

2007 Census of Public Defender Offices

GENERAL INFORMATION

1. What is the geographic jurisdiction served by this office (*Mark (X) one only*)

Part of a county (e.g. a city or town)

Entire county

Multiple counties (*If this program serves multiple counties, please list the names of the counties served.*)

a. _____

b. _____

c. _____

d. _____

e. _____

Judicial district/judicial circuit

Entire state

Other (Describe) _____

2. Your public defender office is.... (*Mark (X) one only*):

Part of the state or county judicial branch

Part of the state or county executive branch

An independent and/or nonprofit organization

Other (*Describe*) _____

3. During the past year, did any indigent defense programs, outside of this office, serve this jurisdiction?

Yes ___

No (*Skip to question #4*)

3a. Please mark all that apply

Public Defender

Assigned Counsel

Contract Program

TOTAL OPERATING EXPENDITURES

(The total budget of the office for indigent defense functions, excluding any fixed capital costs incurring during the year)

4. During your past fiscal year, how much did your office spend to provide criminal defense services to indigent defendants?

\$ _____ .00 Estimate

5. Do the total operating expenditures entered in # 4 include funding for any of the following?

- | | | |
|------------|-----------|--------------------------|
| <u>Yes</u> | <u>No</u> | <u>Type of Service</u> |
| | | A. Expert services |
| | | B. Investigator services |
| | | C. Interpreter services |
| | | D. Transcript services |
| | | E. Social services |

6. What percentage of the total operating expenditures entered in # 4 came directly from each of the following sources? (If you are unable to provide the actual percentage, please provide your best estimate. If none, enter "0".)

| | |
|--------------------|---|
| <u>Percentage</u> | <u>Source</u> |
| _____ % | A. State |
| _____ % | B. County |
| _____ % | C. City or town |
| _____ % | D. Federal government (including Byrne Justice Assistance Grants) |
| _____ % | E. Other (Describe) _____ |
| <hr/> | |
| <u>100%</u> | Total |

STAFFING

7-8. How many of the following types of staff members currently work in your office? "Part time" refers to any employee who works fewer hours than the program's standard work week. (If you are unable to provide the actual number, please provide your best estimate. If none, enter "0".)

| | | |
|--------------------------------------|--------------------------------|--------------------------------|
| <u>Primary Responsibility</u> | <u>Number full-time</u> | <u>Number part-time</u> |
| A. Chief public defender | _____ | _____ |
| B. Assistant public defenders | _____ | _____ |

- Any employee of the public defender program licensed to practice law or who has applied for admission to the bar, and who primarily litigates cases. *Excludes*

attorneys in non-litigating positions.

| | | |
|---|-------|-------|
| C. Supervisory attorneys | _____ | _____ |
| • Attorneys in managerial positions who <i>litigate</i> cases. | | |
| D. Managers | _____ | _____ |
| • Attorneys or non-attorneys in primarily managerial or supervisory positions who <i>do not litigate</i> cases. | | |
| E. Investigators (not on contract) | _____ | _____ |
| F. Social workers | _____ | _____ |
| G. Paralegals | _____ | _____ |
| H. Indigency Screeners/Analysts | _____ | _____ |
| I. Support Staff | _____ | _____ |
| • includes administrative staff, computer personnel, fiscal officers, and training directors | | |
| J. Law Student Interns | _____ | _____ |
| K. Other (<i>Describe</i>)_____ | _____ | _____ |
| _____ | | |
| <hr/> | | |
| L. Total Staff | _____ | _____ |

9-10. Please enter your office salary schedule for the following full-time positions at the end of the last fiscal year.

| <u>Position</u> | <u>Minimum</u> | <u>Maximum</u> | <u>No Such Position</u> |
|---|-----------------------|-----------------------|--------------------------------|
| A. Assistant Public Defenders (entry level) | \$_____ .00 | \$_____ .00 | |
| B. Assistant Public Defenders | \$_____ .00 | \$_____ .00 | |

(at least 5 years experience)

C. Supervisory attorneys \$_____.00 \$_____.00

11. What is the average length of service for assistant public defenders in your office?
_____years

12. How long has the current chief public defender been in office?
_____years
_____months

13. How is the chief public defender in your office selected? (Mark (X) one only)

- Elected
- Gubernatorial appointment
- Judicial appointment
- Appointment by county executive
- Appointment by county board
- Appointment by program advisory board
- Appointment by independent board or commission
- Other (Describe)_____

14. Does the chief public defender in your office carry a caseload?

Yes → Please specify the number of cases that the chief public defender was assigned during the last fiscal year
_____ cases

No

15. What was the annual salary of the chief public defender in your office during the past fiscal year?

\$_____.00

CASELOAD

16. Does your office have the responsibility for handling the following types of cases for indigent defendants? (Mark (X) yes/no for each type of case)

- | | | |
|------------|-----------|---|
| <u>Yes</u> | <u>No</u> | <u>Criminal Cases</u> |
| | | A. Felony capital (death penalty) |
| | | B. Felony non-capital |
| | | C. Misdemeanors that carry a jail sentence |
| | | D. Misdemeanors that do not carry a jail sentence |
| | | E. Ordinance infraction |
| | | F. Appeal |
| | | G. Probation revocation |

- H. Parole revocation
- Juvenile Related Cases
- I. Juvenile delinquency
- J. Delinquency appeals

Yes No

- K. Juvenile proceeded against in adult criminal court
- L. Juvenile status offense (e.g. underage liquor law violation, truancy)
- M. Juvenile transfer/waiver hearings
- N. Child protection/dependency cases (Child-in-Need-of-Aid)
- O. Termination of parental rights
- Civil Cases
- P. Mental commitment
- Q. State post-conviction/habeas corpus
- R. Federal habeas corpus

17. How many of each of the following types of cases involving indigent defendants did your program receive during the past year? (If you are unable to provide the actual number, please provide your best estimate. If none, enter "0".)

| <u>Type of Case</u> | <u>Number of Cases Received</u> | |
|---|---------------------------------|----------|
| A. Felony-Capital (Death Penalty) | _____ cases | Estimate |
| B. Felony-Non-Capital | _____ cases | Estimate |
| C. Misdemeanor cases | _____ cases | Estimate |
| E. Total Juvenile-Related | _____ cases | Estimate |
| (including juvenile delinquency delinquency appeals, status offenses, transfer/waiver hearings) | | |
| F. Total Civil | _____ cases | Estimate |
| (including mental commitment, state post-conviction/habeas corpus, federal habeas corpus) | | |
| G. TOTAL CASES | _____ cases | Estimate |
| (Sum of A-F) | | |

18. Did your office handle any of the following types of identity theft cases during the past year?

- | <u>Yes</u> | <u>No</u> | <u>Charges</u> |
|------------|-----------|----------------------------|
| | | A. Credit card fraud |
| | | B. Internet identity theft |
| | | C. Embezzlement charges |
| | | D. Mail fraud |
| | | E. Bank fraud |
| | | F. Stolen checks |

19. Does your office have any formally established caseload limits?

- Yes
- No

20. On a regular basis, does your office have the ability to request caseload assistance from outside defense services such as contract or pro bono attorneys.

- Yes
- No

Non-Capital Felony Representation

21. During the past year did your office handle non-capital felony cases?

- Yes
- No (skip to question # 24)

22. In non-capital felony cases, what is the requirement for when a representative from your office (attorney, investigator, paralegal etc.) must first contact the client? (*Mark (x) only one.*)

- Within 24 hours of appointment
- Within 48 hours of appointment
- Within 72 hours of appointment
- Prior to the first court appearance or detention hearing
- At first court appearance or detention hearing
- Prior to the preliminary hearing
- At the preliminary hearing
- At trial
- Other (*Describe*) _____

23. How are non-capital felony cases routinely handled by your office (*Mark (x) only one.*)

- Assigned to an attorney who handles the case through disposition (vertical representation)
- Handled by one attorney at arraignment, then assigned to another attorney for the duration of the case

Assigned to different attorneys at various stages of the case (horizontal representation)

Other (*Describe*) _____

Death Penalty Representation

24. During the past year did your office handle capital cases?

Yes

No (skip to question # 28)

24. During the past fiscal year, how many death penalty cases did your office handle in which a jury was empaneled? (*If you can only provide an estimate, please mark (X) next to your answer*)

Number of cases: _____

25. Does your office have a specialized death penalty unit for the following types of death penalty cases? (*Mark one (x) for each type of case*)

| <u>Type of Case</u> | <u>Office Doesn't</u> | |
|--------------------------|-----------------------|----------------------------------|
| | <u>Yes</u> | <u>No Provide Representation</u> |
| A. Trial level | | |
| B. Direct appeal | | |
| C. State post-conviction | | |
| D. Federal habeas corpus | | |

27. During the past year, what were the total expenditures for death penalty case representation in your office? (*If you can only provide an estimate, please mark (X) next to your answer. If none, enter "0".*)

\$ _____ .00. Estimate

INDIGENCY DETERMINATION

28. In your jurisdiction, are formal, written criteria used in the indigency determination process?

Yes

No (*Skip to question #32*)

29. Who is responsible for this screening? (Mark (x) all that apply)

A. Public defender or other indigent defense provider

B. Judge

C. Court Personnel (including AOC personnel)

D. Pretrial services or probation officers

E. Other (*Describe*) _____

30. Are any of the following sources used as grounds with which to qualify a defendant for public counsel representation?

Yes No

- A. Income level
- B. Receipt of public assistance
- C. Amount of debt
- D. Residence in a public mental hospital or other correctional institution
- E. Judge's decision based on defendant testimony
- F. Unsworn application or statement from the defendant
- G. Sworn application or statement from the defendant
- H. Other (*Describe*) _____

COST RECOVERY/RECOUPMENT

31. Does your court system require indigent criminal defendants to pay expenses or fees?

Yes

No (*Skip to question # 33*)

32. Which of the following fees might a criminal indigent defendant be required to pay?

Yes No Fee Type

- A. Application or administrative fee
- B. Attorney fee
- C. Court related expense
- D. Facilities/Jail fees
- E. Standard fee established by statute
- F. Expert witness fee
- G. Fees assessed post-conviction
- H. Other (*Describe*) _____

STANDARDS AND GUIDELINES

33. Does your office have any written standards or guidelines pertaining to indigent defense representation in any of the following areas?

Yes No Type of Area

- A. Personnel policies and procedures
- B. Attorney qualifications
- C. Caseload/workload
- D. Conflict of interest
- E. Training

- F. Attorney performance
- G. Indigency screening
- H. Cost recovery/recoupment
- I. Compensation for court-appointed counsel
- J. Administration of indigent defense services in your jurisdiction
- K. Compensation/procedures for non-attorney services
- L. Other (specify)_____
- M. No written standards or guidelines (*Skip to question # 38*)

34. What was the source(s) of these standards? (*Mark (X) to all that apply*)

- A. County
- B. State supreme court
- C. Statute
- D. Governing Board/Commission
- E. State or local bar association
- F. State indigent defense office
- G. Public defender organization
- H. Your office
- I. Other (specify) _____

35. Is compliance with these standards voluntary or mandatory?

- Voluntary (*Skip to question #38*)
- Mandatory

36. Who is responsible for monitoring compliance with these standards?

(*Mark (x) all that apply*)

- A. State supreme court
- B. presiding court judge
- B. Indigent defense commission
- C. Your office
- D. State or local bar association
- E. Other (*Describe*)_____

37. Is compliance with these standards tied to funding?

- Yes
- No

TRAINING

38. Does your office require specialized training for attorneys in the following areas?

- | | | |
|------------|-----------|--------------------------------|
| <u>Yes</u> | <u>No</u> | <u>Type of Case</u> |
| | | A. Death penalty trial defense |
| | | B. Death penalty appeal |
| | | C. Non-capital felony |

- D. Misdemeanor
 - E. Juvenile delinquency
 - F. Juvenile transfers to adult criminal court
 - G. Appellate cases
 - H. Dependency/mental illness cases
 - H. Other (*Describe*)_____
-

COMPUTER RESOURCES –

39. Does your office utilize an electronic Management Information System (MIS) program?

- Yes
- No (*Skip to question #46*)

40. Are any of the following types of information gathered as components of your MIS? (*Mark (X) all that apply*)

| <u>Yes</u> | <u>No</u> | <u>Type of Data</u> |
|------------|-----------|--|
| | | A. Referral and assignment information |
| | | B. Client background information |
| | | B. Client criminal history record |
| | | C. Case information (e.g. charges, facts, etc) |
| | | D. Information on other persons involved in the case |
| | | E. Client contacts |
| | | F. Court information |
| | | G. Criminal justice personnel information |
| | | H. Attorney schedule |
| | | I. Attorney case history |
| | | J. Social worker information |
| | | K. Office accounting |
| | | L. Other (<i>Describe</i>)_____ |

42. Does your office have access to any of the following online resources?

| <u>Yes</u> | <u>No</u> | <u>Resource</u> |
|------------|-----------|-----------------------------------|
| | | A. JustWare Defender |
| | | B. Westlaw |
| | | C. Lexis Nexis |
| | | D. Juris Pro |
| | | E. Native Legal Net |
| | | F. Other (<i>Describe</i>)_____ |

41. Is your office part of an integrated computerized system with any of the following criminal justice agencies?

| <u>Yes</u> | <u>No</u> | <u>Resource</u> |
|------------|-----------|------------------------------------|
| | | A. Law enforcement |
| | | B. Courts |
| | | C. Pretrial service agency |
| | | D. Prosecutor's office |
| | | E. Corrections |
| | | F. Other (<i>Describe</i>) _____ |
| <hr/> | | |

CONFLICTS

43. In felony cases involving more than one indigent defendant, is the second defendant also represented by your program?

- Yes
- No

44. In felony cases involving more than one indigent defendant, when are separate counsel appointed for each defendant? (*Mark (x) all that apply*)

- A. In every instance of co-defendant, at all proceedings
- B. In every instance of co-defendant, at all proceedings except for first appearance
- C. When the initially appointed attorney requests separation of defendants
- D. When requested by defendants
- E. At the direction of the court
- F. Other (*Describe*) _____

45. If your office cannot provide representation due to a conflict of interest or insufficient staff, how is a conflict attorney obtained (*Mark (x) all that apply*)

- A. Jurisdictional conflict public defender office
- B. State conflict public defender office
- C. Previously established contract with private attorney
- D. Case-by-case contract with private attorney
- E. Assigned counsel program administered through your office
- F. Assigned counsel program administered through the court