

LANCASTER COUNTY**Business Unit # 6251****REQUEST FOR INCREASE IN PERSONNEL OR SERVICES****FISCAL YEAR 21****Business Unit Name: Public Defender Felony Division**

Object Code	Description	Amount	JUSTIFICATION OF NEED TO INCREASE PERSONNEL
61210	Attorney I Salary	67,897	
61510	FICA	5,194	See Attached
61520	Pension	5,432	
61530	Health Insurance -Family	20,731	
61540	Dental Insurance - Family	981	
61650	Long Term Disability	217	
61660	PEHP	650	
	Sub Total	101,102	
	Request is for 2	202,204	
	TOTAL	\$ 202,204	

I am asking the County Board to authorize me to add two attorneys to our staff. We have seen a significant increase in our felony caseload over the last five years. Our office has workload standards. We must maintain those standards to be able to effectively represent our clients. When we reach a certain number of cases opened in a month in a particular docket, such as felonies, we file an overload motion. The court then appoints outside counsel who bill by the hour.

The number of felony cases in which we have filed overload motions has exploded over the last five years. In Fiscal Year 2015, we filed overload motions in 103 felonies. In Fiscal Year 2016, we filed overload motions in 297 felonies. In Fiscal Year 2017, we filed overload motions in 574 felonies. In Fiscal Year 2018, we filed overload motions in 719 felonies. In Fiscal Year 2019, we filed overload motions in 732 felonies. From July 1, 2019, through February 29, 2020, a total of eight months or 2/3 of a year, we filed overload motions in 274 felonies, putting us on track to file overload motions in 411 felony cases this year. I am glad to see these numbers going down. They may decrease even more due to changing practices because of the coronavirus pandemic. Those decreases may prove temporary.

In Fiscal Year 2018, we filed overload motions in 208 misdemeanors. In Fiscal Year 2019, we filed overload motions in 461 misdemeanors. From July 1, 2019, through February 29, 2020, we filed overload motions in 296 misdemeanors, putting us on track to file 444 overload motions in the current fiscal year. That number may also decrease due to changing practices because of the coronavirus pandemic. County filed misdemeanor numbers were going way up. An attorney in County Courtroom #23, where most County filed misdemeanor cases are handled, can take 336 cases in a year. We are shifting an attorney into Courtroom #23 to help with the growing caseload in that courtroom.

When we file an overload motion, outside counsel who bill by the hour are appointed. District Court pays \$75 an hour. The average cost per felony case with assigned counsel is \$906. That is the most recent number I have received from District Court, and there is some question about how accurate it is. I will get a more accurate number at the end of the fiscal year. It may actually be a little more than that. The cost per case was \$1,055.27 last year. An attorney at entry level in our office makes \$102,096 in salary and benefits. The cost of 112 felonies with assigned counsel is \$101,472. This is the tipping point where it makes more sense to add to our staff instead of paying outside counsel by the hour. We currently assign a maximum of 120 felony cases a year to an attorney. For outside counsel to handle 120 felonies would cost around \$108,720. Each attorney added to our staff would save the County approximately \$6,624 in a year. If, as I suspect, the actual cost is more than \$906 per case, the savings for each attorney we add would be more. Using last year's number, the savings would be \$24,271.21 for each attorney added to the felony division.

The average cost per case for assigned counsel in County Court is \$370.67. County Court pays different rates for felonies and misdemeanors, which complicates using their cost per case. An attorney in our office assigned to County Courtroom #23 can handle 336 cases in a year. For appointed counsel to handle those cases would cost the County \$124,545.12. The tipping point on County Court cases would be 275, which would cost \$101,934.25. This means at that point adding an attorney to our staff would save the County \$22,449.12. This number is consistent with last year's number for District Court.

While the decrease in felony overloads in the last year is encouraging, the numbers since 2016 suggest we should add four attorneys. County Court increased the rate paid to outside counsel last year, so the savings if we add staff would only increase. We could add four more attorneys and save the County money compared to the cost of outside counsel. I recommend that the County Board authorize our office to add two attorneys. It would be difficult for our office to absorb a bigger increase than that at one time. We can assess in a year whether more attorneys are still needed. Adding attorneys to our staff will save the County money. Also, we cannot expect our attorneys to constantly handle the maximum number of cases allowed, and not burn out. Relief is essential to retaining staff.