

# Agency 094 - COMMISSION ON PUBLIC ADVOCACY

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## STATUTORY AUTHORITY:

All duties of the Nebraska Commission on Public Advocacy are included in Neb. Rev. Stat. §§ 7-201 to 209; 25-3001 to 3008; 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:

It has always been and will continue to be the vision of the Commission to fulfill its obligation to effectively represent indigent Nebraskans needing legal representation. The Nebraska and United States Constitutions recognize that all citizens who cannot afford an attorney must have one appointed for them. All of the Commission's legal services and expenses are cash funded, with no reliance upon the State's general fund. This in turn will save those Nebraska counties where the Commission has been appointed, tens of thousands of dollars in legal defense services and expenses.

## MISSION AND PRINCIPLES:

This agency continues its focus on its stated vision in providing quality legal services as its chief mission. As mandated by state and federal constitutions and laws, the mission of this agency is to continue, with no reliance upon the State general fund, providing quality legal representation for the poor, assisting indigent citizens needing civil legal services, representing indigent prisoners under the DNA Testing Act, and providing educational loan assistance to lawyers employed in non-profit public legal service positions and/or legal profession shortage areas in Nebraska.

## GOALS:

Agency goals have not changed since their inception: public service to Nebraska citizens. The only things that have changed since its founding statutes have been additional duties added, including: assisting indigent citizens needing civil legal services, representing indigent prisoners under the DNA Testing Act, and providing educational loan assistance to lawyers employed in non-profit public legal service positions and/or legal profession shortage areas in Nebraska, all with no reliance upon the general fund.

# Agency 094 - COMMISSION ON PUBLIC ADVOCACY

## Financial Data

	FY14 Actual	FY15 Approp	FY16 Request	FY16 Recomm	FY17 Request	FY17 Recomm
<b>Operations Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	1,068,949	1,240,534	1,290,083	1,318,489	1,244,757	1,296,174
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Operations</b>	<b>1,068,949</b>	<b>1,240,534</b>	<b>1,290,083</b>	<b>1,318,489</b>	<b>1,244,757</b>	<b>1,296,174</b>
<b>Aid Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	2,533,078	3,487,000	3,486,000	3,486,000	3,486,000	3,486,000
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Aid Funding</b>	<b>2,533,078</b>	<b>3,487,000</b>	<b>3,486,000</b>	<b>3,486,000</b>	<b>3,486,000</b>	<b>3,486,000</b>
<b>Total Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	3,602,028	4,727,534	4,776,083	4,804,489	4,730,757	4,782,174
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Agency</b>	<b>3,602,028</b>	<b>4,727,534</b>	<b>4,776,083</b>	<b>4,804,489</b>	<b>4,730,757</b>	<b>4,782,174</b>

**Agency 094 - COMMISSION ON PUBLIC ADVOCACY**  
**Program 425 - OPERATIONS**

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**PROGRAM DESCRIPTION:**

Created in 1995, the Nebraska Commission on Public Advocacy has been performing its legislated duties ever since. The Commission meets its purpose of providing property tax relief to Nebraskans as counties do not pay for legal services and costs. The Commission continues to meet its other purpose by effectively representing indigent Nebraskans charged with first-degree murder and violent or drug-related felonies, including juvenile cases at trial and on direct appeal.

**PROGRAM OBJECTIVES:**

The agency will continue its objectives to: 1. Interview witnesses and investigate facts of cases. 2. Confer with defendants and prosecuting attorneys to share information. 3. Research legal, evidentiary, state and federal court constitutional issues. 4. Prepare pre-trial motions. 5. Draft correspondence, motions, and other legal documents. 6. Review evidence to prepare for trial. 7. Develop legal opinions and recommendations. 8. Prepare jury instructions. 9. Represent clients at trial and sentencing, direct appeal and post conviction, 10. Assist as co-counsel. 11. Provide public defenders, court-appointed, and defense attorneys with resource and research assistance.

**PERFORMANCE MEASURES:**

In the past we have tried to measure performance through case numbers. However, that really is not a fair way to measure performance. You cannot numerically measure the performance of legal representation. We do know that when the Commission is appointed to represent an individual, there is no cost for those legal services or expenses to the county. That means the Commission is performing as anticipated by the statute in that it is providing tax relief. You cannot quantify the quality of legal representation as a number or a percentage. Since its inception, the Commission has consistently maintained the proper caseload for each attorney, and in doing so, it is performing to its fullest capability.

**Agency 094 - COMMISSION ON PUBLIC ADVOCACY**  
**Program 425 - OPERATIONS**

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**Financial Data**

	<b>FY14 Actual</b>	<b>FY15 Approp</b>	<b>FY16 Request</b>	<b>FY16 Recomm</b>	<b>FY17 Request</b>	<b>FY17 Recomm</b>
<b>Operations Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	1,063,352	1,163,034	1,212,583	1,240,989	1,167,257	1,218,674
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Operations</b>	<b>1,063,352</b>	<b>1,163,034</b>	<b>1,212,583</b>	<b>1,240,989</b>	<b>1,167,257</b>	<b>1,218,674</b>
<b>Aid Funding</b>						
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
<b>Total Aid Funding</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	1,063,352	1,163,034	1,212,583	1,240,989	1,167,257	1,218,674
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Program</b>	<b>1,063,352</b>	<b>1,163,034</b>	<b>1,212,583</b>	<b>1,240,989</b>	<b>1,167,257</b>	<b>1,218,674</b>

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

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**PROGRAM DESCRIPTION:**

LB 729 created the Legal Aid and Services Fund and became law on January 1, 1998. Without any reliance upon the general fund, court costs and filing fees are deposited state-wide into this fund, which provides civil legal services to eligible indigent Nebraskans. The Commission disburses monies to qualifying certified civil legal service providers through an application process in accordance with established criteria and guidelines.

**PROGRAM OBJECTIVES:**

Objectives have proven to be well-organized in the years this grant has operated, and will continue to include an annual review of the application eligibility criteria, guidelines, policies and application. Strategies in use assure successful oversight of the operation of the Fund in achieving its sole purpose of providing monetary assistance to civil legal service providers and will continue to be used. Funds will continue to be disbursed in monthly payments to applicants who receive an annual award by the governing Commission. Similar additional objectives were developed to administer and monitor monies to be paid from the National Foreclosure Settlement Grant for the two-year duration of its provisions.

**PERFORMANCE MEASURES:**

Disbursement of grant awards acts as performance measures under this fund. Deposits have continued to decrease over the last five years, and so have the totals paid out to providers. Therefore, amounts actually disbursed may not equal amounts awarded. The Commission pays out all amounts deposited in the fund per statute. The Commission disbursed awards totaling \$2,094,544 in 2012; \$1,951,362 in 2013, and hopes to disburse \$2,040,235 in 2014. All activities performed and income/expenditures handled under this fund are monitored by the Commission through receipt and review of quarterly activity and financial summary reports. Grant recipients also share annual outside audit results with the Commission.

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

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**Financial Data**

	<b>FY14 Actual</b>	<b>FY15 Approp</b>	<b>FY16 Request</b>	<b>FY16 Recomm</b>	<b>FY17 Request</b>	<b>FY17 Recomm</b>
<b>Operations Funding</b>						
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
<b>Total Operations</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Aid Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	2,313,340	3,047,000	3,047,000	3,047,000	3,047,000	3,047,000
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Aid Funding</b>	<b>2,313,340</b>	<b>3,047,000</b>	<b>3,047,000</b>	<b>3,047,000</b>	<b>3,047,000</b>	<b>3,047,000</b>
<b>Total Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	2,313,340	3,047,000	3,047,000	3,047,000	3,047,000	3,047,000
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Program</b>	<b>2,313,340</b>	<b>3,047,000</b>	<b>3,047,000</b>	<b>3,047,000</b>	<b>3,047,000</b>	<b>3,047,000</b>

**Agency 094 - COMMISSION ON PUBLIC ADVOCACY**  
**Program 429 - CIVIL LEGAL SERVICES**

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**PROGRAM DESCRIPTION:**

LB 35 turned the operation of the Civil Legal Services Fund from the Nebraska Supreme Court to the Commission in August 2009. Without any reliance upon the general fund, court costs and filing fees are deposited state-wide into this fund, which provides civil legal services to eligible indigent Nebraskans. The Commission disburses monies to qualifying certified civil legal service providers through an application process in accordance with established criteria and guidelines.

**PROGRAM OBJECTIVES:**

Objectives have proven to be well-organized in the years this grant has operated, and will continue to include an annual review of the application eligibility criteria, guidelines, policies and application. Strategies and actions in use assure successful oversight of the operation of the Fund in achieving its sole purpose of providing monetary assistance to civil legal service providers. Certified providers of civil legal services receiving funding from the national Legal Services Corporation apply for grant fund awards, which are derived from filing fees and court costs as governed by statute. Funds will continue to be disbursed in monthly payments to applicants who receive an annual award by the governing Commission.

**PERFORMANCE MEASURES:**

Disbursement of grant awards acts as performance measures under this fund. Deposits have continued to decrease over the last five years, and so have the totals paid out to providers. Qualifying civil legal service providers using eligibility criteria in the application process receive awards from the Commission. The funds are disbursed on a monthly basis. The Commission disbursed awards totaling \$235,200 in 2012; \$219,288 in 2013, and hopes to disburse \$252,000 in 2014. All activities performed and income and expenditures handled under this fund are monitored by the Commission through receipt and review of quarterly activity and financial summary reports. Grant recipients also share annual outside audit results with the Commission.

**Agency 094 - COMMISSION ON PUBLIC ADVOCACY**  
**Program 429 - CIVIL LEGAL SERVICES**

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**Financial Data**

	<b>FY14 Actual</b>	<b>FY15 Approp</b>	<b>FY16 Request</b>	<b>FY16 Recomm</b>	<b>FY17 Request</b>	<b>FY17 Recomm</b>
<b>Operations Funding</b>						
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
<b>Total Operations</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Aid Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	219,738	290,000	290,000	290,000	290,000	290,000
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Aid Funding</b>	<b>219,738</b>	<b>290,000</b>	<b>290,000</b>	<b>290,000</b>	<b>290,000</b>	<b>290,000</b>
<b>Total Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	219,738	290,000	290,000	290,000	290,000	290,000
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Program</b>	<b>219,738</b>	<b>290,000</b>	<b>290,000</b>	<b>290,000</b>	<b>290,000</b>	<b>290,000</b>

**Agency 094 - COMMISSION ON PUBLIC ADVOCACY**  
**Program 430 - RURAL PRACTICE LOAN REPAYMENT ASSISTANCE**

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**PROGRAM DESCRIPTION:**

In 2014, LB 907 revised Neb. Rev. Stat. §§ 7-201 to 209 to fund The Legal Education for Public Service and Rural Practice Loan Repayment Assistance Program. The purpose of the fund remains to strengthen legal assistance for low-income persons by providing educational loan assistance to attorneys who are employed in non-profit public legal service, attorneys who may have skills in languages other than English, and/or attorneys who are employed in legal profession shortage areas in Nebraska. This fund was formerly part of the Commission's Operations program and is now a separate program.

**PROGRAM OBJECTIVES:**

Agency objectives in meeting the purposes of the fund have been revived to include reassembling The Legal Education for Public Service and Rural Practice Loan Repayment Assistance Board to meet to revise program guidelines and review the application process. The next objective shall be to spread the word among qualifying Nebraska attorneys, receive their applications, meet and grant awards, and to disburse funds.

**PERFORMANCE MEASURES:**

Disbursement of loan assistance to qualifying Nebraska attorneys will act as performance measures under this fund sure to take place in the next year of the biennium and subsequent fiscal years. For the first year of this biennium, the Board has met as required by statute and begun revisions to program guidelines and the application packet. The next steps will be to inform Nebraska attorneys of the revival of the program, to receive and review applications, to meet and grant awards, and to disburse funds.

**Agency 094 - COMMISSION ON PUBLIC ADVOCACY**  
**Program 430 - RURAL PRACTICE LOAN REPAYMENT ASSISTANCE**

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**Financial Data**

	<b>FY14 Actual</b>	<b>FY15 Approp</b>	<b>FY16 Request</b>	<b>FY16 Recomm</b>	<b>FY17 Request</b>	<b>FY17 Recomm</b>
<b>Operations Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	0	2,500	2,500	2,500	2,500	2,500
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Operations</b>	<b>0</b>	<b>2,500</b>	<b>2,500</b>	<b>2,500</b>	<b>2,500</b>	<b>2,500</b>
<b>Aid Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	0	150,000	149,000	149,000	149,000	149,000
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Aid Funding</b>	<b>0</b>	<b>150,000</b>	<b>149,000</b>	<b>149,000</b>	<b>149,000</b>	<b>149,000</b>
<b>Total Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	0	152,500	151,500	151,500	151,500	151,500
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Program</b>	<b>0</b>	<b>152,500</b>	<b>151,500</b>	<b>151,500</b>	<b>151,500</b>	<b>151,500</b>

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

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**PROGRAM DESCRIPTION:**

LB 655 created the DNA Testing Act and became law on September 1, 2001. The Act allows convicted inmates to request DNA testing of biological evidence that might establish their innocence. This program operates without any reliance upon the general fund, and therefore, is entirely funded from the Commission's cash operating fund. If the district court finds an application for DNA testing is warranted, the Commission is appointed and represents the inmate throughout all stages, including paying for all DNA testing. One DNA test can cost as much as \$2500.

**PROGRAM OBJECTIVES:**

Objectives in this program are reached by representing convicted individuals whose case may be directly affected by DNA testing of evidence, which falls in line with the Commission's sole purpose and mission of providing quality legal representation to indigent Nebraskans. Strategies shall continue by the Commission's acceptance of representing qualifying prisoners to seek DNA testing to examine evidence that was not available at the time of conviction. If testing shows that the inmate may be innocent, then a new trial can be ordered and the Commission is appointed to represent the inmate at the new trial. All of these costs are paid by the Commission's cash fund.

**PERFORMANCE MEASURES:**

The same is true for DNA testing as it is with the other cases the Commission handles, and that is, there is no way that numbers can be used to determine the performance of this program. The Commission is appointed on all cases where the district court believes the inmate has made a sufficient showing that he or she is entitled to representation under the DNA Testing Act, and is in need of testing biological samples.

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

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**Financial Data**

	<b>FY14 Actual</b>	<b>FY15 Approp</b>	<b>FY16 Request</b>	<b>FY16 Recomm</b>	<b>FY17 Request</b>	<b>FY17 Recomm</b>
<b>Operations Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	5,598	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
<b>Total Operations</b>	<b>5,598</b>	<b>75,000</b>	<b>75,000</b>	<b>75,000</b>	<b>75,000</b>	<b>75,000</b>
<b>Aid Funding</b>						
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
<b>Total Aid Funding</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	5,598	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
<b>Total Program</b>	<b>5,598</b>	<b>75,000</b>	<b>75,000</b>	<b>75,000</b>	<b>75,000</b>	<b>75,000</b>