

**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/index.htm>.



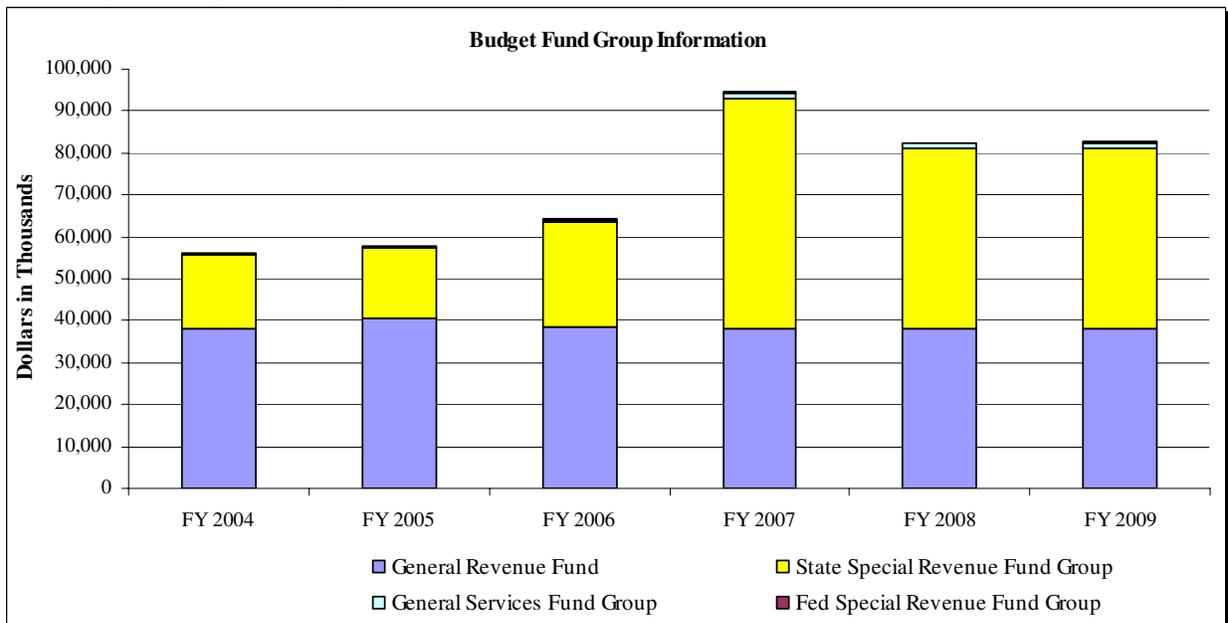
**Turnaround Ohio Initiatives**

- Develop a performance contract to set priorities in line with Turnaround Ohio strategies to fund results.
- Operate the Office of the Public Defender with a high level of transparency and accountability to Ohio citizens.

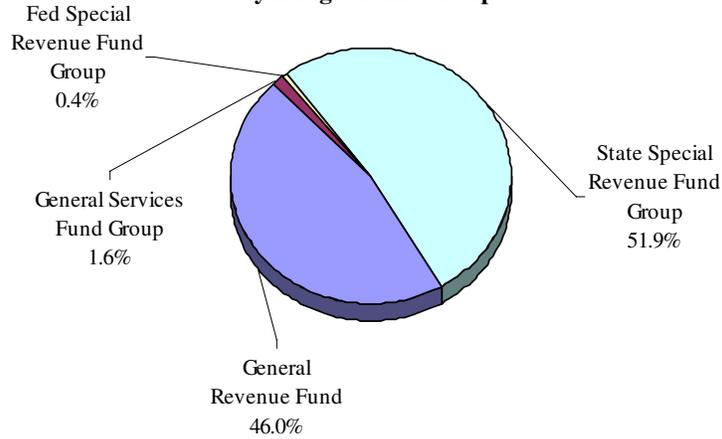
**Agency Priorities**

- 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**

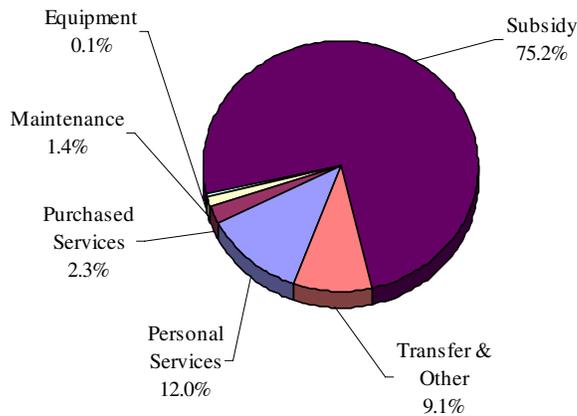


**FY 2008-09 Biennial Appropriation  
by Budget Fund Group**



(In thousands) BUDGET FUND GROUP	ACTUAL			ESTIMATE FY 2007	% CHANGE FY 06-07	RECOMMENDED			
	FY 2004	FY 2005	FY 2006			FY 2008	% CHANGE	FY 2009	% CHANGE
General Revenue Fund	38,306	40,485	38,681	38,078	(1.6)	38,078	.0	38,078	.0
General Services Fund Group	420	307	426	1,445	239.4	1,274	(11.8)	1,337	5.0
Fed Special Revenue Fund Group	190	309	306	315	3.1	351	11.3	365	4.0
State Special Revenue Fund Group	17,236	16,762	25,008	54,770	119.0	42,878	(21.7)	43,019	.3
<b>TOTAL</b>	<b>56,152</b>	<b>57,863</b>	<b>64,421</b>	<b>94,608</b>	<b>46.9</b>	<b>82,581</b>	<b>(12.7)</b>	<b>82,800</b>	<b>.3</b>

**FY 2008-09 Biennial Appropriation  
by Expense Category**



**State of Ohio**  
**Public Defender Commission**

(In thousands) OBJECT OF EXPENSE	ACTUAL			ESTIMATE FY 2007	% CHANGE FY 06-07	RECOMMENDED			
	FY 2004	FY 2005	FY 2006			FY 2008	% CHANGE	FY 2009	% CHANGE
Personal Services	8,394	8,340	8,496	9,038	6.4	9,668	7.0	10,102	4.5
Purchased Services	1,616	1,529	1,652	2,307	39.7	1,880	(18.5)	1,921	2.1
Maintenance	1,267	1,053	1,139	1,224	7.4	1,186	(3.1)	1,191	.5
Equipment	118	42	43	57	34.3	44	(23.0)	44	.5
Subsidy	44,100	46,218	49,976	74,764	49.6	62,303	(16.7)	62,041	(.4)
Transfer & Other	657	680	3,116	7,218	131.7	7,500	3.9	7,500	.0
<b>TOTAL</b>	<b>56,152</b>	<b>57,863</b>	<b>64,421</b>	<b>94,608</b>	<b>46.9</b>	<b>82,581</b>	<b>(12.7)</b>	<b>82,800</b>	<b>.3</b>

**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 review 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 provision of 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
- Support 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 2008	FY 2009
GRF	GRF	019-401	State Legal Defense Services	1,969,811	2,034,917
GSF	408	019-605	Client Payments	75,677	78,711
<b>TOTAL FOR PROGRAM</b>				<b>2,045,488</b>	<b>2,113,628</b>

**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:**

- Provide 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

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- Support 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 2008	FY 2009
GRF	GRF	019-401	State Legal Defense Services	1,758,986	1,821,490
GSF	5CX	019-617	Civil Case Filing Fee	142,715	148,627
FED	3S8	019-608	Federal Representation	350,948	364,917
<b>TOTAL FOR PROGRAM</b>				<b>2,252,649</b>	<b>2,335,034</b>

**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:**

- Provide 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
- Support 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 2008	FY 2009
GRF	GRF	019-401	State Legal Defense Services	374,857	387,901
GSF	101	019-602	Inmate Legal Assistance	33,338	34,638
GSF	408	019-605	Client Payments	228,145	71,192
GSF	5CX	019-617	Civil Case Filing Fee	170,490	344,076
<b>TOTAL FOR PROGRAM</b>				<b>806,830</b>	<b>837,807</b>

**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:**

- 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 2008	FY 2009
GRF	GRF	019-401	State Legal Defense Services	452,104	469,051
<b>TOTAL FOR PROGRAM</b>				<b>452,104</b>	<b>469,051</b>

**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:**

- Continue to 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 2008	FY 2009
GRF	GRF	019-321	Public Defender Administration	3,610	3,610
GRF	GRF	019-401	State Legal Defense Services	206,455	212,419
<b>TOTAL FOR PROGRAM</b>				<b>210,065</b>	<b>216,029</b>

**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:**

- 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 2008	FY 2009
GRF	GRF	019-401	State Legal Defense Services	153,988	159,872
Gsf	407	019-604	County Representation	219,800	227,500
<b>TOTAL FOR PROGRAM</b>				<b>373,788</b>	<b>387,372</b>

**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:**

- 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.

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FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2008	FY 2009
GRF	GRF	019-401	State Legal Defense Services	802,715	831,611
<b>TOTAL FOR PROGRAM</b>				<b>802,715</b>	<b>831,611</b>

**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.

**The Executive Recommendation will:**

- Reimburse counties for approximately 25.3 percent of the cost of providing indigent defense in fiscal year 2008 and 23.8 percent in fiscal year 2009.

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2008	FY 2009
GRF	GRF	019-501	County Reimbursement	29,834,251	29,572,857
<b>TOTAL FOR PROGRAM</b>				<b>29,834,251</b>	<b>29,572,857</b>

**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 local indigent defense programs in ten counties that participate in the Multi-County Office and Trumbull County Office at a level of 25.3 percent in fiscal year 2008 and 23.8 percent in fiscal year 2009.

FUND				RECOMMENDED	
GROUP	FUND	ALI	ALI NAME	FY 2008	FY 2009
GRF	GRF	019-403	Multi-County: State Share	766,402	762,727
GRF	GRF	019-404	Trumbull County - State Share	244,816	243,650
SSR	4C7	019-601	Multi-County- County Share	2,181,300	2,288,200
SSR	4X7	019-610	Trumbull County - County Share	696,800	731,000
<b>TOTAL FOR PROGRAM</b>				<b>3,889,318</b>	<b>4,025,577</b>

**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:**

- 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 2008	FY 2009
GRF	GRF	019-405	Training Programs	31,324	31,324
<b>TOTAL FOR PROGRAM</b>				<b>31,324</b>	<b>31,324</b>

**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:**

- 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 2008	FY 2009
SSR	574	019-606	Civil Legal Aid	39,993,881	39,993,619
<b>TOTAL FOR PROGRAM</b>				<b>39,993,881</b>	<b>39,993,619</b>

**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:**

- 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 2008	FY 2009
GRF	GRF	019-321	Public Defender Administration	1,283,794	1,343,460
GRF	GRF	019-401	State Legal Defense Services	195,107	203,331
GSF	408	019-605	Client Payments	307,715	326,857
GSF	5CX	019-617	Civil Case Filing Fee	96,032	105,697
SSR	574	019-606	Civil Legal Aid	6,119	6,381
<b>TOTAL FOR PROGRAM</b>				<b>1,888,767</b>	<b>1,985,726</b>

## LINE ITEM SUMMARY - Public Defender Commission

FUND	ALI	ALI TITLE	FY 2004 ACTUAL	FY 2005 ACTUAL	FY 2006 ACTUAL	FY 2007 ESTIMATE	FY 2008 RECOMMENDED	% CHANGE	FY 2009 RECOMMENDED	% CHANGE
GRF	019-321	Public Defender Administration	1,431,860	1,256,538	1,289,282	1,262,438	1,287,404	2.0	1,347,070	4.6
GRF	019-401	State Legal Defense Services	5,877,539	5,606,798	5,708,060	5,704,117	5,914,023	3.7	6,120,592	3.5
GRF	019-403	Multi-County: State Share	838,490	830,223	733,007	823,621	766,402	(6.9)	762,727	(.5)
GRF	019-404	Trumbull County - State Share	287,224	268,212	240,319	256,380	244,816	(4.5)	243,650	(.5)
GRF	019-405	Training Programs	30,000	31,050	29,745	31,324	31,324	.0	31,324	.0
GRF	019-501	County Reimbursement	29,055,527	30,618,206	30,060,000	30,000,000	29,834,251	(.6)	29,572,857	(.9)
GRF	019-503	Cty Reimbursement - Capital	785,624	726,000	0	0	0	.0	0	.0
GRF	019-504	Reimbursement:Mandate Assistance	0	1,147,719	620,491	0	0	.0	0	.0
<b>TOTAL General Revenue Fund</b>			<b>38,306,264</b>	<b>40,484,746</b>	<b>38,680,904</b>	<b>38,077,880</b>	<b>38,078,220</b>	<b>.0</b>	<b>38,078,220</b>	<b>.0</b>
101	019-602	Inmate Legal Assistance	22,406	51,154	50,078	32,338	33,338	3.1	34,638	3.9
406	019-603	Training and Publications	0	0	0	16,000	0	(100.0)	0	.0
407	019-604	County Representation	140,415	94,723	167,176	188,810	219,800	16.4	227,500	3.5
408	019-605	Client Payments	257,383	161,096	197,701	650,966	611,537	(6.1)	476,760	(22.0)
5CX	019-617	Civil Case Filing Fee	0	0	10,830	556,800	409,237	(26.5)	598,400	46.2
<b>TOTAL General Services Fund Group</b>			<b>420,204</b>	<b>306,973</b>	<b>425,785</b>	<b>1,444,914</b>	<b>1,273,912</b>	<b>(11.8)</b>	<b>1,337,298</b>	<b>5.0</b>
3S8	019-608	Federal Representation	189,639	309,259	305,784	315,287	350,948	11.3	364,917	4.0
<b>TOTAL Fed Special Revenue Fund Group</b>			<b>189,639</b>	<b>309,259</b>	<b>305,784</b>	<b>315,287</b>	<b>350,948</b>	<b>11.3</b>	<b>364,917</b>	<b>4.0</b>
4C7	019-601	Multi-County- County Share	1,719,998	1,762,112	1,962,234	2,104,368	2,181,300	3.7	2,288,200	4.9
4X7	019-610	Trumbull County - County Share	587,041	583,326	624,035	665,860	696,800	4.6	731,000	4.9
574	019-606	Civil Legal Aid	14,928,584	14,417,013	22,421,964	52,000,000	40,000,000	(23.1)	40,000,000	.0
<b>TOTAL State Special Revenue Fund Group</b>			<b>17,235,623</b>	<b>16,762,451</b>	<b>25,008,233</b>	<b>54,770,228</b>	<b>42,878,100</b>	<b>(21.7)</b>	<b>43,019,200</b>	<b>.3</b>
<b>TOTAL Public Defender Commission</b>			<b>56,151,730</b>	<b>57,863,429</b>	<b>64,420,706</b>	<b>94,608,309</b>	<b>82,581,180</b>	<b>(12.7)</b>	<b>82,799,635</b>	<b>.3</b>

\*\* Please see the Appropriation Line Item analysis for further detail.