

Role and Overview

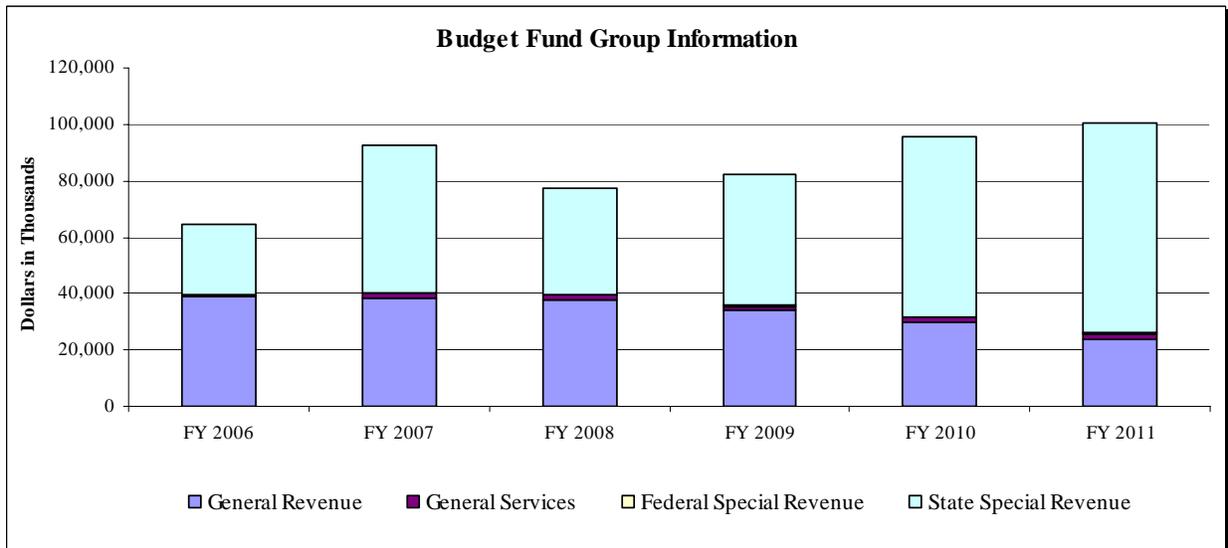
The Public Defender Commission (PUB) provides, supervises, and coordinates legal representation for indigent persons who are charged with a crime and for indigent prisoners who are appealing their convictions, who are seeking post-conviction relief, or who are charged with a violation of parole. The commission also sets rules and regulations governing the provision of indigent defense services, administers state reimbursement to counties for indigent defense expenditures, and passes funding to the Ohio Legal Assistance Foundation. The Office of the Public Defender has 121 employees and an annual operating budget of over \$82 million.

More information regarding the Public Defender Commission is available at <http://www.opd.ohio.gov>.

Agency Priorities

- Ensure quality representation is provided to all indigent persons accused of crime in Ohio.
- Set and enforce rules, standards, and guidelines governing county public defenders and appointed counsel.
- Reimburse counties for a portion of their indigent defense costs.

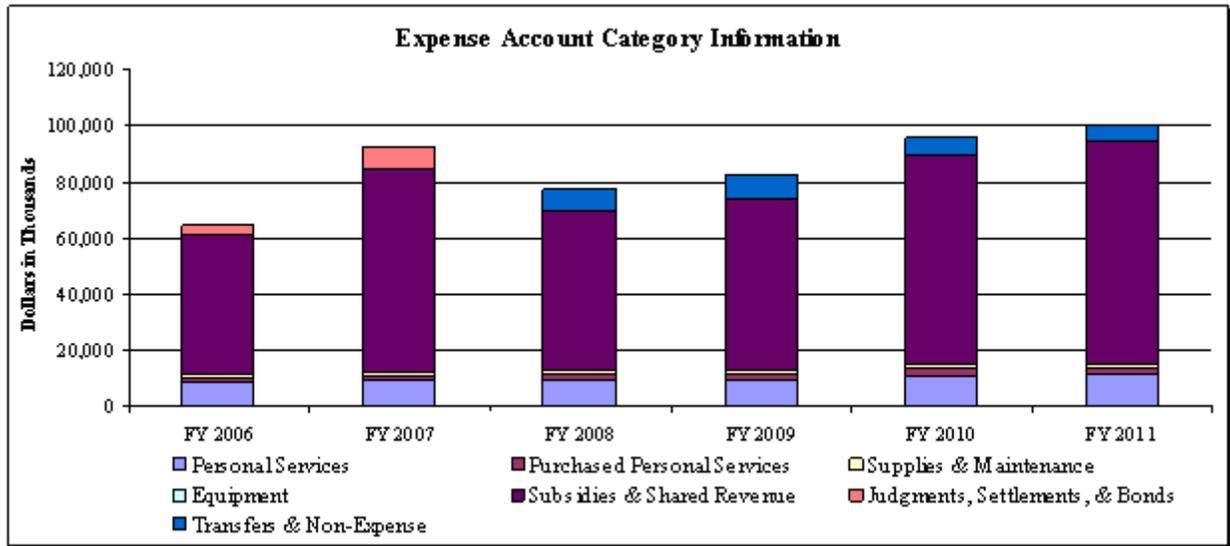
Summary of Budget History and Recommendations



- Due to limited general revenue fund (GRF) resources and in order to decrease PUB’s reliance on the GRF for indigent defense funding, the Executive Budget proposes to increase non-GRF revenue going to PUB through a package of fee changes.
- The package of changes includes increases to court costs in section 2949.091 of the Ohio Revised Code (ORC), the license reinstatement fee in section 4507.45 of the ORC, the license reinstatement fee after a class F suspension in section 4510.22 of the ORC, and the financial responsibility reinstatement fee, along with a new surcharge on surety and appearance bonds.
- These fee changes will result in significantly more non-GRF revenue being available to PUB for county reimbursements and state office funding. The projected reimbursement rate to counties for indigent defense costs in fiscal year 2009 is about 25 percent. With this additional non-GRF revenue, the reimbursement rate is projected to be 42.3 percent in fiscal year 2010 and 44.3 percent in fiscal year 2011.

State of Ohio
Public Defender Commission

(In Thousands) BUDGET FUND GROUP	ACTUAL			EST. FY 2009	% CHANGE FY 08-09	RECOMMENDED			
	FY 2006	FY 2007	FY 2008			FY 2010	% CHANGE	FY 2011	% CHANGE
General Revenue	38,681	38,657	37,915	33,884	-10.6	29,706	-12.3	23,957	-19.4
General Services	426	1,516	1,403	1,511	7.7	1,806	19.5	1,866	3.3
Federal Special Revenue	306	297	260	305	17.4	202	-33.7	212	4.9
State Special Revenue	25,008	52,269	37,625	46,716	24.2	63,829	36.6	74,310	16.4
TOTAL	64,421	92,739	77,203	82,416	6.8	95,543	15.9	100,345	5.0



- Due to changes in the method of coding transactions in the state accounting system, the Transfers & Non-Expense category and Debt Service category expenditures have been aggregated and reported as the Judgments, Settlements and Bonds category in fiscal years 2006 and 2007.

(In Thousands) EXPENSE ACCOUNT CATEGORY	ACTUAL			EST. FY 2009	% CHANGE FY 08-09	RECOMMENDED			
	FY 2006	FY 2007	FY 2008			FY 2010	% CHANGE	FY 2011	% CHANGE
Personal Services	8,496	9,099	9,278	9,584	3.3	11,220	17.1	11,509	2.6
Purchased Personal Services	1,652	2,096	2,216	2,139	-3.5	2,454	14.7	2,567	4.6
Supplies & Maintenance	1,139	1,113	1,067	1,054	-1.2	1,323	25.4	1,331	0.6
Equipment	43	158	63	0	-100.0	28	100.0	28	-1.4
Subsidies & Shared Revenue	49,976	71,908	56,626	61,639	8.9	74,519	20.9	78,911	5.9
Judgments, Settlements, & Bonds	3,116	8,366	0	0	0.0	0	0.0	0	0.0
Transfers & Non-Expense	0	0	7,952	8,000	0.1	6,000	100.0	6,000	0.0
TOTAL	64,421	92,739	77,203	82,416	6.8	95,543	15.9	100,345	5.0

PROGRAM SERIES 01: State Legal Defense Services

This program series provides legal representation and services to indigent adults, juveniles, and incarcerated individuals in state and federal courts when representation is required by Ohio law, the Ohio Constitution, or the United States Constitution.

Program 01.01: Appeals and Postconviction

This program provides legal representation in state and federal courts to indigent persons who claim they are unlawfully incarcerated. The clientele are generally inmates in Ohio's prisons who contact the office to have their cases reviewed. Attorney staff reviews the requests for assistance and determine whether or not the cases have arguable merit. If the case has arguable merit and the office is able to provide assistance, the agency litigates the claim.

The Executive Recommendation will fund the following objectives:

- Legal representation for indigent persons who have had a trial, been found guilty, and claim that they are unlawfully incarcerated, with arguable merit for appeal; and
- Nine staff attorneys and three supervising attorneys who provide representation in over 800 cases per year where the indigent client claims unlawful incarceration.

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2010	FY 2011
GRF	GRF	019401	State Legal Defense Services	1,397,980	1,075,874
GSF	4070	019604	County Representation	70,066	73,966
GSF	4080	019605	Client Payment	72,923	73,371
SSR	5DY0	019619	Indigent Defense Support Fund-State Office	1,106,050	1,544,300
TOTAL FOR PROGRAM				2,647,019	2,767,511

Program 01.02: Death Penalty Representation

This program provides legal counsel to indigent persons charged with or under a sentence of death in Ohio. Services include providing legal counsel to Ohio's death row inmates in direct appeal, state postconviction, federal habeas corpus, and executive clemency. The program also provides legal assistance, criminal investigation, mitigation, and trial services to private appointed attorneys in such cases.

The Executive Recommendation will fund the following objectives:

- Competent legal counsel to indigent persons under a sentence of death, including direct appeal, state post-conviction, federal habeas corpus, and clemency appeals, as well as criminal investigation and mitigation; and
- The Ohio Public Defender's Death Penalty Division, which functions as the resource center for assistance on capital case issues in Ohio.

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2010	FY 2011
GRF	GRF	019401	State Legal Defense Services	1,337,515	968,637
GSF	5CX0	019617	Civil Case Filing Fee	155,022	183,121
FED	3S80	019608	Federal Representation	202,347	212,303
SSR	5DY0	019619	Indigent Defense Support Fund-State Office	1,106,050	1,544,300
TOTAL FOR PROGRAM				2,800,934	2,908,361

Program 01.03: Intake and Prison Services

This program fields and screens requests from inmates for legal assistance, manages the office's legal case filing system, and assigns cases to staff attorneys for review. The program also operates an orientation program for incoming inmates at the Department of Rehabilitation and Correction institutions. In the orientation, inmates are given information regarding their legal rights and responsibilities and afforded an opportunity to speak with an attorney about their case. The program also provides representation in select parole revocation matters.

The Executive Recommendation will fund the following objectives:

- Provide an orientation to all persons processed through the Department of Rehabilitation and Correction intake centers, review each incoming inmate's jail time credit for correctness, evaluate and screen all case inquiries for arguable merit, and maintain records for all persons for whom the Ohio Public Defender has provided representation.

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2010	FY 2011
GRF	GRF	019401	State Legal Defense Services	269,098	215,642
GSF	4080	019605	Client Payment	236,214	246,586
GSF	5CX0	019617	Civil Case Filing Fee	184,689	196,175
TOTAL FOR PROGRAM				690,001	658,403

Program 01.04: Juvenile Legal Assistance

This program provides legal representation and assistance to juveniles on appeal and other post-dispositional issues. Representation ranges from gathering general information for the youth, correcting sentence errors, filing motions in juvenile court, and directly representing youth on appeal. The program also coordinates and provides training to defense attorneys who handle juvenile work, and provides legislative advocacy and information on right-of-counsel issues and other substantive issues involving children in the juvenile justice system.

The Executive Recommendation will fund the following objectives:

- Allow PUB to present an orientation to all youth entering Department of Youth Services state institutions, and to provide each youth with the opportunity to have their case reviewed. The agency will process those cases with the strongest issues and the highest probability for relief.

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2010	FY 2011
GRF	GRF	019401	State Legal Defense Services	308,158	247,598
GSF	5CX0	019617	Civil Case Filing Fee	147,252	155,472
TOTAL FOR PROGRAM				455,410	403,070

Program 01.05: Legal Resource Center

Under this program, the agency maintains a law library and legal resource center as required by Ohio Revised Code 120.04(B)(1). The program maintains a collection of print and electronic media materials for the use by Ohio Public Defender staff, county public defenders, and private counsel appointed to represent indigent persons in criminal cases.

The Executive Recommendation will fund the following objectives:

- Maintain a collection of print and computerized materials to be used by the Columbus office and branch offices; and
- Provide reference and research services to all staff members, as well as county public defenders, appointed counsel, and correctional institution librarians, including answering reference questions and performing specific research.

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2010	FY 2011
GRF	GRF	019401	State Legal Defense Services	222,561	171,724
TOTAL FOR PROGRAM				222,561	171,724

Program 01.06: Trial Services

This program provides direct representation and assistance to local counsel in trial level cases to indigent defendants throughout Ohio. Representation under this program is generally provided when there are no local attorneys qualified to provide representation in the case, no local attorneys are willing to provide representation in the case, or when the local judge requests the office of the Public Defender to provide representation.

The Executive Recommendation will fund the following objectives:

- Provide direct representation or assistance in approximately 30 completed trial level cases involving the death penalty, life in prison, or other serious charges when requested by a local court or county public defender; and
- Provide expert assistance to local trial counsel in complex criminal cases when requested by the local court or local counsel.

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2010	FY 2011
GRF	GRF	019401	State Legal Defense Services	207,345	163,381
GSF	4070	019604	County Representation	126,584	133,177
TOTAL FOR PROGRAM				333,929	296,558

Program 01.07: Investigation Services

This program provides both criminal investigation and mitigation investigation services for Ohio Public Defender staff attorneys on trial and appellate level death penalty and non-death penalty cases in both adult and juvenile courts in Ohio. The program also provides criminal and mitigation investigation services for county public defender attorneys and court appointed attorneys on death penalty and non-death penalty cases in the State of Ohio for indigent defendants.

The Executive Recommendation will fund the following objectives:

- Provide criminal investigation and mitigation services in approximately 120 cases per fiscal year involving death penalty, life without parole, or other serious charges against the defendant; and
- Provide assistance and support and referral services to local defense counsel in a limited number of cases where the defense requires investigative or mitigation services.

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2010	FY 2011
GRF	GRF	019401	State Legal Defense Services	414,085	458,236
TOTAL FOR PROGRAM				414,085	458,236

PROGRAM SERIES 02: County Level Indigent Defense

This program series provides state funding to reimburse counties for a portion of their indigent defense expenditures, and to operate systems in counties that contract with the State Public Defender in lieu of using a direct reimbursement system. Funds are also used to sponsor training programs for attorneys who provide representation to indigent persons in criminal or juvenile matters.

Program 02.01: Indigent Defense Reimbursement

Under this program, the Ohio Public Defender subsidizes counties for the cost of providing counsel to indigent persons in criminal and juvenile matters pursuant to Ohio Revised Code Sections 120.18, 120.28, and 120.33-35. These sections provide that the State Public Defender reimburse the counties 50 percent of the costs of operating their local indigent defense systems, unless the legislature appropriates less funding than needed to reimburse at 50 percent, in which case each county receives a reduced share.

State of Ohio
Public Defender Commission

The Executive Recommendation will fund the following objectives:

- Reimburse counties for approximately 42.3 percent of the cost of providing indigent defense in fiscal year 2010 and 44.3 percent in fiscal year 2011.

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2010	FY 2011
GRF	GRF	019501	County Reimbursement - Non-Capital CS	22,767,720	17,898,638
SSR	5DY0	019618	Indigent Defense Support Fund	27,783,000	37,044,000
TOTAL FOR PROGRAM				50,550,720	54,942,638

Program 02.02: Branch Offices

This program provides representation in counties that elect to contract with the State Public Defender for their indigent defense delivery system. This type of delivery system is used in areas where there is a shortage of attorneys and/or the caseloads do not justify the establishment of a public defender office. The Ohio Public Defender acts as a coordinator and clearinghouse in obtaining and placing attorneys in an area where there is a need, thereby achieving the cost efficiencies that derive from a public defender office system. Counties participating in this program pay a share of the cost equivalent to the statewide reimbursement rate.

The Executive Recommendation will fund the following objectives:

- Fund local indigent defense programs in ten counties that participate in the Multi-County Office and Trumbull County Office at a level of 42.3 percent in fiscal year 2010 and 44.3 percent in fiscal year 2011.

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2010	FY 2011
GRF	GRF	019403	Multi-County: State Share	1,308,201	1,456,835
GRF	GRF	019404	Trumbull County-State Share	430,217	467,727
SSR	4C70	019601	Multi-County: County Share	2,227,056	2,384,210
SSR	4X70	019610	Trumbull County-County Share	732,393	765,467
TOTAL FOR PROGRAM				4,697,867	5,074,239

Program 02.03: Pro-Bono Training

This program provides continuing legal education training programs to public defenders and private counsel who provide representation to indigent persons in criminal and juvenile matters. Public defenders may attend the seminars at no cost. Private counsel may attend the seminars in exchange for providing free representation to an indigent person in a criminal or juvenile matter.

The Executive Recommendation will fund the following objectives:

- Provide free training to approximately 160-170 county public defenders and private attorneys who practice criminal defense law. Private attorneys receive free training in exchange for providing one pro bono case for every seminar attended.

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2010	FY 2011
GRF	GRF	019405	Training Account	50,000	50,000
TOTAL FOR PROGRAM				50,000	50,000

PROGRAM SERIES 03: Ohio Legal Assistance Foundation

This program series helps support the Ohio Legal Assistance Foundation and Ohio's civil legal aid societies. The program receives revenue from three dedicated revenue sources: Interest on Lawyers Trust Accounts (IOLTA), Interest on Real Estate Escrow Accounts (IOTA), and civil filing fees. The funds are used for civil legal services for Ohio's poorer citizens.

Program 03.01: Ohio Legal Assistance Foundation

Under this program, the Ohio Public Defender distributes funds from three dedicated funding sources to the Ohio Legal Assistance Foundation and to several civil legal aid societies in Ohio. The Foundation in turn provides statewide advocacy and support for the legal aid societies. The legal aid societies provide representation to low-income persons with civil legal needs.

The Executive Recommendation will fund the following objectives:

- Support the Ohio Legal Assistance Foundation, which provides grants to legal aid societies; and
- Allow the Ohio Public Defender to make required disbursements from the Legal Aid Fund to the Ohio Legal Assistance Foundation and the qualifying local Legal Aid Societies.

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2010	FY 2011
SSR	5740	019606	Legal Services Corporation	30,000,000	30,000,000
TOTAL FOR PROGRAM				30,000,000	30,000,000

PROGRAM SERIES 04: Program Management

This program series provides administrative services for the Office of the Ohio Public Defender.

Program 04.01: Program Management

This program provides budgeting, accounting, personnel, computer, information systems, and general office management services to the agency. In addition, the program provides several services mandated in Ohio Revised Code Chapter 120, including collecting reimbursement from the counties for legal services and processing reimbursement payments to counties for their indigent defense costs. The program also provides technical assistance to counties that wish to examine and improve their indigent defense systems.

The Executive Recommendation will fund the following objectives:

- Continue to provide administrative services such as budgeting, accounting, personnel and training, human resource management, computer information systems, and general office services to the entire agency;
- Support the processing of reimbursement payments to counties and the collection of payment from counties for legal services performed by PUB; and
- Fund educational seminars and conferences and maintain the agency library.

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2010	FY 2011
GRF	GRF	019321	Public Defender Administration	772,500	612,600
GRF	GRF	019401	State Legal Defense Services	220,758	170,308
GSF	4080	019605	Client Payment	556,661	566,543
GSF	5CX0	019617	Civil Case Filing Fee	256,113	237,353
SSR	5DY0	019619	Indigent Defense Support Fund-State Office	874,900	1,027,400
TOTAL FOR PROGRAM				2,680,932	2,614,204

LINE ITEM SUMMARY - Public Defender Commission

FUND	ALI	ALI NAME	FY 2006 ACTUAL	FY 2007 ACTUAL	FY 2008 ACTUAL	FY 2009 ESTIMATE	FY 2010 RECOMMENDED	% CHANGE	FY 2011 RECOMMENDED	% CHANGE
GRF	019321	Public Defender Administration	1,289,282	1,263,331	1,252,281	1,227,509	772,500	-37.1	612,600	-20.7
GRF	019401	State Legal Defense Services	5,708,060	5,667,108	5,838,191	5,714,832	4,377,500	-23.4	3,471,400	-20.7
GRF	019403	Multi-County: State Share	733,007	807,471	750,209	712,239	1,308,201	83.7	1,456,835	11.4
GRF	019404	Trumbull County-State Share	240,319	255,478	236,929	227,522	430,217	89.1	467,727	8.7
GRF	019405	Training Account	29,745	32,204	25,031	30,450	50,000	64.2	50,000	0.0
GRF	019501	County Reimbursement - Non-Capital CS	30,060,000	30,000,000	29,812,630	25,971,394	22,767,720	-12.3	17,898,638	-21.4
GRF	019504	Reimbursement Mandate Assistance	620,491	631,840	0	0	0	.0	0	.0
TOTAL General Revenue			38,680,904	38,657,432	37,915,269	33,883,946	29,706,138	-12.3	23,957,200	-19.4
1010	019602	Inmate Legal Assistance	50,078	30,472	114	17,557	0	-100.0	0	.0
4060	019603	Training and Publications	0	16,000	0	0	0	.0	0	.0
4070	019604	County Representation	167,176	207,794	196,448	217,980	196,650	-9.8	207,143	5.3
4080	019605	Client Payment	197,701	713,998	586,827	547,769	865,798	58.1	886,500	2.4
5CX0	019617	Civil Case Filing Fee	10,830	547,233	619,343	727,659	743,076	2.1	772,121	3.9
TOTAL General Services			425,785	1,515,497	1,402,731	1,510,965	1,805,524	19.5	1,865,764	3.3
3S80	019608	Federal Representation	305,784	297,290	260,076	305,419	202,347	-33.7	212,303	4.9
TOTAL Federal Special Revenue			305,784	297,290	260,076	305,419	202,347	-33.7	212,303	4.9
4C70	019601	Multi-County: County Share	1,962,234	1,981,263	2,159,712	2,284,840	2,227,056	-2.5	2,384,210	7.1
4X70	019610	Trumbull County-County Share	624,033	633,309	686,447	731,000	732,393	0.2	765,467	4.5
5740	019606	Legal Services Corporation	22,421,963	49,654,424	34,778,871	40,000,000	30,000,000	-25.0	30,000,000	0.0
5DY0	019618	Indigent Defense Support Fund	0	0	0	3,700,000	27,783,000	650.9	37,044,000	33.3
5DY0	019619	Indigent Defense Support Fund- State Office	0	0	0	0	3,087,000	.0	4,116,000	33.3
TOTAL State Special Revenue			25,008,230	52,268,996	37,625,030	46,715,840	63,829,449	36.6	74,309,677	16.4
TOTAL Public Defender Commission			64,420,704	92,739,214	77,203,106	82,416,170	95,543,458	15.9	100,344,944	5.0