

Agency 94 - Commission On Public Advocacy

Statutory Authority:

All duties of the Nebraska Commission on Public Advocacy are included in Neb. Rev. Stat. §§ 25-3001 to 3004; 29-2919 to 3933; 29-4116 to 4125; 33-107.01 and 33-107.02; 33-156; and 81-1316 of the Revised Statutes of Nebraska.

Vision Statement:

The continued provision of quality legal services for indigent citizens at no cost to counties will remain the fundamental vision of the Commission. The continued support of civil legal services for the indigent will also remain a chief vision of the Commission accomplished by its administration of the Legal Aid and Services Fund. Continued acceptance of appointments to represent qualifying indigent inmates attempting to establish innocence under the DNA Testing Act will remain a vision of the Commission, funded through its own operating fund.

Mission Statement:

The ongoing vision of the agency is to continue to work toward the agency mission of providing quality indigent defense services mandated by state and federal constitutions and state laws at no cost to Nebraska counties. Agency mission also includes assisting indigent citizens needing civil legal services and representing qualifying indigent prisoners under the DNA Testing Act. Agency principles are the driving force behind agency mission success. The continued commitment to the provision of quality legal representation for the poor is a value possessed by all employees in the performance of their day-to-day functions.

Goals:

Agency goals continue to include: provision of quality indigent defense services at no cost to counties, providing civil legal services assistance to indigent citizens, and representing qualifying indigent prisoners in DNA cases.

Financial Data:

	Actual FY06	Approp FY07	Request FY08	Recom FY08	Request FY09	Recom FY09
General Fund	0	0	0	0	0	0
Cash Fund	2,788,796	3,286,973	3,313,006	3,308,292	3,316,077	3,332,159
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total Agency	2,788,796	3,286,973	3,313,006	3,308,292	3,316,077	3,332,159

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Program 425 - Operations

Program Objectives:

1. To continue to provide effective direct legal representation for indigent Nebraskans charged with murder and other violent crimes in a continued effort to maintain balance in the criminal justice system.
2. To continue to provide tax relief to Nebraska counties by providing such legal representation mandated by state and federal constitutions and state laws at no charge to counties.
3. To continue to train and assist public defenders and court-appointed attorneys in felony cases and to continue to provide resource assistance.

Financial Data:

	Actual FY06	Approp FY07	Request FY08	Recom FY08	Request FY09	Recom FY09
General Fund	0	0	0	0	0	0
Cash Fund	934,052	964,829	990,862	986,148	993,933	1,010,015
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total	934,052	964,829	990,862	986,148	993,933	1,010,015

Performance Measures:

This agency measures performance by tracking appointments to provide competent and fair representation to indigent defendants and completion of cases. Commission attorney caseloads maintain an average consistent with standards adopted by the Commission in 1997. For the biennium, the Commission has handled 228 violent and drug offense cases and 20 death penalty cases. Cases handled were at the trial, appeal or post conviction stages. Cost effectiveness is evident in the Commission charging nothing to Nebraska counties for services, combined with the Commission being entirely cash funded, so that any time the Commission is appointed to a case, the agency goal of saving taxpayer money is achieved. The costs of defending capital cases continues to increase. A major shift has come from changes in the sentencing procedure. Commission attorneys are now spending around 2,000 hours per death penalty case. The tax savings per case for counties has increased from around \$80,000 per death penalty case in 1996 to over \$200,000 in 2006, depending upon costs for experts and other expenses necessary to defend these cases. With the prosecution having a large supply of money for expenses required for competent representation, the Commission must budget carefully its costs for defense and travel expenses. Still, Commission expenditures remained under budget and within cash funds received. There is nothing to indicate that this will change in the next biennium. This agency also measures performance of the major case resource center as it continues to provide to and assist with numerous defense attorney requests for assistance.

Agency 94 - Commission On Public Advocacy Program 426 - Civil Legal Services Aid

Program Objectives:

1. To continue to review and update as necessary, eligibility criteria, definitions, guidelines and policies which are part of the application process for providers of civil legal services to the indigent to apply for grant awards generated by certain filing fees in criminal and civil cases established by LB 729 as the Legal Aid and Services Fund.
2. To continue to distribute collected fees to certified civil indigent legal service providers for continued or new operation of such legal services.
3. To continue to supervise the providers to ensure compliance with guidelines and policies regarding expenditure of granted awards and activities performed.

Financial Data:

	Actual FY06	Approp FY07	Request FY08	Recom FY08	Request FY09	Recom FY09
General Fund	0	0	0	0	0	0
Cash Fund	1,851,917	2,247,144	2,247,144	2,247,144	2,247,144	2,247,144
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total	1,851,917	2,247,144	2,247,144	2,247,144	2,247,144	2,247,144

Performance Measures:

This agency measures performance by output of funds actually provided to qualifying indigent civil legal service providers using established eligibility criteria and the application process. The Commission disbursed awards totaling \$1,692,084.00 in 2004; \$1,697,892.61 in 2005; and \$2,000,236.00 will be disbursed in 2006.

Agency 94 - Commission On Public Advocacy Program 455 - Dna Testing

Program Objectives:

1. To continue to accept appointments to represent qualifying indigent prisoners in the use of DNA technology to reexamine evidence which may/may not establish innocence.
2. To continue to pay for such DNA testing from the Commission operating fund.

Financial Data:

	Actual FY06	Approp FY07	Request FY08	Recom FY08	Request FY09	Recom FY09
General Fund	0	0	0	0	0	0
Cash Fund	2,827	75,000	75,000	75,000	75,000	75,000
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total	2,827	75,000	75,000	75,000	75,000	75,000

Performance Measures:

This agency measures performance of this program by number of cases appointed for representation. For the biennium, the Commission has handled nine cases representing inmates who have qualified under the Act.