



The Lancaster County Public Defender's Office celebrated its 30th year of operation in 2001. Established in 1971, the office has grown from 3 part time attorneys and 2 support staff to an office of 15.5 full time attorneys, 12 full time support staff and 4 part time support staff. The original budget for the office was approximately \$60,000 annually compared with the FY02 appropriation of \$2.1 million. No one could have imagined back in 1971 the expansion of responsibilities that the courts and the legislature have laid on the public defender's doorstep.

One thing that has not changed over the years, is the dedication of the staff. In a very real way, our office is charged with an awesome responsibility - providing a fundamental constitutional right to people who are the outcasts of society. It is not an easy job but I am constantly amazed at the level of dedication and respect that the staff shows for their work.

I was very fortunate to be involved in a project in 2001 that I anticipate will have long lasting positive impact on the overall state of the indigent defense systems in Nebraska, including the Lancaster County Public Defender's Office. With the leadership of Senator Doug Kristensen and Senator Kermit Brashear, the Nebraska Legislature established the Nebraska Indigent Defense Standards Advisory Council to develop and recommend standards to the Nebraska Commission on Public Advocacy regarding all types of indigent defense systems (public defender, contracts, and assigned counsel). More significantly, the legislature appropriated nearly \$1.3 million over the biennium to reimburse counties for 25% of the amount they spend on felony indigent defense. This legislation was modeled after a similar project in Indiana, where great strides have been made in improving the quality of that state's indigent defense systems.

As the Elected Public Defender for Lancaster County, I am a member of the Indigent Defense Standards Advisory Council. While the final version of the standards has not been released, I can tell you that the Council has been hard at work dealing with the sometimes very difficult issues regarding indigent defense systems. At this point, it appears that the first money will be distributed to those counties who qualify in FY03. I estimate that Lancaster County could see more than \$300,000 of this new state money if they choose to make the improvements to meet the standards.

All in all, 2001 was a good year for the Lancaster County Public Defenders Office. There are serious challenges awaiting us, but I have no doubt that we will meet those challenges and lay the groundwork for the future.

Dennis R. Keefe
Lancaster County Public Defender

CONTENTS

Mission Statement	3
Philosophy & Goals	3
Overview of the Indigent Defense System	4
Contracts	6
Assigned Counsel	7
Commission of Public Advocacy	7
Standards of Legislation and State Reimbursement	7
Operations of the Lancaster County Public Defender's Office	9
Felony Division	10
Misdemeanor Division	11
Juvenile Division	12
Key Issues for the Future	15
2001 Public Defender Staff	17
Appendix A	19
Open/Closed Caseload Report 2001	
Historical Comparison of Cases Opened 1990-2001	
Appendix B	20
Lancaster County Public Defender Budget	
Appendix C	22
Constitutional and Statutory Background for Office of Public Defender	

Mission Statement

The mission of the Lancaster County Public Defender's Office is to provide high quality of legal services for indigents and to advocate zealously on behalf of each individual client

Philosophy and Goals

It is the philosophy of the Lancaster County Public Defender's Office that each client should receive high quality legal representation which is as good as that provided by the best of the private bar.

Goals

1. Recruit and retain attorneys and support staff who will provide high quality legal representation for each client.
2. Maintain reasonable caseload levels for staff attorneys.
3. Provide all resources and ancillary services necessary to represent the clients of the office.
4. Provide continuing training for all staff.
5. Maintain political and professional independence for the office.
6. Maintain a professional work environment.
7. Provide creative representation.
8. Provide visionary management.
9. Provide full-service representation.
10. Maintain adequate and stable funding.

OVERVIEW
OF THE
Indigent
Defense System
IN LANCASTER COUNTY

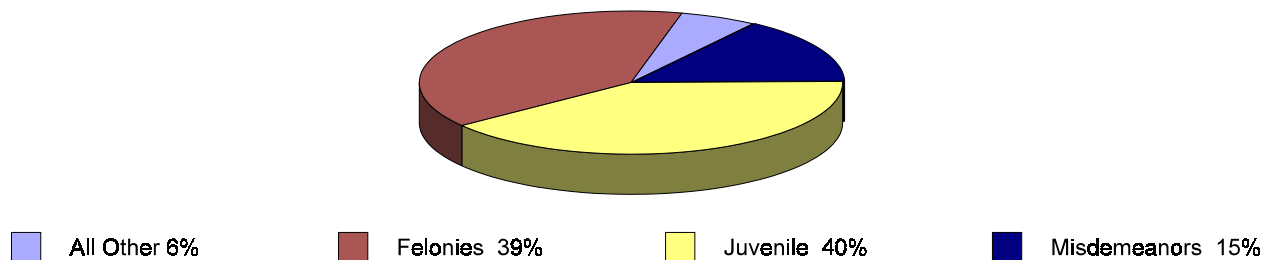
While both the federal and state constitutions require appointed counsel in a variety of cases, there is no federal mandate regarding the type of system that states or local government must use. In Nebraska, the legislature has imposed the responsibility of providing these services on the counties. The indigent defense system in Lancaster County has the following components:

- The Lancaster County Public Defender's Office (LCPDO) with an Elected Public Defender;
- Contracts with private lawyers and law firms for the representation of individuals in child support/paternity cases and for representation in juvenile court cases, plus a contract with Nebraska Legal Services (NLS) for juvenile court representation;
- An ad hoc system of assigned counsel (in juvenile, county, and district court) where judges appoint private attorneys who are then paid on an hourly basis.¹

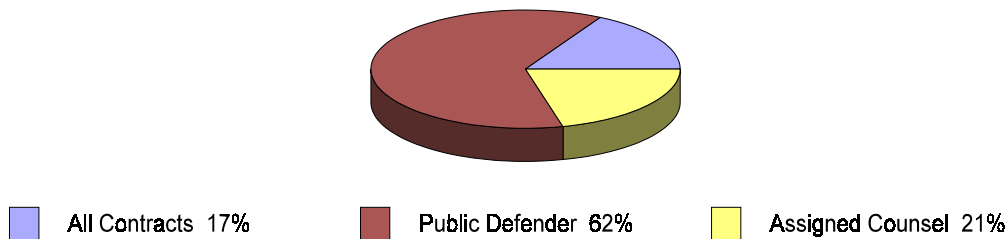
In FYO2, Lancaster County has budgeted a total of \$3,445,590 for indigent defense. This represents a 10% increase over actual expenditures for indigent defense in FYO1. The total number of new cases assigned to the system in 2001 was 7,919, representing an 11% increase over the number of new cases assigned to the system in 2000.

The pie charts below show the percentage of FYO2 budgeted amounts allocated to each component of Lancaster County's indigent defense system and the percentage of total new cases assigned to those components of the system in 2001:

PERCENTAGE OF THE FYO2 BUDGETED AMOUNTS BY SYSTEM COMPONENT



PERCENTAGE OF TOTAL NEW CASES ASSIGNED BY SYSTEM COMPONENT

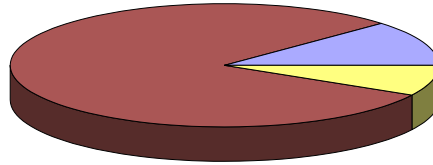


In comparing the amount actually expended in FYO1 to the budgeted amounts for FYO2, it is noteworthy that the contracts have become a larger portion of the budgeted amount while assigned counsel has become a lesser portion, indicating a shift in resources to contracts and away from assigned counsel.

In terms of the types of cases where the money is allocated (felony, juvenile, misdemeanor, and all other), the following pie chart shows the percentage of funds allocated to each of those types of cases (for purposes of this report, the public defender budget was allocated according to the various divisions within the public defender's office:

¹ For purposes of this section of the report, the Nebraska Commission on Public Advocacy is included with the assigned counsel cases because their fees are paid from that fund.
² The budgeted amounts and new cases for assigned counsel so include some non criminal, non juvenile cases such as guardian ad litem in probate, guardian ad litem in divorce, attorneys in mortgage foreclosure actions, conflicts for mental commitment and child support/paternity cases, and special prosecutor fees.

PERCENTAGE OF THE FY02 BUDGETED AMOUNTS BY TYPES OF CASES



All Contracts 12%
 Public Defender 80%
 Assigned Counsel 8%

Contracts

In 2001, Lancaster County had a total of six contracts for legal services in the various courts, five with private law firms and one with Nebraska Legal Services. One of the private law firms, Recknor & Associates, terminated their contract after one year. Upon the recommendation of the Lancaster County Indigent Defense Advisory Committee, that contract was assumed by two private attorneys, Lisa Lozano and Dalton Tietjen. The table below lists the contracts, the types of cases, the number of new open cases in 2001, and the compensation paid during calendar year 2001.

Contractor Name	Description of Types of Cases	Number of New Cases Appointed in 2001	Total Compensation paid in 2001
Susan Ugai	Child Support	286	\$67,640.22
	Paternity	76	
Nebraska Legal Services	Abuse/Neglect Law	119	\$276,166.52
	Violation	175	
	Status	15	
Orton, Thomas, & Peterson	Abuse/Neglect	28	\$69,000
	Law Violations	26	
Bollerup & Huxoll	Abuse/Neglect Law	51	\$69,000
	Violations	25	
Anderson, Creager, Wittstruck	Abuse/Neglect Law.	50	\$69,000
	Violations	25	
Lozano & Tietjen	Abuse/Neglect Law	45	\$39,000
	Violations	41	

3 The amount budgeted for legal services in district court will be utilized for some non-felony and even non-criminal work such as special prosecutor fees, fees for guardian ad litem in divorce cases, etc, also, we have assigned 25% of the amount budgeted for legal services in county court to felony cases based upon past experience. The amounts budgeted for the public defender's office will include expert witness fees, interpreters, investigator fees, etc. The amounts budgeted for assigned counsel and contracts do not reflect these amounts.

Assigned Counsel

- Each of the courts in Lancaster County (District, County, and Juvenile) has a budgeted amount for assigned counsel (identified as an object code for "Legal Services"). When attorneys are appointed for an individual case, they are paid an hourly rate of \$65 an hour for both in court and out of court work. In some of the homicide cases, the rate has been raised to \$85 per hour.
- In FY01, Juvenile Court spent \$330,310 on assigned counsel cases. While this was considerably more than either District Court or County Court spent on assigned counsel, it is approximately 26% less than was spent on assigned counsel fees in Juvenile Court in FY99. This can be directly attributed to the increased use of contracts in juvenile court cases.
- Of the 1,136 new felony cases assigned to the LCPDO in 2001, 244 cases (21% of the total assigned) required appointment of other counsel because of a conflict of interest. In 34 of those cases (14% of the conflicts), the courts appointed the Nebraska Commission on Public Advocacy (NCPA) and private attorneys were appointed in the remainder of cases. 196 felony cases were closed by assigned counsel (including NCPA) in 2001 with total fees of \$175,821.
- Of all of the misdemeanor cases assigned to the LCPDO in 2001, 319 cases (9% of the total new opened) required appointment of other counsel because of a conflict of interest. Assigned counsel closed 249 misdemeanor cases in 2001 for fees totaling \$65,518.

Nebraska Commission on Public Advocacy

As noted above, the Nebraska Commission on Public Advocacy was appointed to represent clients in Lancaster County in 34 felony cases (four cases of first degree murder, 20 violent felonies and 10 drug felonies). In addition, they represented Lancaster County clients in nine felony appeals to either the Court of Appeals or the Nebraska Supreme Court. NCPA was established by the legislature to assist counties with funding major case defense. With grants from the Nebraska Commission on Law Enforcement and Criminal Justice, they also are able to represent some clients in felony drug cases and felony violent cases, when the LCPDO has a conflict of interest. Based upon what would it would have cost to pay assigned counsel an hourly rate for the cases handled by the NCPA during 2001, it is estimated that NCPA provided a savings in assigned counsel fees for Lancaster County in excess of \$100,000.

Standards Legislation and State Reimbursement to the Counties

In 2001, the Nebraska Legislature established the Indigent Defense Standards Advisory Council to recommend standards to the Nebraska Commission on Public Advocacy for providing legal services to the poor in criminal cases. Once adopted, these standards can be used by the counties of Nebraska to improve their indigent defense systems.

The legislation provided money to reimburse counties up to 25% of their expenditures in felony indigent defense cases, if the counties choose to meet the standards. If Lancaster County desires to take advantage of this legislation, we must present to NCPA between July 1, 2002, and July 15, 2002.

- A plan on how the county intends to provide indigent defense services in felony cases.
- A statement of intent declaring that Lancaster County intends to comply with the standards which will be set by the commission for felony cases, and
-

- A statement that Lancaster County intends to apply for reimbursement, and
- A projection of the total dollar amount of expenditures for Lancaster County's indigent defense services in felony cases for FYO3.

Lancaster County has expenditures for felony cases in the budget of both District and County Courts and in the budget of LCPDO. It is recommended that LCPDO take the matter to the Lancaster County Indigent Defense Advisory Committee for review and approval of the plan and for estimated cost and revenue for Lancaster County.

Based upon preliminary information from the FYO2 budgets of LCPDO and the District and County Courts, it is estimated that Lancaster County will spend approximately \$1.3M on felony case indigent defense in FYO2. This amount does not include expert witness fees, interpreter fees, and other costs for assigned counsel (which may be reimbursable).

What is not known is how much it will cost Lancaster County to meet any standards that are to be set by NCPA. This figure will have to be computed after the standards are adopted and before our request to the state for reimbursement.

Nevertheless, based upon FYO2 figures, Lancaster County could realize approximately \$325,000 in new state money as reimbursement for felony case expenses.

OPERATIONS
OF THE
IN LANCASTER COUNTY

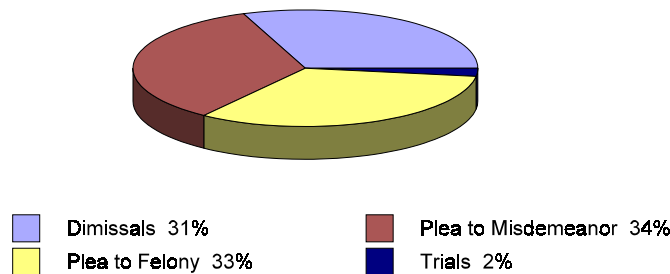
**Public
Defender's
Office**

FELONY DIVISION

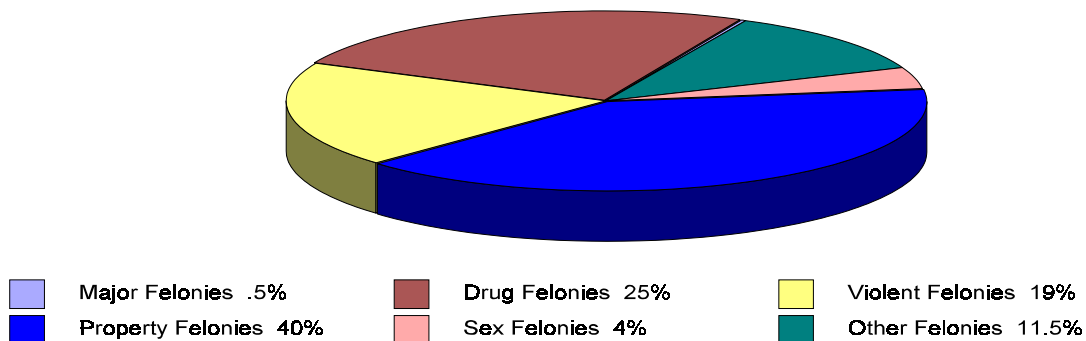
- There were a total of 1,499 felony cases filed in Lancaster County Court in 2001 compared to 1,293 cases filed in 2000 (a 16% increase).
- The LCPDO was appointed to 1,136 of those cases (76%) in 2001 compared with 990 cases in the year 2000 (77%).
- Of the 148 felony case increase assigned to the public defender in 2001, drug felonies represented 56% of that increase and a large percentage of those were methamphetamine cases.
- The increase in felony cases represents a total of 15% in one year for the LCPDO.
- The percentage of felony cases closed by LCPDO in 2001 increased at a much slower rate than openings, leaving a pending felony case load at the end of 2001 which was 30% higher than the pending felony case load at the end of year 2000.
- Six major cases were opened by the public defender's office in 2001 including two cases of first degree murder, three cases of manslaughter, and one case of second degree murder.
- The LCPDO closed three cases of first degree murder, three cases of manslaughter, one case of motor vehicle homicide, and one case of second degree murder in 2001.

The charts below compare the 2001 new open felonies by type of felony and by the percentage of attorney time recorded for the closed felonies by type of felony.

PERCENTAGE OF FELONIES OPENED IN 2001 BY TYPE



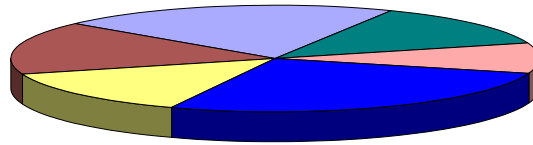
ATTORNEY HOURS FOR FELONIES CLOSED IN 2001 BY TYPE



Dispositions of felonies

During 2001, there were 57 jury trials in Lancaster County District Court. Twenty-nine of those cases (51%) were civil trials and 28 (49%) were criminal trials. Of the 28 felony jury trials in district court, LCPDO represented clients in 36%, assigned counsel represented clients in 14% and private attorneys represented clients in 50% of the cases.

The following pie chart discloses the percentage of cases closed by the LCPDO by dismissal, pleas to misdemeanor, pleas to felonies and trials (both bench and jury trial).



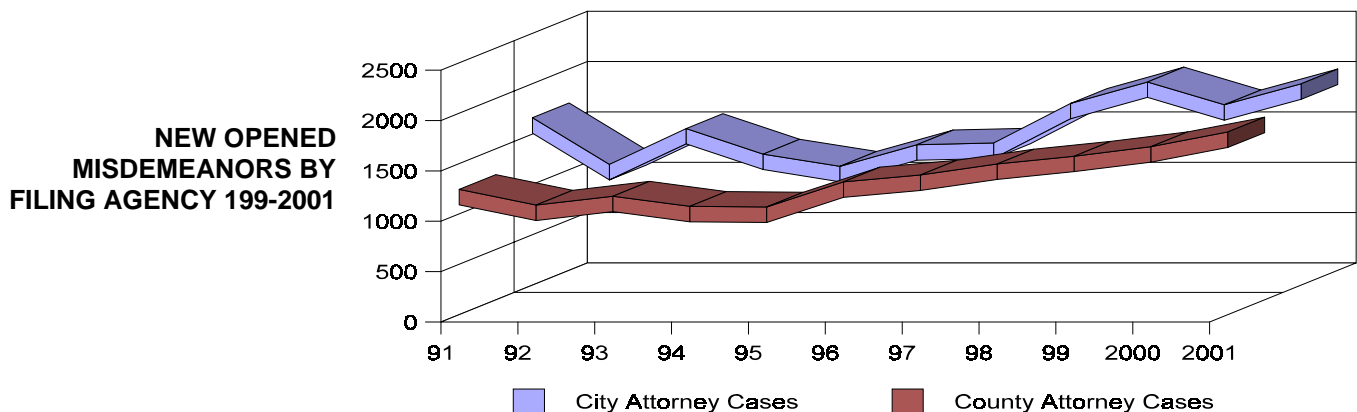
Felony Division Staff

Tim Sopinski resigned from the LCPDO in 2001. He was replaced on the felony division by Joe Nigro, a long time attorney with the office. The second felony paralegal position was filled by moving Jed Rojewski, a long time paralegal in the misdemeanor division. Also, the felony division temporarily lost one attorney who was moved to the misdemeanor division to handle the significantly increasing case load there.

MISDEMEANOR DIVISION

- The LCPDO opened a record number (3,361) of misdemeanor cases in 2001, representing an 11% increase over the 2000 figures.
- Almost 60% of the increase in cases came from three charge categories where the LCPDO is less likely to be appointed because jail sentences are rarely imposed (thefts, disturbing the peace, and criminal mischief)
- The 11% increase in total new misdemeanor cases was driven by a 12% increase in cases filed by the City Attorney's office and a 9% increase in cases filed by the County Attorney's office.
- Driving while intoxicated cases increased 9% in 2001.
- Assaults generally increased by 25%, while domestic violence assaults decreased by 6%

In the chart below we show a historical comparison of misdemeanor cases filed by both the City attorney and the County attorney which LCPDO opened from 1992 through 2001.



Misdemeanor staff changes.

Jennifer Villebro, an attorney in the juvenile division was re-assigned to work on misdemeanor cases in 2001. She is assigned to the County Attorney filed misdemeanor case load along with Julie Hansen and they are

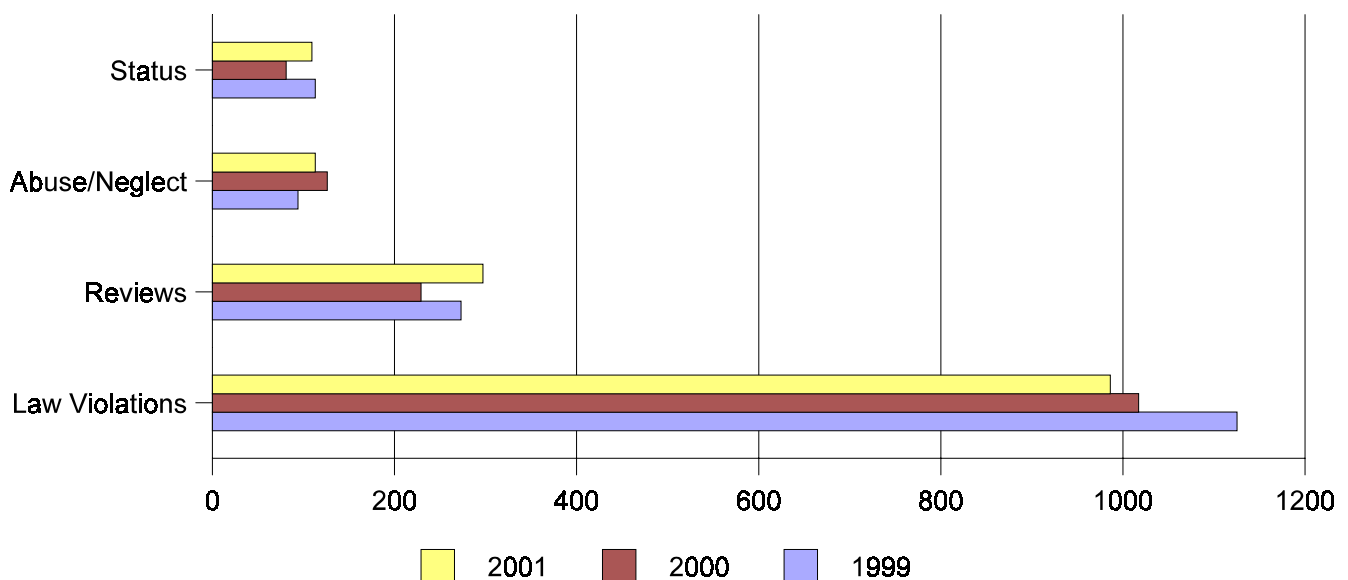
assisted by Angela Franssen, a paralegal. Susan Tast continues to represent the office in the City Attorney filed misdemeanor cases. She is assisted by Steve Schultz a new paralegal with the LCPDO.

JUVENILE DIVISION

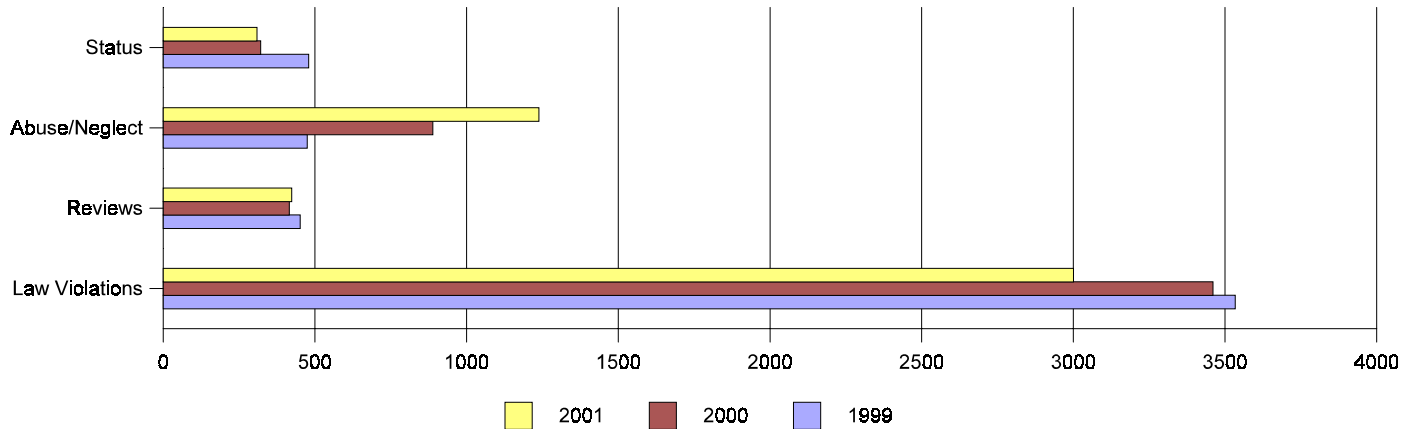
- According to the Separate Juvenile Court of Lancaster County, 1,931 filings were made in that court in 2001 compared with 1,984 in 2000, a 3% decrease.
- There was a 5% increase in the number of new abuse/neglect 3 (a) filings and an 8% decrease in the number of law violation filings.
- The LCPDO was appointed in 64% of the law violation filings, 60% of the new abuse/neglect cases, and 96% of the status offense cases.
- The number of public defender appointments in new abuse/neglect cases declined by 10% in 2001 (from 126 cases to 113 cases), but the number of pending abuse/neglect cases at the end of the year was 16% higher (229 cases in 2001 versus 198 cases in 2000).
- Public defender appointments in law violation filings declined 3% in 2001 (from 1,117 cases in 2000 to 986 cases in 2001). In the two year period from 1999 to 2001, the public defender's office has seen a 12% decrease in the number of law violation cases opened.
- The percentage of attorney time devoted to juvenile abuse/neglect cases continues to increase at a fast pace. Of the total amount of attorney time recorded for all juvenile cases in 1998, abuse/neglect cases represented only 4%. In 2001, attorney time for abuse/neglect cases represented 25% of all the juvenile attorney time recorded for closed cases.
- Based upon the public defender appointments and the appointments of all contract attorneys, abuse/neglect cases required an average of 2.4 attorneys per new abuse/neglect case filed.
- Based upon the public defender appointments and the contract attorney appointments, law violation cases required an average of .8 attorneys per new law violation file.
- Based upon the contract maximums and the available number of attorney appointments, without the addition of another contract, Lancaster County could be short 26 attorney appointments in 2002 and 76 appointments in 2003 for abuse/neglect cases.
- Given the rate of appointments of the contractors in law violation cases, Lancaster County will be out of contractor appointments in law violation cases by the end of the first quarter with the exception of Nebraska Legal Services.

Below is a chart displaying the four types of juvenile cases in the public defender's office, first by the number of cases opened from 1999 through 2001 and then by the percentage of juvenile division attorney time devoted to those case types.

NEW OPENED JUVENILE CASES BY TYPE



ATTORNEY HOURS FOR CLOSED JUVENILE CASES



JUVENILE DIVISION STAFF

Margene Timm is the supervisor of the LCPDO Juvenile Division. She was assisted in 2001 by Deputy Public Defenders Kristi Egger-Brown, Reggie Ryder and Jennifer Villebro. In late 2001, Jennifer Villebro was moved to the misdemeanor division and Andrea Snowden, a newly hired Deputy Public Defender, joined the juvenile division staff. Angelia Onuoha is the paralegal for abuse/neglect cases and Donna Garwood is the paralegal for law violation and status cases.

2001 saw the beginning of the juvenile drug court program. Margene Timm participated as a team member from the Public Defender's Office. This adds time to the juvenile division staff due to the setting of a special drug court sessions on Wednesday afternoons.

MENTAL HEALTH COMMITMENTS.

The mental health commitment cases are requiring more attention by the LCPDO. This is due to a number of factors, including increased attention to the rights of the mental health commitment patients/clients by the LCPDO.

In an attempt to make the system run more efficiently, the LCPDO, the Lancaster County Attorney's Office, and representatives of the Community Mental Health Center/Crisis Center held a series of meetings in 2001 in order to establish protocols for handling these cases. Among the important protocols that were agreed upon, were more advance information provided to the LCPDO regarding the recommendations of the professional staff at the Crisis Center and more timely background information provided to the LCPDO from the Lancaster County Attorney's Office.

The number of sex offender cases, requiring substantial amounts of attorney time, increased in 2001 and will probably increase again in 2002. It is hoped that a protocol can be worked out with the State Department of Correctional Services so that advanced notice is given to Lancaster County when sex offenders are being referred to the County Attorney's office for possible mental health commitment filings. This will not only allow for more orderly and efficient preparation of the cases, it will also hopefully save bed space at the Crisis Center.

A few important facts regarding the mental health commitment case load.

- The number of appointments of the LCPDO to mental health commitment petition cases increased by 13% in 2001 (from 406 cases to 458 cases).
- At the same time, the number of cases that were dismissed, either because the subject accepted voluntary commitment or the subject was discharged from the Crisis Center prior to a hearing, increased from 9% of the petitions filed in 2000 to 24% of the petitions filed in 2001.

MISCELLANEOUS CASES.

Most of the miscellaneous cases are handled by the felony division attorneys. In 2001, the LCPDO opened 223 miscellaneous cases, including 67 felony revocation of probation matters, 88 fugitive from justice cases, 5 insanity verdict reviews, and 46 new felony drug court cases, among others.

The felony drug court began operation in 2001 and requires that a felony division attorney (and sometimes a misdemeanor division attorney) devote at least ½ day per week to the felony drug court.

Administration and support.

Monica Ross is the Administrative Services Officer for LCPDO. She is responsible for overall operational efficiency of the office. Two new staff members in administration and support joined the LCPDO in 2001. They are Vickey Cox and Marge Shepard.

OVERVIEW

Key Issues

FOR THE

Future

Staffing

The most immediate concern is to return the felony division to full staff. One of the felony attorneys was assigned to the misdemeanor division during 2001. However, given the significant increase in felony intake which continues into the year 2002, the felony attorney must be reassigned immediately. An attorney will have to be added to the misdemeanor division based not only upon the significant number of cases, but also upon scheduling concerns. If the trend in felonies and misdemeanors continue, it may be necessary to request an additional attorney for the felony division this fiscal year.

Also of importance is the paralegal staff. We are proposing to add an additional paralegal to assist with the juvenile division cases because of the significant increase in pending abuse/neglect cases. This paralegal will also assist with the mental health commitment docket so that the office has a full time staff person devoted to mental health commitment cases.

Standards and State Reimbursement

The legislature has established the Nebraska Indigent Defense Standards Advisory Council. The Council is currently in the process of establishing standards for county indigent defense systems. If Lancaster County meets the standards that are set, including assigned counsel hourly rates, case load standards for public defender offices, and others, we would be eligible for reimbursement of up to 25% for our costs in felony cases.

We will need to, among other things, estimate our felony costs for FYO3 in both the LCPDO budget and the budget of County and District Courts. Based upon current FYO2 felony expenditures in those three agency budgets it appears that Lancaster County will spend approximately \$1.3M and be eligible for reimbursement of more than \$300,000.

Indigent Screener Evaluation

The screener pilot project is in its second year of a three year term. It is time to begin the evaluation process so that we know whether or not the program has been successful, based upon the criteria that the advisory committee agrees upon. We will be presenting a proposed budget for the evaluation at the time of the budget hearing for the screener project. We may also request additional time before the county board preceding the budget hearing to explain the nature of the proposed evaluation.

Additional Juvenile Contracts

The Lancaster County Indigent Defense Advisory Committee, nominated by the Lincoln Bar Association and appointed by the Lancaster County Board of Commissioners, will be meeting shortly to discuss whether or not to recommend adding an additional juvenile court contract in FYO3. It appears that it may become necessary based upon the fact that many of the contractors are currently reaching their maximums in law violation cases and some will reach their maximums in abuse/neglect cases, taking new cases only as cases are closed.

Completion of Technology Upgrade

FYO3 will see the second phase of the public defender's computer hardware upgrade. We will be asking for an additional 8 computers and 9 new monitors. Also, the Lexis/Nexis contract will certainly reduce our costs for on-line legal research. Finally, we hope to be moving into the development stage for the new joint County Attorney/Public Defender case management information system.

2001 PUBLIC DEFENDER STAFF

FELONY DIVISION

Scott Helvie
Robert G. Hays
Webb E. Bancroft
Paul Cooney
Shawn D. Elliott
Timothy Sopinski
Timothy Eppler
Julie B. Hansen
Joseph D. Nigro

Public Defender

Dennis R. Keefe
University of Nebraska College of Law, 1972
Elected to Office of Public Defender, November, 1978

Chief Deputy Public Defender

Scott P. Helvie
University of Nebraska College of Law, 1976
Public Defender: 1976 - 1981, Lincoln County, Nebraska
1981 to present, Lancaster County, Nebraska
Felony Division Team Leader

Deputy Public Defenders

Robert G. Hays
Antioch School of Law, 1977
Started in 1984

Joseph D. Nigro
University of Nebraska College of Law, 1983
Started in 1983
Felony Division Team Leader

Webb E. Bancroft
University of Nebraska College of Law, 1983
Started in 1989
Felony Division

Susan R. Tast
University of Nebraska College of Law, 1986
Started in 1989
Misdemeanor Division

Margene M. Timm
University of Nebraska College of Law, 1983
Started in 1989
Juvenile Division Team Leader

Kristi Egger Brown
University of Nebraska College of Law, 1988
Started in 1990
Juvenile Division

MISDEMEANOR DIVISION

Susan R. Tast
Julie B. Hansen
Jennifer K. Villebro

JUVENILE DIVISION

Margene M. Timm
Kristi Egger-Brown
Reggie L. Ryder
Andrea D. Snowden

Shawn D. Elliott
University of Nebraska College of
Law, 1989
Started in 1996
Felony Division

Paul E. Cooney
University of Nebraska College of
Law, 1993
Started in 1996
Felony Division

Reggie Ryder
University of Nebraska College of
Law, 1997
Started in 1998
Juvenile Division

Julie B. Hansen
University of Nebraska College of
Law, 1993
Started in 1998
Felony and Misdemeanor Divisions

Timothy Sopinski
University of Nebraska College of
Law, 1997
Started in 1999
Felony Division

Jennifer K. Villebro
Creighton University College of Law, 1999
Started in 1999
Juvenile Division

Timothy Eppler
University of Nebraska College of Law, 1996
Started in 1999
Felony Division

Andrea D. Snowden
University of Kansas, 1999
Started in 2001
Juvenile Division

Dorothy A. Walker
University of Nebraska College of Law, 1981
Started in 2001
Mental Health Division

S U P P O R T S T A F F

Office Manager
Monica Ross, 1976

Paralegals
Donna Garwood, 1982
Jed Rojewski, 1996
Angelia Onuoha, 1997
Kristi Gottberg, 1999
Angela Franssen, 1999
Steven Schultz, 2001

Investigator
Joe Renteria, 1996

Secretaries/Clerks
Lori McGerr, 1983
Angela Owens, 1992
Vickey Cox, 2001

Law Clerks
Mark Bestul
Matthew Graff
Kellie Clifton
John Jorgensen

APPENDIX A

TABLE 1

Lancaster County Public Defender's Office Open/Closed Caseload Report 2001

CASETYPE	PENDING START	OPENED 2001	CLOSED 2001	PENDING END 2001
Appeals	51	96	106	43
Felonies	300	1130	1028	392
Juveniles	455	1520	1445	525
Major Cases	8	6	8	7
Mentals	4	458	458	4
Miscellaneous	40	221	193	61
Misdemeanors	678	3661	3701	640
Totals	1536	7092	6939	1672

TABLE 2

Lancaster County Public Defender's Office
Historical Comparison of Cases Opened since 1990

CASETYPE	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	Chg 00-01
Appeals	60	68	67	71	57	81	46	71	58	85	86	96	12%
Felonies	721	746	689	686	779	741	774	840	962	976	981	1130	15%
Juveniles	559	605	636	695	819	792	931	1288	1484	1605	1453	1520	5%
Major Cases	7	8	8	9	10	6	6	9	16	13	9	6	-33%
Mental Commitment	352	298	266	75	254	322	270	324	379	391	406	458	13%
Miscellaneous	127	136	186	148	120	109	115	118	151	134	152	221	45%
Misdemeanors	2549	2755	2133	2579	2225	2096	2560	2646	3148	3438	3306	3661	11%
Totals	4375	4616	3985	4263	4264	4147	4702	5296	6198	6642	6393	7092	11%

APPENDIX B

REPORT ID B117

LANCASTER COUNTY EXPENSE BUDGET ADOPTED

**** FUND General Fund 011
**** AGENCY: Public Defender 625
**** MGR: Dennis Keefe

OBJECT DESCRIPTION	ACTUAL EXPENDITURE		BUDGET	ACTUAL	PROPOSED	ADOPTED
	1999 TO 1999	1999 TO 2000	2000 TO 2001	2000 TO 2001	2001-2002	2001-2002
1051 OFFICIAL'S SALARY	81,777	86,861	87,210	89,143	90,438	90,438
1052 DEPUTY'S SALARY	85,004	88,081	87,895	90,099	90,970	90,970
1053 REGULAR SALARIES	1,015,433	1,108,836	1,155,881	1,163,310	1,211,761	1,211,761
1101 FICA CONTRIBUTIONS	86,900	92,864	100,412	97,647	106,877	106,877
1102 RETIREMENT CONTRIBUTIONS	80,007	85,338	95,410	95,268	103,121	103,121
1103 GROUP INSURANCE	87,093	105,179	130,684	139,063	168,323	168,323
1106 OTHER EMPLOYEE BENEFITS	0	200	600	50	0	0
1107 GROUP DENTAL INSURANCE	4,303	5,112	6,036	7,928	10,200	10,200
1108 LONG TERM DISABILITY	4,367	2,874	4,973	4,799	5,100	5,100
1109 POST EMPLOYMENT HEALTH PROGRAM	4,857	12,154	13,491	23,540	26,449	26,449
OBJECT CATEGORY: 10 PERS SERV	1,449,741	1,587,499	1,685,592	1,710,847	1,813,247	1,813,247
2051 OFFICE SUPPLIES	14,114	14,222	14,000	11,556	14,000	14,000
OBJECT CATEGORY: 20 SUPPLIES	14,114	14,222	14,000	11,556	14,000	14,000
2052 LEGAL SERVICES	35	0	0	0	0	0
3053 DATA PROCESSING SERVICE	74,465	82,302	83,600	68,082	83,600	83,600
3057 CONSULTING SERVICES	43,448	51,106	20,500	5,969	15,000	15,000
3062 EQUIP MAINTENANCE AGREEMENTS	3,514	1,977	0	0	0	0
3069 PSYCHOLOGIST/PSYCHIATRIST	0	0	15,000	4,021	20,000	20,000
3078 COMPUTER SOFTWARE MAINT/LIC	0	0	1,700	0	0	0
3091 TEMPORARY SERVICES	504	0	0	0	0	0
3201 MEALS	823	399	1,100	1,331	1,200	1,200
3202 LODGING	2,756	1,473	2,800	2,890	3,100	3,100
3203 FARES	2,110	2,102	3,000	1,815	3,000	3,000
3204 MILEAGE	3,537	3,680	3,000	2,903	3,000	3,000
3205 PARKING & TOLLS	0	0	0	179	125	125
3206 VEHICLE RENTAL	0	42	500	404	500	500
3251 POSTAGE	3,181	3,341	3,700	3,789	4,000	4,000
3252 TELEPHONE LOCAL	17,541	17,900	17,328	15,475	18,200	18,200
3253 TELEPHONE LONG DISTANCE	1,541	1,360	1,900	1,009	1,700	1,700
3301 PRINTING	27,596	35,096	1,000	1,534	1,600	1,600
3302 PHOTOCOPYING	84	0	9,500	14,283	14,400	14,400
3304 ADVERTISING	207	760	1,000	224	750	750
3305 FILM PROCESSING	30	0	0	639	200	200
3306 LEGAL PUBLISHING	2,616	2,809	0	0	0	0
3402 WITNESS FEES	260	376	500	155	400	400
3403 COURT COSTS	297	414	500	211	500	500
3434 MEMBERSHIP & DUES	8,369	9,194	9,014	10,392	10,159	10,159
3405 BOOKS & SUBSCRIPTIONS	8,829	7,269	8,000	8,339	8,320	8,320
3406 ENROLLMENT FEES & TUITION	4,215	7,052	4,400	5,276	4,500	4,500
3408 OTHER FEES & SERVICES	148,300	192,328	0	0	0	0

3412 OTHER MISC FEES & SERVICES	0	0	37,000	26,846	35,000	35,000
3424 INTERPRETER	0	0	10,000	10,125	10,000	10,000
3452 LIABILITY INSURANCE	6,524	6,375	6,500	6,375	6,500	6,500
3455 OFFICIAL'S BONDS	530	450	500	0	0	0
3456 EMPLOYEE'S BONDS	0	0	0	480	500	500
3553 OFFICE EQUIPMENT R & M	165	868	1,000	29	900	900
3604 RENT BUILDING	51,155	50,302	50,159	50,159	55,303	55,303
OBJECT CATEGORY: 30 OTH SER CHAR	412,632	478,975	293,201	242,943	302,457	302,457
4102 REPAIR/IMPROVEMENT TO BLDGS	0	0	0	0	0	0
4202 OFFICE EQUIPMENT	3,884	7,467	1,800	513	1,000	1,000
4212 COMMUNICATION EQUIPMENT	0	0	0	155	400	400
4216 FURNITURE & FIXTURES	0	0	0	649	1,300	1,300
OBJECT CATEGORY: 40 CPTL OUTLAY	3,884	7,467	1,800	1,317	2,700	2,700
TOTAL FOR AGENCY: 625	1,880,371	2,088,163	1,991,593	1,966,663	2,132,404	2,132,404

APPENDIX C

Constitutional & Statutory Background for Office of the Public Defender

In all criminal prosecutions, the accused shall enjoy the right . . . to have the assistance of counsel for his defense.

**Sixth Amendment
Constitution of the United States**

In all criminal prosecutions the accused shall have the right to appear and defend in person or by counsel ...

**Article 1, Section 11
Constitution of the State of Nebraska**

(1) There is hereby created the office of public defender in counties that have or that attain a population in excess of one hundred thousand inhabitants and in other counties upon approval by the county board. The public defender shall be elected as provided in the Election Act.

(2) The public defender shall be a lawyer licensed to practice law in this state. He or she shall take office after election and qualification at the same time that other county officers take office, except that upon the creation of such office in any county, a qualified person may be appointed by the county board to serve as public defender until such office can be filled by an election in accordance with 32-523.

(3) In counties having a population of more than one hundred seventy thousand inhabitants, the public defender shall devote his or her full time to the legal work of the office of the public defender and shall not engage in the private practice of law. All assistant public defenders in such counties shall devote their full time to the legal work of such office of the public defender and shall not engage in the private practice of law so long as each assistant Public Defender shall receive the same annual salary as each deputy county attorney of comparable ability and experience shall receive in such counties.

(4) No public defender or assistant public defender shall solicit or accept any fee for representing a criminal defendant in a prosecution in which the public defender or assistant is already acting as the defendant's court-appointed counsel.

(5) A public defender elected after November 1986 need not be a resident of the county when he or she files for election as public defender, but a public defender shall reside in the county in which he or she holds office, except that in counties with a population of one hundred thousand or less inhabitants, the public defender shall not be required to reside in the county in which he or she holds office.

Neb. Rev. Stat. §23-3402 (Reissue 1991)
Public Defender duties; appointment; prohibitions.

I. It shall be the duty of the Public Defender to represent all indigent felony defendants within the county he or she serves. The Public Defender shall represent indigent felony defendants at all critical stages of felony proceedings against them through the stage of sentencing. Sentencing shall include hearings on charges of violation of felony probation. Following the sentencing of any indigent defendant represented by him or her, the Public Defender may take any direct, collateral, or post conviction appeals to state or federal courts which he or she considers to be meritorious and in the interest of justice and shall file a notice of appeal and proceed with one direct appeal to the Court of Appeals or the Supreme Court of Nebraska upon a timely request after sentencing from any such convicted felony defendant subject to the Public Defender's right to apply to the court to withdraw from representation in any appeal which he or she deems to be wholly frivolous.

(1) It shall also be the duty of the Public Defender to represent all indigent persons against whom a petition has been filed with a mental health board as provided in Sections 83-1049 to 83-1051.

(1) It shall be the duty of the Public Defender to represent all indigent persons charged with misdemeanor offenses punishable by imprisonment, when appointed by the court.

(1) Appointment of a Public Defender shall be by the court in accordance with sections 29-3902 and 29-3903. A Public Defender shall not represent an indigent person prior to appointment by the court, except that a Public Defender may represent a person under arrest for investigation or on suspicion. A Public Defender shall not inquire into a defendant's financial condition for purposes of indigency determination except to make an initial determination of indigency of a person under arrest for investigation or on suspicion. A Public Defender shall not make a determination of a defendant's indigency, except an initial determination of indigency of a person under arrest for investigation or on suspicion, not recommend to a court that a defendant be determined or not determined an indigent.

Neb. Rev. Stat. §23-3403 (Reissue 1991)
Public Defender; assistants, personnel; compensation; office space, fixtures and supplies; county furnish.

The Public Defender may appoint as many assistant Public Defenders, who shall be attorney licensed to practice law in this state, secretaries, law clerks, investigators, and other employees as are reasonably necessary to permit him or her to effectively and competently represent the clients of his office, subject to the approval and consent of the county board, which shall fix the compensation of all such persons, as well as the budget for office space, furniture, furnishings, fixtures, supplies, law books, court costs, brief-printing, investigative, expert, travel and other miscellaneous expenses reasonably necessary to enable the Public Defender to effectively and competently represent the clients of his office.

Neb. Rev. Stat. 629-3901(3) (Reissue 1995)

Indigent shall mean the inability to retain legal counsel without prejudicing one's financial ability to provide economic necessities for one's self or one's family. Before a felony defendant's initial court appearance, the determination of his or her indigency shall be made by the Public Defender but thereafter it shall be made by the court.