

# **LSC Greenbook**

**Analysis of the Enacted Budget**

**Ohio Public Defender Commission**

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August 2013

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Budget Spreadsheet By Line Item	

# Ohio Public Defender Commission

- County reimbursement rate expected to be about 40%
- Civil Legal Aid revenues increase
- Funding supports continuation of existing service levels

## OVERVIEW

### Agency Overview

The Ohio Public Defender Commission provides, supervises, and coordinates legal representation for persons who cannot afford to hire an attorney to represent that person in criminal court.<sup>1</sup> Arguably, from a fiscal perspective, the Commission's most significant role is as administrator of the subsidy program that partially reimburses counties for indigent defense expenditures related to the operation of local public defender offices or the use of appointed counsel.

Other notable Commission activities include: (1) establishing the standards and guidelines for county public defenders and appointed counsel, (2) providing technical assistance to county public defenders and appointed counsel, (3) providing legal services to inmates at the state's correctional facilities, trial-level representation in some capital cases, and appellate and post-appeals representation in capital and noncapital cases, and (4) administering funds for the purpose of providing financial assistance to legal aid societies throughout the state.

### Appropriation Overview

Table 1 below summarizes the Commission's budget by fund group.

Fund Group	FY 2013*	FY 2014	% change, FY 2013-FY 2014	FY 2015	% change, FY 2014-FY 2015
General Revenue	\$6,564,138	\$14,430,966	119.9%	\$14,566,485	0.9%
General Services	\$1,562,047	\$1,808,429	15.8%	\$1,805,655	-0.2%
State Special Revenue	\$60,640,204	\$68,464,005	12.9%	\$69,794,850	1.9%
Federal Special Revenue	\$161,482	\$308,656	91.1%	\$306,892	-0.6%
<b>TOTAL</b>	<b>\$68,927,870</b>	<b>\$85,012,056</b>	<b>23.3%</b>	<b>\$86,473,882</b>	<b>1.7%</b>

\*FY 2013 figures represent actual expenditures.

<sup>1</sup> The Commission was created effective January 13, 1976 pursuant to H.B. 164 of the 111th General Assembly.

To support the Commission's services and activities, the budget provides FY 2014 appropriations totaling \$85.0 million, an increase of \$16.1 million, or 23.3%, from FY 2013 expenditures totaling \$68.9 million. For FY 2015, the budget appropriates a total of \$86.5 million, an increase of \$1.5 million, or 1.7%, from the FY 2014 total appropriation. Of note is that the Commission budget for the FY 2014-FY 2015 biennium contains GRF appropriations that are more than double the amount of GRF expended in FY 2013, from \$6.6 million in FY 2013 to \$14-plus million in both FY 2014 and FY 2015. Virtually all of that increase in GRF funding will be used for the purpose of increasing the rate at which the state reimburses counties for the provision of criminal indigent defense services, from 35% in FY 2013 to around 40% in both FY 2014 and FY 2015.

### County Indigent Defense Services Delivery Systems

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

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

The board of county commissioners in each county determines the method of providing indigent defense services. Currently, counties use one of four methods: court-appointed counsel (40), county public defenders (28), contract with the state's Office of the Ohio Public Defender (11), or contract with nonprofit corporations (9).

### Staffing Levels

Table 2 below summarizes the number of staff that the Commission paid, or will pay, on the last pay period of FY 2008 through FY 2015. Two facets of this data can be highlighted. First, its total number of staff has been relatively stable running between 120 and 130. Second, the appropriations in the budget appear sufficient for the Commission to retain the equivalent of around 130 full-time staff in both FY 2014 and FY 2015.

Activity	2008	2009	2010	2011	2012	2013	2014	2015
State Legal Defense	74.5	70.0	74.0	72.0	72.0	70.5	71.5	71.5
County Indigent Defense	28.0	28.0	28.0	28.0	28.0	30.0	30.0	30.0
Program Management	23.5	21.5	21.0	26.0	26.0	27.8	29.3	29.3
<b>TOTAL</b>	<b>126.0</b>	<b>119.5</b>	<b>123.0</b>	<b>126.0</b>	<b>126.0</b>	<b>128.3</b>	<b>130.8</b>	<b>130.8</b>

\*These numbers represent full-time equivalent (FTE) staff positions; FY 2014 and FY 2015 are estimates.

## ANALYSIS OF ENACTED BUDGET

### Introduction

For purposes of analyzing the FY 2014-FY 2015 biennial budget, the Commission's line items are grouped into four major categories of services and activities as follows:

1. State Legal Defense Services;
2. County-Level Indigent Defense;
3. Ohio Legal Assistance Foundation; and
4. Program Management.

Table 3 below summarizes, by fund group, all of the Commission's line items and notes, for each line item, which one of the four categories of services and activities into which it has been grouped. The line items are assigned to the category that their appropriation exclusively or primarily funds. The remainder of this Greenbook section discusses the actual funding of each category in more detail.

Table 3. Commission Line Items (ALIs) by Category of Services and Activities		
Fund	ALI and Name	Category
<b>General Revenue Fund Group</b>		
GRF 019401	State Legal Defense Services	1: State Legal Defense Services
GRF 019403	Multi-County: State Share	2: County-Level Indigent Defense
GRF 019404	Trumbull County – State Share	2: County-Level Indigent Defense
GRF 019405	Training Account	2: County-Level Indigent Defense
GRF 019501	County Reimbursement	2: County-Level Indigent Defense
<b>General Services Fund Group</b>		
1010 019607	Juvenile Legal Assistance	1: State Legal Defense Services
4070 109604	County Representation	1: State Legal Defense Services
4080 019605	Client Payments	4: Program Management
5CX0 019617	Civil Case Filing Fee	1: State Legal Defense Services
<b>Federal Special Revenue Fund Group</b>		
3FX0 019621	Wrongful Conviction Program	1: State Legal Defense Services
3S80 019608	Federal Representation	1: State Legal Defense Services
<b>State Special Revenue Fund Group</b>		
4C70 019601	Multi-County: County Share	2: County-Level Indigent Defense
4X70 019610	Trumbull County – County Share	2: County-Level Indigent Defense
5740 019606	Civil Legal Aid	3: Ohio Legal Assistance Foundation
5DY0 019618	Indigent Defense Support – County Share	2: County-Level Indigent Defense
5DY0 019619	Indigent Defense Support – State Office	1: State Legal Defense Services

## Services and Activities Category 1: State Legal Defense Services

This category of appropriations encapsulates the line items that the Commission uses to pay for the provision of legal representation to indigent adults, juveniles, and incarcerated individuals in all courts when the U.S. Constitution requires representation, or when it is requested by the court, the county or joint county public defender, or an inmate. Most legal matters in which the state provides direct representation involve appeals or death penalty cases. Indigent defense for most other cases is provided locally by public defenders or assigned counsel.

Table 4 below shows the line items that are used to fund this category of services and activities, as well as the enacted funding levels. It is followed by a narrative describing the specific types of services and activities grouped under the State Legal Defense Services category, and then a discussion of the purpose of each appropriated line item and how the appropriation will be allocated in FY 2014 and FY 2015.

<b>Table 4. Appropriation Allocations for State Legal Defense Services</b>				
<b>Fund</b>	<b>ALI and Name</b>		<b>FY 2014</b>	<b>FY 2015</b>
<b>General Revenue Fund (GRF)</b>				
GRF	019401	State Legal Defense Services*	\$2,373,995	\$2,365,329
<b>General Revenue Fund Subtotal</b>			<b>\$2,373,995</b>	<b>\$2,365,329</b>
<b>General Services Fund (GSF) Group</b>				
1010	019607	Juvenile Legal Assistance	\$200,000	\$200,000
4070	019604	County Representation	\$351,149	\$354,248
4080	019605	Client Payments*	\$254,310	\$250,976
5CX0	019617	Civil Case Filing Fee	\$532,136	\$528,476
<b>General Services Fund Group Subtotal</b>			<b>\$1,337,595</b>	<b>\$1,333,700</b>
<b>Federal Special Revenue Fund (FED) Group</b>				
3FX0	019621	Wrongful Conviction Program	\$103,950	\$103,950
3S80	019608	Federal Representation	\$204,706	\$202,942
<b>Federal Special Revenue Fund Group Subtotal</b>			<b>\$308,656</b>	<b>\$306,892</b>
<b>State Special Revenue (SSR) Fund Group</b>				
5DY0	019619	Indigent Defense Support – State Office*	\$3,135,186	\$3,207,782
<b>State Special Revenue Fund Group Subtotal</b>			<b>\$3,135,186</b>	<b>\$3,207,782</b>
<b>Total Funding: State Legal Defense Services</b>			<b>\$7,155,432</b>	<b>\$7,213,703</b>

\*For these noted line items, the amounts in the above table only reflect the portion of the appropriation that supports State Legal Defense Services.

The specific types of services and activities grouped under the State Legal Defense Services category are briefly described below.

- **Appeals and Post-conviction Representation.** Provision of legal representation in state and federal courts to indigent persons who have been tried, found guilty, and claim they are unlawfully incarcerated.
- **Death Penalty Representation.** Provision of competent legal counsel to indigent persons under the sentence of death, legal services to private appointed attorneys in such cases, and training seminars on death penalty law.
- **Intake and Prison Services.** Provision of legal information and advice to inmates of Ohio's prison system.
- **Juvenile Legal Assistance.** Provision of legal assistance and representation to juveniles who have been committed to the Department of Youth Services on appeal and in other post-disposition issues.
- **Legal Resource Center.** Support of the Commission's Law Library.
- **Trial Services.** Provision of direct representation and assistance to local counsel in trial level cases to indigent defendants throughout Ohio.
- **Investigation Services.** Provision of both criminal and mitigation investigation services for Commission staff attorneys, county public defender attorneys, and court-appointed attorneys.

The following narrative discusses the purpose of each appropriated line item for State Legal Defense Services.

#### **State Legal Defense Services (GRF line item 019401)**

This GRF line item is primarily used for the purpose of funding the operating expenses (payroll, purchased personal services, supplies and maintenance, equipment) associated with State Legal Defense Services. For the line item in both FY 2014 and FY 2015, the budget appropriates \$3,020,855, which is \$47,585, or 1.6%, more than the \$2,973,270 expended from the line item in FY 2013. Of the line item's total appropriation, around \$2.4 million will be allocated annually for State Legal Defense Services. This allocation should be sufficient to maintain FY 2013 service levels, with roughly 90% to be expended on payroll expenses.

#### **Juvenile Legal Assistance (GSF line item 019607)**

This GSF line item has been re-created to support the provision of certain legal services to children committed to the Department of Youth Services as authorized by the budget. The budget specifically authorizes the State Public Defender, effective July 1, 2013, to: (1) conduct a legal assistance referral service for such children relative to conditions of confinement claims and (2) if a private attorney does not accept the case,

prepare certain pleadings on the child's behalf. The \$200,000 appropriation to provide these legal services in each fiscal year will be supported by cash transferred from the Department of Youth Services' budget.

### **County Representation (GSF line item 019604)**

This GSF line item contains payments for legal representation, and investigation or mitigation services provided to counties under certain circumstances. The use of these moneys is statutorily restricted to be used by the State Public Defender to provide legal representation for indigent persons, or to provide investigation or mitigation services. The budget provides the line item with appropriations of \$351,149 and \$354,248 for FY 2014 and FY 2015, respectively. The FY 2014 appropriation is \$22,984, or 7.0%, less than the \$328,165 expended from the line item in FY 2013. The FY 2015 appropriation is \$3,099, or 0.9%, more than the FY 2014 appropriation. The appropriated amount in each fiscal year will be allocated primarily for payroll-related expenses, and secondarily for a possible mix of purchased personal services, and maintenance and supplies.

### **Client Payments (GSF line item 019605)**

This GSF line item draws its appropriation from payments collected from certain defendants, and 20%, or \$5, of a nonrefundable \$25 indigent defense application fee.<sup>2</sup> The budget provides the line item with appropriations of \$725,144 and \$722,931 for FY 2014 and FY 2015, respectively. The FY 2014 appropriation is \$26,597, or 3.8%, more than the \$698,547 expended from the line item in FY 2013. The FY 2015 appropriation is \$2,213, or 0.3%, less than the FY 2014 appropriation. Of the total amount appropriated in each fiscal year, roughly 35%, or \$250,000, will be allocated to support a mix of operating expenses associated with State Legal Defense Services, primarily payroll.

### **Civil Case Filing Fee (GSF line item 019617)**

This GSF line item is supported by certain locally collected filing fees that are deposited in the state treasury for the purpose of appointing assistant public defenders and for providing other personnel, equipment, and facilities necessary for operation of the Ohio Public Defender Commission. The budget provides the line item with FY 2014 and FY 2015 appropriations of \$532,136 and \$528,476, respectively. The FY 2014 appropriation is \$3,199, or 0.6%, less than the \$535,335 expended from the line item in FY 2013. The FY 2015 appropriation is \$3,660, or 0.7%, less than the FY 2014

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<sup>2</sup> Existing law permits this money to be used to: (1) appoint assistant state public defenders and to provide other personnel, equipment, and facilities necessary for the Commission's operation, (2) reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems, and (3) provide assistance to counties in the operation of county indigent defense systems.

appropriation. The appropriated amount in each fiscal year will be allocated primarily for payroll-related expenses.

### **Wrongful Conviction Program (FED line item 019621)**

This federal line item is being used to disburse a two-year grant, in the amount of \$249,648, awarded from the U.S. Department of Justice's Wrongful Conviction Review Program. The Commission is using the federal grant specifically to fund the Wrongful Conviction Project that was launched in the fall of 2009 and has been operating with assistance from The Ohio State University Moritz College of Law and Capital University Law School.

The budget provides the line item with an appropriation of \$103,950 in each of FY 2014 and FY 2015, an increase of \$79,644 from the \$24,306 that was expended from the line item in FY 2013.<sup>3</sup> The appropriation will be used to pay the costs associated with payroll, purchased services, and some supplies and maintenance. The specific uses of money include the continuing employment of an attorney who works exclusively on non-DNA innocence claims, and the hiring of a full-time investigator and two part-time legal interns to assist the attorney. Funds will also be used to pay for ongoing training critical to this type of legal work.

### **Federal Representation (FED line item 019608)**

This federal line item contributes to the funding of State Legal Defense Services, particularly those involving death penalty representation, and contains the payments collected from a federal court that offset some of the costs incurred by the Office of the State Public Defender when that court has appointed the State Public Defender to provide legal representation to an indigent defendant in federal habeas corpus proceedings, primarily matters involving the death penalty. These federal payments are used by the Commission's Death Penalty Division to provide, coordinate, and supervise post-trial legal representation to indigent defendants in federal courts on federal habeas corpus proceedings where the defendant is appealing the imposition of a death sentence by a state trial court.

The budget provides the line item with FY 2014 and FY 2015 appropriations of \$204,706 and \$202,942, respectively, to be allocated primarily for payroll-related expenses. The FY 2014 appropriation represents a \$67,531, or 49.2%, increase from the \$137,175 expended from the line item in FY 2013. The FY 2015 appropriation represents a \$1,764, or 0.9%, decrease from the FY 2014 appropriation.

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<sup>3</sup> The Wrongful Conviction Program is a reimbursement grant in which the federal government reimburses the state for program-related expenditures. The total federal obligation to the Commission for FY 2013 was \$79,792, of which \$24,306 was the amount of federal reimbursement actually collected by the end of the fiscal year.

**Indigent Defense Support – State Office (SSR line item 019619)**

Funds for this SSR line item come from a mix of sources – OVI fines, court costs, bail bond fees, and license reinstatement fees – and are used for the Commission's operating costs. The line item's FY 2014 appropriation is \$5,186,329, which is \$463,042, or 9.8%, more than the \$4,723,287 expended from the line item in FY 2013. The FY 2015 appropriation is \$5,612,719, which is \$426,390, or 8.2%, more than the FY 2014 appropriation. Of the total appropriation in each fiscal year, around 60%, or just over \$3.0 million, will be allocated to support a mix of operating expenses associated with State Legal Defense Services, primarily payroll. These amounts should be sufficient to continue FY 2013 service levels.

## Services and Activities Category 2: County-Level Indigent Defense

This services and activities category encapsulates the line items that the Commission uses to provide, facilitate, and improve the delivery of criminal defense services to indigent persons accused of crimes handled by common pleas, municipal, and county courts. With this portion of its budget, the Commission partially subsidizes counties for the cost of providing counsel to indigent persons in criminal and juvenile matters pursuant to the Ohio Revised Code.<sup>4</sup> State law stipulates that the Commission reimburse counties 50% of the costs of operating their local indigent defense systems, unless the legislature appropriates less funding than needed to reimburse at 50%, in which case each county receives a reduced, but equal share.

These services and activities also include establishing standards (including indigence), guidelines, and maximum fees for state reimbursement of county-level indigent defense services, and monitoring county compliance with those standards.

For the FY 2012-FY 2013 biennium, the amount of GRF expended by the Commission for the direct provision of county-level indigent defense services totaled \$6.5 million. The GRF appropriations for this purpose for the FY 2014-FY 2015 biennium total \$22.9 million, an increase of \$16.4 million from the prior biennium. This increase in GRF funding, when combined with non-GRF funding, will allow the Commission to increase the county reimbursement rate from 35% in FY 2012 and FY 2013 to an estimated 40% in FY 2014 and FY 2015.

<b>Table 5. Appropriation Allocations for County-Level Indigent Defense</b>				
<b>Fund</b>		<b>ALI and Name</b>	<b>FY 2014</b>	<b>FY 2015</b>
<b>General Revenue Fund (GRF)</b>				
GRF	019403	Multi-County: State Share	\$1,237,318	\$1,250,824
GRF	019404	Trumbull County – State Share	\$354,743	\$359,631
GRF	019405	Training Account	\$50,000	\$50,000
GRF	019501	County Reimbursement	\$9,768,050	\$9,885,175
<b>General Revenue Fund Subtotal</b>			<b>\$11,410,111</b>	<b>\$11,545,630</b>
<b>State Special Revenue (SSR) Fund Group</b>				
4C70	019601	Multi-County: County Share	\$2,297,876	\$2,322,959
4X70	019610	Trumbull County – County Share	\$658,809	\$667,887
5DY0	019618	Indigent Defense Support – County Share	\$40,320,991	\$41,191,285
<b>State Special Revenue Fund Group Subtotal</b>			<b>\$43,277,676</b>	<b>\$44,182,131</b>
<b>Total Funding: County-Level Indigent Defense</b>			<b>\$54,687,787</b>	<b>\$55,727,761</b>

<sup>4</sup> Statutory authorization specifically resides in R.C. 120.18, 120.28, and 120.33 to 120.35.

Table 5 above shows the line items that are used to fund this category of services and activities, as well as the enacted funding levels. It is followed by a narrative describing the purpose of each appropriated line item and how its FY 2014 and FY 2015 appropriations will be allocated. The GRF and non-GRF appropriations combined are expected to support about 30 full-time equivalent (FTE) staff positions.

#### **Training Account (GRF line item 019405)**

This GRF line item is used exclusively for the Commission's Pro Bono Training Program, under which it contracts with private and nonprofit training companies to provide continuing legal education (CLE) certified seminars to attorneys who practice criminal indigent defense law. The Commission pays the seminar companies a fee for each attorney who attends a seminar under the program.

The budget provides an appropriation of \$50,000 in each of FY 2014 and FY 2015, an amount that is \$5,920, or 13.4%, more than the \$44,080 expended from the line item in FY 2013. This appropriation should enable the Commission to provide training seminars to about 328 attorneys. All of the amounts appropriated in each fiscal year will be used to pay companies to deliver pro bono training.

#### **County Reimbursement (GRF line item 019501)**

This GRF line item is used to reimburse counties for up to 50% of their indigent defense expenditures on both noncapital and capital cases. If the available appropriations are insufficient to reimburse 50% of the indigent defense expenditures for noncapital and capital cases, then the reimbursement percentage for each of the public defender offices and appointed counsel systems is reduced equally.

The line item's appropriation for FY 2014 is \$9,768,050, which is \$7.7 million, or almost four times, greater than the \$2,023,098 expended from the line item in FY 2013. In FY 2015, the appropriation is \$9,885,175, which is \$117,125, or 1.2%, more than the FY 2014 appropriation. These appropriations, when combined with non-GRF funding, will support an increase in the county reimbursement rate for indigent criminal defense services from the current rate of 35% to an estimated 40% in FY 2014 and FY 2015.

#### **Branch Offices (GRF line items 019403 and 019404; SSR line items 019601 and 019610)**

This set of GRF and SSR line items pay for the expenses associated with operating branch offices. Under the Branch Offices Program, the State Public Defender provides local indigent defense services as an alternative to traditional appointed counsel or county public defender offices. The Commission currently operates two such offices, referred to as the Trumbull County Branch Office and the Multi-County Branch Office.<sup>5</sup>

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<sup>5</sup> These state public defender-operated offices are authorized under R.C. 120.04(C)(7).

Although the branch office systems operate as an alternative to traditional public defender offices and appointed counsel systems, these operations are still affected by changes in state funding just like the direct reimbursement systems. The total FY 2014 appropriation for the GRF state share of the branch office system (line item 019403 plus 019404) is \$1,592,061, which is \$68,371, or 4.5%, more than the actual total FY 2013 expenditure of \$1,523,690. The total FY 2015 appropriation is \$1,610,455, which is \$18,394, or 1.2%, more than the total FY 2014 appropriation.

These GRF and non-GRF appropriations for the branch offices are generally structured to keep the reimbursement rates for the branch offices equal to the reimbursement rates expected for the other counties that are reimbursed from line items 019501, County Reimbursement, and 019618, Indigent Defense Support – County Share.

**Trumbull County Branch Office.** This office, established in FY 1985, provides local indigent defense services for Trumbull County. The appropriation for this branch office (GRF line item 019404 plus SSR line item 019610) totals around \$1.0 million in each of FY 2014 and FY 2015.

**Multi-County Branch Office.** This office provides local indigent defense services to ten counties in the southern and southeastern part of Ohio. The ten counties are Adams, Athens, Brown, Fayette, Jackson, Meigs, Pickaway, Pike, Ross, and Washington, with public defender offices located in Athens, Ross, and Washington counties. The Multi-County Branch Office was established in January 1991. The appropriation for this branch office (GRF line item 019403 plus SSR line item 019601) totals in the range of about \$3.6 million for both FY 2014 and FY 2015.

#### **Indigent Defense Support – County Share (SSR line item 019618)**

This SSR line item, which draws its appropriations from the Indigent Defense Support Fund (Fund 5DY0), will be used as part of the Commission's county reimbursement system. The appropriations are \$40,320,991 in FY 2014 and \$41,191,285 in FY 2015, and will be backed by non-GRF revenues collected from the mix of OVI fines, court costs, bail bond fees, and license reinstatement fees deposited in Fund 5DY0.

The biennial appropriation for the line item, when combined with the nearly \$19.7 million in biennial funding for indigent defense reimbursement appropriated to GRF line item 019501, County Reimbursement, will allow for an increase in the level of support for County-Level Indigent Defense in the FY 2014-FY 2015 biennium. The combined amount of GRF and non-GRF appropriations for county indigent defense reimbursement totals about \$50.1 million in FY 2014, and about \$51.1 million in FY 2015 (GRF line item 019501 plus SSR line item 019618). At this level of funding, the county reimbursement rate for indigent defense services is expected to increase to about 40% in each of FY 2014 and FY 2015.

### Services and Activities Category 3: Ohio Legal Assistance Foundation

This services and activities category's appropriations are used exclusively to support operations of the Ohio Legal Assistance Foundation (OLAF), which is a nonprofit entity, created by statute, and charged with administering state funds for Ohio's legal aid societies. The Foundation, established by Am. Sub. H.B. 152 of the 120th General Assembly, effective July 1993, develops financial support and solicits financial contributions for use in providing assistance to Ohio's legal aid societies. Moneys from dedicated funding sources, including, but not limited to, the interest earned on certain trust and real estate escrow accounts, are deposited to the credit of the Legal Aid Fund (Fund 5740) and are then passed through the Commission to the Foundation. The Foundation then administers payments to nonprofit legal aid societies that provide legal representation to indigent persons in civil cases. These payments are distributed to legal aid societies throughout the state pursuant to a statutory formula based on poverty population. Every county is served by one or more legal aid societies.

Table 6 below shows the single line item that is used for civil legal aid purposes, as well as the enacted funding levels. It is then followed by a narrative describing how that appropriation amount will be used.

Table 6. Appropriation Allocations for the Ohio Legal Assistance Foundation				
Fund		ALI and Name	FY 2014	FY 2015
<b>State Special Revenue (SSR) Fund Group</b>				
5740	019606	Civil Legal Aid	\$20,000,000	\$20,000,000
<b>Total Funding: Ohio Legal Assistance Foundation</b>			<b>\$20,000,000</b>	<b>\$20,000,000</b>

#### Civil Legal Aid (SSR line item 019606)

The budget fully funds the Commission's requested annual appropriation of \$20 million in each of FY 2014 and FY 2015, amounts that are used to support the state's legal aid societies. The revenue received from certain interest bearing trust and real estate escrow accounts is very sensitive to fluctuations in interest rates. The requested appropriations generally are based on the expected returns from these accounts.

## Services and Activities Category 4: Program Management

This category encompasses the services and activities performed by the Commission's Administrative Division, which provides the necessary services common to most state agencies, including fiscal and accounting, personnel and training, computer information systems, purchasing, fleet management, and delivery. In addition, the Administrative Division also collects reimbursement from the counties for legal services provided by the Ohio Public Defender, processes reimbursement to the counties for indigent defense programs, and produces educational seminars and conferences.

The total amount to be allocated for Program Management in FY 2014 and FY 2015 is expected to be \$3,168,837 and \$3,532,418, respectively. These amounts should be sufficient to maintain the current level of program management services, including payroll-related expenses for around 29 full-time equivalent (FTE) staff positions.

Table 7 below shows the line items that are used to fund this category of services and activities, as well as the enacted funding levels. It is followed by a narrative describing the purpose of each appropriated line item and how the FY 2014 and FY 2015 appropriations will be allocated.

<b>Table 7. Appropriation Allocations for Program Management</b>					
<b>Fund</b>	<b>ALI and Name</b>			<b>FY 2014</b>	<b>FY 2015</b>
<b>General Revenue Fund (GRF)</b>					
GRF	019401	State Legal Defense Services*		\$646,860	\$655,526
<b>General Revenue Fund Subtotal</b>				<b>\$646,860</b>	<b>\$655,526</b>
<b>General Services Fund (GSF) Group</b>					
4080	019605	Client Payments*		\$470,834	\$471,955
<b>General Services Fund Group Subtotal</b>				<b>\$470,834</b>	<b>\$471,955</b>
<b>State Special Revenue (SSR) Fund Group</b>					
5DY0	019619	Indigent Defense Support – State Office*		\$2,051,143	\$2,404,937
<b>State Special Revenue Fund Group Subtotal</b>				<b>\$2,051,143</b>	<b>\$2,404,937</b>
<b>Total Funding: Program Management</b>				<b>\$3,168,837</b>	<b>\$3,532,418</b>

\*For these noted line items, the amounts in the above table only reflect the portion of the appropriation that supports Program Management.

### State Legal Defense Services (GRF line item 019401)

This GRF line item is used for the purpose of funding the operating expenses (payroll, purchased personal services, supplies and maintenance, equipment) associated primarily with the Commission's State Legal Defense Services program series, and secondarily Program Management. Of the line item's total appropriation – \$3,020,855 in each of FY 2014 and FY 2015 – roughly \$650,000 will be allocated annually for Program Management. Most of those allocated amounts will be expended for a mix of payroll

and purchased personal services, and should be sufficient to maintain FY 2013 service levels.

#### **Client Payments (GSF line item 019605)**

This GSF line item draws its appropriation from payments collected from certain defendants, and 20%, or \$5, of a nonrefundable \$25 indigent defense application fee. Of the line item's total appropriation – \$725,144 in FY 2014 and \$722,931 in FY 2015 – roughly 65%, or \$470,000, will be allocated annually for Program Management, primarily payroll.

#### **Indigent Defense Support – State Share (SSR line item 019619)**

Funds for this SSR line item come from a mix of sources – OVI fines, court costs, bail bond fees, and license reinstatement fees – and are used for the Commission's operating costs. Of the line item's total appropriation – \$5,186,329 in FY 2014 and \$5,612,719 in FY 2015 – roughly 40%, or between \$2.1 million and \$2.4 million, will be allocated annually for Program Management. This level of GRF funding will allow for the continuation of FY 2013 levels of Program Management services and activities. The amounts used for this purpose will be allocated largely to support payroll-related expenses, and secondarily a mix of purchased personal services, maintenance and supplies, and equipment.

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# FY 2014 - FY 2015 Final Appropriation Amounts

# All Fund Groups

## Line Item Detail by Agency

			FY 2012	FY 2013	Appropriation FY 2014	FY 2013 to FY 2014 % Change	Appropriation FY 2015	FY 2014 to FY 2015 % Change
<b>Report For Main Operating Appropriations Bill</b>			<b>Version: Enacted</b>					
<b>PUB Ohio Public Defender Commission</b>								
GRF	019321	Public Defender Administration	\$ 3,078	\$0	\$0	N/A	\$0	N/A
GRF	019401	State Legal Defense Services	\$ 2,600,102	\$ 2,973,270	\$ 3,020,855	1.60%	\$ 3,020,855	0.00%
GRF	019403	Multi-County: State Share	\$ 1,163,138	\$ 1,183,143	\$ 1,237,318	4.58%	\$ 1,250,824	1.09%
GRF	019404	Trumbull County - State Share	\$ 332,043	\$ 340,547	\$ 354,743	4.17%	\$ 359,631	1.38%
GRF	019405	Training Account	\$ 50,000	\$ 44,080	\$ 50,000	13.43%	\$ 50,000	0.00%
GRF	019501	County Reimbursement	\$ 1,448,133	\$ 2,023,098	\$ 9,768,050	382.83%	\$ 9,885,175	1.20%
<b>General Revenue Fund Total</b>			<b>\$ 5,596,494</b>	<b>\$ 6,564,138</b>	<b>\$ 14,430,966</b>	<b>119.85%</b>	<b>\$ 14,566,485</b>	<b>0.94%</b>
1010	019607	Juvenile Legal Assistance	\$ 0	\$0	\$ 200,000	N/A	\$ 200,000	0.00%
4070	019604	County Representation	\$ 226,053	\$ 328,165	\$ 351,149	7.00%	\$ 354,248	0.88%
4080	019605	Client Payments	\$ 866,494	\$ 698,547	\$ 725,144	3.81%	\$ 722,931	-0.31%
5CX0	019617	Civil Case Filing Fee	\$ 532,136	\$ 535,335	\$ 532,136	-0.60%	\$ 528,476	-0.69%
<b>General Services Fund Group Total</b>			<b>\$ 1,624,683</b>	<b>\$ 1,562,047</b>	<b>\$ 1,808,429</b>	<b>15.77%</b>	<b>\$ 1,805,655</b>	<b>-0.15%</b>
3FX0	019621	Wrongful Conviction Program	\$0	\$ 24,306	\$ 103,950	327.67%	\$ 103,950	0.00%
3S80	019608	Federal Representation	\$ 234,526	\$ 137,175	\$ 204,706	49.23%	\$ 202,942	-0.86%
<b>Federal Special Revenue Fund Group Total</b>			<b>\$ 234,526</b>	<b>\$ 161,482</b>	<b>\$ 308,656</b>	<b>91.14%</b>	<b>\$ 306,892</b>	<b>-0.57%</b>
4C70	019601	Multi-County: County Share	\$ 2,163,205	\$ 2,186,862	\$ 2,297,876	5.08%	\$ 2,322,959	1.09%
4N90	019613	Gifts and Grants	\$ 32,329	\$ 23,030	\$ 0	-100.00%	\$ 0	N/A
4X70	019610	Trumbull County - County Share	\$ 619,602	\$ 632,458	\$ 658,809	4.17%	\$ 667,887	1.38%
5740	019606	Civil Legal Aid	\$ 17,402,425	\$ 16,499,901	\$ 20,000,000	21.21%	\$ 20,000,000	0.00%
5DY0	019618	Indigent Defense Support - County Share	\$ 37,913,512	\$ 36,574,664	\$ 40,320,991	10.24%	\$ 41,191,285	2.16%
5DY0	019619	Indigent Defense Support - State Office	\$ 4,977,932	\$ 4,723,287	\$ 5,186,329	9.80%	\$ 5,612,719	8.22%
<b>State Special Revenue Fund Group Total</b>			<b>\$ 63,109,004</b>	<b>\$ 60,640,204</b>	<b>\$ 68,464,005</b>	<b>12.90%</b>	<b>\$ 69,794,850</b>	<b>1.94%</b>
<b>Ohio Public Defender Commission Total</b>			<b>\$ 70,564,707</b>	<b>\$ 68,927,870</b>	<b>\$ 85,012,056</b>	<b>23.33%</b>	<b>\$ 86,473,882</b>	<b>1.72%</b>