

# PUBLIC DEFENDER COMMISSION

*With Governor's  
Recommendations*



**Missouri State Public Defender System  
Budget Request  
Fiscal Year 2014**



# **PUBLIC DEFENDER COMMISSION**

## **Budget Request Fiscal Year 2014**

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September 30, 2012

Dear Governor Nixon,

Missouri continues to fail to meet its constitutional obligations to provide effective assistance of counsel to Missouri's indigent accused. This is not news to you, nor indeed to anyone with a passing familiarity with Missouri's criminal justice system.

This crisis has been studied by the Missouri Bar<sup>1</sup> and the subject of legislative committee hearings<sup>2</sup>. It has been the focus of a national symposium of legal scholars at the University of Missouri Law School<sup>3</sup> and the topic of editorials in all the major newspapers of the state<sup>4</sup>. Missouri has been held up by the Attorney General of the United States as an example of a broken indigent defense system<sup>5</sup> and our failings have been discussed in both the New York Times and USA Today<sup>6</sup>. The issue has been debated, discussed, and universally acknowledged by both sides of the aisle on the floors of both the Missouri House and Senate, as well as by you in press conferences and in your veto message of SB 37 in 2009. It has been raised by three of the last four chief justices in their State of the Judiciary addresses to the General Assembly<sup>7</sup>.

During your administration, there have been steps in the right direction:

- In FY 2009 we received 12 more lawyers, the first in almost a decade, by converting contract money to FTE. But caseload still far outstrips staffing.
- In FY 2010 we received \$500,000 of a \$2 million one-time stimulus appropriation to contract out a few more cases to the private bar. At an average cost of \$1,351 per case that contracted out 370 cases of our case overload.
- In FY 2011 and FY 2012, we received an additional \$500,000 to hire a combined total of 15 more support staff – an improvement, but still leaving us well behind the ratio of support staff to attorneys found in Missouri's prosecuting attorney's offices or most private firms.
- In FY 2013, we received a little over \$471,000 of \$1.15 million appropriated in additional contracting funds to help with the case overload problem.

We appreciate each and every action that moves us in the direction of compliance with the Sixth Amendment, especially in these times of budget cuts and belt-tightening. But as progress creeps, constitutional violations continue -- every day, in every courtroom, in every county of this state. Missouri's public defenders are left defending themselves against disciplinary inquiries by the Office of Chief Disciplinary Counsel for balls dropped and things left undone, not because they're not good lawyers or not working hard enough, but because there are too many cases to keep all the balls in the air or come close to getting all done on each case that could and should be expected of any ethical, competent attorney.

In 2009, and again in a second round of litigation that ended in July of 2012, the Missouri Supreme Court has ruled that MSPD can and should close its doors to new cases when its lawyers are too overloaded to provide effective representation. This is not something Missouri Defenders do lightly. It is a last resort, coming only after more than a decade of attempts to find other solutions to too many cases and too few attorneys. However, we have reached the point where we have no other choices.

As of this writing, 17 public defender offices, serving 54 Missouri counties, have been certified as chronically exceeding their maximum allowable case load, and either already are or soon will be turning away excess cases each month. All but three of the remaining trial offices are eligible for such certification and will likely be following suit by November, as will most of our appellate and post-conviction offices.

This placement of defender offices on limited availability leaves Missouri's judges with the task of triaging who gets a public defender and who does not. Those who do not, according to the Missouri Supreme Court, may find themselves put on a waiting list

for defender services, a solution which runs the risk of speedy trial constitutional and statutory violations and increases pretrial incarceration costs for those unable to make bond. Other options discussed by the Supreme Court and under consideration by trial court judges around the state include appointment of private attorneys to take the excess case without pay, eliminating the possibility of jail time as a sentencing option (since that is the constitutional trigger for a right to appointment of counsel), or dismissal of the case due to the state's inability to provide the constitutionally required defense counsel. None of these are good solutions.

Fixing the problem is neither easy nor cheap. It has been building for over twenty years to reach its current crisis point and the cost of addressing the problem now is reflective of that.

This budget lays out a proposed two-year phase-in for addressing Missouri's public defender case overload. The request for FY2014 is to contract out all conflict cases to the private bar -- saving scarce defender time by eliminating significant travel costs and wasted time spent driving from one to several counties over to handle a handful of cases. In addition, we are seeking one-half of the total FTE necessary to fully staff the system to handle the existing caseload, with the remainder being added in the second phase in FY2015. MSPD has been advised of several ways in which its calculations of maximum allowable protocol for each office could be tightened up and improved and will be finalizing those improvements over this fiscal year. The division of the needed FTE across two years will ensure that the most accurate numbers possible are available by the time the final staffing allocation is sought, as well as give MSPD time to coordinate the logistics of housing the largest increase to MSPD staff since then-Governor John Ashcroft's administration in 1990.

Additional new decision items herein include badly needed bandwidth expansion to accommodate the increasing digital age of criminal justice, the office space needed to house state employees in state facilities rather than county-funded space, and a handful of attorneys specializing in immigration, DNA, & other increasingly complex forensic issues to assist the attorneys across the state in accurately advising clients and litigating cases presenting these issues.

Efforts to move us forward, even in tough economic times, have not gone unnoticed or unappreciated, but so much more is still to be done. The right to effective assistance of counsel in your defense when the government is trying to deprive you of your liberty is not optional. It is not a good idea or a worthwhile suggestion. It is a constitutional mandate -- one that has been ignored in Missouri for way too long. The time to address it is now.

Sincerely,



Cathy R. Kelly  
Director, Missouri Public Defender Commission

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<sup>1</sup>Report of the Missouri Bar Task Force on the Public Defender, 2005

<sup>2</sup>Report of the Missouri Senate Interim Committee on the Public Defender, 2007

<sup>3</sup>University of Missouri School of Law 2010 Symposium: *Broke and Broken: Can We Fix Our State Indigent Defense System?*

<sup>4</sup>"*Justice in Missouri Requires State Officials to Act,*" Springfield News-Leader, February 17, 2011; "*Public Defender Overload Eludes Viable Solutions,*" Jefferson City News Tribune, July 27, 2010; "*Improving Public Defender System is Predicament for Missouri,*" Columbia Missourian, March 18, 2010; "*In Defense of Public Defenders,*" St. Louis American, December 17, 2009; "*An Indefensible System,*" Kansas City Star, December 14, 2009; "*It Won't Fix Itself,*" Nevada Daily Mail, December 12, 2009; "*Fixing Missouri's State Public Defender System Isn't Optional,*" St. Louis Post-Dispatch, November 25, 2009; "*Public Defender System in Crisis,*" Sedalia News-Journal, November 11, 2009; "*Our Opinion: Public Defender Crisis Ignored,*" Jefferson City News-Tribune, October 30, 2009; "*State Must Pay Heed to Public Defenders,*" Warrensburg Daily-Star Journal, July 30, 2009; "*Action Needed to Ease Burden on Public Defenders,*" Jefferson City News-Tribune, September 30, 2008; "*Missouri Needs More Public Defenders,*" Kansas City Voices, November 17, 2008; "*State Ducks Its Duties,*" Kansas City Star, August 4, 2008; "*Justice on the Cheap*" St. Louis Post-Dispatch, April 30, 2008; "*Imperiling Justice,*" Southeast Missourian, March 7, 2007; "*Lack of Public Defenders a Disgrace,*" Springfield News Leader, August 8, 2006; "*A System in Crisis,*" St. Joseph News-Press, March 23, 2006; "*A Justice Crisis,*" Southeast Missourian, February 26, 2006.

<sup>5</sup>Speech by U.S. Attorney General, Eric Holder, at the Brennan Center's Justice Legacy Awards Dinner, New York City, November 16, 2009. U.S. Department of Justice PRNewsWire.

<sup>6</sup>"*Budget Woes Hit Defense Lawyers for the Indigent*," New York Times, September 10, 2010; "*Citing Workload, Public Lawyers Reject New Cases*," New York Times, November 12, 2008; "*Across U.S., Public Defenders Refusing Cases*," USA Today, September 20, 2008. "*Missouri Public Defenders May be Forced to Stop Accepting New Clients*," USA Today, February 27, 2007.

<sup>7</sup>Chief Justice William Ray Price, *State of the Judiciary Speech, February 3, 2010*: "If there aren't enough public defenders, the system cannot wait, and jail time cannot be threatened or imposed. The solution to this problem is relatively simple: either increase the public defender's funding or tell the public defender who to defend and who not to defend within the limits of their funding. At present, you only allow the public defender to determine eligibility by indigency. That means only the poorest offenders will qualify, regardless of the severity of the crime. I would suggest that the most serious charges be targeted, and that the least serious charges be those for which jail time cannot be sought, if we cannot adequately fund the public defender's office. This is simple common sense. Spend our money where it counts."

Chief Justice Laura Stith, *State of the Judiciary Speech, January 28, 2009*: "There is a serious public safety aspect of the

public defender crisis as well. The federal constitution guarantees defendants both speedy trials and competent legal counsel. The inadequate number of public defenders, however, puts in question the state's ability to meet either of these requirements. In short, if not corrected, defendants potentially could be set free without going to trial...Missouri does not want to find itself in the position of other states, such as Indiana, Montana and Washington, that were faced with the possibility of releasing prisoners or lawsuits from the ACLU if they did not fix their public defender crises. It also does not want to be like Louisiana, where the legislature had to seek a bailout from Congress for the public defender program to avoid releasing hundreds of prisoners."

Chief Justice Michael Wolff, *State of the Judiciary Speech, January 25, 2006*: "We further pledge to work with the public defender system in whatever way possible toward the attraction and retention of employees and toward the alleviation of its ever-increasing caseload. When I spoke earlier of the challenge of attracting and retaining good public servants, those words echo all too loudly in light of the crisis facing our public defender system. Often the test of a system of justice is not how it treats our best citizens, but how it treats those who appear to be our worst. No system of justice can be effective without adequate legal representation for criminal defendants. It is in the interests of all of us – even if it were not a constitutional requirement – that those whom the state deprives of liberty or life are guilty in fact and law of the crimes they are charged with committing. This goes to the legitimacy of the rule of law."

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**PROGRAM DESCRIPTION**

**Department:** Office of the State Public Defender

**Program Name** Public Defender

**Program is found in the following core budget(s):** Legal Services, Legal Defense & Defender Fund, Homicide/Conflict and Federal & Other

**1. What does this program do?**

The Sixth Amendment to the United States Constitution provides that, *“In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defence.”* If an individual cannot afford to hire an attorney, the state must provide one for them in order for the prosecution to proceed. The Missouri State Public Defender System was created to meet this obligation of the State of Missouri. Its lawyers provide criminal defense representation to indigent defendants in all of Missouri’s criminal trial and appellate courts, as well as in a variety of quasi-criminal matters which carry a right to counsel, such as juvenile delinquency cases, sexually violent predator commitment cases, petitions for release from the Department of Mental Health, probation revocations and post-conviction motions to vacate criminal convictions.

**2. What is the authorization for this program, i.e., federal or state statute, etc.? (Include the federal program number, if applicable.)**

Chapter 600 R.S. Mo, which was enacted to comply with the state’s obligations under the U.S. Constitution and Missouri Constitutions:

*In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defence.*

*Amend VI, U.S. Constitution*

*In order to assert our rights, acknowledge our duties, and proclaim the principles on which our government is founded, we declare: . . .*

*That in criminal prosecutions the accused shall have the right to appear and defend in person and by counsel.*

*Article I, Section 18(a), Missouri Constitution.*

**3. Are there federal matching requirements? If yes, please explain.**

No

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**Department:** Office of the State Public Defender

**Program Name** Public Defender

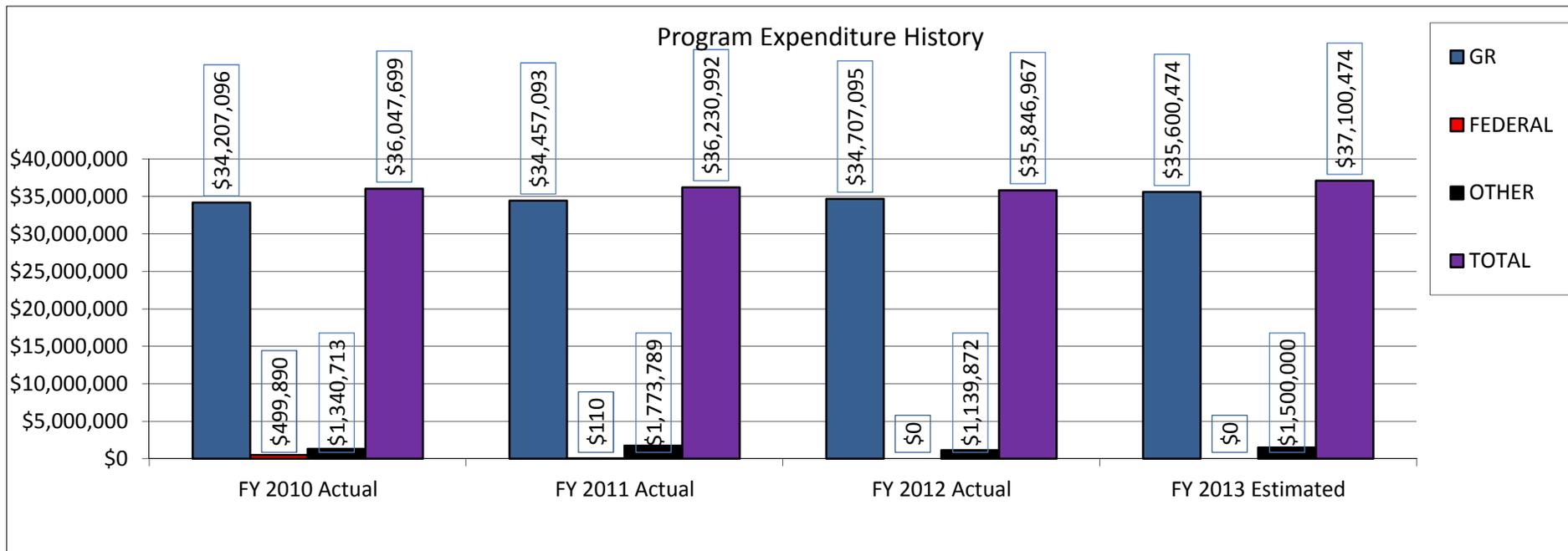
**Program is found in the following core budget(s):** Legal Services, Legal Defense & Defender Fund, Homicide/Conflict and Federal & Other

**4. Is this a federally mandated program? If yes, please explain.**

Yes. The provision of counsel to indigent defendants facing prosecution and the potential loss of their liberty is federally mandated under the United States Constitution:

*In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defence.” Amend VI, U.S. Constitution Bill of Rights*

**5. Provide actual expenditures for the prior three fiscal years and planned expenditures for the current fiscal year.**



**6. What are the sources of the "Other " funds?**

Legal Defense and Defender Fund - Collections from Clients

## PROGRAM DESCRIPTION

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### 7a. Provide an effectiveness measure.

There are three primary measures of effectiveness applicable to the Missouri State Public Defender System:

(1) **Case Law:** Through cases ruled upon by the United States Supreme Court, the Missouri Supreme Court and Courts of Appeal, specific standards of what does or does not constitute effective assistance of counsel in the representation of a criminal defendant have evolved. Where an attorney is found by the court to have failed to meet those standards, any conviction of the defendant must be set aside.

(2) **Missouri Rules of Professional Responsibility** are established by the Missouri Supreme Court and applicable to every attorney licensed to practice law within the State of Missouri. The Rules set out what is expected from a competent, professional attorney and are enforced by the Missouri Supreme Court through its Office of Chief Disciplinary Counsel. Failure to comply with these rules can result in actions being taken against the attorney's license, ranging from a formal reprimand up to and including permanent disbarment from the right to practice law within the state.

(3) **MSPD Guidelines for Representation** adopted by the Missouri State Public Defender Commission, which set out the Commission's expectations of its attorneys in order to meet the above standards for effective representation of clients served by Missouri Public Defenders.

Unfortunately, the Missouri State Public Defender System is not currently able to meet many of these standards because it is only staffed to handle around 73% of the total caseload assigned to it this last year. The overload has forced lawyers and investigators alike to cut corners, skip steps, and make on-the-fly triage decisions in order to keep up with the deluge of cases coming in the door. As a result, effectiveness in many of these cases has gone by the wayside.

**American Bar Association Ethical Advisory Opinion re Public Defender Caseloads:** In 2006, the American Bar Association issued an ethical advisory opinion warning against ethical violations caused by excessive defender caseloads and highlighting the fact that public defenders are not exempt from the professional obligation of all attorneys not to take on more cases than they can effectively handle. That opinion cited national caseload standards, as a base which should not be exceeded, but warned that other factors must also be taken into consideration, such as availability (or lack of) support staff to assist the attorneys, time taken away from case preparation by other non-case-related duties, such as travel, training, management, etc., and the specifics of local practice that could impact the amount of time needed for handling particular case types. See, *ABA Formal Opinion 06-441: Ethical Obligations of Lawyers who Represent Indigent Criminal Defendants When Excessive Caseload Interfere with Competent and Diligent Representation, May 13, 2006.*

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In recognition of this, in 2008, the Missouri Public Defender Commission established **Maximum Allowable** Workloads for each district public defender office. Under the regulation, when the hours needed to handle the cases coming in the door exceed the hours available to handle those cases, the office is deemed to have exceeded its maximum allowable workload for that month. When an office has been assigned more than its maximum allowable workload for three consecutive months, the office can be ‘certified’ and placed on limited availability for new cases. *See 18 C.S.R. 4-010 Rule for the Acceptance of Cases, eff. July 30, 2008.*

**MSPD Protocol for Determining Maximum Allowable Workload:** The protocol used to set maximum allowable workloads for each office compares the estimated number of attorney hours needed to effectively handle each case coming into the office to the number of attorney hours available in that office for handling cases. Obviously, it takes more time for an attorney to handle a murder than a misdemeanor case, so different case types are assigned different ‘weights.’

*Determining Case Weights:* The case weights utilized in MSPD’s workload protocol were developed by utilizing the national caseload standards referenced in the above ABA opinion as the base, not to be exceeded, modified in a few instances where there was no standard for a particular case type (e.g. post-conviction or probation revocation cases) and to account for known local practice variations (e.g. sex offenses are not separated out in the standards but are known to be significantly more time consuming than other non-sex felonies, so are assigned a higher weight). The anticipated number of attorneys hours assigned to each case type is set out below:

<b>MSPD ESTIMATED CASE WEIGHTS</b>	
Non-Capital Homicides	173 hours per case
Sex Offenses - A & B	31 hours per case
Other Felonies Offenses	14 hours per case
Misdemeanors	5 hours per case
Juvenile	10 hours per case
Appeals	83 hours per case
29.15 Cases	62 hours per case
24.035 Cases	21 hours per case
Probation Violations	5 hours per case

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*Determining Attorney Hours Available for Handling Cases:* The other side of the equation is determining how many hours the attorneys in a given office have available to for handling cases. The protocol assumes a 45 hour work week. In reality, many defenders work significantly more than 45 hours a week, as do most attorneys. However, as state employees, defenders are not compensated for anything above 40 hours per week and, in fact, many defenders hold second, non-law jobs, in order to make their law school student loan payments on a public defender salary. Given those realities, the Commission chose to utilize a 45 hour work week for purposes of the protocol or a maximum of 2340 hours per year.

All of those hours are not available for working on cases, however. Lawyers are required to attend at least 15 hours of continuing legal education per year in order to maintain their licenses. The State of Missouri grants them a certain number of holidays and a set amount of annual leave each year, which MSPD is bound to honor. While again, many attorneys wind up working those holidays and forfeiting unused annual leave, the Commission cannot *require* that, so those amounts must be deducted from the total number of attorney hours per year. The same is true of sick, military and FMLA leave. The likelihood that any particular attorney will be out on leave for any given length of time is fairly slim in a given year, but in an organization of 369.50 lawyers, history proves that a fairly regular number of attorney hours will in fact be used up in leave and therefore not available for work on cases. The Commission's protocol addresses this fact by deducting an average of attorney leave used in the previous year from the number of annual attorney available for work on cases.

The American Bar Association Ethics Advisory Opinion cited above notes that time taken away from case preparation by other non-case-related duties must be taken into consideration in any reasonable maximum workload standard. An internal time-tracking study conducted by MSPD in which the attorneys were required to track their time in fifteen-minute increments revealed that about 13.7% of the attorney time was used up in non-case-specific tasks. Some of these are necessary administrative things, such as attending office meetings, filling out time sheets & expense reports, second-chairing newer lawyers in their offices on their cases or just answering their questions. Others are directly related to the shortage of support staff – clerical staff, legal assistants, paralegals, and investigators – discussed in Decision Item No. 5. This shortage results in lawyers spending time on non-lawyer tasks --doing intake & taking indigency applications, copying court files and police reports, making mail runs, and even covering the phones when the office's lone secretary leaves for lunch or takes a day of annual leave. This is time not available for work on cases and therefore must be deducted from the total hours available for case work.

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The deductions described above result in a system-wide average of 1747.24 hours per lawyer per year that are available for actually working on cases. Multiply that number by the number of lawyers in a given office and you have the system's "Available Attorney Case Hours" shown in the various protocol charts throughout this budget.

FY2013 Attorney Case Hours	
2340.00	Standard Work Hours (45 hours * 52 weeks)
-216.00	Holidays and Annual Leave
-56.26	2012 Average Attorney Other Leave
<u>-320.50</u>	Estimated Non Case Related Hours (13.7%)
1747.24	Available Attorney Case Hours

There are unique circumstances within particular offices that also impact how many attorneys are available in that office which must be taken into consideration. E.g. offices that serve multiple counties lose what defenders have dubbed 'windshield time' – the time spent by the attorneys driving to and from court in other counties, as well as to and from jails and crime scenes and witness interviews in those counties, unlike those offices which only serve one county and only have to walk across the street or downstairs to make a court appearance or visit a client in jail. In recognition of these realities, the Commission's protocol calculates the average 'drive time' of the previous year for each district office, a figure based upon the actual miles driven each month by the attorneys in that particular office as reported on monthly expense reports. In the protocol application charts depicted within this budget, those travel hours for each district office are added together into a collective pool of "Travel Hours" for the whole system and added to the number of total caseload hours as part of the determination of the Total Workload Hours for which staffing is needed. When the protocol is applied to a particular District Office to determine that office's maximum allowable workload, only those travel

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The same is true with the Management Hours category shown on the protocol charts in this budget. In most offices, the District Public Defender or managing attorney of the office serves a dual role –supervising the office and also carrying a caseload. In those circumstances, the District Defender is counted as an attorney for the purpose of calculating the office’s (or system’s) total available attorney hours, but in reality only a portion of the District Defender’s time is available for case work. The remainder is used up with his or her supervisory responsibilities -- supervision of office procedures and employees, mentoring, in-office training, performance reviews, approval of bills and expense reports, monitoring of the office’s budget, serving as the office liaison to the courts and county commissioners, addressing performance concerns, ensuring compliance with applicable federal employment laws, etc. The amount of management time involved varies with the size of the office -- greater in offices with larger staffs to be supervised and less in the very smallest offices. In recognition of this range, the Commission’s protocol presumes a set amount of management / supervisory time per employee per month and deducts that from the pool of available attorney hours for work on cases. In the charts in this budget, the management hours needed within each Trial and Appellate District office are pooled together into a single statewide figure and added to the total Case Hours in order to accurately determine the Total Workload Hours for which staffing is needed. When the protocol is applied to a particular office to determine whether it has reached or exceeded its maximum allowable caseload, the management hours pertinent to that particular office are deducted from the total number of attorney hours available within the office to work on cases.

**Status of Litigation Respecting the MSPD Maximum Allowable Workload Protocol:** In 2009, the question of the Commission’s authority to set a maximum workload for Missouri’s public defender offices by state regulation was litigated and reached the Missouri Supreme Court. The Supreme Court ruled that the Public Defender Commission does have the authority to set maximum workloads and to turn away cases when those maximums are exceeded, but it does not have the authority to triage the incoming cases so that public defender offices take the more serious cases and turn away the less serious cases. (Though the court agreed that would be a reasonable approach, it determined that would require a statutory authority the Public Defender Commission currently does not have.) Following the high court’s ruling, the Public Defender Commission modified its state regulation on maximum workloads so that certified offices accept new cases each month up to their maximum allowable workload and then turn away *all* additional cases, regardless of case type, for the remainder of the month. A second round of litigation ensued regarding MSPD’s reliance on this modified state regulation and once again reached the Missouri Supreme Court, during which time MSPD’s efforts to turn away excess cases was put on hold. On July 31, 2012, the Supreme Court issued an opinion confirming that Missouri judges may not appoint public defenders to additional cases after they have reached their maximum allowable caseloads. As of October, 2012, seventeen MSPD District Public Defender offices are going on limited availability status, which means that they will accept cases each month up to their maximum allowable monthly workload and no more. Any applications for defender services after that point will, unless directed otherwise by the judge, will go on a waiting list for defender services.

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**7b. Provide an efficiency measure.**

The Missouri State Public Defender System’s 369.50 lawyers opened over 84,000 cases last year, appearing in every courthouse in every county across the state, at an average cost to the state’s taxpayers of just \$303.52 per case. This astonishingly low cost of indigent defense in Missouri – among the lowest in the nation -- is not a cause for celebration, however. It comes at a tremendous effectiveness toll and at the cost of widespread failure to provide indigent defendants the effective assistance of counsel that the U.S. Constitution’s Bill of Rights guarantees them. There is a limit to the ‘Do More With Less’ mantra within the arena of criminal justice, and Missouri passed it sometime ago. Efficiency is further eroded by a shortage of support staff which makes it impossible to leverage our already short attorney time in the manner utilized in every efficiently run law firm. **Each of the decision items herein is designed to address this problem, increasing both efficiency and effectiveness.**

**7c. Provide the number of clients/individuals served, if applicable.**

The Public Defender Commission sets the indigency guidelines, which are used to determine who is eligible for public defender services. Currently, those guidelines match the Federal Poverty Guidelines. Strictly applied, that would mean an individual making only \$12,000 a year would not qualify for a public defender. According to recent reports, Missouri ranks 50<sup>th</sup> out of 50 states in income eligibility standards for public defender services, leaving a wide gap of ineligible defendants who in reality still lack the means to retain private counsel in the market. The guidelines, however, do allow for the taking into consideration of all of the defendant’s particular circumstances affecting his/her ability to hire counsel, so things such as the seriousness of the charge may impact that decision. Defendants have the right to appeal MSPD’s denial of their application to the court for an independent review of their eligibility. If the court finds they are unable to afford private counsel, the court can overrule the public defender denial.

**PROGRAM DESCRIPTION**

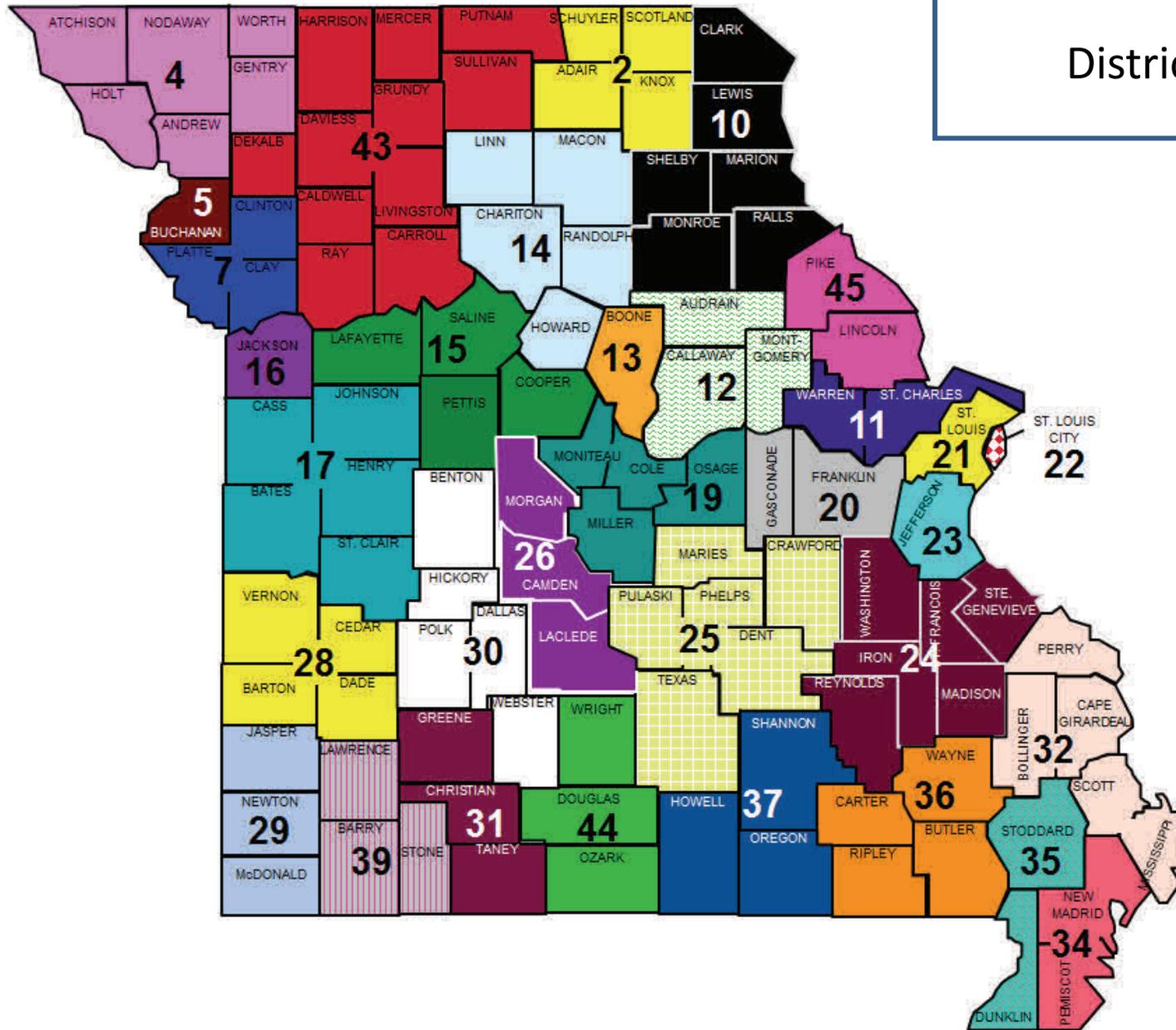
Department: Office of the State Public Defender

Program Name Public Defender

Program is found in the following core budget(s): Legal Services, Legal Defense & Defender Fund, Homicide/Conflict and Federal & Other

<i>Missouri State Public Defender System</i>													
<i>Cases Assigned by Case Type</i>													
	Murder 1st	Other Homicide	Felony	Murder + Felony Caseload	Misdemeanor	Juvenile	PCR	Other	Probation Violation	Appeals	Total Opened	Total Closed	Closed to Open Ratio
FY12	121	197	38,551	38,869	20,948	1,923	1,212	159	20,320	966	84,397	81,871	0.9701
FY11	148	149	35,753	36,050	22,767	1,893	1,088	119	20,066	913	82,896	80,137	0.9667
FY10	161	164	34,781	35,106	24,768	2,393	1,141	131	20,147	930	84,616	81,346	0.9614
FY09	121	180	33,226	33,527	25,181	2,513	1,264	181	19,518	898	83,082	81,704	0.9834
FY08	158	154	34,766	35,078	26,098	2,715	1,061	182	19,555	716	85,405	85,116	0.9966
FY07	174	161	35,109	35,444	27,816	3,380	828	129	19,157	743	87,497	85,133	0.9730
FY06	138	146	35,339	35,623	28,227	3,676	838	46	19,412	710	88,532	83,260	0.9405
FY05	156	124	33,282	33,562	28,931	3,881	937	120	20,012	688	88,131	87,180	0.9892
FY04	154	140	34,422	34,716	28,018	4,258	807	98	20,263	756	88,916	86,356	0.9712
FY03	195	114	35,425	35,734	25,807	4,147	806	103	18,479	832	85,908	81,059	0.9436
FY02	163	132	33,183	33,478	25,147	3,918	802	64	18,047	750	82,206	77,165	0.9387
FY01	182	125	29,934	30,241	22,903	4,488	711	82	17,663	698	76,786	73,438	0.9564
FY00	147	109	28,019	28,275	24,119	4,998	763	76	16,768	739	75,738	69,591	0.9188
FY99	182	108	28,892	29,182	23,721	4,629	797	112	14,488	809	73,738	74,570	1.0113
FY98	196	87	31,591	31,874	24,676	4,270	674	138	14,141	689	76,462	74,495	0.9743
FY97	169	79	29,663	29,911	21,912	4,075	513	156	13,437	839	70,843	67,870	0.9580
FY96	175	88	30,198	30,461	23,069	3,612	707	178	11,444	1,038	70,509	70,664	1.0022
FY95	256	109	27,688	28,053	17,696	3,916	719	165	9,362	1,138	61,049	61,710	1.0108
FY94	255	152	25,338	25,745	17,852	3,374	682	201	8,225	1,017	57,096	52,453	0.9187
FY93	301	136	24,402	24,839	15,883	3,146	766	249	7,301	872	53,056	52,363	0.9869
FY92	282	37	25,458	25,777	19,974	3,372	1,129	167	5,321	569	56,309	55,651	0.9883
FY91	193	63	21,304	21,560	13,941	2,713	588	169	5,051	820	44,842	49,038	1.0936
FY90	227	109	23,336	23,672	14,627	3,300	732	369	5,834	1,094	49,628	46,425	0.9355
FY89	193	149	20,838	21,180	12,902	3,298	1,342	418	5,074	1,243	45,457	42,532	0.9357
FY88	202	161	20,640	21,003	12,427	3,455	1,006	470	4,475	920	43,756	40,117	0.9168
FY87	199	145	19,254	19,598	11,736	3,564	755	443	4,308	728	41,132	37,081	0.9015
FY86	166	175	17,042	17,383	10,602	3,328	612	611	3,815	608	36,959	34,491	0.9332
FY85	152	172	15,397	15,721	9,126	3,500	543	522	3,293	632	33,337	32,410	0.9722
FY84	176	175	15,048	15,399	9,256	3,058	534	499	2,878	506	32,130	31,730	0.9876

# Trial Division District Map



### State Auditor's Reports and Oversight Evaluation

Program or Division Name	Type of Report	Date Issued	Website
Public Defender Commission	Audit	12/7/2004	<a href="http://www.auditor.mo.gov/AuditReports/CitzSummary.aspx?id=139">http://www.auditor.mo.gov/AuditReports/CitzSummary.aspx?id=139</a>

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**Office of the State Public Defender**

**DECISION ITEM RANKING**

Budgeting Unit Decision Item Fund	Rank	FY 2014 DEPT REQ DOLLAR	FY 2014 DEPT REQ FTE	FY 2014 GOV REC DOLLAR	FY 2014 GOV REC FTE	CUMULATIVE TOTAL	
						DOLLARS	FTE
<b>OFFICE OF THE DIRECTOR</b>							
CORE	001						
GENERAL REVENUE		<u>32,600,474</u>	<u>585.13</u>	<u>32,600,474</u>	<u>585.13</u>	32,600,474	585.13
TOTAL		32,600,474	585.13	32,600,474	585.13		
Pay Plan FY13-Cost to Continue - 0000013	001						
GENERAL REVENUE		<u>19,626</u>	<u>0.00</u>	<u>19,626</u>	<u>0.00</u>	32,620,100	585.13
TOTAL		19,626	0.00	19,626	0.00		
<b>GRANTS</b>							
CORE	001						
PUBLIC DEFENDER-FEDERAL & OTHR		<u>125,000</u>	<u>0.00</u>	<u>125,000</u>	<u>0.00</u>	32,745,100	585.13
TOTAL		125,000	0.00	125,000	0.00		
<b>LEGAL DEFENSE &amp; DEFENDER FUND</b>							
CORE	001						
LEGAL DEFENSE AND DEFENDER		<u>2,980,952</u>	<u>2.00</u>	<u>2,980,952</u>	<u>2.00</u>	35,726,052	587.13
TOTAL		2,980,952	2.00	2,980,952	2.00		
Pay Plan FY13-Cost to Continue - 0000013	001						
LEGAL DEFENSE AND DEFENDER		<u>30</u>	<u>0.00</u>	<u>30</u>	<u>0.00</u>	35,726,082	587.13
TOTAL		30	0.00	30	0.00		
<b>EXTRAORDINARY EXPENSE/CONFLIC</b>							
CORE	001						
GENERAL REVENUE		<u>3,721,071</u>	<u>0.00</u>	<u>3,721,071</u>	<u>0.00</u>	39,447,153	587.13
TOTAL		3,721,071	0.00	3,721,071	0.00		
<b>DEBT OFFSET ESCROW FUND</b>							
CORE	001						
DEBT OFFSET ESCROW		<u>350,000</u>	<u>0.00</u>	<u>350,000</u>	<u>0.00</u>	39,797,153	587.13
TOTAL		350,000	0.00	350,000	0.00		
<b>OFFICE OF THE DIRECTOR</b>							
Pay Plan FY14-COLA - 0000014	002						
GENERAL REVENUE		<u>0</u>	<u>0.00</u>	<u>258,510</u>	<u>0.00</u>	40,055,663	587.13
TOTAL		0	0.00	258,510	0.00		

**Office of the State Public Defender**

**DECISION ITEM RANKING**

Budgeting Unit Decision Item Fund	Rank	FY 2014 DEPT REQ DOLLAR	FY 2014 DEPT REQ FTE	FY 2014 GOV REC DOLLAR	FY 2014 GOV REC FTE	CUMULATIVE TOTAL	
						DOLLARS	FTE
<b>LEGAL DEFENSE &amp; DEFENDER FUND</b>							
Pay Plan FY14-COLA - 0000014	002						
LEGAL DEFENSE AND DEFENDER		0	0.00	1,194	0.00	40,056,857	587.13
TOTAL		0	0.00	1,194	0.00		
<b>OFFICE OF THE DIRECTOR</b>							
Caseload Crisis - - 1151001	005						
GENERAL REVENUE		6,865,505	71.00	0	0.00	40,056,857	587.13
TOTAL		6,865,505	71.00	0	0.00		
Information Tech - Keeping Up - 1151002	006						
GENERAL REVENUE		254,820	0.00	0	0.00	40,056,857	587.13
TOTAL		254,820	0.00	0	0.00		
Specialized Attorneys - 1151003	007						
GENERAL REVENUE		989,916	12.00	0	0.00	40,056,857	587.13
TOTAL		989,916	12.00	0	0.00		
Office Space Requirements - 1151004	008						
GENERAL REVENUE		1,983,019	0.00	0	0.00	40,056,857	587.13
TOTAL		1,983,019	0.00	0	0.00		
<b>GRAND TOTAL</b>		<b>\$49,890,413</b>	<b>670.13</b>	<b>\$40,056,857</b>	<b>587.13</b>		

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>OFFICE OF THE DIRECTOR</b>								
<b>CORE</b>								
PERSONAL SERVICES								
GENERAL REVENUE	27,288,817	577.73	28,181,366	585.13	28,181,366	585.13	28,181,366	585.13
TOTAL - PS	27,288,817	577.73	28,181,366	585.13	28,181,366	585.13	28,181,366	585.13
EXPENSE & EQUIPMENT								
GENERAL REVENUE	4,860,220	0.00	4,419,108	0.00	4,419,108	0.00	4,419,108	0.00
TOTAL - EE	4,860,220	0.00	4,419,108	0.00	4,419,108	0.00	4,419,108	0.00
<b>TOTAL</b>	<b>32,149,037</b>	<b>577.73</b>	<b>32,600,474</b>	<b>585.13</b>	<b>32,600,474</b>	<b>585.13</b>	<b>32,600,474</b>	<b>585.13</b>
<b>Pay Plan FY13-Cost to Continue - 0000013</b>								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	19,626	0.00	19,626	0.00
TOTAL - PS	0	0.00	0	0.00	19,626	0.00	19,626	0.00
<b>TOTAL</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>19,626</b>	<b>0.00</b>	<b>19,626</b>	<b>0.00</b>
<b>Pay Plan FY14-COLA - 0000014</b>								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	0	0.00	258,510	0.00
TOTAL - PS	0	0.00	0	0.00	0	0.00	258,510	0.00
<b>TOTAL</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>258,510</b>	<b>0.00</b>
<b>Caseload Crisis - - 1151001</b>								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	2,785,992	71.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	2,785,992	71.00	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	4,079,513	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	4,079,513	0.00	0	0.00
<b>TOTAL</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>6,865,505</b>	<b>71.00</b>	<b>0</b>	<b>0.00</b>

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>OFFICE OF THE DIRECTOR</b>								
<b>Information Tech - Keeping Up - 1151002</b>								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	254,820	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	254,820	0.00	0	0.00
<b>TOTAL</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>254,820</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>
<b>Specialized Attorneys - 1151003</b>								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	838,656	12.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	838,656	12.00	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	151,260	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	151,260	0.00	0	0.00
<b>TOTAL</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>989,916</b>	<b>12.00</b>	<b>0</b>	<b>0.00</b>
<b>Office Space Requirements - 1151004</b>								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	1,983,019	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	1,983,019	0.00	0	0.00
<b>TOTAL</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>1,983,019</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$32,149,037</b>	<b>577.73</b>	<b>\$32,600,474</b>	<b>585.13</b>	<b>\$42,713,360</b>	<b>668.13</b>	<b>\$32,878,610</b>	<b>585.13</b>

**CORE DECISION ITEM**

<b>Department</b>	Office of the State Public Defender	<b>Budget Unit</b>	15111C
<b>Division</b>	Legal Services		
<b>Core -</b>	Legal Services		

**1. CORE FINANCIAL SUMMARY**

	FY 2014 Budget Request			
	GR	Federal	Other	Total
<b>PS</b>	28,181,366	0	0	28,181,366
<b>EE</b>	4,419,108	0	0	4,419,108
<b>PSD</b>	0	0	0	0
<b>TRF</b>	0	0	0	0
<b>Total</b>	<b>32,600,474</b>	<b>0</b>	<b>0</b>	<b>32,600,474</b>

**FTE**                      **585.13**              **0.00**              **0.00**              **585.13**

<b>Est. Fringe</b>	14,488,040	0	0	14,488,040
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

Other Funds:

	FY 2014 Governor's Recommendation			
	GR	Federal	Other	Total
<b>PS</b>	0	0	0	28,181,366
<b>EE</b>	0	0	0	4,419,108
<b>PSD</b>	0	0	0	0
<b>TRF</b>	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>32,600,474</b>

**FTE**                      **585.13**              **0.00**              **0.00**              **585.13**

<b>Est. Fringe</b>	0	0	0	14,488,040
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

Other Funds:

**2. CORE DESCRIPTION**

The Missouri State Public Defender System [MSPD] is a statewide system, providing representation indigent defendants accused of state crimes in Missouri's Trial, Appellate, and Supreme courts. It is an independent department of state government, located within, but not supervised by, the Judicial Branch. It is governed by a seven-member Public Defender Commission, appointed by the governor. This decision item includes funding for public defenders and their support staff throughout the state and central administrative staff.

**3. PROGRAM LISTING (list programs included in this core funding)**

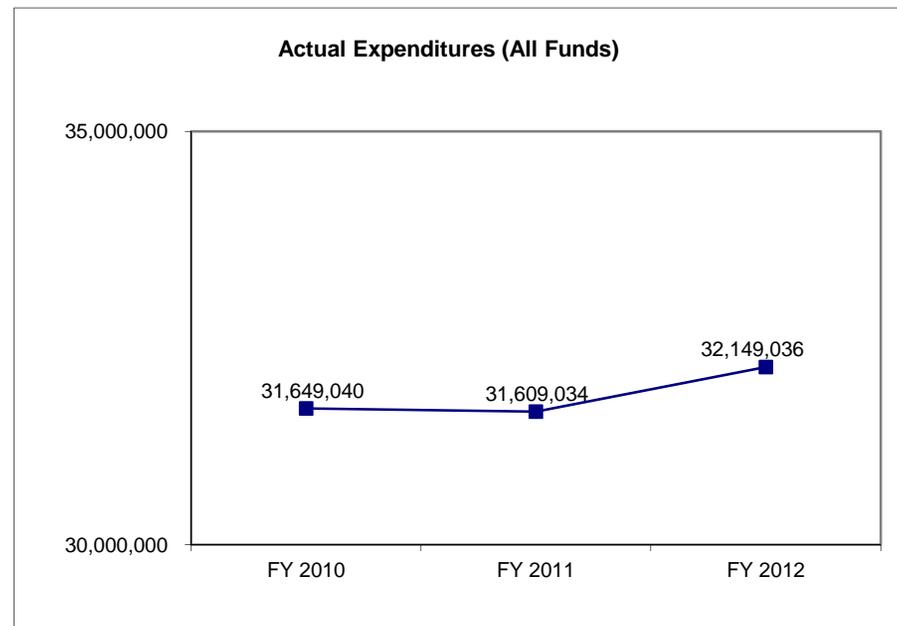
The Missouri State Public Defender has only one program: providing constitutionally required criminal defense representation to Missourians facing the loss of liberty in state misdemeanor and felony prosecutions, as well as in appellate and post-conviction representation matters in which the state has created a right to counsel.

**CORE DECISION ITEM**

<b>Department</b>	Office of the State Public Defender	<b>Budget Unit</b>	15111C
<b>Division</b>	Legal Services		
<b>Core -</b>	Legal Services		

**4. FINANCIAL HISTORY**

	<u>FY 2010</u> <u>Actual</u>	<u>FY 2011</u> <u>Actual</u>	<u>FY 2012</u> <u>Actual</u>	<u>FY 2013</u> <u>Current Yr.</u>
Appropriation (All Funds)	31,649,041	31,609,041	32,149,041	32,600,474
Less Reverted (All Funds)	0	250,000	0	0
Budget Authority (All Funds)	31,649,041	31,859,041	32,149,041	32,600,474
Actual Expenditures (All Funds)	31,649,040	31,609,034	32,149,036	0
Unexpended (All Funds)	1	250,007	5	32,600,474
Unexpended, by Fund:				
General Revenue	31,649,040	31,609,034	32,149,036	32,600,474
Federal	0	0	0	0
Other	0	0	0	0



**Full Flexibility - A Net of \$290,000 was transferred from this appropriation to our Homicide/Conflict Appropriation to assist in contracting out case overload**

Reverted includes Governor's standard 3 percent reserve (when applicable) and any extraordinary expenditure restrictions.

**NOTES:**

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>OFFICE OF THE DIRECTOR</b>								
<b>CORE</b>								
TEMPORARY EMPLOYEE	4,266	0.12	0	0.00	0	0.00	0	0.00
SECRETARY	2,993,414	116.53	3,110,698	119.75	3,177,191	120.50	3,177,191	120.50
COMPUTER INFO. SPECIALIST	332,394	6.25	326,798	6.25	343,150	6.25	343,150	6.25
INVESTIGATOR	2,066,908	59.72	2,129,605	60.13	2,096,139	59.38	2,096,139	59.38
PARALEGAL	213,245	6.50	208,943	6.50	218,678	6.50	218,678	6.50
MITIGATION SPECIALIST	267,672	7.00	272,802	7.00	272,824	7.00	272,824	7.00
LAW CLERK	42,201	1.00	0	0.00	0	0.00	0	0.00
ASSISTANT PUBLIC DEFENDER	17,197,865	323.21	17,777,923	326.50	17,745,355	326.50	17,745,355	326.50
DISTRICT DEFENDER	2,966,989	41.33	3,154,200	43.00	3,117,186	43.00	3,117,186	43.00
DIVISION DIRECTOR	620,473	6.07	613,668	6.00	616,800	6.00	616,800	6.00
PROGRAM TECHNICIAN	174,408	5.00	177,751	5.00	177,743	5.00	177,743	5.00
PROGRAM MANAGER	288,498	4.00	288,498	4.00	289,280	4.00	289,280	4.00
DIRECTOR	120,484	1.00	120,480	1.00	127,020	1.00	127,020	1.00
<b>TOTAL - PS</b>	<b>27,288,817</b>	<b>577.73</b>	<b>28,181,366</b>	<b>585.13</b>	<b>28,181,366</b>	<b>585.13</b>	<b>28,181,366</b>	<b>585.13</b>
TRAVEL, IN-STATE	882,044	0.00	805,000	0.00	802,000	0.00	802,000	0.00
TRAVEL, OUT-OF-STATE	11,935	0.00	2,500	0.00	10,900	0.00	10,900	0.00
FUEL & UTILITIES	54,650	0.00	55,000	0.00	49,700	0.00	49,700	0.00
SUPPLIES	344,777	0.00	350,000	0.00	313,500	0.00	313,500	0.00
PROFESSIONAL DEVELOPMENT	115,654	0.00	115,000	0.00	105,150	0.00	105,150	0.00
COMMUNICATION SERV & SUPP	277,205	0.00	160,000	0.00	252,000	0.00	252,000	0.00
PROFESSIONAL SERVICES	1,914,348	0.00	1,775,000	0.00	1,740,268	0.00	1,740,268	0.00
HOUSEKEEPING & JANITORIAL SERV	101,468	0.00	95,500	0.00	92,250	0.00	92,250	0.00
M&R SERVICES	205,522	0.00	175,000	0.00	186,900	0.00	186,900	0.00
COMPUTER EQUIPMENT	135,475	0.00	131,108	0.00	123,180	0.00	123,180	0.00
OFFICE EQUIPMENT	23,854	0.00	4,500	0.00	21,700	0.00	21,700	0.00
OTHER EQUIPMENT	8,802	0.00	500	0.00	8,000	0.00	8,000	0.00
BUILDING LEASE PAYMENTS	730,893	0.00	715,000	0.00	664,560	0.00	664,560	0.00
EQUIPMENT RENTALS & LEASES	12,536	0.00	10,000	0.00	11,500	0.00	11,500	0.00

**Office of the State Public Defender**

**DECISION ITEM DETAIL**

Budget Unit	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>OFFICE OF THE DIRECTOR</b>								
<b>CORE</b>								
MISCELLANEOUS EXPENSES	41,057	0.00	25,000	0.00	37,500	0.00	37,500	0.00
<b>TOTAL - EE</b>	<b>4,860,220</b>	<b>0.00</b>	<b>4,419,108</b>	<b>0.00</b>	<b>4,419,108</b>	<b>0.00</b>	<b>4,419,108</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$32,149,037</b>	<b>577.73</b>	<b>\$32,600,474</b>	<b>585.13</b>	<b>\$32,600,474</b>	<b>585.13</b>	<b>\$32,600,474</b>	<b>585.13</b>
<b>GENERAL REVENUE</b>	<b>\$32,149,037</b>	<b>577.73</b>	<b>\$32,600,474</b>	<b>585.13</b>	<b>\$32,600,474</b>	<b>585.13</b>	<b>\$32,600,474</b>	<b>585.13</b>
<b>FEDERAL FUNDS</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>
<b>OTHER FUNDS</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>

**FLEXIBILITY REQUEST FORM**

<b>BUDGET UNIT NUMBER:</b> 1151000	<b>DEPARTMENT:</b> Office of the State Public Defender
<b>BUDGET UNIT NAME:</b> Public Defender Legal Services	<b>DIVISION:</b> Legal Services

**1. Provide the amount by fund of personal service flexibility and the amount by fund of expense and equipment flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed. If flexibility is being requested among divisions, provide the amount by fund of flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed.**

**DEPARTMENT REQUEST**

The Office of the State Public Defender is requesting full flexibility in our legal services appropriations. (Appropriations 0911, 0912 and 8727). Due to the turnover of attorney positions, the number of conflicts and the overload of cases, it is frequently necessary to transfer cases from state employees (Appropriation 0911) to private counsel who can be compensated from appropriation 0912 or 8727.

It is also necessary to transfer vacancy savings dollars from the Personal Service Appropriation to the Expense and Equipment Appropriation to cover increasing office expenses such as travel, postage, equipment maintenance and network charges

**2. Estimate how much flexibility will be used for the budget year. How much flexibility was used in the Prior Year Budget and the Current Year Budget? Please specify the amount.**

PRIOR YEAR ACTUAL AMOUNT OF FLEXIBILITY USED	CURRENT YEAR ESTIMATED AMOUNT OF FLEXIBILITY THAT WILL BE USED	BUDGET REQUEST ESTIMATED AMOUNT OF FLEXIBILITY THAT WILL BE USED
\$441,117	\$425,000	\$425,000

**3. Please explain how flexibility was used in the prior and/or current years.**

PRIOR YEAR EXPLAIN ACTUAL USE	CURRENT YEAR EXPLAIN PLANNED USE
\$440,000 was transferred from Personal Service (0911)to E&E (0912) to cover general office operating costs and the purchase of equipment.	Flexibility will be utilized to best meet the caseload demands of the State Public Defender System. Dollars from Personal Service could be used to meet the cost of operating the local offices or to contract out cases to the private bar as the need arises.

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**NEW DECISION ITEM**

RANK: 1 OF 5

<b>Department</b>	Office of the State Public Defender	<b>Budget Unit</b>	15111C
<b>Division</b>	Legal Services		
<b>DI Name</b>	Cost to Continue the FY2013 Pay Plan	<b>DI#</b>	0000013

**1. AMOUNT OF REQUEST**

	FY 2014 Budget Request					FY 2014 Governor's Recommendation			
	GR	Federal	Other	Total		GR	Federal	Other	Total
<b>PS</b>	19,656	19,626	19,626	19,656	<b>PS</b>	19,656			19,656
<b>EE</b>					<b>EE</b>				
<b>PSD</b>					<b>PSD</b>				
<b>TRF</b>					<b>TRF</b>				
<b>Total</b>	<u>19,656</u>	<u>19,626</u>	<u>19,626</u>	<u>19,656</u>	<b>Total</b>	<u>19,656</u>	<u>0</u>	<u>0</u>	<u>19,656</u>
<b>FTE</b>	0.00	0.00	0.00	0.00	<b>FTE</b>				

<b>Est. Fringe</b>	4,527	4,520	4,520	4,527
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

<b>Est. Fringe</b>	4,527	0	0	4,527
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

Other Funds:

Other Funds:

**2. THIS REQUEST CAN BE CATEGORIZED AS:**

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input checked="" type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

**3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.**

This is a new Fiscal Year 2014 Decision Item. It is considered a "Cost to Continue" decision item. It will furnish funding for 24th pay period of the General Assembly funded Fiscal Year 2013 pay plan. The Fiscal Year 2013 pay plan funded only 23 of the 24 pay periods.

**NEW DECISION ITEM**

RANK: 1 OF 5

<b>Department</b>	<b>Office of the State Public Defender</b>	<b>Budget Unit</b>	<b>15111C</b>
<b>Division</b>	<b>Legal Services</b>		
<b>DI Name</b>	<b>Cost to Continue the FY2013 Pay Plan</b>	<b>DI#</b>	<b>0000013</b>

**4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)**

The dollar amounts for this decision item were provided to the agencies by the Office of Administration, Division of Budget and Planning.

**5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.**

Budget Object Class/Job Class	Dept Req	Dept Req	Dept Req	Dept Req	Gov Rec	
	GR	GR	TOTAL	TOTAL	GR	Gov Rec
	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	TOTAL FTE
Secretary/0200	2,543	0.0	2,543		2,543	
Computer Information Specialist/0270	267	0.0	267		267	
Investigator/0300	1,741	0.0	1,741		1,741	
Paralegal/0325	171	0.0	171		171	
Mitigation Specialist/0350	223	0.0	223		223	
Assistant Public Defender/0400	14,536	0.0	14,536		14,536	
Program Technician/0560	145	0.0	145		145	
<b>Total PS</b>	<b>19,626</b>	<b>0.0</b>	<b>19,626</b>	<b>0.0</b>	<b>19,626</b>	<b>0.0</b>
<b>Grand Total</b>	<b>19,626</b>	<b>0</b>	<b>19,626</b>	<b>0</b>	<b>19,626</b>	<b>0</b>

**Office of the State Public Defender**

**DECISION ITEM DETAIL**

Budget Unit	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>OFFICE OF THE DIRECTOR</b>								
<b>Pay Plan FY13-Cost to Continue - 0000013</b>								
SECRETARY	0	0.00	0	0.00	2,543	0.00	2,543	0.00
COMPUTER INFO. SPECIALIST	0	0.00	0	0.00	267	0.00	267	0.00
INVESTIGATOR	0	0.00	0	0.00	1,741	0.00	1,741	0.00
PARALEGAL	0	0.00	0	0.00	171	0.00	171	0.00
MITIGATION SPECIALIST	0	0.00	0	0.00	223	0.00	223	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	14,536	0.00	14,536	0.00
PROGRAM TECHNICIAN	0	0.00	0	0.00	145	0.00	145	0.00
<b>TOTAL - PS</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>19,626</b>	<b>0.00</b>	<b>19,626</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$19,626</b>	<b>0.00</b>	<b>\$19,626</b>	<b>0.00</b>
<b>GENERAL REVENUE</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$19,626</b>	<b>0.00</b>	<b>\$19,626</b>	<b>0.00</b>
<b>FEDERAL FUNDS</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>
<b>OTHER FUNDS</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>

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**NEW DECISION ITEM**

RANK:  2  OF  5

<b>Department</b> Office of the State Public Defender	<b>Budget Unit</b> 1511C
<b>Division:</b> Legal Services	
<b>DI Name:</b> General Structure Adjustment - Cost of Living	<b>DI#:</b> 0000014

**1. AMOUNT OF REQUEST**

	FY 2014 Budget Request					FY 2014 Governor's Recommendation			
	GR	Federal	Other	Total		GR	Federal	Other	Total
<b>PS</b>	0	0	0	0	<b>PS</b>	258,510	0	0	258,510
<b>EE</b>	0	0	0	0	<b>EE</b>				
<b>PSD</b>	0	0	0	0	<b>PSD</b>				
<b>TRF</b>	0	0	0	0	<b>TRF</b>				
<b>Total</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<b>Total</b>	<u>258,510</u>	<u>0</u>	<u>0</u>	<u>258,510</u>
<b>FTE</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>FTE</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

<b>Est. Fringe</b>	0	0	0	0
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

<b>Est. Fringe</b>	66,075	0	0	66,075
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

Other Funds:

Other Funds:

**2. THIS REQUEST CAN BE CATEGORIZED AS:**

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input checked="" type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

**3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.**

The Governor's Fiscal Year 2014 budget includes a two percent pay raise for all state employees, beginning January 1, 2014. It does not include elected officials, members of the general assembly, or judges covered under the Missouri Citizens' Commission on Compensation for Elected Officials.

**NEW DECISION ITEM**

RANK:  2  OF  5

Department	Office of the State Public Defender	Budget Unit	1511C
Division:	Legal Services		
DI Name:	General Structure Adjustment - Cost of Living	DI#:	0000014

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

**5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.**

Budget Object Class/Job Class	Gov Rec GR DOLLARS	Gov Rec GR FTE	Gov Rec FED DOLLARS	Gov Rec FED FTE	Gov Rec OTHER DOLLARS	Gov Rec OTHER FTE	Gov Rec TOTAL DOLLARS	Gov Rec TOTAL FTE	Gov Rec One-Time DOLLARS
Secretary/0200	\$29,148						\$29,148		
Computer Information Specialist/0270	\$3,148						\$3,148		
Investigator/0300	\$19,231						\$19,231		
Paralegal/0325	\$2,006						\$2,006		
Mitigation Specialist/0350	\$2,503						\$2,503		
Assistant Public Defender/0400	\$162,799						\$162,799		
District Defender/0460	\$28,574						\$28,574		
Division Director/0550	\$5,654						\$5,654		
Program Technician/0560	\$1,631						\$1,631		
Program Manager/0570	\$2,652						\$2,652		
Director/0600	\$1,164						\$1,164		
<b>Total PS</b>	<b>\$258,510</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>\$258,510</b>	<b>0.0</b>	<b>0</b>
<b>Grand Total</b>	<b>258,510</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>258,510</b>	<b>0</b>	<b>0</b>

**Office of the State Public Defender**

**DECISION ITEM DETAIL**

Budget Unit	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>OFFICE OF THE DIRECTOR</b>								
<b>Pay Plan FY14-COLA - 0000014</b>								
SECRETARY	0	0.00	0	0.00	0	0.00	29,148	0.00
COMPUTER INFO. SPECIALIST	0	0.00	0	0.00	0	0.00	3,148	0.00
INVESTIGATOR	0	0.00	0	0.00	0	0.00	19,231	0.00
PARALEGAL	0	0.00	0	0.00	0	0.00	2,006	0.00
MITIGATION SPECIALIST	0	0.00	0	0.00	0	0.00	2,503	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	0	0.00	162,799	0.00
DISTRICT DEFENDER	0	0.00	0	0.00	0	0.00	28,574	0.00
DIVISION DIRECTOR	0	0.00	0	0.00	0	0.00	5,654	0.00
PROGRAM TECHNICIAN	0	0.00	0	0.00	0	0.00	1,631	0.00
PROGRAM MANAGER	0	0.00	0	0.00	0	0.00	2,652	0.00
DIRECTOR	0	0.00	0	0.00	0	0.00	1,164	0.00
<b>TOTAL - PS</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>258,510</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$258,510</b>	<b>0.00</b>
<b>GENERAL REVENUE</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$258,510</b>	<b>0.00</b>
<b>FEDERAL FUNDS</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>
<b>OTHER FUNDS</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>

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**NEW DECISION ITEM**

(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)

RANK: 5 OF 8

<b>Department</b>	State Public Defender	<b>Budget Unit</b>	15111C
<b>Division</b>	Public Defender - Legal Services		
<b>DI Name</b>	Caseload Crisis - 2 Year Phase In	<b>DI#</b>	1151001

**1. AMOUNT OF REQUEST**

	FY 2014 Budget Request					FY 2014 Governor's Recommendation			
	GR	Federal	Other	Total		GR	Federal	Other	Total
<b>PS</b>	2,785,992			2,785,992	<b>PS</b>	0	0	0	0
<b>EE</b>	4,079,513			4,079,513	<b>EE</b>	0	0	0	0
<b>PSD</b>	0			0	<b>PSD</b>	0	0	0	0
<b>TRF</b>	0			0	<b>TRF</b>	0	0	0	0
<b>Total</b>	<b>6,865,505</b>	<b>0</b>	<b>0</b>	<b>6,865,505</b>	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FTE</b>	<b>71.00</b>			<b>71.00</b>	<b>FTE</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

<b>Est. Fringe</b>	1,432,278	0	0	1,432,278
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

<b>Est. Fringe</b>	0	0	0	0
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

Other Funds:

Other Funds:

**2. THIS REQUEST CAN BE CATEGORIZED AS:**

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input checked="" type="checkbox"/> Other: <b>CONSTITUTIONALLY MANDATED</b>	

**3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.**

As set out in the Program Description, the state is obligated under both the U.S. Constitution Amendment VI and the Missouri Constitution, Article I, Section 18A to provide criminal defense lawyers for indigent defendants if the state seeks to impose jail time as a possible sentence. Chapter 600 RSMo assigns that responsibility to the Missouri State Public Defender System, but this constitutionally mandated responsibility of state government is not currently being met due to many cases and not enough lawyers.

**NEW DECISION ITEM**

*(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)*

**RANK:** 5 **OF** 8

<b>Department</b>	<b>State Public Defender</b>	<b>Budget Unit</b>	<u>15111C</u>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Caseload Crisis - 2 Year Phase In</b>	<b>DI#</b>	<b>1151001</b>

Missouri's Public Defender System "is operating in crisis mode" and "the probability that public defenders are failing to provide effective assistance of counsel and are violating their ethical obligations to their clients increases every day." The last three Chief Justices have warned of this crisis in their State of the Judiciary speeches to the legislature and the U.S. Attorney General, Eric Holder, specifically named Missouri as an example of a broken indigent defense system. When there are not sufficient resources to adequately staff the public defender system to handle all the eligible cases, public defenders have no choice but to limit the cases they accept. Anything else forces them to violate their ethical and professional responsibilities, exposing them to malpractice liability and professional discipline against their licenses to practice law.

Currently, seventeen district public defender offices serving 54 counties either already are or will be limiting their availability by October 2012, turning away excess cases. Most of the other district offices are also eligible for certification as overloaded and are likely to follow suit in the next couple of months. Judges around the state are putting together plans for triaging cases coming into the public defender offices and placing cases on waiting lists for public defender services. Some judges are making plans to appoint private attorneys to fill the gap caused by the shortage of public defenders.



NEW DECISION ITEM

(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)

RANK: 5 OF 8

Department	State Public Defender	Budget Unit	15111C
Division	Public Defender - Legal Services		
DI Name	Caseload Crisis - 2 Year Phase In	DI#	1151001

**4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)**

This decision item request presumes that:

1. All conflict cases are contracted out to the private bar rather than sent to another nearby defender office
2. Current contract fee amounts to private counsel remain flat;
3. Caseload, and the percentage of cases that present conflicts, remain relatively flat; and
4. The personnel increases needed to handle the remaining caseload are phased-in over a two year period.

**Contracting All Conflict Cases:**

Currently, When multiple defendants face companion charges, there is always the risk that at some point in the representation, one will wind up pointing a finger at the other. As a result, the local defender office can only represent one codefendant. The others must go elsewhere, either to another defender office or out to private counsel on a contract for representation. Historically, MSPD has sent the first co-defendant to another defender office and has only contracted second, third, (or more) co-defendants out to private counsel. However, this handling of conflict cases in-house is not a cost-effective approach. These cases pull lawyers out of their primary jurisdictions and require them to drive significant distances to other counties to appear for court, conduct investigations, witness interviews and depositions, visit their clients in that county jail, etc. It is not uncommon for each trip to eat up close to a day of the attorney's time to deal with one or two cases. This arrangement also makes it very difficult for judges to triage cases coming into their local public defender offices because that often may also be taking conflict cases in 5-6 other counties not controlled by that judge. In the long run, it is much more cost-effective and more efficient to contract all conflict cases out to local attorneys in the private bar and allow the defender offices to concentrate on effectively representing the cases that arise within the counties they are designed to serve.

**NEW DECISION ITEM**

(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)

RANK:     5                          OF     8    

<b>Department</b>	<b>State Public Defender</b>	<b>Budget Unit</b>	<u>15111C</u>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Caseload Crisis - 2 Year Phase In</b>	<b>DI#</b>	<b>1151001</b>

At present, MSPD uses the fee schedule at right for cases contracted out to private counsel. Litigation expenses (the cost of transcripts, investigation, experts, or depositions) are not included in these fees but are approved separately on a case-by-case basis. These costs would also be incurred by MSPD whether the case was being handled internally or by private counsel.

Given the assumptions set out, the cost of contracting out all conflict cases to private counsel would run a little over \$5.6 million. Since our Fiscal Year 2013 appropriation for this purpose is approximately \$2.3 million (of which \$721,071 has not yet been released by the Governor) contracting out all conflict cases, would require an additional \$3.35 million, as shown on the table on the next page

Missouri State Public Defender Private Counsel Fee Schedule		
Case Type	Description	Contract Rates
15	Murder 1st Degree	\$10,000
20	Other Homicide	\$6,000
30D	AB Felony Drug	\$750
30F	AB Felony Other	\$1,500
30X	AB Felony Sex	\$2,000
35D	CD Felony Drug	\$750
35F	CD Felony Other	\$750
35X	CD Felony Sex	\$1,500
45M	Misdemeanor	\$375
45T	Misdemeanor - Traffic	\$375
50N	Juvenile - Non Violent	\$500
50S	Juvenile - Status	\$500
50V	Juvenile - Violent	\$750
65F	Probation Violation - Felony	\$375
65M	Probation Violation - Misd	\$375
110F	Direct Appeals - Felony	\$3,750
110S	Direct Appeal - Misdemeanor	\$500
124A	Rule 24.035 Appeal	\$500
124M	Rule 24.035 Motion	\$500
129A	Rule 29.15 Appeal	\$3,750
129M	Rule 29.15 Motion	\$500

Note: MSPD will pay additional compensation in cases resolved by trial:  
 Jury Trial - \$1,500 for the first day and \$750 for each additional day  
 Bench Trial - \$750 per day prorated



NEW DECISION ITEM

(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)

RANK: 5 OF 8

<b>Department</b>	<b>State Public Defender</b>	<b>Budget Unit</b>	<u>15111C</u>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Caseload Crisis - 2 Year Phase In</b>	<b>DI#</b>	<b>1151001</b>

**Attorney Staff Needed to Handle Remaining Caseload:** Removing all conflict cases helps to reduce the public defender case overload, but it does not eliminate it. Assuming no increase in caseload, we would still be 71 lawyers short of the number necessary to avoid having to turn cases away. The required number is determined by applying the Public Defender Commission’s Maximum Allowable Workload Protocol, set out in the Appendix ,to the caseload that would remain after the conflicts have all been pulled out and contracted to private attorneys.

**Support Staff:** Every law practice management expert will affirm that lawyer time needs to be leveraged by utilizing support staff for everything that can be done by a non-lawyer, in order to free up the lawyer to do those things that only a lawyer can do. Some of those tasks are best done by a legal assistant or a paralegal, others by a clerk, and still others by an investigator, but the goal is always to preserve the lawyer’s time for those things that require a law license and utilize the less-expensive support staff personnel for everything else. For this reason, in most private law firms you will find significantly more support staff in a law office than you’ll find attorneys, and, according to a survey conducted by the Office of Missouri Prosecution Services, Missouri’s prosecuting attorney’s offices average 1-2 support staff for every attorney, excluding investigative staff. Therefore, MSPD is requesting one clerical person, one legal assistant, and one investigator for every three new attorneys. In all, that would mean 24 investigators, 24 legal assistants, and 24 clerical personnel to accompany the 71 additional attorneys necessary to handle the remaining caseload after all conflict cases have been contracted out of the system.

**Two-year Phase-in = \$3.51 Million in FY14:** In recognition of the realities of the current economic state, as well as the logistical challenges involved in both hiring and finding facilities to accommodate such a large staffing increase in one fell swoop, this budget proposes a two-year phase-in of the staffing increase associated with this decision item.

**Fiscal Year 2012 ASSIGNED CASES -  
Trial & Appellate Division Caseload, Adjusted for Withdrawals, Sending & Receiving Office Conflicts  
MSPD to Retain All Cases That Are Not Conflicts**

Does Not include Capital or CDU

Type Code	Case Type	Trial & Appellate Division Cases	Adjusted for FY12 Withdrawn	1st Level Conflicts 41's - Sending Office	1st Level Conflicts 41's - Receiving Office	Conflicts Assigned to Private Counsel 42's & 44's	Trial & Appellate Adjusted Caseload <b>NO CONFLICTS</b>	Hours Required for Case Type	FY12 NAC Modified Required Hours
15	Murder 1st Degree	102	(21)	(15)	(15)	(10)	41	173	7,093
20	Other Homicide	177	(23)	(30)	(30)	(16)	78	173	13,494
30D	AB Felony Drug	3,093	(419)	(505)	(505)	(195)	1,469	14	20,566
30F	AB Felony Other	3,760	(549)	(453)	(453)	(132)	2,173	14	30,422
30X	AB Felony Sex	654	(102)	(38)	(38)	(13)	463	31	14,353
35D	CD Felony Drug	6,995	(645)	(646)	(646)	(197)	4,861	14	68,054
35F	CD Felony Other	22,607	(2,037)	(2,009)	(2,009)	(501)	16,051	14	224,714
35X	CD Felony Sex	357	(38)	(9)	(9)	(1)	300	31	9,300
45M	Misdemeanor	16,935	(912)	(1,027)	(1,027)	(199)	13,770	5	68,850
45T	Misdemeanor - Traffic	3,783	(321)	(133)	(133)	(35)	3,161	5	15,805
50N	Juvenile - Non Violent	1,171	(35)	(98)	(98)	(12)	928	10	9,280
50S	Juvenile - Status	83	(4)	(5)	(5)	(3)	66	10	660
50V	Juvenile - Violent	645	(28)	(60)	(60)	(6)	491	10	4,910
60	552 Release Petitions	33	(9)				24	14	336
65F	Probation Violation - Felony	15,161	(689)	(433)	(433)	(124)	13,482	5	67,410
65M	Probation Violation - Misd	5,001	(236)	(131)	(131)	(34)	4,469	5	22,345
75	Special Writ	8	(2)				6	83	498
99	None	23	(10)	(4)	(4)		5	5	25
110F	Direct Appeals - Felony	412	(33)	(17)	(17)	(1)	344	83	28,552
110J	Direct Appeal - Juvenile	3	(2)				1	83	83
110S	Direct Appeal - Misdemeanor	29	(2)	(2)	(2)	(1)	22	83	1,826
124A	Rule 24.035 Appeal	228	(6)	(4)	(4)	(6)	208	21	4,368
124M	Rule 24.035 Motion	708	(24)	(11)	(11)	(2)	660	21	13,860
129A	Rule 29.15 Appeal	251	(6)	(3)	(3)	(7)	232	62	14,384
129M	Rule 29.15 Motion	312	(11)	(6)	(6)	(13)	276	62	17,112
Other	Other	22	(5)				17	21	357
	<b>Totals</b>	<b>82,553</b>	<b>(6,169)</b>	<b>(5,639)</b>	<b>(5,639)</b>	<b>(1,508)</b>		<b>Case Hours</b>	<b>658,657</b>
								<b>Travel Hours</b>	<b>37,174</b>
2340.00	Standard Work Hours (45 hrs. *52 wks)							<b>Management Hours</b>	<b>37,908</b>
-56.26	Attorney Sick Leave							<b>Total Hours</b>	<b>733,739</b>
-216.00	Holidays and Annual Leave								
-320.50	Non Case Related Hours (13.7%)								<b>420</b>
1747.24	Available Attorney Case Hours								<b>349</b>
									<b>Total Case Hours 733,739 / Available Attorney Hours 1747.24</b>
									<b>Number of Current Trial Division and Appellate Division Attorneys</b>
									<b>71</b>
									<b>Additional Number Trial Division &amp; Appellate Division Attorneys Needed for MSPD to Retain all Cases That Are Not Conflicts</b>

**Protocol Trial and Appellate Divisions  
Assuming All Conflicts to Private Counsel**

COST BREAKDOWN	Protocol	
	Protocol	2 YEAR PHASE-IN FY2014 NEW DECISION ITEM
<b>Personal Service</b>		
Assistant Public Defender III - Range 30 \$50,088	71.00 \$3,556,248	35.00 \$1,753,080
Investigators - Range 23 \$35,340	24.00 \$848,160	12.00 \$424,080
Legal Assistants - Range 15 \$26,460	24.00 \$635,040	12.00 \$317,520
Secretaries - Range 12 \$24,276	24.00 <u>\$582,624</u>	12.00 <u>\$291,312</u>
<b>Total Personal Service</b>	<b>143.00 \$5,622,072</b>	<b>71.00 \$2,785,992</b>
<b>Expense &amp; Equipment</b>		
<b>One-time Purchases</b>		
Attorney Package \$2,855	71.00 \$202,705	35.00 \$99,925
Investigator Package \$2,885	24.00 \$69,240	12.00 \$34,620
Legal Assistant Package \$2,885	24.00 \$69,240	12.00 \$34,620
Secretary Package \$9,105	24.00 <u>\$218,520</u>	12.00 <u>\$109,260</u>
<b>Total One-Time Purchases</b>	<b>\$559,705</b>	<b>\$278,425</b>
<b>On-Going Costs</b>		
Attorneys \$6,600	71.00 \$468,600	35.00 \$231,000
Investigator \$9,275	24.00 \$222,600	12.00 \$111,300
Legal Assistant \$4,775	24.00 \$114,600	12.00 \$57,300
Secretary \$4,250	24.00 <u>\$102,000</u>	12.00 <u>\$51,000</u>
<b>Total Personnel Related On-Going Costs</b>	<b><u>\$907,800</u></b>	<b><u>\$450,600</u></b>
<b>Total Expense and Equipment</b>	<b><u>\$1,467,505</u></b>	<b><u>\$729,025</u></b>
<b>Total Decision Item Request</b>	<b>\$7,089,577</b>	<b>\$3,515,017</b>

One Time Equipment Purchase

**Attorney**

Desk	\$540
Chair	\$175
Side Chair (2)	\$250
Bookcase	\$215
File Cabinet (2)	\$225
Telephone	\$275
Laptop w/ Docking Station	\$960
PC Software	<u>\$215</u>
	\$2,855

**Investigator/Legal Assistant**

Desk	\$540
Chair	\$175
Side Chair (2)	\$250
Camera	\$190
Digital Recorder	\$105
File Cabinet (2)	\$225
Telephone	\$225
Laptop w/ Docking Station	\$960
PC Software	<u>\$215</u>
	\$2,885

**Secretary**

Desk	\$540
Chair	\$175
Side Chair (1)	\$125
File Cabinet (2)	\$225
Telephone	\$325
Personal Computer (desktop)	\$950
PC Software	\$215
Printer/Copier/Fax	<u>\$6,550</u>
For Every 5 Employees	\$9,105

Detail for Projections

On-Going Costs - Trial & Appellate Divisons

**Attorney**

Travel @ \$250 per month	\$3,000
Office	\$500
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$6,600

**Investigator**

Travel @ \$500 per month	\$6,000
Office	\$175
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$9,275

**Legal Assistant**

Travel @ \$125 per month	\$1,500
Office	\$175
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$4,775

**Secretary**

Office	\$1,150
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$4,250

Staffing Ratios:

**Requirements**

Investigators	1 : 3.0 Attorneys
Secretaries	1 : 3.0 Attorneys
Legal Assistants	1 : 3.0 Attorneys

**NEW DECISION ITEM**

(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)

RANK: 5 OF 8

Department		State Public Defender				Budget Unit				15111C					
Division		Public Defender - Legal Services													
DI Name		Caseload Crisis - 2 Year Phase In		DI#		1151001									
<b>5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.</b>															
Budget Object Class/Job Class	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Gov Rec	Gov Rec	Gov Rec	Gov Rec	Gov Rec	Gov Rec	Gov Rec	Gov Rec		
	GR	GR	TOTAL	TOTAL	One-Time	GR	GR	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL	TOTAL		
	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE		
Assistant Public Defenders/0400	1,753,080	35.0	1,753,080	35.0											
Investigators/0300	424,080	12.0	424,080	12.0											
Legal Assistants/0200	317,520	12.0	317,520	12.0											
Secretaries/0200	<u>291,312</u>	<u>12.0</u>	<u>291,312</u>	<u>12.0</u>											
<b>Total PS</b>	<b>2,785,992</b>	<b>71.0</b>	<b>2,785,992</b>	<b>71.0</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
Travel/140	195,000		195,000												
Supplies/190	35,500		35,500												
Communications/340	85,200		85,200												
Professional Services/ 400	3,350,488		3,350,488												
Computer Equipment & Software/480	161,905		161,905		161,905										
Office Equipment/580	95,075		95,075		95,075										
Other Equipment/590	21,445		21,445		21,445										
Building Leases	134,900		134,900												
<b>Total EE</b>	<b>4,079,513</b>		<b>4,079,513</b>		<b>278,425</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
Program Distributions			0					0							
<b>Total PSD</b>	<b>0</b>		<b>0</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
Transfers															
<b>Total TRF</b>	<b>0</b>		<b>0</b>		<b>0</b>	<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>			
<b>Grand Total</b>	<b>6,865,505</b>	<b>71.0</b>	<b>6,865,505</b>	<b>71.0</b>	<b>278,425</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>		

**Office of the State Public Defender**

**DECISION ITEM DETAIL**

Budget Unit	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>OFFICE OF THE DIRECTOR</b>								
<b>Caseload Crisis - - 1151001</b>								
SECRETARY	0	0.00	0	0.00	608,832	24.00	0	0.00
INVESTIGATOR	0	0.00	0	0.00	424,080	12.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	1,753,080	35.00	0	0.00
<b>TOTAL - PS</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>2,785,992</b>	<b>71.00</b>	<b>0</b>	<b>0.00</b>
TRAVEL, IN-STATE	0	0.00	0	0.00	195,000	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	35,500	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	85,200	0.00	0	0.00
PROFESSIONAL SERVICES	0	0.00	0	0.00	3,350,488	0.00	0	0.00
COMPUTER EQUIPMENT	0	0.00	0	0.00	161,905	0.00	0	0.00
OFFICE EQUIPMENT	0	0.00	0	0.00	95,075	0.00	0	0.00
OTHER EQUIPMENT	0	0.00	0	0.00	21,445	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	134,900	0.00	0	0.00
<b>TOTAL - EE</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>4,079,513</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$6,865,505</b>	<b>71.00</b>	<b>\$0</b>	<b>0.00</b>
<b>GENERAL REVENUE</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$6,865,505</b>	<b>71.00</b>		<b>0.00</b>
<b>FEDERAL FUNDS</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>		<b>0.00</b>
<b>OTHER FUNDS</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>		<b>0.00</b>

**NEW DECISION ITEM**

(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)

RANK: 6 OF 8

<b>Department</b>	<b>Office of the State Public Defender</b>	<b>Budget Unit</b>	<u>15111C</u>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Information Technology-Keeping Up</b>	<b>DI#</b>	<u>1151002</u>

**1. AMOUNT OF REQUEST**

	FY 2014 Budget Request			
	GR	Federal	Other	Total
PS	0			0
EE	254,820			254,820
PSD	0			0
TRF	0			0
<b>Total</b>	<b>254,820</b>	<b>0</b>	<b>0</b>	<b>254,820</b>

FTE 0.00 0.00

<b>Est. Fringe</b>	0	0	0	0
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

Other Funds:

	FY 2014 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

FTE 0.00 0.00 0.00 0.00

<b>Est. Fringe</b>	0	0	0	0
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

Other Funds:

**2. THIS REQUEST CAN BE CATEGORIZED AS:**

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input checked="" type="checkbox"/> Other: <u>Increased Costs of Technology</u>	

**3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.**

The Missouri State Public Defender's budget for it's wide area network has remained stagnant since 2005.

In September of 2008, the MSPD system bid a contract for an upgraded wide area network infrastructure. We were able to outsource the management of the WAN and increase the bandwidth to all offices for the same amount of funds expended in the previous years.

**NEW DECISION ITEM**

(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)

**RANK:** 6 **OF** 8

<b>Department</b>	<b>Office of the State Public Defender</b>	<b>Budget Unit</b>	<u>15111C</u>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Information Technology-Keeping Up</b>	<b>DI#</b>	<b>1151002</b>

MSPD's wide area network is used for the following applications:

- Missouri Courts new mandatory E-Filing initiative
- Electronic Discovery available from the prosecutors
- Access to Department of Revenue for driving history and vehicle access
- Web-based investigative tools
- Internet-based advanced legal research tools
- Secretary of State's web-based archiving system
- Highway Patrol electronic criminal records
- Web-based training
- Video conferencing
- Lien submission to DOR and MO Lottery
- SAMII
- BRASS
- Supreme Court oral arguments
- Employee access to their payroll, health care, and financial benefits

In addition to the above, MSPD is seeking access to Social Service and Department of Labor records through which we can more accurately verify financial and aid information on applications for public defender services.

**Mobile work force:** To more efficiently and effectively utilize our employees' time, we are attempting to support a more mobile work force by switching from desktop PC's for attorneys and investigators to laptops. Even though more locations, including courts and businesses, are supplying Internet access to the public, the Public Defender system cannot reap all of those benefits due to the inability of our own infrastructure to adequately support our end of the connection. Once our mobile employees sign onto our network, accessing their case management system and internal computer resources can be, and frequently is, painfully slow.

**NEW DECISION ITEM**

*(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)*

**RANK:** 6 **OF** 8

<b>Department</b>	<b>Office of the State Public Defender</b>	<b>Budget Unit</b>	<u>15111C</u>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Information Technology-Keeping Up</b>	<b>DI#</b>	<u>1151002</u>

**Distribution of Electronic Discovery and Critical Software Updates:** The Missouri State Public Defender has partnered with many prosecutors around the state to receive discovery in digital form. Distributing large digital discovery over the current MSPD network to the appropriate offices must be done outside of regular business hours to prevent disruption of other regular daily business. We routinely receive e-discovery containing video and audio files which congest our system. Also completed outside of regular business hours is the deployment of critical files to protect computers and servers. All must be updated nightly with the latest anti-virus software and patches to the installed software programs. These processes are taking longer and longer to complete because of limited Wide Area Network (WAN) speed and attorneys utilizing the networks to work late into the evening and in early morning hours severely limit the number of hours available for these crucial functions.

**Information Technology support:** MSPD has a very small IT staff. As a result, they rely heavily upon remote access tools to view and control MSPD employee computers all around the state in order to solve problems and provide needed assistance -- avoiding the delay and cost involved in travel time to provide in-person IT assistance. Unfortunately, more and more frequently, MSPD attorneys and investigators are encountering challenges in playing the wide variety of surveillance and other digital evidence associated with their cases, but MSPD's network is not sufficient to allow IT to remotely assist employees with the operation of these very large electronic files. Faster network access is essential for the IT Department to get equipment fixed in a timely fashion and help employees get to back to work faster.

**NEW DECISION ITEM**

(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)

**RANK:** 6 **OF** 8

<b>Department</b>	<b>Office of the State Public Defender</b>	<b>Budget Unit</b>	<u>15111C</u>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Information Technology-Keeping Up</b>	<b>DI#</b>	<u>1151002</u>

**4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)**

Larger Information Technology Pipelines to Every Public Defender Office	
\$405 Additional per Month for 12 Months for 38 Locations	\$184,680
Wifi Hotspot for all non Wifi Courtrooms	
There are 334 Circuit and Associate Judges in the State	
Estimate 1/2 do not have wifi accessibility in their Courtrooms	
\$35 per Month for 12 months for 167 courts	<u>\$70,140</u>
	\$254,820

**NEW DECISION ITEM**

(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)

RANK: 6 OF 8

<b>Department</b> Office of the State Public Defender	<b>Budget Unit</b> 15111C
<b>Division</b> Public Defender - Legal Services	
<b>DI Name</b> Information Technology-Keeping Up	<b>DI#</b> 1151002

**5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.**

	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS	Gov Rec GR DOLLARS	Gov Rec GR FTE	Gov Rec TOTAL DOLLARS
								0
								0
<b>Total PS</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>
Communications/ 340	254,820		254,820					0
<b>Total EE</b>	<b>254,820</b>		<b>254,820</b>		<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>
Program Distributions			0					0
<b>Total PSD</b>	<b>0</b>		<b>0</b>		<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>
Transfers								
<b>Total TRF</b>	<b>0</b>		<b>0</b>		<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>
<b>Grand Total</b>	<b>254,820</b>	<b>0.0</b>	<b>254,820</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>

**Office of the State Public Defender**

**DECISION ITEM DETAIL**

Budget Unit	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>OFFICE OF THE DIRECTOR</b>								
<b>Information Tech - Keeping Up - 1151002</b>								
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	254,820	0.00	0	0.00
<b>TOTAL - EE</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>254,820</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$254,820</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$254,820	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

**NEW DECISION ITEM**

(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)

RANK: 7 OF 8

<b>Department</b>	Office of the State Public Defender	<b>Budget Unit</b>	15111C
<b>Division</b>	Public Defender - Legal Services		
<b>DI Name</b>	Specialized Attorneys	<b>DI#</b>	1151003

**1. AMOUNT OF REQUEST**

	FY 2014 Budget Request					FY 2014 Governor's Recommendation			
	GR	Federal	Other	Total		GR	Federal	Other	Total
<b>PS</b>	838,656			838,656	<b>PS</b>	0	0	0	0
<b>EE</b>	151,260			151,260	<b>EE</b>	0	0	0	0
<b>PSD</b>	0			0	<b>PSD</b>	0	0	0	0
<b>TRF</b>	0			0	<b>TRF</b>	0	0	0	0
<b>Total</b>	<b>989,916</b>	<b>0</b>	<b>0</b>	<b>989,916</b>	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FTE</b>	<b>12.00</b>	<b>0.00</b>	<b>0.00</b>	<b>12.00</b>	<b>FTE</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

<b>Est. Fringe</b>	431,153	0	0	431,153
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

<b>Est. Fringe</b>	0	0	0	0
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

Other Funds:

Other Funds:

**2. THIS REQUEST CAN BE CATEGORIZED AS:**

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input checked="" type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

NEW DECISION ITEM

(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)

RANK: 7 OF 8

Department	Office of the State Public Defender	Budget Unit	15111C
Division	Public Defender - Legal Services		
DI Name	Specialized Attorneys	DI#	1151003

**3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.**

**ATTORNEY SPECIALISTS:** Overloaded trial lawyers simply do not have the time to become the subject-matter experts they need to be to effectively and accurately litigate such complex areas of criminal law as DNA, mental health issues, and the ever increasing use of forensic evidence. This is doubly true for the complicated maze of immigration consequences that accompany many criminal case outcomes and which lawyers are now required to both know and accurately advise their clients about under the recent U.S. Supreme Court case of *Padilla v Kentucky*.

Ineffective assistance of counsel in these areas is among the most frequent causes of wrongful convictions and/or case reversals. This decision item proposes the creation of a handful of attorney specialists in these areas to assist local trial offices faced with these issues in a specific case, much as the Attorney General sends a capital litigation specialist in to assist local prosecutors who lack such expertise themselves. Ideally, all of Missouri's public defenders would be trained to address such issues as they arise in their cases, but the ideal is simply not possible given the caseloads under which the attorneys are now laboring. This proposal is the most cost-effective way of addressing this immediate concern.

**NEW DECISION ITEM**

(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)

RANK: 7 OF 8

<b>Department</b>	<b>Office of the State Public Defender</b>	<b>Budget Unit</b>	<b>15111C</b>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Specialized Attorneys</b>	<b>DI#</b>	<b>1151003</b>

**4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)**

<b>Specialized Attorneys</b>	
<b>COST BREAKDOWN</b>	<b>FY2014 NEW DECISION ITEM</b>
<b>Personal Service</b>	
Assistant Public Defender V - Range 39 Step \$69,888	12.00 <u>\$838,656</u>
<b>Total Personal Service</b>	<b><u>\$838,656</u></b>
<b>Expense &amp; Equipment</b>	
<b>One-time Purchases</b>	
Attorney Package \$2,855	12.00 <u>\$34,260</u>
<b>Total One-Time Purchases</b>	<b><u>\$34,260</u></b>
<b>On-Going Costs</b>	
Specialized Attorney \$9,750	12.00 <u>\$117,000</u>
<b>Total Personnel Related On-Going Costs</b>	<b><u>\$117,000</u></b>
<b>Total Expense and Equipment</b>	<b><u>\$151,260</u></b>
<b>Total Decision Item Request</b>	<b><u>\$989,916</u></b>

**NEW DECISION ITEM**

(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)

RANK: 7 OF 8

<b>Department</b>	<b>Office of the State Public Defender</b>	<b>Budget Unit</b>	<u>15111C</u>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Specialized Attorneys</b>	<b>DI#</b>	<b>1151003</b>

**5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.**

Budget Object Class/Job Class	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Gov Rec	Gov Rec	Gov Rec
	GR	GR	TOTAL	TOTAL	One-Time	GR	GR	TOTAL
	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	DOLLARS	FTE	DOLLARS
Assistant Public Defender / 0400	838,656	12.0	838,656	12.0				0
<b>Total PS</b>	<b>838,656</b>	<b>12.0</b>	<b>838,656</b>	<b>12.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>
Travel/140	73,800		73,800					
Supplies/190	6,000		6,000					
Communications/340	14,400		14,400					
Computer Equipment & Software/480	14,100		14,100		14,100			
Office Equipment/580	16,860		16,860		16,860			
Other Equipment/590	3,300		3,300		3,300			
Building Leases/680	<u>22,800</u>		<u>22,800</u>					
<b>Total EE</b>	<b>151,260</b>	<b>0</b>	<b>151,260</b>	<b>0</b>	<b>34,260</b>	<b>0</b>	<b>0.0</b>	<b>0</b>
Program Distributions			0					
<b>Total PSD</b>	<b>0</b>		<b>0</b>		<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>
Transfers								
<b>Total TRF</b>	<b>0</b>		<b>0</b>		<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>
<b>Grand Total</b>	<b>989,916</b>	<b>12.0</b>	<b>989,916</b>	<b>12.0</b>	<b>34,260</b>	<b>0</b>	<b>0.0</b>	<b>0</b>

**Office of the State Public Defender**

**DECISION ITEM DETAIL**

Budget Unit	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>OFFICE OF THE DIRECTOR</b>								
<b>Specialized Attorneys - 1151003</b>								
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	838,656	12.00	0	0.00
<b>TOTAL - PS</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>838,656</b>	<b>12.00</b>	<b>0</b>	<b>0.00</b>
TRAVEL, IN-STATE	0	0.00	0	0.00	73,800	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	6,000	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	14,400	0.00	0	0.00
COMPUTER EQUIPMENT	0	0.00	0	0.00	14,100	0.00	0	0.00
OFFICE EQUIPMENT	0	0.00	0	0.00	16,860	0.00	0	0.00
OTHER EQUIPMENT	0	0.00	0	0.00	3,300	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	22,800	0.00	0	0.00
<b>TOTAL - EE</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>151,260</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$989,916</b>	<b>12.00</b>	<b>\$0</b>	<b>0.00</b>
<b>GENERAL REVENUE</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$989,916</b>	<b>12.00</b>		<b>0.00</b>
<b>FEDERAL FUNDS</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>		<b>0.00</b>
<b>OTHER FUNDS</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>		<b>0.00</b>

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**NEW DECISION ITEM**

(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)

RANK: 8 OF 8

<b>Department</b>	<b>Office of the State Public Defender</b>	<b>Budget Unit</b>	<u>15111C</u>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Office Space Requirements</b>	<b>DI#</b>	<b>1151004</b>

**1. AMOUNT OF REQUEST**

	FY 2014 Budget Request					FY 2014 Governor's Recommendation			
	GR	Federal	Other	Total		GR	Federal	Other	Total
PS	0			0	PS	0	0	0	0
EE	1,983,019			1,983,019	EE	0	0	0	0
PSD	0			0	PSD	0	0	0	0
TRF	0			0	TRF	0	0	0	0
<b>Total</b>	<b>1,983,019</b>	<b>0</b>	<b>0</b>	<b>1,983,019</b>	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FTE</b>	<b>0.00</b>			<b>0.00</b>	<b>FTE</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

<b>Est. Fringe</b>	0	0	0	0
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

<b>Est. Fringe</b>	0	0	0	0
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

Other Funds:

Other Funds:

**2. THIS REQUEST CAN BE CATEGORIZED AS:**

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input checked="" type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input type="checkbox"/> Other:	

**NEW DECISION ITEM**

(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)

**RANK:** 8 **OF** 8

<b>Department</b>	<b>Office of the State Public Defender</b>	<b>Budget Unit</b>	<u>15111C</u>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Office Space Requirements</b>	<b>DI#</b>	<b>1151004</b>

**3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.**

When the Missouri State Public Defender System was established, the burden and expense of office space and utility services for local public defender offices was placed on the counties served by that office. That burden remains today in the form of RSMo. 600.040.1 which reads:

The city or county shall provide office space and utility services, other than telephone service, for the circuit or regional public defender and his personnel. If there is more than one county in a circuit or region, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services, other than telephone service. The state shall pay, within the limits of the appropriation therefore, all other expenses and costs of the state public defender system authorized under this chapter.

Some county governments object to and resent being required to pay for office space for a Department of State Government and the space provided is often inadequate. The arrange also severely limits MSPD's flexibility in reallocating staff or reorganizing districts based on caseloads because every change must be approved by each affected county commission.

When the Missouri State Public Defender System was first established and RSMo. 600.040.1 was first enacted, public defender services in most areas of the state were provided through private attorneys who had contracted with Missouri's Public Defender System to provide such services. Since these private contract counsel provided services from their private offices, county governments did not have to provide office space and utilities. In reality the State paid, through the established contract rate.

In 1997, the legislature responded to the refusal of some counties to provide or pay for Public Defender office space. Language was added to House Bill 5, allowing for the interception of prisoner per diem payments to counties failing to meet their obligations under 600.040. The state has intercepted some money intended for counties that scoffed at their obligation, however, the interceptions and threat of interceptions have put great strain on state-county relations.

In 1999, the legislature once again addressed the problem of providing Public Defender office space. A new section, (RSMo. 600.101), was added which allows disputes between counties and the State Public Defender to be submitted to the Judicial Finance Commission (RSMo. 477.600). Section 600.101 also calls for a study and report from the Judicial Resources Commission to be prepared for the chairs of the House and Senate Judiciary Committees, Senate Appropriations Committee, and House Budget Committee. In December 2008, the Missouri State Public Defender System and the counties of Public Defender Area 36, Butler, Carter, Ripley and Wayne found it necessary to take a dispute to this commission.

**NEW DECISION ITEM**

*(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)*

**RANK:** 8 **OF** 8

<b>Department</b>	<b>Office of the State Public Defender</b>	<b>Budget Unit</b>	<u>15111C</u>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Office Space Requirements</b>	<b>DI#</b>	<b>1151004</b>

Today, some county governments provide public defender office space in county courthouses or other county owned facilities, some counties rent office space and pay their pro rata share of that rent as required by statute. Some counties, strapped for office space for their own county officials, provide woefully inadequate space in county facilities.

Public Defenders have endured the indignities of insect infestation, lack of privacy, leaky roofs, cramped quarters, and black mold and is even now dealing with a county's attempt to divide up an office and place one attorney her, another attorney there, a third attorney somewhere else and a secretary in yet another spot based upon based upon wherever the county happens to have an existing open office.

Counties simply have no interest in the adequacy of the Public Defender facilities, especially when they don't want to provide space at all. Most of our offices serve multiple counties. It is a logistical nightmare to get multiple commissioners in multiple counties to sign off on every change to a lease involving one of our offices. (including no less than 33 commissioners in our Chillicothe office, which covers 11 counties!) A number of counties refuse to provide or pay for additional space to accommodate growing defender staff, a problem that will multiply if additional staffing is forthcoming in this legislative session. While MSPD has not recently received significant additional staffing, we do move positions among offices based upon growing / dropping caseload.

Some of the results:

- Attorneys doubled up in offices, making a confidential client meeting impossible;
- Attorneys literally setting up an office in the telephone / computer server closet, as well as taking over all public space in the office – break room, conference room, library – so that these generally standard areas in a law office are no longer available anywhere within in the office;
- Having to install locks on all filing cabinets and moving them into a public hallway to free up space for staff to squeeze in another desk;
- MSPD picking up the difference in the rent for additional essential space in a few situations despite a lack of funding for that purpose.

**NEW DECISION ITEM**

*(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)*

**RANK:** 8 **OF** 8

<b>Department</b>	<b>Office of the State Public Defender</b>	<b>Budget Unit</b>	<u>15111C</u>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Office Space Requirements</b>	<b>DI#</b>	<b>1151004</b>

- Counties fighting with MSPD and among themselves when more than one county covered by an office has available ‘free’ county space and doesn’t want to contribute cash to another county instead. These disputes have escalated to lawsuits between counties on at least one occasion. The State Public Defender Commission is interested in locating offices in multi-county Districts where they will be the most effective and efficient use of state resources. Counties do not share that interest, preferring the office to be located where it will cost the least and have the most positive economic impact on their local economy, efficiency and the desires of other counties and the State Public Defender notwithstanding.
- Some counties flatly refusing to pay any rent for an office not located in their county, with the result that MSPD must pick up their portion of the lease cost, despite a lack of funding for this purpose.
- Receiving an eviction notice because six counties refused to pay, between them, a total increase of \$48.67 per month imposed by the landlord. To prevent the eviction, MSPD agreed to pay the difference. This office has now been relocated.

The State Public Defender is not interested in securing fancy, luxurious offices. Its interest is to have facilities adequate to ensure efficient, effective use of personnel and other resources appropriated to the Department.

**NEW DECISION ITEM**

(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)

**RANK:** 8 **OF** 8

<b>Department</b>	<b>Office of the State Public Defender</b>	<b>Budget Unit</b>	<u>15111C</u>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Office Space Requirements</b>	<b>DI#</b>	<b>1151004</b>

In summary, the current statutory scheme requires counties to cooperate with each other, and with this Department, to provide office space for a Department of State Government. They do so under the threat of prisoner per diem interceptions. It is a formula for conflict between the State Public Defender and counties, as well as between counties of multi-county districts. The problem is sure to get worse in the future. Under the current statute, Missouri’s Public Defender Commission is unable to establish and/or expand offices as needed or where needed as caseload varies from year to year.

The physical plant of local public defender offices varies greatly, depending upon the ability and/or willingness of local county governments to provide office space. Some public defender offices have adequate space, which greatly enhances their efficiency. Other offices have completely inadequate space and their ability to effectively and efficiently accomplish their mission is greatly reduced. Under the current statute, the administration can do little to ensure the adequacy and uniformity of office space in local public defender offices.

A change in the legislation, specifically repealing portions of RSMo. 600.040.1, is recommended. Although probably adequate at the time the public defender system was first organized, this Department has grown far beyond its humble beginnings and the original intent of RSMo. 600.040.1.

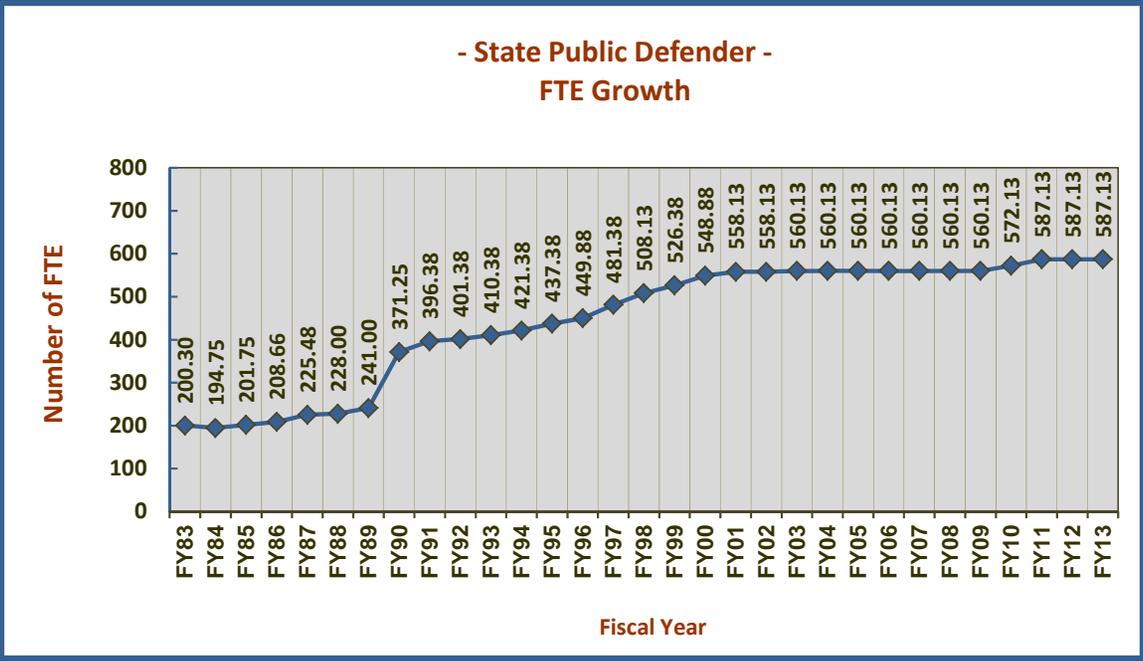
The legislature, judiciary and public expect a swift, efficient administration of justice. In order to meet that demand, the Missouri Public Defender System needs adequate, efficient physical plants in all its offices. This need is simply not being met under the current statutory scheme.

**4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)**

See Spreadsheet on the following page



FTE Growth By Fiscal Year			
Fiscal Year	Number of FTE	Fiscal Year	Number of FTE
FY83	200.30	FY98	508.13
FY84	194.75	FY99	526.38
FY85	201.75	FY00	548.88
FY86	208.66	FY01	558.13
FY87	225.48	FY02	558.13
FY88	228.00	FY03	560.13
FY89	241.00	FY04	560.13
FY90	371.25	FY05	560.13
FY91	396.38	FY06	560.13
FY92	401.38	FY07	560.13
FY93	410.38	FY08	560.13
FY94	421.38	FY09	560.13
FY95	437.38	FY10	572.13
FY96	449.88	FY11	587.13
FY97	481.38	FY12	587.13
		FY13	587.13



**NEW DECISION ITEM**

(Per Budget Instructions - New Decision Items cannot be ranked higher than 5)

RANK: 8 OF 8

<b>Department</b>	<b>Office of the State Public Defender</b>	<b>Budget Unit</b>	<u>15111C</u>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Office Space Requirements</b>	<b>DI#</b>	<u>1151004</u>

<b>5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.</b>								
Budget Object Class/Job Class	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Gov Rec	Gov Rec	Gov Rec
	GR	GR	TOTAL	TOTAL	One-Time	GR	GR	TOTAL
	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	DOLLARS	FTE	DOLLARS
								0
								0
<b>Total PS</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>
Fuel & Utilities /180	90,631		90,631					
Housekeeping & Janitorial	187,440		187,440					
Building Lease Payments	1,704,948		1,704,948					0
<b>Total EE</b>	<b>1,983,019</b>		<b>1,983,019</b>		<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>
Program Distributions			0					0
<b>Total PSD</b>	<b>0</b>		<b>0</b>		<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>
Transfers								0
<b>Total TRF</b>	<b>0</b>		<b>0</b>		<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>
<b>Grand Total</b>	<b>1,983,019</b>	<b>0.0</b>	<b>1,983,019</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>

**Office of the State Public Defender**

**DECISION ITEM DETAIL**

Budget Unit	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>OFFICE OF THE DIRECTOR</b>								
<b>Office Space Requirements - 1151004</b>								
FUEL & UTILITIES	0	0.00	0	0.00	90,631	0.00	0	0.00
HOUSEKEEPING & JANITORIAL SERV	0	0.00	0	0.00	187,440	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	1,704,948	0.00	0	0.00
<b>TOTAL - EE</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>1,983,019</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$1,983,019</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>
<b>GENERAL REVENUE</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$1,983,019</b>	<b>0.00</b>		<b>0.00</b>
<b>FEDERAL FUNDS</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>		<b>0.00</b>
<b>OTHER FUNDS</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>		<b>0.00</b>

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**Office of the State Public Defender**

**DECISION ITEM SUMMARY**

Budget Unit								
Decision Item	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>GRANTS</b>								
<b>CORE</b>								
PROGRAM-SPECIFIC								
PUBLIC DEFENDER-FEDERAL & OTHR	0	0.00	125,000	0.00	125,000	0.00	125,000	0.00
TOTAL - PD	0	0.00	125,000	0.00	125,000	0.00	125,000	0.00
<b>TOTAL</b>	<b>0</b>	<b>0.00</b>	<b>125,000</b>	<b>0.00</b>	<b>125,000</b>	<b>0.00</b>	<b>125,000</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$0</b>	<b>0.00</b>	<b>\$125,000</b>	<b>0.00</b>	<b>\$125,000</b>	<b>0.00</b>	<b>\$125,000</b>	<b>0.00</b>

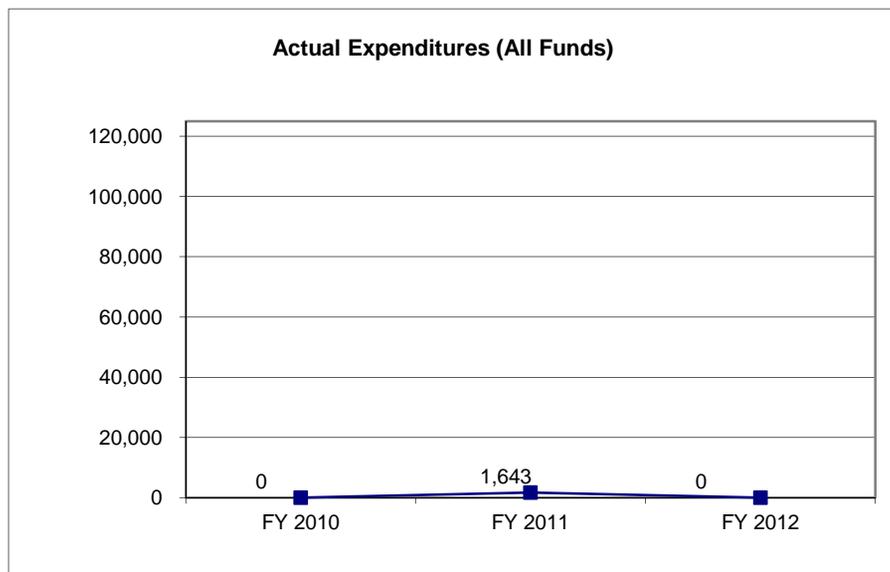


**CORE DECISION ITEM**

<b>Department</b>	<b>Office of the State Public Defender</b>	<b>Budget Unit</b>	<u>15131C</u>
<b>Division</b>	<b>Public Defender - Federal &amp; Other</b>		
<b>Core -</b>	<b>Core Request</b>		

**4. FINANCIAL HISTORY**

	<u>FY 2010 Actual</u>	<u>FY 2011 Actual</u>	<u>FY 2012 Actual</u>	<u>FY 2013 Current Yr.</u>
Appropriation (All Funds)	125,000	125,000	125,000	125,000
Less Reverted (All Funds)	0	0	0	0
Budget Authority (All Funds)	125,000	125,000	125,000	125,000
Actual Expenditures (All Funds)	0	1,643	0	0
Unexpended (All Funds)	125,000	123,357	125,000	125,000
Unexpended, by Fund:				
General Revenue	0	0	0	0
Federal	0	0	0	0
Other	0	0	0	0



Reverted includes Governor's standard 3 percent reserve (when applicable) and any extraordinary expenditure restrictions.

**NOTES:**

Appropriation is requested to have spending authority should Federal or Other Funds become available during Fiscal Year 2014 to assist in funding the State Public Defender System.

**STATE OF MISSOURI  
FUND FINANCIAL SUMMARY**

DEPARTMENT: 151  
 FUND NAME: Federal and Other  
 FUND NUMBER: 0112

Statute \_\_\_\_\_  
 Constitution \_\_\_\_\_

Administratively Created  
 Interest Deposited To Fund

Subject To Biennial Sweep  
 Subject to Other Sweeps (see notes)

	FY 2012 ADJUSTED APPROP	FY 2012 ACTUAL SPENDING	FY 2013 ADJUSTED APPROP	FY 2014 REQUESTED	FY 2014 GOVERNOR RECOMMEND
<b>FUND OPERATIONS</b>					
BEGINNING CASH BALANCE	0	0	0	0	0
RECEIPTS:					
REVENUE (Cash Basis: July 1 - June 30)	0	0	0	0	0
TRANSFERS IN	0	0	0	0	0
TOTAL RECEIPTS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL RESOURCES AVAILABLE	0	0	0	0	0
APPROPRIATIONS (INCLUDES REAPPROPS):					
OPERATING APPROPS	0	0	0	0	0
TRANSFER APPROPS	0	0	0	0	0
CAPITAL IMPROVEMENTS APPROPS	0	0	0	0	0
TOTAL APPROPRIATIONS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>BUDGET BALANCE</b>	0	0	0	0	0
UNEXPENDED APPROPRIATION *	0	0	0	0	0
OTHER ADJUSTMENTS	0	0	0	0	0
<b>ENDING CASH BALANCE</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>FUND OBLIGATIONS</b>					
<b>ENDING CASH BALANCE</b>	0	0	0	0	0
OTHER OBLIGATIONS					
OUTSTANDING PROJECTS	0	0	0	0	0
CASH FLOW NEEDS	0	0	0	0	0
TOTAL OTHER OBLIGATIONS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>UNOBLIGATED CASH BALANCE</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

**FUND PURPOSE:** The appropriation is requested to have spending authority should Federal or Other Funds become available during Fiscal Year 2014 to assist in funding the State Public Defender System. NOTE: There is no case in this fund at the current time - October 10, 2012.

**Office of the State Public Defender**

**DECISION ITEM DETAIL**

Budget Unit	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>GRANTS</b>								
<b>CORE</b>								
PROGRAM DISTRIBUTIONS	0	0.00	125,000	0.00	125,000	0.00	125,000	0.00
<b>TOTAL - PD</b>	<b>0</b>	<b>0.00</b>	<b>125,000</b>	<b>0.00</b>	<b>125,000</b>	<b>0.00</b>	<b>125,000</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$0</b>	<b>0.00</b>	<b>\$125,000</b>	<b>0.00</b>	<b>\$125,000</b>	<b>0.00</b>	<b>\$125,000</b>	<b>0.00</b>
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
FEDERAL FUNDS	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$125,000	0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00

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Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>LEGAL DEFENSE &amp; DEFENDER FUND</b>								
<b>CORE</b>								
PERSONAL SERVICES								
LEGAL DEFENSE AND DEFENDER	129,493	2.03	130,196	2.00	130,196	2.00	130,196	2.00
TOTAL - PS	129,493	2.03	130,196	2.00	130,196	2.00	130,196	2.00
EXPENSE & EQUIPMENT								
LEGAL DEFENSE AND DEFENDER	957,623	0.00	2,795,756	0.00	2,795,756	0.00	2,795,756	0.00
TOTAL - EE	957,623	0.00	2,795,756	0.00	2,795,756	0.00	2,795,756	0.00
PROGRAM-SPECIFIC								
LEGAL DEFENSE AND DEFENDER	52,756	0.00	55,000	0.00	55,000	0.00	55,000	0.00
TOTAL - PD	52,756	0.00	55,000	0.00	55,000	0.00	55,000	0.00
<b>TOTAL</b>	<b>1,139,872</b>	<b>2.03</b>	<b>2,980,952</b>	<b>2.00</b>	<b>2,980,952</b>	<b>2.00</b>	<b>2,980,952</b>	<b>2.00</b>
<b>Pay Plan FY13-Cost to Continue - 0000013</b>								
PERSONAL SERVICES								
LEGAL DEFENSE AND DEFENDER	0	0.00	0	0.00	30	0.00	30	0.00
TOTAL - PS	0	0.00	0	0.00	30	0.00	30	0.00
<b>TOTAL</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>30</b>	<b>0.00</b>	<b>30</b>	<b>0.00</b>
<b>Pay Plan FY14-COLA - 0000014</b>								
PERSONAL SERVICES								
LEGAL DEFENSE AND DEFENDER	0	0.00	0	0.00	0	0.00	1,194	0.00
TOTAL - PS	0	0.00	0	0.00	0	0.00	1,194	0.00
<b>TOTAL</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>1,194</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$1,139,872</b>	<b>2.03</b>	<b>\$2,980,952</b>	<b>2.00</b>	<b>\$2,980,982</b>	<b>2.00</b>	<b>\$2,982,176</b>	<b>2.00</b>

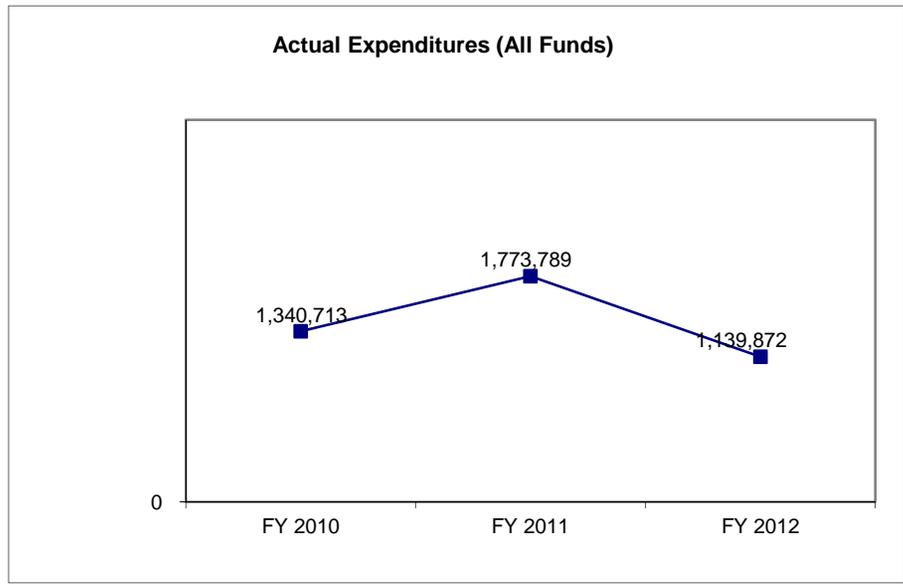


**CORE DECISION ITEM**

<b>Department</b>	Office of the State Public Defender	<b>Budget Unit</b>	15141C
<b>Division</b>	Public Defender		
<b>Core -</b>	Legal Defense & Defender Core Request		

**4. FINANCIAL HISTORY**

	FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Current Yr.
Appropriation (All Funds)	2,980,263	2,980,263	2,980,263	2,980,263
Less Reverted (All Funds)	0	0	0	0
Budget Authority (All Funds)	2,980,263	2,980,263	2,980,263	2,980,263
Actual Expenditures (All Funds)	1,340,713	1,773,789	1,139,872	0
Unexpended (All Funds)	1,639,550	1,206,474	1,840,391	2,980,263
Unexpended, by Fund:				
General Revenue	0	0	0	0
Federal	0	0	0	0
Other	0	0	0	0



**The Dollar Amount for this Appropriation sets the limit that can be spent should the money be collected from our indigent clients. - Therefore, the unexpended figure shown above is merely just unexpended authority to spend, not unexpended cash.**

Reverted includes Governor's standard 3 percent reserve (when applicable) and any extraordinary expenditure restrictions.

**NOTES:**

**STATE OF MISSOURI  
FUND FINANCIAL SUMMARY**

DEPARTMENT: 151  
 FUND NAME: Legal Defense and Defender Fund  
 FUND NUMBER: 0670

Statute \_\_\_\_\_  
 Constitution \_\_\_\_\_

Administratively Created  
 Interest Deposited To Fund

Subject To Biennial Sweep  
 Subject to Other Sweeps (see notes)

<b>FUND OPERATIONS</b>	<b>FY 2012 ADJUSTED APPROP</b>	<b>FY 2012 ACTUAL SPENDING</b>	<b>FY 2013 ADJUSTED APPROP</b>	<b>FY 2014 REQUESTED</b>	<b>FY 2014 GOVERNOR RECOMMEND</b>
BEGINNING CASH BALANCE	0	146,217	350,785	250,000	0
RECEIPTS:					
REVENUE (Cash Basis: July 1 - June 30)	0	1,425,838	1,325,000	2,730,952	0
TRANSFERS IN	0	0	0	0	0
<b>TOTAL RECEIPTS</b>	<b>0</b>	<b>1,425,838</b>	<b>1,325,000</b>	<b>2,730,952</b>	<b>0</b>
<b>TOTAL RESOURCES AVAILABLE</b>	<b>0</b>	<b>1,572,055</b>	<b>1,675,785</b>	<b>2,980,952</b>	<b>0</b>
APPROPRIATIONS (INCLUDES REAPPROPS):					
OPERATING APPROPS	0	1,221,270	1,425,785	0	0
TRANSFER APPROPS	0	0	0	0	0
CAPITAL IMPROVEMENTS APPROPS	0	0	0	0	0
<b>TOTAL APPROPRIATIONS</b>	<b>0</b>	<b>1,221,270</b>	<b>1,425,785</b>	<b>0</b>	<b>0</b>
<b>BUDGET BALANCE</b>	<b>0</b>	<b>350,785</b>	<b>250,000</b>	<b>2,980,952</b>	<b>0</b>
UNEXPENDED APPROPRIATION *	0	0	0	0	0
OTHER ADJUSTMENTS	0	0	0	0	0
<b>ENDING CASH BALANCE</b>	<b>0</b>	<b>350,785</b>	<b>250,000</b>	<b>2,980,952</b>	<b>0</b>
<b>FUND OBLIGATIONS</b>					
<b>ENDING CASH BALANCE</b>	<b>0</b>	<b>350,785</b>	<b>250,000</b>	<b>2,980,952</b>	<b>0</b>
OTHER OBLIGATIONS					
OUTSTANDING PROJECTS	0	0	0	0	0
CASH FLOW NEEDS	0	0	0	0	0
<b>TOTAL OTHER OBLIGATIONS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>UNOBLIGATED CASH BALANCE</b>	<b>0</b>	<b>350,785</b>	<b>250,000</b>	<b>2,980,952</b>	<b>0</b>

**FUND PURPOSE:** The funds in this appropriation are collected from the indigent accused and by statute are used at the discretion of the Director of the State Public Defender System for the operation of the department, including training of employees.

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>LEGAL DEFENSE &amp; DEFENDER FUND</b>								
<b>CORE</b>								
DIVISION DIRECTOR	93,308	1.02	93,555	1.00	93,555	1.00	93,555	1.00
PROGRAM TECHNICIAN	36,185	1.01	36,641	1.00	36,641	1.00	36,641	1.00
<b>TOTAL - PS</b>	<b>129,493</b>	<b>2.03</b>	<b>130,196</b>	<b>2.00</b>	<b>130,196</b>	<b>2.00</b>	<b>130,196</b>	<b>2.00</b>
TRAVEL, IN-STATE	280,865	0.00	400,000	0.00	400,000	0.00	400,000	0.00
TRAVEL, OUT-OF-STATE	30,994	0.00	25,000	0.00	31,000	0.00	31,000	0.00
SUPPLIES	111,590	0.00	125,000	0.00	125,000	0.00	125,000	0.00
PROFESSIONAL DEVELOPMENT	34,664	0.00	75,000	0.00	37,500	0.00	37,500	0.00
COMMUNICATION SERV & SUPP	138,497	0.00	350,000	0.00	300,000	0.00	300,000	0.00
PROFESSIONAL SERVICES	6,733	0.00	150,000	0.00	150,000	0.00	150,000	0.00
HOUSEKEEPING & JANITORIAL SERV	0	0.00	10,000	0.00	0	0.00	0	0.00
M&R SERVICES	185,161	0.00	350,000	0.00	525,000	0.00	525,000	0.00
COMPUTER EQUIPMENT	15,966	0.00	630,000	0.00	630,000	0.00	630,000	0.00
OFFICE EQUIPMENT	49,120	0.00	487,756	0.00	399,256	0.00	399,256	0.00
OTHER EQUIPMENT	0	0.00	3,000	0.00	3,000	0.00	3,000	0.00
BUILDING LEASE PAYMENTS	50	0.00	20,000	0.00	20,000	0.00	20,000	0.00
EQUIPMENT RENTALS & LEASES	16,799	0.00	20,000	0.00	25,000	0.00	25,000	0.00
MISCELLANEOUS EXPENSES	87,184	0.00	150,000	0.00	150,000	0.00	150,000	0.00
<b>TOTAL - EE</b>	<b>957,623</b>	<b>0.00</b>	<b>2,795,756</b>	<b>0.00</b>	<b>2,795,756</b>	<b>0.00</b>	<b>2,795,756</b>	<b>0.00</b>
REFUNDS	52,756	0.00	55,000	0.00	55,000	0.00	55,000	0.00
<b>TOTAL - PD</b>	<b>52,756</b>	<b>0.00</b>	<b>55,000</b>	<b>0.00</b>	<b>55,000</b>	<b>0.00</b>	<b>55,000</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$1,139,872</b>	<b>2.03</b>	<b>\$2,980,952</b>	<b>2.00</b>	<b>\$2,980,952</b>	<b>2.00</b>	<b>\$2,980,952</b>	<b>2.00</b>
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
OTHER FUNDS	\$1,139,872	2.03	\$2,980,952	2.00	\$2,980,952	2.00	\$2,980,952	2.00

**NEW DECISION ITEM**

RANK: 1 OF 5

<b>Department</b>	Office of the State Public Defender	<b>Budget Unit</b>	15111C
<b>Division</b>	Legal Defense & Defender Fund		
<b>DI Name</b>	Cost to Continue the FY2013 Pay Plan	<b>DI#</b>	0000013

**1. AMOUNT OF REQUEST**

	FY 2014 Budget Request					FY 2014 Governor's Recommendation			
	GR	Federal	Other	Total		GR	Federal	Other	Total
PS		0	30	0	PS			30	
EE					EE				
PSD					PSD				
TRF					TRF				
<b>Total</b>	<b>0</b>	<b>0</b>	<b>30</b>	<b>0</b>	<b>Total</b>	<b>0</b>	<b>0</b>	<b>30</b>	<b>0</b>
<b>FTE</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>FTE</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

<b>Est. Fringe</b>	0	0	7	0
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

<b>Est. Fringe</b>	0	0	7	0
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

Other Funds:

Other Funds:

**2. THIS REQUEST CAN BE CATEGORIZED AS:**

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input checked="" type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

**3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.**

This is a new Fiscal Year 2014 Decision Item. It is considered a "Cost to Continue" decision item. It will furnish funding for 24th pay period of the General Assembly funded Fiscal Year 2013 pay plan. The Fiscal Year 2013 pay plan funded only 23 of the 24 pay periods.

**NEW DECISION ITEM**

RANK: 1 OF 5

<b>Department</b>	Office of the State Public Defender	<b>Budget Unit</b>	15111C
<b>Division</b>	Legal Defense & Defender Fund		
<b>DI Name</b>	Cost to Continue the FY2013 Pay Plan	<b>DI#</b>	0000013

**4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)**

The dollar amounts for this decision item were provided to the agencies by the Office of Administration, Division of Budget and Planning.

**5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.**

<b>Budget Object Class/Job Class</b>	<b>Dept Req GR DOLLARS</b>	<b>Dept Req GR FTE</b>	<b>Dept Req FED DOLLARS</b>	<b>Dept Req FED FTE</b>	<b>Dept Req OTHER DOLLARS</b>	<b>Gov Rec TOTAL DOLLARS</b>	<b>Gov Rec TOTAL FTE</b>	<b>Gov Rec One-Time DOLLARS</b>
Program Technician		0.0			30	30	0	0.0
<b>Total PS</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>30</b>	<b>30</b>	<b>0</b>	<b>0.0</b>
<b>Grand Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>30</b>	<b>30</b>	<b>0</b>	<b>0</b>

**Office of the State Public Defender**

**DECISION ITEM DETAIL**

Budget Unit	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>LEGAL DEFENSE &amp; DEFENDER FUND</b>								
<b>Pay Plan FY13-Cost to Continue - 0000013</b>								
PROGRAM TECHNICIAN	0	0.00	0	0.00	30	0.00	30	0.00
<b>TOTAL - PS</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>30</b>	<b>0.00</b>	<b>30</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$30</b>	<b>0.00</b>	<b>\$30</b>	<b>0.00</b>
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$30	0.00	\$30	0.00

**NEW DECISION ITEM**

RANK:  2  OF  5

<b>Department</b> Office of the State Public Defender	<b>Budget Unit</b> 1511C
<b>Division:</b> Legal Defense and Defender Fund	
<b>DI Name:</b> General Structure Adjustment - Cost of Living	<b>DI#:</b> 0000014

**1. AMOUNT OF REQUEST**

	FY 2014 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FTE</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

	FY 2014 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	1,194	1,194
EE				
PSD				
TRF				
<b>Total</b>	<b>0</b>	<b>0</b>	<b>1,194</b>	<b>1,194</b>
<b>FTE</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

<b>Est. Fringe</b>	0	0	0	0
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

<b>Est. Fringe</b>	0	0	305	305
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

Other Funds:

Other Funds:

**2. THIS REQUEST CAN BE CATEGORIZED AS:**

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input checked="" type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

**3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.**

The Governor's Fiscal Year 2014 budget includes a two percent pay raise for all state employees, beginning January 1, 2014. It does not include elected officials, members of the general assembly, or judges covered under the Missouri Citizens' Commission on Compensation for Elected Officials.

**NEW DECISION ITEM**

RANK:  2  OF  5

Department	Office of the State Public Defender	Budget Unit	1511C
Division:	Legal Defense and Defender Fund		
DI Name:	General Structure Adjustment - Cost of Living	DI#:	0000014

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

**5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.**

Budget Object Class/Job Class	Gov Rec GR DOLLARS	Gov Rec GR FTE	Gov Rec FED DOLLARS	Gov Rec FED FTE	Gov Rec OTHER DOLLARS	Gov Rec OTHER FTE	Gov Rec TOTAL DOLLARS	Gov Rec TOTAL FTE	Gov Rec One-Time DOLLARS
Division Director/0550					858		858		
Program Technician/0560					336		336		
<b>Total PS</b>	<b>\$0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>1194</b>	<b>0.0</b>	<b>0</b>
<b>Grand Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,194</b>	<b>0</b>	<b>0</b>

**Office of the State Public Defender**

**DECISION ITEM DETAIL**

Budget Unit	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>LEGAL DEFENSE &amp; DEFENDER FUND</b>								
<b>Pay Plan FY14-COLA - 0000014</b>								
DIVISION DIRECTOR	0	0.00	0	0.00	0	0.00	858	0.00
PROGRAM TECHNICIAN	0	0.00	0	0.00	0	0.00	336	0.00
<b>TOTAL - PS</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>1,194</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$1,194</b>	<b>0.00</b>
<b>GENERAL REVENUE</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>
<b>FEDERAL FUNDS</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>
<b>OTHER FUNDS</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$1,194</b>	<b>0.00</b>

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**Office of the State Public Defender**

**DECISION ITEM SUMMARY**

Budget Unit								
Decision Item	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>EXTRAORDINARY EXPENSE/CONFLIC</b>								
<b>CORE</b>								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	2,558,059	0.00	3,721,071	0.00	3,721,071	0.00	3,721,071	0.00
TOTAL - EE	2,558,059	0.00	3,721,071	0.00	3,721,071	0.00	3,721,071	0.00
<b>TOTAL</b>	<b>2,558,059</b>	<b>0.00</b>	<b>3,721,071</b>	<b>0.00</b>	<b>3,721,071</b>	<b>0.00</b>	<b>3,721,071</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$2,558,059</b>	<b>0.00</b>	<b>\$3,721,071</b>	<b>0.00</b>	<b>\$3,721,071</b>	<b>0.00</b>	<b>\$3,721,071</b>	<b>0.00</b>

**CORE DECISION ITEM**

<b>Department</b>	<b>Office of the State Public Defender</b>	<b>Budget Unit</b>	<u>15151C</u>
<b>Division</b>	<b>Public Defender</b>		
<b>Core -</b>	<b>Homicide/Conflict/Litigation Expenses Core Request</b>		

**1. CORE FINANCIAL SUMMARY**

	FY 2014 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	3,721,071	0	0	3,721,071
PSD	0	0	0	0
TRF	0	0	0	0
<b>Total</b>	<b>3,721,071</b>	<b>0</b>	<b>0</b>	<b>3,721,071</b>

**FTE**                      **0.00**        **0.00**        **0.00**        **0.00**

<b>Est. Fringe</b>	0	0	0	0
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

Other Funds:

	FY 2014 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	3,721,071	0	0	3,721,071
PSD	0	0	0	0
TRF	0	0	0	0
<b>Total</b>	<b>3,721,071</b>	<b>0</b>	<b>0</b>	<b>3,721,071</b>

**FTE**                      **0.00**        **0.00**        **0.00**        **0.00**

<b>Est. Fringe</b>	0	0	0	0
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

Other Funds:

**2. CORE DESCRIPTION**

This Appropriation was established in 1989 to cover three types of expenses:

**HOMICIDE CASES:** All Costs associated with the defense of homicide cases are paid from this appropriation

**LITIGATION EXPENSES:** Litigation expenses over \$500 are paid out of this appropriation. These would include, but are not limited to, such things as an independent analysis of DNA evidence, mental health evaluations by experts, depositions, interpreters, medical records, transcriptions, exhibits, immigration consults, fingerprint experts, handwriting analysis, etc.

**CONFLICT CASES:** When an indigent defense case is contracted out to private counsel for representation, the attorney's fees associated with that contract are paid out of this appropriation. Most often, the conflict that requires the case to be contracted out to private counsel is due to the existence of multiple co-defendants charged in a particular incident and all pointing the finger at one another, making it an ethical problem for the one defender office to represent more than one of them. Recently, cases have also been contracted out because of case overload in an attempt to give the overloaded office some relief. In FY2012, MSPD was able to contract out approximately 2% (1,724 of 84,397 cases) of its total caseload, despite a crushing case overload, because funds were simply not available to contract out any more. This is addressed within this Budget Request and explained in further detail in New Decision Item #1.

**CORE DECISION ITEM**

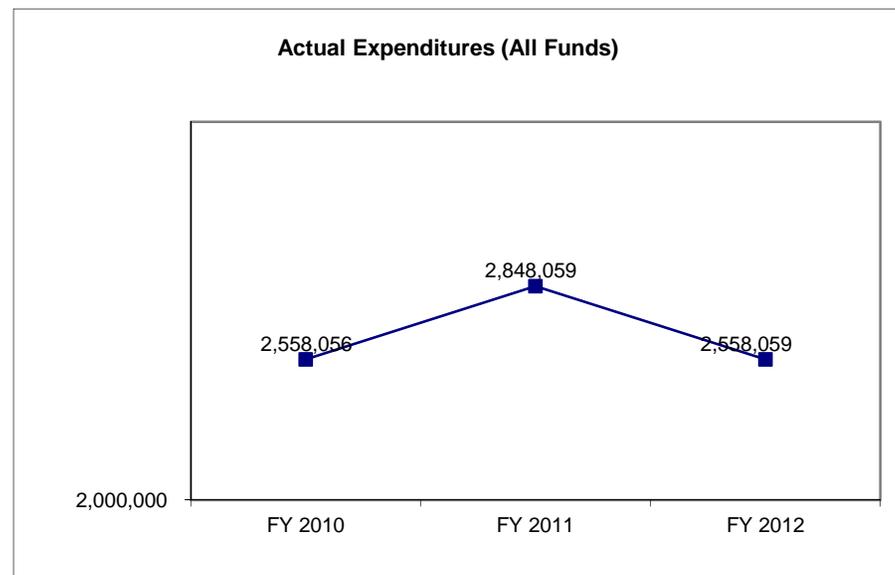
<b>Department</b>	<b>Office of the State Public Defender</b>	<b>Budget Unit</b>	<u>15151C</u>
<b>Division</b>	<b>Public Defender</b>		
<b>Core -</b>	<b>Homicide/Conflict/Litigation Expenses Core Request</b>		

**3. PROGRAM LISTING (list programs included in this core funding)**

There are no separate programs within this appropriation.

**4. FINANCIAL HISTORY**

	<b>FY 2010 Actual</b>	<b>FY 2011 Actual</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Current Yr.</b>
Appropriation (All Funds)	2,558,059	2,558,059	2,558,059	3,000,000
Less Reverted (All Funds)	0	0	0	(721,071)
Budget Authority (All Funds)	2,558,059	2,558,059	2,558,059	2,278,929
Actual Expenditures (All Funds)	2,558,056	2,848,059	2,558,059	0
Unexpended (All Funds)	3	(290,000)	0	2,278,929
Unexpended, by Fund:				
General Revenue	0	0	0	0
Federal	0	0	0	0
Other	0	0	0	0



**Full Flexibility - A Net of \$290,000 was transferred to this appropriation from the Legal Services PS & EE Core Appropriation to assist in contracting out case overload**

Reverted includes Governor's standard 3 percent reserve (when applicable) and any extraordinary expenditure restrictions.

**NOTES:**

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>EXTRAORDINARY EXPENSE/CONFLIC</b>								
<b>CORE</b>								
TRAVEL, IN-STATE	227,001	0.00	265,000	0.00	230,000	0.00	230,000	0.00
TRAVEL, OUT-OF-STATE	20,364	0.00	20,000	0.00	21,000	0.00	21,000	0.00
FUEL & UTILITIES	5,320	0.00	7,500	0.00	6,000	0.00	6,000	0.00
SUPPLIES	34,971	0.00	37,500	0.00	35,000	0.00	35,000	0.00
COMMUNICATION SERV & SUPP	11,463	0.00	20,000	0.00	12,000	0.00	12,000	0.00
PROFESSIONAL SERVICES	2,092,907	0.00	3,176,571	0.00	3,237,571	0.00	3,237,571	0.00
M&R SERVICES	9,341	0.00	10,000	0.00	10,000	0.00	10,000	0.00
BUILDING LEASE PAYMENTS	153,100	0.00	180,000	0.00	165,000	0.00	165,000	0.00
EQUIPMENT RENTALS & LEASES	607	0.00	1,500	0.00	1,500	0.00	1,500	0.00
MISCELLANEOUS EXPENSES	2,985	0.00	3,000	0.00	3,000	0.00	3,000	0.00
<b>TOTAL - EE</b>	<b>2,558,059</b>	<b>0.00</b>	<b>3,721,071</b>	<b>0.00</b>	<b>3,721,071</b>	<b>0.00</b>	<b>3,721,071</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$2,558,059</b>	<b>0.00</b>	<b>\$3,721,071</b>	<b>0.00</b>	<b>\$3,721,071</b>	<b>0.00</b>	<b>\$3,721,071</b>	<b>0.00</b>
<b>GENERAL REVENUE</b>	<b>\$2,558,059</b>	<b>0.00</b>	<b>\$3,721,071</b>	<b>0.00</b>	<b>\$3,721,071</b>	<b>0.00</b>	<b>\$3,721,071</b>	<b>0.00</b>
<b>FEDERAL FUNDS</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>
<b>OTHER FUNDS</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>

**Office of the State Public Defender**

**DECISION ITEM SUMMARY**

Budget Unit								
Decision Item	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>DEBT OFFSET ESCROW FUND</b>								
<b>CORE</b>								
PROGRAM-SPECIFIC								
DEBT OFFSET ESCROW	945,888	0.00	350,000	0.00	350,000	0.00	350,000	0.00
TOTAL - PD	945,888	0.00	350,000	0.00	350,000	0.00	350,000	0.00
<b>TOTAL</b>	<b>945,888</b>	<b>0.00</b>	<b>350,000</b>	<b>0.00</b>	<b>350,000</b>	<b>0.00</b>	<b>350,000</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$945,888</b>	<b>0.00</b>	<b>\$350,000</b>	<b>0.00</b>	<b>\$350,000</b>	<b>0.00</b>	<b>\$350,000</b>	<b>0.00</b>

**CORE DECISION ITEM**

<b>Department</b>	<b>Office of the State Public Defender</b>	<b>Budget Unit</b>	<u>15161C</u>
<b>Division</b>	<b>Public Defender</b>		
<b>Core -</b>	<b>Debt Offset Escrow Fund Core Request</b>		

**1. CORE FINANCIAL SUMMARY**

	FY 2014 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	350,000	350,000
TRF	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>350,000</b>	<b>350,000</b>

FTE                                      **0.00                      0.00                      0.00                      0.00**

<b>Est. Fringe</b>	0	0	0	0
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

Other Funds:      Debt Offset Revolving Fund

	FY 2014 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	350,000	350,000
TRF	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>350,000</b>	<b>350,000</b>

FTE                                      **0.00                      0.00                      0.00                      0.00**

<b>Est. Fringe</b>	0	0	0	0
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*Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.*

Other Funds:

**2. CORE DESCRIPTION**

Beginning in Fiscal Year 1995, each agency participating in the Department of Revenue Debt Offset Program, was required to establish an appropriation to accept money intercepted from Missouri State Income Tax Refunds by the Department of Revenue on behalf of the agency.

**3. PROGRAM LISTING (list programs included in this core funding)**

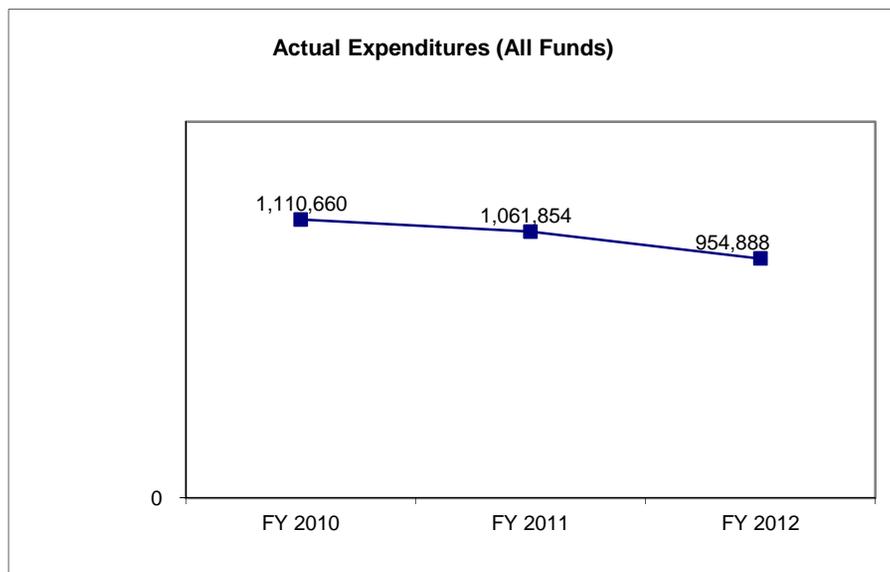
In Fiscal Year 2012, the Missouri State Public Defender intercepted approximately \$885,345 of Missouri State Income Tax Refunds from the Department of Revenue to past clients who have outstanding debts to the State Public Defender System.

**CORE DECISION ITEM**

<b>Department</b>	<b>Office of the State Public Defender</b>	<b>Budget Unit</b>	<u>15161C</u>
<b>Division</b>	<b>Public Defender</b>		
<b>Core -</b>	<b>Debt Offset Escrow Fund Core Request</b>		

**4. FINANCIAL HISTORY**

	<b>FY 2010 Actual</b>	<b>FY 2011 Actual</b>	<b>FY 2012 Actual</b>	<b>FY 2013 Current Yr.</b>
Appropriation (All Funds)	350,000	350,000	350,000	350,000
Less Reverted (All Funds)	0	0	0	0
Budget Authority (All Funds)	350,000	350,000	350,000	350,000
Actual Expenditures (All Funds)	1,110,660	1,061,854	954,888	0
Unexpended (All Funds)	<b>(760,660)</b>	<b>(711,854)</b>	<b>(604,888)</b>	350,000
Unexpended, by Fund:				
General Revenue	0	0	0	0
Federal	0	0	0	0
Other	0	0	0	0



Reverted includes Governor's standard 3 percent reserve (when applicable) and any extraordinary expenditure restrictions.

**NOTES:**

**Office of the State Public Defender**

**DECISION ITEM DETAIL**

Budget Unit	FY 2012	FY 2012	FY 2013	FY 2013	FY 2014	FY 2014	FY 2014	FY 2014
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
<b>DEBT OFFSET ESCROW FUND</b>								
<b>CORE</b>								
REFUNDS	945,888	0.00	350,000	0.00	350,000	0.00	350,000	0.00
<b>TOTAL - PD</b>	<b>945,888</b>	<b>0.00</b>	<b>350,000</b>	<b>0.00</b>	<b>350,000</b>	<b>0.00</b>	<b>350,000</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$945,888</b>	<b>0.00</b>	<b>\$350,000</b>	<b>0.00</b>	<b>\$350,000</b>	<b>0.00</b>	<b>\$350,000</b>	<b>0.00</b>
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
OTHER FUNDS	\$945,888	0.00	\$350,000	0.00	\$350,000	0.00	\$350,000	0.00

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	SUPPL DEPT	SUPPL DEPT	SUPPL GOV	SUPPL GOV	SUPPL GOV	SUPPL GOV	SUPPL	SUPPL
Budget Object Summary	REQUEST	REQUEST	RECOMMENDED	RECOMMENDED	REL RESERVE	REL RESERVE	MONTHS FOR	POSITION
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE		
<b>OFFICE OF THE DIRECTOR</b>								
<b>OPD OPERATING SUPPLEMENTAL - 2151001</b>								
PERSONAL SERVICES								
GENERAL REVENUE	709,020	18.00	0	0.00	0	0.00	0	0.00
TOTAL - PS	709,020	18.00	0	0.00	0	0.00	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	951,922	0.00	0	0.00	0	0.00	0	0.00
TOTAL - EE	951,922	0.00	0	0.00	0	0.00	0	0.00
<b>TOTAL</b>	<b>1,660,942</b>	<b>18.00</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$1,660,942</b>	<b>18.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>

**SUPPLEMENTAL NEW DECISION ITEM**

<b>Department</b>	<b>State Public Defender</b>	<b>Budget Unit</b>	<b>15111C</b>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Caseload Crisis - 2 Year Phase In</b>	<b>DI#</b>	<b>2151001</b>
		<b>Original FY 2013 House Bill Section, if applicable</b>	<b>HB 12.400</b>

**1. AMOUNT OF REQUEST**

	FY 2013 Supplemental Budget Request					FY 2013 Supplemental Governor's Recommendation			
	GR	Federal	Other	Total		GR	Federal	Other	Total
<b>PS</b>	709,020			709,020	<b>PS</b>	0	0	0	0
<b>EE</b>	951,922			951,922	<b>EE</b>	0	0	0	0
<b>PSD</b>	0			0	<b>PSD</b>	0	0	0	0
<b>TRF</b>	0			0	<b>TRF</b>	0	0	0	0
<b>Total</b>	<b>1,660,942</b>	<b>0</b>	<b>0</b>	<b>1,660,942</b>	<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>FTE</b>	<b>18.00</b>			<b>18.00</b>	<b>FTE</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>POSITIONS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>POSITIONS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>NUMBER OF MONTHS POSITIONS ARE NEEDED:</b>				<b>4</b>	<b>NUMBER OF MONTHS POSITIONS ARE NEEDED:</b>				
<b>Est. Fringe</b>	357,559	0	0	357,559	<b>Est. Fringe</b>	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>					<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds:

Other Funds:

**2. WHY IS THIS SUPPLEMENTAL FUNDING NEEDED? INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.**

On July 31, 2012, the Supreme Court issued an opinion confirming that Missouri judges may not appoint public defenders to additional cases after they have reached their maximum allowable caseloads. As of October, 2012, seventeen MSPD District Public Defender offices are going on limited availability status, which means that they will accept cases each month up to their maximum allowable monthly workload and no more. Any applications for defender services after that point will, unless directed otherwise by the judge, will go on a waiting list for defender services.

**SUPPLEMENTAL NEW DECISION ITEM**

<b>Department</b>	<b>State Public Defender</b>	<b>Budget Unit</b>	<b>15111C</b>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Caseload Crisis - 2 Year Phase In</b>	<b>DI#</b>	<b>2151001</b>
		<b>Original FY 2013 House Bill Section, if applicable</b>	<b>HB 12.400</b>

As set out in the Program Description, the state is obligated under both the U.S. Constitution Amendment VI and the Missouri Constitution, Article I, Section 18A to provide criminal defense lawyers for indigent defendants if the state seeks to impose jail time as a possible sentence. Chapter 600 RSMo assigns that responsibility to the Missouri State Public Defender System, but this constitutionally mandated responsibility of state government is not currently being met due to many cases and not enough lawyers.

Missouri's Public Defender System "is operating in crisis mode" and "the probability that public defenders are failing to provide effective assistance of counsel and are violating their ethical obligations to their clients increases every day." The last three Chief Justices have warned of this crisis in their State of the Judiciary speeches to the legislature and the U.S. Attorney General, Eric Holder, specifically named Missouri as an example of a broken indigent defense system. When there are not sufficient resources to adequately staff the public defender system to handle all the eligible cases, public defenders have no choice but to limit the cases they accept. Anything else forces them to violate their ethical and professional responsibilities, exposing them to malpractice liability and professional discipline against their licenses to practice law.

Currently, seventeen district public defender offices serving 54 counties either already are or will be limiting their availability by October 2012, turning away excess cases. Most of the other district offices are also eligible for certification as overloaded and are likely to follow suit in the next couple of months. Judges around the state are putting together plans for triaging cases coming into the public defender offices and placing cases on waiting lists for public defender services. Some judges are making plans to appoint private attorneys to fill the gap caused by the shortage of public defenders.



**SUPPLEMENTAL NEW DECISION ITEM**

<b>Department</b>	<b>State Public Defender</b>	<b>Budget Unit</b>	<b>15111C</b>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Caseload Crisis - 2 Year Phase In</b>	<b>DI#</b>	<b>2151001</b>
		<b>Original FY 2013 House Bill Section, if applicable</b>	<b>HB 12.400</b>

**3. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? How many positions do the requested FTE equal and for how many months do you need the supplemental funding? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why.)**

This decision item request presumes that:

1. All conflict cases are contracted out to the private bar rather than sent to another nearby defender office
2. Current contract fee amounts to private counsel remain flat;
3. Caseload, and the percentage of cases that present conflicts, remain relatively flat; and
4. The personnel increases needed to handle the remaining caseload are phased-in over a two year period.

**Contracting All Conflict Cases:**

Currently, When multiple defendants face companion charges, there is always the risk that at some point in the representation, one will wind up pointing a finger at the other. As a result, the local defender office can only represent one codefendant. The others must go elsewhere, either to another defender office or out to private counsel on a contract for representation. Historically, MSPD has sent the first co-defendant to another defender office and has only contracted second, third, (or more) co-defendants out to private counsel. However, this handling of conflict cases in-house is not a cost-effective approach. These cases pull lawyers out of their primary jurisdictions and require them to drive significant distances to other counties to appear for court, conduct investigations, witness interviews and depositions, visit their clients in that county jail, etc. It is not uncommon for each trip to eat up close to a day of the attorney's time to deal with one or two cases. This arrangement also makes it very difficult for judges to triage cases coming into their local public defender offices because that often may also be taking conflict cases in 5-6 other counties not controlled by that judge. In the long run, it is much more cost-effective and more efficient to contract all conflict cases out to local attorneys in the private bar and allow the defender offices to concentrate on effectively representing the cases that arise within the counties they are designed to serve.

**SUPPLEMENTAL NEW DECISION ITEM**

<b>Department</b>	<b>State Public Defender</b>	<b>Budget Unit</b>	<b>15111C</b>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Caseload Crisis - 2 Year Phase In</b>	<b>DI#</b>	<b>2151001</b>
		<b>Original FY 2013 House Bill Section, if applicable</b>	<b>HB 12.400</b>

At present, MSPD uses the fee schedule at right for cases contracted out to private counsel. Litigation expenses (the cost of transcripts, investigation, experts, or depositions) are not included in these fees but are approved separately on a case-by-case basis. These costs would also be incurred by MSPD whether the case was being handled internally or by private counsel.

Given the assumptions set out, the cost of contracting out all conflict cases to private counsel would run a little over \$5.6 million. Since our Fiscal Year 2013 appropriation for this purpose is approximately \$2.3 million (of which \$721,071 has not yet been released by the Governor) contracting out all conflict cases, would require an additional \$3.35 million per year, as shown on the table on the next page. For this supplemental request, or for one quarter of Fiscal Year 2012, would result in **\$837,622** additional funding for contracting of private counsel.

Missouri State Public Defender Private Counsel Fee Schedule		
Case Type	Description	Contract Rates
15	Murder 1st Degree	\$10,000
20	Other Homicide	\$6,000
30D	AB Felony Drug	\$750
30F	AB Felony Other	\$1,500
30X	AB Felony Sex	\$2,000
35D	CD Felony Drug	\$750
35F	CD Felony Other	\$750
35X	CD Felony Sex	\$1,500
45M	Misdemeanor	\$375
45T	Misdemeanor - Traffic	\$375
50N	Juvenile - Non Violent	\$500
50S	Juvenile - Status	\$500
50V	Juvenile - Violent	\$750
65F	Probation Violation - Felony	\$375
65M	Probation Violation - Misd	\$375
110F	Direct Appeals - Felony	\$3,750
110S	Direct Appeal - Misdemeanor	\$500
124A	Rule 24.035 Appeal	\$500
124M	Rule 24.035 Motion	\$500
129A	Rule 29.15 Appeal	\$3,750
129M	Rule 29.15 Motion	\$500

Note: MSPD will pay additional compensation in cases resolved by trial:  
 Jury Trial - \$1,500 for the first day and \$750 for each additional day  
 Bench Trial - \$750 per day prorated



**SUPPLEMENTAL NEW DECISION ITEM**

<b>Department</b>	<b>State Public Defender</b>	<b>Budget Unit</b>	<b>15111C</b>
<b>Division</b>	<b>Public Defender - Legal Services</b>		
<b>DI Name</b>	<b>Caseload Crisis - 2 Year Phase In</b>	<b>DI#</b>	<b>2151001</b>
		<b>Original FY 2013 House Bill Section, if applicable</b>	<b>HB 12.400</b>

**Attorney Staff Needed to Handle Remaining Caseload:** Removing all conflict cases helps to reduce the public defender case overload, but it does not eliminate it. Assuming no increase in caseload, we would still be 71 lawyers short of the number necessary to avoid having to turn cases away. The required number is determined by applying the Public Defender Commission’s Maximum Allowable Workload Protocol, set out in the Appendix ,to the caseload that would remain after the conflicts have all been pulled out and contracted to private attorneys. For the Supplemental Request - it is assumed that the FTE would be employed effective April 1, 2012 or for one-fourth of the fiscal year, or 9 FTE.

**Support Staff:** Every law practice management expert will affirm that lawyer time needs to be leveraged by utilizing support staff for everything that can be done by a non-lawyer, in order to free up the lawyer to do those things that only a lawyer can do. Some of those tasks are best done by a legal assistant or a paralegal, others by a clerk, and still others by an investigator, but the goal is always to preserve the lawyer’s time for those things that require a law license and utilize the less-expensive support staff personnel for everything else. For this reason, in most private law firms you will find significantly more support staff in a law office than you’ll find attorneys, and, according to a survey conducted by the Office of Missouri Prosecution Services, Missouri’s prosecuting attorney’s offices average 1-2 support staff for every attorney, excluding investigative staff. Therefore, MSPD is requesting one clerical person, one legal assistant, and one investigator for every three new attorneys. In all, that would mean 24 investigators, 24 legal assistants, and 24 clerical personnel to accompany the 71 additional attorneys necessary to handle the remaining caseload after all conflict cases have been contracted out of the system. For the Supplemental Request, 9 attorneys, 3 Secretaries, 3 Paralegals, 3 Investigators are being requested.

**Two-year Phase-in = \$3.51 Million TOTAL in FY14:** In recognition of the realities of the current economic state, as well as the logistical challenges involved in both hiring and finding facilities to accommodate such a large staffing increase in one fell swoop, this budget proposes a two-year phase-in of the staffing increase associated with this decision item. AND if the Supplemental is funded at \$1,660,942, the cost to continue in FY 2014 would be \$1,854,075.

**Fiscal Year 2012 ASSIGNED CASES -  
Trial & Appellate Division Caseload, Adjusted for Withdrawals, Sending & Receiving Office Conflicts  
MSPD to Retain All Cases That Are Not Conflicts**

Does Not include Capital or CDU

Type Code	Case Type	Trial & Appellate Division Cases	Adjusted for FY12 Withdrawn	1st Level Conflicts 41's - Sending Office	1st Level Conflicts 41's - Receiving Office	Conflicts Assigned to Private Counsel 42's & 44's	Trial & Appellate Adjusted Caseload <b>NO CONFLICTS</b>	Hours Required for Case Type	FY12 NAC Modified Required Hours
15	Murder 1st Degree	102	(21)	(15)	(15)	(10)	41	173	7,093
20	Other Homicide	177	(23)	(30)	(30)	(16)	78	173	13,494
30D	AB Felony Drug	3,093	(419)	(505)	(505)	(195)	1,469	14	20,566
30F	AB Felony Other	3,760	(549)	(453)	(453)	(132)	2,173	14	30,422
30X	AB Felony Sex	654	(102)	(38)	(38)	(13)	463	31	14,353
35D	CD Felony Drug	6,995	(645)	(646)	(646)	(197)	4,861	14	68,054
35F	CD Felony Other	22,607	(2,037)	(2,009)	(2,009)	(501)	16,051	14	224,714
35X	CD Felony Sex	357	(38)	(9)	(9)	(1)	300	31	9,300
45M	Misdemeanor	16,935	(912)	(1,027)	(1,027)	(199)	13,770	5	68,850
45T	Misdemeanor - Traffic	3,783	(321)	(133)	(133)	(35)	3,161	5	15,805
50N	Juvenile - Non Violent	1,171	(35)	(98)	(98)	(12)	928	10	9,280
50S	Juvenile - Status	83	(4)	(5)	(5)	(3)	66	10	660
50V	Juvenile - Violent	645	(28)	(60)	(60)	(6)	491	10	4,910
60	552 Release Petitions	33	(9)				24	14	336
65F	Probation Violation - Felony	15,161	(689)	(433)	(433)	(124)	13,482	5	67,410
65M	Probation Violation - Misd	5,001	(236)	(131)	(131)	(34)	4,469	5	22,345
75	Special Writ	8	(2)				6	83	498
99	None	23	(10)	(4)	(4)		5	5	25
110F	Direct Appeals - Felony	412	(33)	(17)	(17)	(1)	344	83	28,552
110J	Direct Appeal - Juvenile	3	(2)				1	83	83
110S	Direct Appeal - Misdemeanor	29	(2)	(2)	(2)	(1)	22	83	1,826
124A	Rule 24.035 Appeal	228	(6)	(4)	(4)	(6)	208	21	4,368
124M	Rule 24.035 Motion	708	(24)	(11)	(11)	(2)	660	21	13,860
129A	Rule 29.15 Appeal	251	(6)	(3)	(3)	(7)	232	62	14,384
129M	Rule 29.15 Motion	312	(11)	(6)	(6)	(13)	276	62	17,112
Other	Other	22	(5)				17	21	357
<b>Totals</b>		<b>82,553</b>	<b>(6,169)</b>	<b>(5,639)</b>	<b>(5,639)</b>	<b>(1,508)</b>		<b>Case Hours</b>	<b>658,657</b>
							<b>Travel Hours</b>		<b>37,174</b>
2340.00	Standard Work Hours (45 hrs. *52 wks)						<b>Management Hours</b>		<b>37,908</b>
-56.26	Attorney Sick Leave						<b>Total Hours</b>		<b>733,739</b>
-216.00	Holidays and Annual Leave								
-320.50	Non Case Related Hours (13.7%)								<b>420</b>
1747.24	Available Attorney Case Hours								<b>349</b>
<b>Total Case Hours 733,739 / Available Attorney Hours 1747.24</b>									<b>420</b>
<b>Number of Current Trial Division and Appellate Division Attorneys</b>									<b>349</b>
<b>Additional Number Trial Division &amp; Appellate Division Attorneys Needed for MSPD to Retain all Cases That Are Not Conflicts</b>									<b>71</b>

71 Attorneys for Protocol  
35 Attorneys = 2 Year Phase In  
9 Attorneys = Supplemental

**Protocol Trial and Appellate Divisions  
Assuming All Conflicts to Private Counsel**

COST BREAKDOWN	Protocol	
	Protocol	2 YEAR PHASE-IN BEGINNING APRIL 1, 2013 SUPPLEMENTAL REQUEST
<b>Personal Service</b>		
Assistant Public Defender III - Range 30 \$50,088	71.00 \$3,556,248	9.00 \$450,792
Investigators - Range 23 \$35,340	24.00 \$848,160	3.00 \$106,020
Legal Assistants - Range 15 \$26,460	24.00 \$635,040	3.00 \$79,380
Secretaries - Range 12 \$24,276	24.00 <u>\$582,624</u>	3.00 <u>\$72,828</u>
<b>Total Personal Service</b>	<b>143.00</b> <b>\$5,622,072</b>	<b>18.00</b> <b>\$709,020</b>
<b>Expense &amp; Equipment</b>		
<b>One-time Purchases</b>		
Attorney Package \$2,855	71.00 \$202,705	0.00 \$0
Investigator Package \$2,885	24.00 \$69,240	0.00 \$0
Legal Assistant Package \$2,885	24.00 \$69,240	0.00 \$0
Secretary Package \$9,105	24.00 <u>\$218,520</u>	0.00 <u>\$0</u>
<b>Total One-Time Purchases</b>	<b>\$559,705</b>	<b>\$0</b>
<b>On-Going Costs</b>		
Attorneys \$6,600	71.00 \$468,600	9.00 \$59,400
Investigator \$9,275	24.00 \$222,600	3.00 \$27,825
Legal Assistant \$4,775	24.00 \$114,600	3.00 \$14,325
Secretary \$4,250	24.00 <u>\$102,000</u>	3.00 <u>\$12,750</u>
<b>Total Personnel Related On-Going Costs</b>	<b>\$907,800</b>	<b>\$114,300</b>
<b>Total Expense and Equipment</b>	<b>\$1,467,505</b>	<b>\$114,300</b>
<b>Total Decision Item Request</b>	<b>\$7,089,577</b>	<b>\$823,320</b>

**SUPPLEMENTAL NEW DECISION ITEM**

<b>Department</b>	<b>State Public Defender</b>		<b>Budget Unit</b>		<b>15111C</b>		
<b>Division</b>	<b>Public Defender - Legal Services</b>						
<b>DI Name</b>	<b>Caseload Crisis - 2 Year Phase In</b>	<b>DI# 2151001</b>	<b>Original FY 2013 House Bill Section, if applicable</b>		<b>HB 12.400</b>		
<b>4. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.</b>							
<b>Budget Object Class/Job Class</b>	<b>Dept Req GR DOLLARS</b>	<b>Dept Req GR FTE</b>	<b>Dept Req TOTAL DOLLARS</b>	<b>Dept Req TOTAL FTE</b>	<b>Dept Req One-Time DOLLARS</b>	<b>Gov Rec GR DOLLARS</b>	<b>Gov Rec GR FTE</b>
Assistant Public Defenders/ 0400	450,792	9.0	450,792	9.0			
Investigators/ 0300	106,020	3.0	106,020	3.0			
Legal Assistants/ 0200	79,380	3.0	79,380	3.0			
Secretaries/ 0200	72,828	3.0	72,828	3.0			
<b>Total PS</b>	<b>709,020</b>	<b>18.0</b>	<b>709,020</b>	<b>18.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>
Travel/ 140	49,500		49,500				
Supplies/ 190	9,000		9,000				
Communications/ 340	21,600		21,600				
Professional Services/ 400	837,622		837,622				
Building leases/ 680	34,200		34,200				
<b>Total EE</b>	<b>951,922</b>		<b>951,922</b>		<b>0</b>	<b>0</b>	<b>0.0</b>
Program Distributions			0		0		
<b>Total PSD</b>	<b>0</b>		<b>0</b>		<b>0</b>	<b>0</b>	<b>0.0</b>
Transfers			0		0		
<b>Total TRF</b>	<b>0</b>		<b>0</b>		<b>0</b>	<b>0</b>	<b>0.0</b>
<b>Grand Total</b>	<b>1,660,942</b>	<b>18.0</b>	<b>1,660,942</b>	<b>18.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>

**Office of the State Public Defender**

**DECISION ITEM DETAIL**

Budget Unit	SUPPL DEPT	SUPPL DEPT	SUPPL GOV	SUPPL GOV	SUPPL GOV	SUPPL GOV	SUPPL	SUPPL
Decision Item	REQUEST	REQUEST	RECOMMENDED	RECOMMENDED	REL RESERVE	REL RESERVE	MONTHS FOR	POSITION
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE		
<b>OFFICE OF THE DIRECTOR</b>								
<b>OPD OPERATING SUPPLEMENTAL - 2151001</b>								
SECRETARY	152,208	6.00	0	0.00	0	0.00	0	0.00
INVESTIGATOR	106,020	3.00	0	0.00	0	0.00	0	0.00
ASSISTANT PUBLIC DEFENDER	450,792	9.00	0	0.00	0	0.00	0	0.00
<b>TOTAL - PS</b>	<b>709,020</b>	<b>18.00</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>
TRAVEL, IN-STATE	49,500	0.00	0	0.00	0	0.00	0	0.00
SUPPLIES	9,000	0.00	0	0.00	0	0.00	0	0.00
COMMUNICATION SERV & SUPP	21,600	0.00	0	0.00	0	0.00	0	0.00
PROFESSIONAL SERVICES	837,622	0.00	0	0.00	0	0.00	0	0.00
BUILDING LEASE PAYMENTS	34,200	0.00	0	0.00	0	0.00	0	0.00
<b>TOTAL - EE</b>	<b>951,922</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>	<b>0</b>	<b>0.00</b>
<b>GRAND TOTAL</b>	<b>\$1,660,942</b>	<b>18.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>
<b>GENERAL REVENUE</b>	<b>\$1,660,942</b>	<b>18.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>		<b>0.00</b>
<b>FEDERAL FUNDS</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>		<b>0.00</b>
<b>OTHER FUNDS</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>	<b>\$0</b>	<b>0.00</b>		<b>0.00</b>