 2006, of the remaining portion of each fiscal year's appropriation for line item 019-606, Civil Legal Aid, 4.5% was reserved for the Ohio Legal Assistance Foundation (OLAF) to pay for the actual, reasonable costs in administering the program.

As a result of a statutory change contained in Am. Sub. H.B. 66, the main operating appropriations act for the 126th General Assembly, OLAF is now permitted to keep an additional 15% of the revenues credited to the fund. Under current law, then, this 15% is combined with the 4.5% that was previously used to administer the program, and this combined amount is then transferred to an entirely different fund, the Legal Assistance Foundation Fund, which is not a fund of the state treasury, but rather a private fund under OLAF's custody and control.

Pursuant to division (D)(1)(c) of section 120.53 and division (A) of section 120.521 of the Revised Code, the 15% set aside is used to: actively solicit and accept gifts, bequests, donations, and contributions for use in providing financial assistance to legal aid societies; to enhance or improve the delivery of civil legal services to indigents; and operate the foundation. In each of FYs 2008 and 2009, approximately \$7.5 million, or 19.5%, of the civil legal aid revenues will be transferred to the Legal Assistance Foundation Fund. An additional \$6,119 in FY 2008 and \$6,381 in FY 2009 will be charged as administrative costs borne by the Commission for salaries and telephone expenses associated with managing Foundation activities.

Temporary and Permanent Law

It does not appear that the executive-recommended budget contains any temporary or permanent law provisions directly affecting the Ohio Legal Assistance Foundation program.

Program Series

4: Program Management

Purpose: To provide quality support services that are responsive to the Commission's needs, goals, and objectives

The following table shows the line items that are used to fund the Program Management program series, as well as the Governor's recommended funding levels.

Fund	ALI	Title	FY 2008	FY 2009
General Revenue Fund				
GRF	019-321	Public Defender Administration	\$1,283,794	\$1,343,460
GRF	019-401	State Legal Defense Services	\$195,107	\$203,331
General Revenue Fund Subtotal			\$1,478,901	\$1,546,791
State Special Revenue Fund				
574	019-606	Civil Legal Aid	\$6,119	\$6,381
State Special Revenue Fund Subtotal			\$6,119	\$6,381
General Services Fund				
5CX	019-617	Civil Case Filing Fee	\$96,032	\$105,697
408	019-605	Client Payments	\$307,715	\$326,857
General Services Fund Subtotal			\$403,747	\$432,554
Total Program Series Funding: Program Management			\$1,888,767	\$1,985,726

Program 4.01: Program Management

Program Description: This program encompasses the Commission's Administrative Division, which provides the necessary services common to most state agencies, including fiscal and accounting, personnel and training, computer information systems, purchasing, fleet management, and delivery. In addition, the Administrative Division also provides services specifically mandated by Chapter 120. of the Revised Code, including: collecting reimbursement from the counties for legal services provided by the Ohio Public Defender, processing reimbursement to the counties for indigent defense programs, and producing educational seminars and conferences.

Funding Sources: (1) GRF, (2) all moneys collected by the state from defendants who were provided appointed counsel or a public defender and ordered to pay all or a portion of the costs of their defense, (3) 20%, or \$5, of a nonrefundable \$25 application fee assessed certain indigent defendants or parties in juvenile court, (4) 4% of filing fees collected by municipal courts, county courts, and courts of common pleas in each new civil action or proceeding, subject to exceptions on certain matters filed in the probate division of a court of common pleas, and forwarded to the state, and (5) an amount the Commission is permitted to assess the Legal Aid Fund for the reasonable costs of administering the state's legal aid society law

Line Items: See above table

Implication of Executive Recommendation: The executive-recommended budget for the Commission's Program Management program series, which is identical to the Commission's requested amounts for FYs 2008 and 2009, will be largely devoted toward maintaining current FY 2007 staffing and service levels. Commission staff also expressed concern relative to a significant future increase in the cost of fiscal and payroll services provided by the Department of Administrative Services (DAS) given

the pending implementation of the Ohio Administrative Knowledge System (OAKS), for which OBM instructed the agency to make no specific budgetary allowance. OAKS is a project involving the integration of five major state business functions – capital improvements, financials, fixed assets, human resources, and procurement – into one single computer system for performing some of the state's primary administrative tasks.

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General Revenue Fund

GRF 019-321 Public Defender Administration

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
\$1,431,860	\$1,256,539	\$1,289,281	\$1,262,438	\$1,287,404	\$1,315,150
	-12.2%	2.6%	-2.1%	2.0%	2.2%

Source: GRF

Legal Basis: Section 209.48 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Am. Sub. H.B. 215 of the 122nd G.A., the main operating appropriations act covering FYs 1998 and 1999)

Purpose: The line item provides funding for the Administrative Division's payroll, maintenance, and equipment costs associated with delivering agency support services, including, but not limited to, fiscal and accounting, human resources, computer information systems, general office services (purchasing, inventory, records management, fleet management, and delivery), library maintenance, and county reimbursement collections and payments.

Prior to FY 1998, these operating costs were funded from three separate GRF line items: (1) 019-100, Personal Services, (2) 019-200, Maintenance, and (3) 019-300, Equipment. Pursuant to Am. Sub. H.B. 215 of the 122nd G.A., the main operating appropriations act covering FYs 1998 and 1999, these three GRF line items were eliminated and their purposes and funding were moved into two newly-created GRF line items: 019-321, Public Defender Administration, and 019-401, State Legal Defense Services. This change was part of a restructuring of the Commission's personal services, maintenance, and equipment costs along more programmatic lines.

GRF 019-401 State Legal Defense Services

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
\$5,877,539	\$5,606,797	\$5,708,060	\$5,704,117	\$5,914,023	\$6,120,592
	-4.6%	1.8%	-0.1%	3.7%	3.5%

Source: GRF

Legal Basis: Section 209.48 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Am. Sub. H.B. 215 of the 122nd G.A., the main operating appropriations act covering FYs 1998 and 1999)

Purpose: The line item contains the bulk of the money appropriated for the purpose of funding the payroll, maintenance, and equipment costs associated with the State Legal Defense Services program series, the function of which is to provide legal representation and services in non-capital and capital cases to indigent adults, juveniles, and incarcerated individuals in state and federal courts when Ohio law, the Ohio Constitution, or the U.S. Constitution requires representation. Non-capital and capital cases are handled by the Commission's Legal Division and Death Penalty Division, respectively.

Prior to FY 1998, the operating costs associated with state legal defense services were funded from three separate GRF line items: (1) 019-100, Personal Services, (2) 019-200, Maintenance, and (3) 019-300, Equipment. Pursuant to Am. Sub. H.B. 215 of the 122nd G.A., the main operating appropriations act covering FYs 1998 and 1999, these three GRF line items were eliminated and their purposes and funding were moved into two newly-created GRF line items: 019-321, Public Defender Administration, and 019-401, State Legal Defense Services. This change was part of a restructuring of the Commission's personal services, maintenance, and equipment costs along more programmatic lines.

GRF 019-403 Multi-County: State Share

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
\$838,490	\$830,225	\$733,006	\$823,621	\$766,402	\$762,727
	-1.0%	-11.7%	12.4%	-6.9%	-0.5%

Source: GRF

Legal Basis: Statutory authority for contractual arrangement resides in various ORC sections, including 120.04, 120.06, and 120.33; Section 209.48 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Controlling Board on December 17, 1990)

Purpose: The line item provides funding for the state's share of the Multi-County Branch Office's annual operating expenses. The branch office, which began operation on January 1, 1991, provides indigent defense services as an alternative to traditional appointed counsel or county public defender offices to ten counties in south and southeastern Ohio: Adams, Athens, Brown, Fayette, Jackson, Meigs, Pickaway, Pike, Ross, and Washington. These ten participating counties have essentially each entered into a contract with the Commission under which the state provides indigent defense services in their respective counties. Branch offices are located in Athens, Ross, and Washington counties. In addition to employing state public defenders, the Commission contracts with private attorneys in all ten counties.

Each county's contribution to this branch office operation is deposited in the state treasury to the credit of Fund 4C7 (line item 019-601, Multi-County: County Share). The funding split between the state and county shares is the same as it is for the Commission's much larger statewide County Reimbursement Program under which the state is responsible for up to 50% of a county's indigent defense costs.

GRF 019-404 Trumbull County - State Share

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
\$287,224	\$268,211	\$240,321	\$256,380	\$244,816	\$243,650
	-6.6%	-10.4%	6.7%	-4.5%	-0.5%

Source: GRF

Legal Basis: Statutory authority for contractual arrangement resides in various ORC sections, including 120.04, 120.06, and 120.33; Section 209.48 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Am. Sub. H.B. 291 of the 115th G.A., the main operating appropriations act covering FYs 1984 and 1985)

Purpose: The line item funds the state's share of the Trumbull County Branch Office's annual operating expenses. The branch office, which has been in operation since 1984, provides indigent criminal defense representation throughout the courts of Trumbull County. A contract is negotiated annually with Trumbull County that designates the duties of the branch office and determines the percentage of financial contribution paid by both parties to fund the office. The percentage paid by each mirrors the reimbursement rate applicable to all counties under either the assigned counsel or county public defender systems. Approximately 10% of the Trumbull County contract obligation is contributed by participating municipalities. The local share of the branch office is deposited in the state treasury to the credit of Fund 4X7 (line item 019-610, Trumbull County - County Share).

The name of the line item was changed from "Indigent Defense Office" in Am. Sub. H.B. 215 of the 122nd G.A., the main operating appropriations act covering FYs 1998 and 1999, to reflect the fact that the branch office no longer served several courts in neighboring Mahoning County.

GRF 019-405 Training Account

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
\$30,000	\$31,050	\$29,745	\$31,324	\$31,324	\$31,324
	3.5%	-4.2%	5.3%	0.0%	0.0%

Source: GRF

Legal Basis: Statutory authority for the program resides in ORC 120.03(D)(2); Section 209.48 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Am. Sub. H.B. 171 of the 117th G.A., the main operating appropriations act covering FYs 1988 and 1989)

Purpose: The line item is used exclusively for the Commission's Pro Bono Training Program, under which it contracts with private and non-profit training companies to provide continuing legal education (CLE) certified seminars to attorneys who practice criminal indigent defense law. The Commission pays the seminar companies a fee for each attorney who attends a seminar under the program. The seminar companies presently charge \$125 per attorney for a regular one-day seminar and \$250 per attorney for the two-day Rule 20 seminars.

The Commission allows private attorneys to attend seminars at no cost to the attorney. In exchange for free attendance, each attorney must provide one pro bono (for free) case for every seminar attended. Pro bono cases must be provided within one year of the seminar date, and pro bono attorneys are limited to two seminars per year. Public defenders also are limited to two seminars per year.

GRF 019-501 County Reimbursement

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
\$29,055,527	\$30,618,206	\$30,060,000	\$30,000,000	\$29,834,251	\$29,572,857
	5.4%	-1.8%	-0.2%	-0.6%	-0.9%

Source: GRF

Legal Basis: Statutory authority and guidelines for the reimbursement program reside in various ORC sections, including 120.04, 120.18, 120.28, 120.33, 2941.51, and 2949.19; Section 209.48 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Am. Sub. H.B. 164 of the 111th G.A., the act establishing state, county, and joint county public defenders)

Purpose: Since the start of FY 2006, the line item has been used to reimburse counties for up to 50% of their indigent defense expenditures on non-capital and capital cases. If the available appropriations are insufficient to reimburse 50% of the indigent defense expenditures for non-capital and capital cases, then the reimbursement percentage for each of the public defender offices and appointed counsel systems is reduced equally. Prior to FY 2006, indigent defense expenditures for capital cases were reimbursed through the Commission's GRF line item 019-503, County Reimbursement - Capital Cases. Effective FY 2006, the Capital Cases line item's funding and purpose were consolidated within GRF line item 019-501, County Reimbursement.

GRF 019-503 County Reimbursement - Capital Cases

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
\$785,624	\$726,000	\$0	\$0	\$0	\$0
	-7.6%				

Source: GRF

Legal Basis: Discontinued line item (originally established by Am. Sub. H.B. 291 of the 115th G.A., the main operating appropriations act covering FYs 1984 and 1985)

Purpose: Prior to FY 2006, the line item was used to reimburse counties for up to 50% of their indigent defense expenditures on capital cases. If the available appropriations were insufficient to reimburse 50% of the indigent defense expenditures for capital cases, then the reimbursement percentage for each of the public defender offices and appointed counsel systems was reduced equally. Effective FY 2006, the Capital Cases line item's funding and purpose were consolidated within GRF line item 019-501, County Reimbursement.

GRF 019-504 Reimbursement: Mandate Assistance

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
\$0	\$1,147,719	\$620,491	\$0	\$0	\$0
	N/A	-45.9%			

Source: Transfer from Controlling Board's GRF line item 911-404, Mandate Assistance

Legal Basis: As needed line item - Section 203.81 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Controlling Board on July 12, 2004, pursuant to Section 31 of Am. Sub. H.B. 95 of the 125th G.A., authorizing the transfer of any moneys within GRF line item 911-404, Mandate Assistance, not fully utilized to the Ohio Public Defender Commission for the costs incurred by counties in providing indigent defense)

Purpose: The line item is used to disburse funding to county commissioners in order to provide additional reimbursement for the cost incurred by counties in providing defense to indigent defendants pursuant to ORC Chapter 120. The amount disbursed to each county is allocated proportionately on the basis of the total amount of reimbursement paid to all of the counties during the most recent fiscal year for which data is available and as calculated by the Commission.

General Services Fund Group

101 019-602 Inmate Legal Assistance

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
\$22,406	\$51,153	\$50,078	\$32,338	\$33,338	\$34,638
	128.3%	-2.1%	-35.4%	3.1%	3.9%

Source: GSF: Quarterly legal services payments transferred through an interdepartmental agreement from the GRF maintenance budget of the Ohio Department of Rehabilitation and Correction's Marion Correctional Institution

Legal Basis: Section 209.48 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Controlling Board in 1978)

Purpose: The line item currently funds an inmate legal assistance program at the state's Marion Correctional Institution, a purpose it has served since 1991. Specifically covered are the payroll, maintenance, and equipment costs associated with one legal services attorney.

The program started at the Marion Correctional Institution in response to a court case that led to a mandate that one attorney be located at the correctional institution to run the prison's law library. In 1987, the program shifted to one that utilized law school interns to provide more general legal assistance, before taking on its current focus in 1991, in which the attorney running the correctional institution's law library also provides representation to inmates at parole revocation hearings.

406 019-603 Training and Publications

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
\$0	\$0	\$0	\$16,000	\$0	\$0
			N/A		

Source: GSF: (1) Fees received by the Commission for conducting educational seminars, and (2) sale of publications on topics concerning criminal law and procedure

Legal Basis: ORC 120.03(E); Section 209.48 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Am. Sub. H.B. 291 of the 115th G.A., the main operating appropriations act covering FYs 1984 and 1985)

Purpose: The Commission is required to expend moneys deposited to the credit of the fund for the sole purpose of conducting programs having a general objective of training and educating attorneys and others in the legal representation of indigent persons.

407 019-604 County Representation

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
\$140,415	\$94,723	\$167,176	\$188,810	\$219,800	\$227,500
	-32.5%	76.5%	12.9%	16.4%	3.5%

Source: GSF: (1) Moneys a county is required to pay the State Public Defender for legal representation when the State Public Defender is designated by the court or requested by a county public defender or joint county public defender to provide legal representation for an indigent person in any case other than certain cases the State Public Defender defends because of a contract with a county public defender commission or a joint county public defender commission as follows: (a) 100% of the amount identified as legal fees, less the state reimbursement rate, as calculated by the State Public Defender for the month the case terminated, and (b) 100% of the amount identified as expenses, and (2) moneys a county is required to pay the State Public Defender for 100% of the cost of investigation or mitigation services provided by the State Public Defender to private appointed counsel or to a county or joint county public defender, other than in certain cases when the Defender has a contract with a county public defender commission or a joint county public defender commission pursuant to ORC 120.04(C)(7); upon payment of the bill, the county is permitted to submit the cost of the expenses (excluding legal fees) and the cost of the investigation and mitigation services to the State Public Defender for reimbursement pursuant to ORC 120.33; prior to FY 2006, revenue stream consisted solely of 50% of the actual cost of providing legal representation in the circumstances described in (1) above

Legal Basis: ORC 120.06(D); Section 209.48 of Am. Sub. H.B. 66 of the 126th G.A.(originally established by Am. Sub. H.B. 291 of the 115th G.A., the main operating appropriations act covering FYs 1984 and 1985)

Purpose: Moneys deposited to the credit of the fund can only be used by the State Public Defender to: (1) provide legal representation for indigent persons when designated by the court or requested by a county or joint county public defender, or (2) provide investigation or mitigation services, including investigation or mitigation services to private appointed counsel or a county or joint county public defender, as approved by the court. Prior to FY 2006, moneys deposited to the credit of the fund could only be used for the purpose noted in (1) above.

408 019-605 Client Payments

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
\$257,383	\$161,096	\$197,701	\$650,966	\$611,537	\$476,760
	-37.4%	22.7%	229.3%	-6.1%	-22.0%

Source: GSF: (1) all moneys collected by the state from defendants who were provided appointed counsel or a public defender and ordered to pay all or a portion of the costs of their defense through a recoupment, reimbursement, contribution, or partial payment plan, and (2) starting with FY 2006, 20%, or \$5, of a non-refundable \$25 application fee, unless waived or reduced by the court, assessed indigent defendants or parties in juvenile court when requesting or provided a state public defender, county or joint county defender, or court-appointed counsel, collected by the clerk of court, and forwarded to the state by the county auditor (80%, or \$20, of the \$25 non-refundable application fee is retained by the county to offset the costs of providing legal representation to indigent persons)

Legal Basis: ORC 120.04(B)(5); Section 209.48 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Am. H.B. 291 of the 115th G.A., the main operating appropriations act covering FYs 1984 and 1985)

Purpose: Moneys deposited to the credit of the fund may only be used to: (1) appoint assistant state public defenders and to provide other personnel, equipment, and facilities necessary for the Commission's operation, (2) reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems pursuant to ORC 120.18, 120.28, and 120.33, and (3) provide assistance to counties in the operation of county indigent defense systems.

5CX 019-617 Civil Case Filing Fee

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
\$0	\$0	\$10,830	\$556,800	\$409,237	\$598,400
		N/A	5041.3%	-26.5%	46.2%

Source: GSF: 4% of filing fees collected by municipal courts, county courts, and courts of common pleas in each new civil action or proceeding, subject to exceptions on certain matters filed in the probate division of a court of common pleas, and forwarded to the state; remainder of the filing fee amounts collected, or 96%, credited to the state's Legal Aid Fund (Fund 574)

Legal Basis: ORC 120.07; Section 209.48 of Am. Sub. H.B. 66 of the 126th G.A.

Purpose: All moneys credited to the fund must be used by the State Public Defender for the purpose of appointing assistant state public defenders and for providing other personnel, equipment, and facilities necessary for the operation of the Office of the State Public Defender.

Federal Special Revenue Fund Group

3S8 019-608 Federal Representation

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
\$189,639	\$309,259	\$305,784	\$315,287	\$350,948	\$364,917
	63.1%	-1.1%	3.1%	11.3%	4.0%

Source: FED: Payments collected from a federal court that offset some of the costs incurred by the Office of the State Public Defender when that court has appointed the State Public Defender to provide legal representation to an indigent defendant in federal habeas corpus proceedings, primarily matters involving the death penalty

Legal Basis: Section 209.48 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Controlling Board on March 2, 1998)

Purpose: Moneys credited to the fund are used by the Commission's Death Penalty Division to provide, coordinate, and supervise post-trial legal representation to indigent defendants in federal courts on federal habeas corpus proceedings where the defendant is appealing the imposition of a death sentence by a state trial court. Habeas corpus is an appeal to the federal courts for wrongful conviction and unconstitutional imprisonment. A habeas petition is filed after a defendant has exhausted his or her direct appeal and state postconviction remedies. In this instance, a defendant combines all of the prior claims raised on direct appeal and state postconviction and he or she raises them in one petition in the United States District Court. All habeas cases, win or lose, are reviewed by the United States Court of Appeals for the Sixth Circuit in Cincinnati. In this habeas petition the defendant may only seek relief on claims that involve a violation of the United States Constitution, for example, violation of 6th Amendment right to effective counsel or violation of 8th Amendment right to present mitigating evidence for sentencing.

State Special Revenue Fund Group

4C7 019-601 Multi-County: County Share

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
\$1,719,998	\$1,762,114	\$1,962,234	\$2,104,368	\$2,181,300	\$2,288,200
	2.4%	11.4%	7.2%	3.7%	4.9%

Source: SSR: Payments from ten counties in south and southeastern Ohio for their portion of the costs of operating the Commission's Multi-County Branch Office

Legal Basis: Statutory authority for contractual relationship resides in ORC 120.04(C)(7); Section 209.48 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Controlling Board on December 17, 1990)

Purpose: Moneys deposited to the credit of the fund represent the local share of the Multi-County Branch Office's annual operating expenses. The branch office, which began operation on January 1, 1991, provides indigent defense services as an alternative to traditional appointed counsel or county public defender offices to ten counties in south and southeastern Ohio: Adams, Athens, Brown, Fayette, Jackson, Meigs, Pickaway, Pike, Ross, and Washington. These ten participating counties have essentially each entered into a contract with the Commission under which the state provides indigent defense services in their respective counties. Branch offices are located in Athens, Ross, and Washington counties. In addition to employing state public defenders, the Commission contracts with private attorneys in all ten counties.

Each county's contribution to the Branch Office operation is deposited in the state treasury to the credit of Fund 4C7 (line item 019-601, Multi-County: County Share). The state's contribution is drawn from the Commission's GRF line item 019-403, Multi-County: State Share. The funding split between the state and county shares is the same as it is for the Commission's much larger statewide County Reimbursement Program under which the state is responsible for up to 50% of a county's indigent defense costs.

4X7 019-610 Trumbull County - County Share

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
\$587,041	\$583,325	\$624,033	\$665,860	\$696,800	\$731,000
	-0.6%	7.0%	6.7%	4.6%	4.9%

Source: SSR: Payments from Trumbull County for its portion of the costs of operating the Commission's Trumbull County Branch Office

Legal Basis: Statutory authority for contractual relationship resides in ORC 120.04(C)(7); Section 209.48 of Am. Sub. H.B. 66 of the 126th G.A. (originally established by Am. Sub. H.B. 215 of the 122nd G.A., the main operating appropriations act covering FYs 1998 and 1999)

Purpose: Moneys deposited to the credit of the fund are used as the local share of the Trumbull County Branch Office's annual operating expenses. The branch office, which has been in operation since 1984, provides indigent criminal defense representation throughout the courts of Trumbull County. A contract is negotiated annually with Trumbull County that designates the duties of the branch office and determines the percentage of financial contribution paid by both parties to fund the office. The percentage paid by each mirrors the reimbursement rate applicable to all counties under either the assigned counsel or county public defender systems. Approximately 10% of the Trumbull County contract obligation is contributed by participating municipalities.

Prior to Am. Sub. H.B. 215 of 122nd G.A., the main operating appropriations act covering FYs 1998 and 1999, this revenue stream and its purpose resided in the County Representation Fund (Fund 407). Starting with FY 1998, Fund 4X7 was created along with associated line item 019-610, Trumbull County-County Share. This accounting change was made in order to separate the Trumbull County Branch Office's finances from the other revenue streams that the Commission was collecting under its County Representation Program. The state's share of those office costs was, and still is, drawn from the Commission's GRF line item 019-404.

574 019-606 Civil Legal Aid

2004	2005	2006	2007 Estimate	2008 House Passed	2009 House Passed
\$14,928,584	\$14,417,013	\$22,421,963	\$52,000,000	\$40,000,000	\$40,000,000
	-3.4%	55.5%	131.9%	-23.1%	0.0%

Source: SSR: (1) Interest generated on trust accounts established and maintained by attorneys, law firms, or legal professional associations (IOLTAs) pursuant to ORC 4705.09 and 4705.10, (2) interest generated on trust accounts established and maintained by title insurance agents or title insurance companies (IOTAs) pursuant to ORC 3953.231, (3) additional filing fees collected by municipal, county, and common pleas courts on each new civil action or proceeding pursuant to ORC 1901.26, 1907.24, and 2303.201, and (4) income from investments

Legal Basis: ORC 120.52; Section 209.48 of Am. Sub. H.B. 66 of the 126th G.A.

Purpose: Moneys deposited to the credit of the fund must be apportioned as follows:

(1) 4.5% of the moneys in the fund are reserved for the actual, reasonable costs of administering laws governing legal aid society funding and related programs.

(2) Moneys reserved as described in (1) above, but that are not used for that purpose, are set aside for distributing financial assistance to legal aid societies that provide civil legal services to indigents.

(3) After deduction of the amount described in (1) above for actual, reasonable administrative costs: (a) 5% of the moneys remaining in the fund are reserved for distribution to legal aid societies that provide assistance to special population groups of their eligible clients, engage in special projects that have a substantial impact on their local service area or on significant segments of the state's poverty population, or provide legal training or support to other legal aid societies in the state, (b) after deduction of the amount described in (a) above, 1.75% of the moneys remaining in the fund are apportioned among entities that received financial assistance from the fund prior to June 30, 1995, but that, on and after that date, no longer qualify as a legal aid society eligible for financial assistance, and (c) after deduction of the amounts described in (a) and (b) above, 15% of the moneys remaining in the fund are placed in the Legal Assistance Foundation Fund for use in the manner described in the law governing the Legal Assistance Foundation Fund.

(4) After deduction of the actual, reasonable administrative costs described in (1) above, and after deduction of the amounts identified in (3)(a) (b) and (c) above, the remaining moneys are apportioned for the charitable purpose of distributing financial assistance to legal aid societies that provide civil legal services to indigents.

LSC Budget Spreadsheet by Line Item, FY 2008 - FY 2009

<i>Fund ALI ALI Title</i>	<i>Estimated 2007</i>	<i>As Introduced 2008</i>	<i>House Passed 2008</i>	<i>% Change Est. 2007 to House 2008</i>	<i>As Introduced 2009</i>	<i>House Passed 2009</i>	<i>% Change House 2008 to House 2009</i>
<i>PUB Public Defender Commission, Ohio</i>							
GRF 019-321 Public Defender Administration	\$1,262,438	\$ 1,287,404	\$ 1,287,404	2.0%	\$ 1,347,070	\$ 1,315,150	2.2%
GRF 019-401 State Legal Defense Services	\$5,704,117	\$ 5,914,023	\$ 5,914,023	3.7%	\$ 6,120,592	\$ 6,120,592	3.5%
GRF 019-403 Multi-County: State Share	\$823,621	\$ 766,402	\$ 766,402	-6.9%	\$ 762,727	\$ 762,727	-0.5%
GRF 019-404 Trumbull County - State Share	\$256,380	\$ 244,816	\$ 244,816	-4.5%	\$ 243,650	\$ 243,650	-0.5%
GRF 019-405 Training Account	\$31,324	\$ 31,324	\$ 31,324	0.0%	\$ 31,324	\$ 31,324	0.0%
GRF 019-501 County Reimbursement	\$30,000,000	\$ 29,834,251	\$ 29,834,251	-0.6%	\$ 29,572,857	\$ 29,572,857	-0.9%
GRF 019-504 Reimbursement: Mandate Assistance	\$0	\$ 0	\$ 0	N/A	\$ 0	\$ 0	N/A
General Revenue Fund Total	\$ 38,077,880	\$ 38,078,220	\$ 38,078,220	0.0%	\$ 38,078,220	\$ 38,046,300	-0.1%
101 019-602 Inmate Legal Assistance	\$32,338	\$ 33,338	\$ 33,338	3.1%	\$ 34,638	\$ 34,638	3.9%
406 019-603 Training and Publications	\$16,000	\$ 0	\$ 0	-100.0%	\$ 0	\$ 0	N/A
407 019-604 County Representation	\$188,810	\$ 219,800	\$ 219,800	16.4%	\$ 227,500	\$ 227,500	3.5%
408 019-605 Client Payments	\$650,966	\$ 611,537	\$ 611,537	-6.1%	\$ 476,760	\$ 476,760	-22.0%
5CX 019-617 Civil Case Filing Fee	\$556,800	\$ 409,237	\$ 409,237	-26.5%	\$ 598,400	\$ 598,400	46.2%
General Services Fund Group Total	\$ 1,444,914	\$ 1,273,912	\$ 1,273,912	-11.8%	\$ 1,337,298	\$ 1,337,298	5.0%
3S8 019-608 Federal Representation	\$315,287	\$ 350,948	\$ 350,948	11.3%	\$ 364,917	\$ 364,917	4.0%
Federal Special Revenue Fund Group Total	\$ 315,287	\$ 350,948	\$ 350,948	11.3%	\$ 364,917	\$ 364,917	4.0%
4C7 019-601 Multi-County: County Share	\$2,104,368	\$ 2,181,300	\$ 2,181,300	3.7%	\$ 2,288,200	\$ 2,288,200	4.9%
4X7 019-610 Trumbull County - County Share	\$665,860	\$ 696,800	\$ 696,800	4.6%	\$ 731,000	\$ 731,000	4.9%
574 019-606 Civil Legal Aid	\$52,000,000	\$ 40,000,000	\$ 40,000,000	-23.1%	\$ 40,000,000	\$ 40,000,000	0.0%
State Special Revenue Fund Group Total	\$ 54,770,228	\$ 42,878,100	\$ 42,878,100	-21.7%	\$ 43,019,200	\$ 43,019,200	0.3%
<i>Total All Budget Fund Groups</i>							
	\$ 94,608,309	\$ 82,581,180	\$ 82,581,180	-12.7%	\$ 82,799,635	\$ 82,767,715	0.2%

As Introduced (Executive)

As Passed by the House

1 (CD-826-CEB) Southern Ohio Correctional Facility Cost**Section: 249.10**

Permits the Division of Criminal Justice Services and the Public Defender Commission to request, upon approval of the Director of Budget and Management, additional funds from the Board's GRF appropriation item 911-401, Emergency Purposes/Contingencies, for costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility.

Section: 249.10

Same as the Executive.

2 (CD-827-CEB) Mandate Assistance**Section: 249.10**

(1) Requires that the amounts appropriated to GRF appropriation item 911-404, Mandate Assistance, be used to provide financial assistance to local units of government and school districts for the cost of two specified unfunded state mandates as follows: (a) the cost to county prosecutors for prosecuting certain felonies that occur on the grounds of state institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services, and (b) the costs to school districts of in-service training for child abuse detection;

(2) Permits the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education to submit to the Controlling Board requests to transfer appropriations from GRF appropriation item 911-404 for the two aforementioned purposes;

(3) Permits the Controlling Board to transfer appropriations received by a state agency under this provision back to GRF appropriation item 911-404, or to the other program of

Section: 249.10

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

As Introduced (Executive)

As Passed by the House

state financial assistance identified under this provision;

(4) Stipulates it is expected that not all costs incurred by local units of governments and school districts under each of these two aforementioned programs of state financial assistance will be fully reimbursed by the state;

(5) Prescribes how each of these programs of state financial assistance are to be carried out; and

(6) Permits any moneys allocated within GRF appropriation item 911-404 not fully utilized, upon application of the Ohio Public Defender Commission, and with the approval of the Board, to be disbursed to boards of county commissioners to provide additional reimbursement for the costs incurred by counties in providing indigent defense legal services.

(4) Same as the Executive.

(5) Same as the Executive.

(6) Same as the Executive.

As Introduced (Executive)

As Passed by the House

3 (CD-499-PUB) Amounts Paid Out to Appointed Counsel for Indigent Persons**R.C. 120.33**

(1) Requires the county auditor to report periodically to the State Public Defender (instead of the Ohio Public Defender Commission) the amounts paid out to appointed counsel for indigent persons;

(2) Allows the county auditor, with permission from and notice to the board of county commissioners, to certify the county auditor's report to the State Public Defender for reimbursement of the amounts paid out to appointed counsel for indigent persons; and

(3) Provides that the State Public Defender is not prohibited from paying the requested reimbursement if it is not accompanied by a financial disclosure form and affidavit of indigency if instead a court has certified by electronic signature that a financial disclosure form and affidavit of indigency has been completed by the indigent person and are available for inspection.

Fiscal effect: These provisions may expedite the reimbursement process for indigent defense costs.

R.C. 120.33

(1) Same as the Executive.

(2) Same as the Executive.

(3) Same as the Executive.

Fiscal effect: Same as the Executive.

4 (CD-752-PUB) Indigent Defense Office**Section: 365.10**

Requires moneys appropriated to GRF appropriation item 019-404, Trumbull County - State Share, and SSR appropriation item 019-610, Trumbull County - County Share, be used to support an indigent defense office in Trumbull County.

Fiscal effect: This provision reflects an ongoing program whereing the Commission maintains a branch office in the

Section: 365.10

Same as the Executive.

Fiscal effect: Same as the Executive.

As Introduced (Executive)**As Passed by the House**

City of Warren that provides indigent defense services in Trumbull County. Funding for the Trumbull office is drawn solely from these two appropriation items. Trumbull County's contribution to the indigent defense office is deposited in the state treasury to the credit of Fund 4X7 (SSR appropriation item 019-610, Trumbull County - County Share).

5 (CD-753-PUB) Multi- County Office**Section: 365.10**

Requires moneys appropriated to GRF appropriation item 019-403, Multi-County - State Share, and SSR appropriation item 019-601, Multi-County - County Share, be used to support the Commission's Multi-County Branch Office Program; and

Fiscal effect: This provision reflects an ongoing program wherein the Commission provides indigent defense services to a ten-county region that covers the south and southeastern part of Ohio, including Adams, Athens, Brown, Fayette, Jackson, Meigs, Pickaway, Pike, Ross, and Washington counties. The program's regional office is located in Athens County, with branch offices situated in Ross and Washington counties. Funding for the Multi-County Branch Office Program is drawn solely from these two appropriation items. The local contribution provided by each of the ten participating counties is deposited in the state treasury to the credit of Fund 4C7 (SSR appropriation item 019-601, Multi-County - County Share).

Section: 365.10

Same as the Executive.

Fiscal effect: Same as the Executive.

As Introduced (Executive)

As Passed by the House

6 (CD-754-PUB) Training Account**Section: 365.10**

Requires moneys appropriated to GRF appropriation item 019-405, Training Account, be used to provide legal training programs at no cost for private appointed counsel who represent at least one indigent person at no cost (pro bono), and for state and county public defenders and attorneys who contract with the Ohio Public Defender to provide indigent defense services.

Fiscal effect: This GRF appropriation item essentially supports the Commission's Pro Bono Training Program that uses contracts with private and non-profit training companies to provide continuing legal education (CLE) certified seminars to attorneys who practice criminal indigent defense law.

Section: 365.10

Same as the Executive.

Fiscal effect: Same as the Executive.

7 (CD-755-PUB) Federal Representation**Section: 365.10**

Requires FED appropriation item 019-608, Federal Representation, serve as the depository for reimbursement payments received by the Ohio Public Defender from the federal courts for providing legal representation on federal court cases at the request of the federal courts.

Fiscal effect: This provision continues existing practice with regard to the handling of federal court reimbursement payments.

Section: 365.10

Same as the Executive.

Fiscal effect: Same as the Executive.