

Agency 094 - COMMISSION ON PUBLIC ADVOCACY

STATUTORY AUTHORITY:

All duties of the Nebraska Commission on Public Advocacy are included in Neb. Rev. Stat. §§ 7-201 to 209; 25-3001 to 3004; 29-2101; 29-3504; 29-3919 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:

The vision of the Commission is to continue providing quality legal services for indigent citizens at no cost to counties; to continue to act as a vital resource to state-wide defense attorneys; to continue to support civil legal services for the indigent through its administration of the Legal Aid and Services Fund; to continue to accept appointments to represent qualifying indigent inmates attempting to establish innocence under the DNA Testing Act funded through its own operating fund; and to establish procedures for and oversee administration of the Legal Education for Public Service Loan Repayment Fund to provide educational loan forgiveness to lawyers employed in non-profit public legal service positions.

MISSION AND PRINCIPLES:

The continuing mission of the agency is to provide quality indigent defense services mandated by state and federal constitutions and state laws at no cost to Nebraska counties, and to continue providing resources to Nebraska defense attorneys, assisting indigent citizens needing civil legal services, representing qualifying indigent prisoners under the DNA Testing Act, and reimbursing qualifying public service lawyers in the non-profit sector.

GOALS:

Agency goals continue to include: provision of quality indigent defense services at no cost to counties, acting as resource to state-wide defense attorneys, providing civil legal services assistance to indigent citizens, representing qualifying indigent prisoners in DNA cases, and reimbursing qualifying Nebraska public services attorneys working in non-profit settings for school loans.

Agency 094 - COMMISSION ON PUBLIC ADVOCACY

Financial Data

| | FY08 Actual | FY09 Approp | FY10 Request | FY10 Recomm | FY11 Request | FY11 Recomm |
|---------------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Operations Funding | | | | | | |
| General Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Fund | 942,041 | 1,112,261 | 1,135,952 | 1,113,366 | 1,166,914 | 1,113,266 |
| 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 Operations | 942,041 | 1,112,261 | 1,135,952 | 1,113,366 | 1,166,914 | 1,113,266 |
| Aid Funding | | | | | | |
| General Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Fund | 2,395,173 | 2,547,000 | 2,754,000 | 2,547,000 | 2,754,245 | 2,547,000 |
| 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 Aid Funding | 2,395,173 | 2,547,000 | 2,754,000 | 2,547,000 | 2,754,245 | 2,547,000 |
| Total Funding | | | | | | |
| General Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Fund | 3,337,213 | 3,659,261 | 3,889,952 | 3,660,366 | 3,921,159 | 3,660,266 |
| 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 | 3,337,213 | 3,659,261 | 3,889,952 | 3,660,366 | 3,921,159 | 3,660,266 |

Agency 094 - COMMISSION ON PUBLIC ADVOCACY
Program 425 - OPERATIONS

PROGRAM DESCRIPTION:

The Nebraska Commission on Public Advocacy was created in 1995 to provide property tax relief to counties that represent indigent defendants charged with first-degree murder and serious violent or drug-related felonies, including juvenile cases at trial and on direct appeal. The system provides property tax relief because counties do not pay for legal services and associated costs. The commission also provides legal assistance to public defenders and court-appointed attorneys, accepts appointments through the DNA Testing Act and oversees the Legal Education for Public Service Loan Repayment Fund. The commission is totally cash funded.

PROGRAM OBJECTIVES:

To continue to give tax relief to Nebraska counties by providing legal representation mandated by state and federal constitutions and state laws at no charge to counties; to continue to provide effective direct legal representation for indigent Nebraskans charged with murder and other violent crimes to maintain balance in the criminal justice system; to continue to assist public defender and court-appointed attorneys in felony cases and to provide resource assistance; to oversee the Legal Education for Public Service Loan Repayment Fund to provide educational loan forgiveness to lawyers employed in the area of non-profit public legal service.

PERFORMANCE MEASURES:

Performance is measured by number of appointments from Nebraska courts to provide competent representation to indigent defendants. Commission attorney caseloads maintain an average consistent with standards adopted by the Commission in 1997. For the first year of the biennium, the Commission handled 260 violent and drug offense cases and 21 first degree murder cases at trial, appeal or post conviction stages, including several death penalty cases, 6 DNA cases, and responded to 59 requests for research and assistance.

Agency 094 - COMMISSION ON PUBLIC ADVOCACY
Program 425 - OPERATIONS

Financial Data

| | FY08 Actual | FY09 Approp | FY10 Request | FY10 Recomm | FY11 Request | FY11 Recomm |
|---------------------------|--------------------|--------------------|---------------------|--------------------|---------------------|--------------------|
| Operations Funding | | | | | | |
| General Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Fund | 938,878 | 1,037,261 | 1,060,952 | 1,038,366 | 1,091,914 | 1,038,266 |
| 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 Operations | 938,878 | 1,037,261 | 1,060,952 | 1,038,366 | 1,091,914 | 1,038,266 |
| Aid Funding | | | | | | |
| General Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Fund | 0 | 0 | 207,000 | 0 | 207,245 | 0 |
| 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 Aid Funding | 0 | 0 | 207,000 | 0 | 207,245 | 0 |
| Total Funding | | | | | | |
| General Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Fund | 938,878 | 1,037,261 | 1,267,952 | 1,038,366 | 1,299,159 | 1,038,266 |
| 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 Program | 938,878 | 1,037,261 | 1,267,952 | 1,038,366 | 1,299,159 | 1,038,266 |

Agency 094 - COMMISSION ON PUBLIC ADVOCACY
Program 426 - LEGAL SERVICES AID

PROGRAM DESCRIPTION:

LB 729, which became law on January 1, 1998, created the Legal Aid and Services Fund, which is funded through court filing fees and costs. The commission uses the money to provide civil legal services to eligible low-income persons. The commission has established eligibility criteria and guidelines to assist in annually performing the following: confirming service areas and the priorities for providing the legal services for all service areas; accepting applications for certification from entities interested in providing free civil legal services to eligible low-income persons; certifying one or more service providers for each service area, with such certification entitling the service provider to a distribution of funds.

PROGRAM OBJECTIVES:

To continue to disburse monthly payments from annually awarded totals to certified civil indigent legal service providers for continued or new operation of legal services as approved by the Commission; and to continue to supervise the legal services providers to ensure compliance with guidelines and policies regarding activities performed and expenditure of granted awards per approved applications. Strategies and actions already in place shall continue to be implemented with the overseeing of the operation of the Legal Aid and Services Fund in its sole purpose of providing monetary assistance to civil legal service providers for the indigent.

PERFORMANCE MEASURES:

Performance is measured by total of awarded grants actually disbursed to qualifying indigent civil legal service providers using established eligibility criteria and the application process. The Commission disbursed awards totaling \$2,300,006 in 2007 and \$2,487,281 will be disbursed in 2008. Additional appropriation is requested for 2009-2010 and 2010-2011 to allow the Commission to disburse any increase in funds collected in awards granted. Quarterly activity and expenditure reports, as well as an annual outside audit, are required from grant award recipients to monitor compliance according to adopted criteria and guidelines and audit requirements.

Agency 094 - COMMISSION ON PUBLIC ADVOCACY
Program 426 - LEGAL SERVICES AID

Financial Data

| | FY08 Actual | FY09 Approp | FY10 Request | FY10 Recomm | FY11 Request | FY11 Recomm |
|---------------------------|--------------------|--------------------|---------------------|--------------------|---------------------|--------------------|
| Operations Funding | | | | | | |
| General Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| 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 Operations | 0 | 0 | 0 | 0 | 0 | 0 |
| Aid Funding | | | | | | |
| General Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Fund | 2,395,173 | 2,547,000 | 2,547,000 | 2,547,000 | 2,547,000 | 2,547,000 |
| 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 Aid Funding | 2,395,173 | 2,547,000 | 2,547,000 | 2,547,000 | 2,547,000 | 2,547,000 |
| Total Funding | | | | | | |
| General Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Fund | 2,395,173 | 2,547,000 | 2,547,000 | 2,547,000 | 2,547,000 | 2,547,000 |
| 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 Program | 2,395,173 | 2,547,000 | 2,547,000 | 2,547,000 | 2,547,000 | 2,547,000 |

Agency 094 - COMMISSION ON PUBLIC ADVOCACY
Program 455 - DNA TESTING

PROGRAM DESCRIPTION:

LB 655, the DNA Testing Act, took effect September 1, 2001. The act allows convicted inmates to request DNA testing of biological evidence that might establish their innocence. If the district court grants the request for DNA testing, the act requires the Commission on Public Advocacy to represent indigent prisoners and pay for the DNA testing.

PROGRAM OBJECTIVES:

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; and to continue to pay for such DNA testing from the Commission operating fund.

PERFORMANCE MEASURES:

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

Agency 094 - COMMISSION ON PUBLIC ADVOCACY
Program 455 - DNA TESTING

Financial Data

| | FY08 Actual | FY09 Approp | FY10 Request | FY10 Recomm | FY11 Request | FY11 Recomm |
|---------------------------|--------------------|--------------------|---------------------|--------------------|---------------------|--------------------|
| Operations Funding | | | | | | |
| General Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Fund | 3,163 | 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 Operations | 3,163 | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 |
| Aid Funding | | | | | | |
| General Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| 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 Aid Funding | 0 | 0 | 0 | 0 | 0 | 0 |
| Total Funding | | | | | | |
| General Fund | 0 | 0 | 0 | 0 | 0 | 0 |
| Cash Fund | 3,163 | 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 Program | 3,163 | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 |