

JUDICIARY COMMITTEE
Tuesday, January 5, 2015, Bismarck, ND
Annual Report - Commission on Legal Counsel for Indigents

Good Morning. I am Jean Delaney, Executive Director of the Commission on Legal Counsel for Indigents. I have prepared, and provided to Legislative Council, the Judiciary Committee's staff contact, Ms. Kramer, and our governing commission, a copy of the 2015 Annual Report for the agency. That document has been distributed to you, I believe. I will simply highlight some of the salient points of the report.

In FY2015, we provided attorneys in over 13,500 case assignments across the state. These cases were handled either by our state employee public defenders or our private attorney contractors. A person generally qualifies for our services if it is a type of case in which one has a right to counsel at public expense, and if the person is indigent. We work hard at making sure that persons who receive our services do in fact qualify, and have formed a committee to look at ways to improve compliance.

We use an internet accessed case reporting system to gather statistics, and in looking at the FY2015 statistics compared to previous years, the number of case assignments increased in all areas of the state, with very large increases in the Northwest Judicial District (Watford City and Williston) and North Central Judicial District (Minot). Another area of significant increase was the Northeast Judicial District. More case assignments naturally result in more costs for the agency.

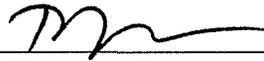
The Commission's 2013-15 budget was insufficient to sustain the agency through June 30, 2015. The Legislature recognized the increased need of this agency for additional funding, and did provide it. For the 2015-17 biennium, the Commission's budget consists of \$18,304,103 in general fund dollars, and \$2,106,914 from other funds.

These other funds consist of \$200,000 from the strategic investment and improvements fund as one-time funding for contract services fees for the 2015-17 biennium, and \$1,906,914 from the Commission's special fund. The special fund consists of statutory fees paid by defendants which include the court administration - indigent defense/facility improvement fee of \$100, and the \$35 indigent defense application fee from criminal cases. For the 2015-2017 biennium the agency was also given seven new FTE positions.

Some of the goals we have for the agency in the future are a) encouraging new attorneys to become public defenders and contractors through mentoring and internship programs, b) monitoring caseloads to avoid attorney burnout and maintain reasonable caseloads, and c) reassessing employee compensation as the agency is losing FTEs to other agencies and the court system. We are in the process of doing that now.

I would be happy to answer any questions you may have.

Respectfully submitted this 5th day of January, 2016



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