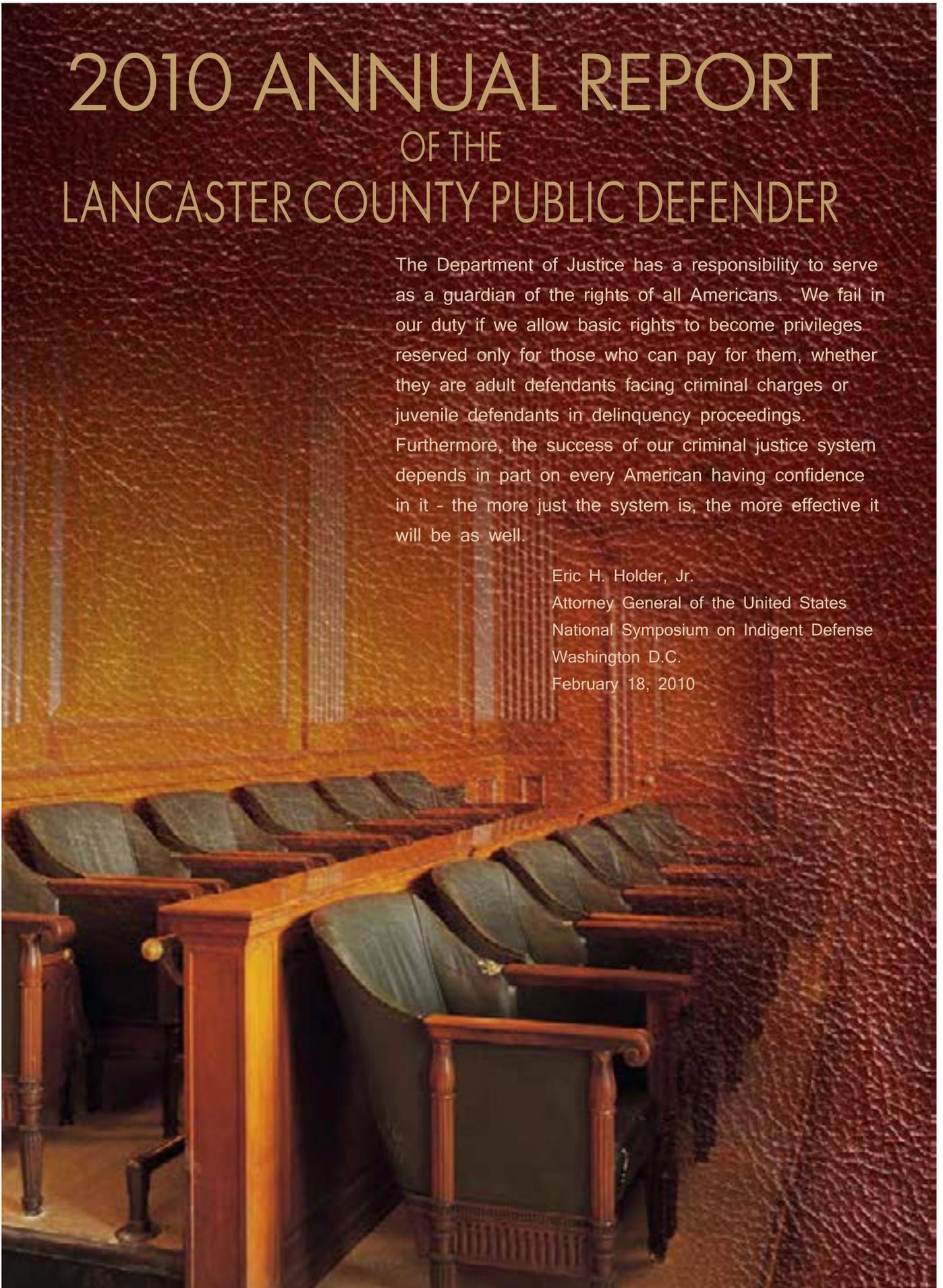


2010 ANNUAL REPORT OF THE LANCASTER COUNTY PUBLIC DEFENDER

The Department of Justice has a responsibility to serve as a guardian of the rights of all Americans. We fail in our duty if we allow basic rights to become privileges reserved only for those who can pay for them, whether they are adult defendants facing criminal charges or juvenile defendants in delinquency proceedings. Furthermore, the success of our criminal justice system depends in part on every American having confidence in it - the more just the system is, the more effective it will be as well.

Eric H. Holder, Jr.
Attorney General of the United States
National Symposium on Indigent Defense
Washington D.C.
February 18, 2010





In January of 2010, I was asked by our then County Attorney, Gary Lacy, to be part of a team from Lancaster County to attend a national seminar on what was called "Researched-Based Smarter Sentencing." Together with Joe Kelly, Lacey's then Chief Deputy, District Court Judge John Colborn, and Kim Etherton who is the director of our Community Corrections program, I went to Atlanta for the program sponsored by the Bureau of Justice Assistance. I had no idea what to expect but I was very pleasantly surprised.

The concept of "Researched-Based Smarter Sentencing" (including supervised pre trial release and community re-entry programs) is that the criminal justice system needs to start using the large body of scientific research that has been developed to tailor programs (and sentences) to the individual's needs in order to have any chance at changing behaviors, stopping the cycle of crime, and saving tax dollars. It is anything but a "feel good" program and it is based upon scientific research about what works and what doesn't work for people facing criminal charges. The point was repeatedly made that the criminal justice system can no longer afford to squander its limited resources by overkill or programming that has been scientifically proven to have no impact.

One would think that this concept of research based programming in the criminal justice system would be welcome news to those concerned with the huge deficits created by "The Great Recession" and the resulting dramatic fall in tax revenue for the states. In Nebraska alone, we are said to be facing a two year budget deficit of nearly \$1 B. There are few certainties in situations such as this; but one thing is clear, the states and local governments are going to cut significant amounts of expenditures from their budgets. But, if we can learn ways not to waste resources and to target the correct programming for individuals in the system to have the greatest impact, we could save substantial money in addition to improving outcomes.

The times call for a major re-examination of our criminal code and procedures to make sure that the costs of the criminal justice system are really providing for public safety in the most efficient manner possible. For all of the talk about reducing government expenditures, there are still some in government who apparently have not made the connection between legislation creating new criminal offenses, increasing offenses from misdemeanors to felonies, increasing penalties, and the increasing costs of the criminal justice system. Yet those legislative actions have a major fiscal impact on both the counties who fund much of the criminal justice system and the state. If there was research to suggest that the proposed changes would make a difference in terms of public safety it would be one thing. Usually, however, such legislation is the result of emotional reactions to a problem or a specific incident. We sometimes let our anger about an idiosyncratic situation control the day, and the result is not necessarily an improvement in public safety but, more likely, a more expensive criminal justice system.

Take, for example, the problem of underage drinking. No one would claim it is not a problem, but there are certainly questions about how our criminal justice system reacts. Last year the legislature amended the crime of Minor In Possession of Alcohol to, among other things, require alcohol education classes. This was shortly after my return from the conference where we had been told by the researchers that all of the studies on this issue indicate that alcohol education classes have absolutely no effect on underage drinking.

Of course, the national model for this type of "feel good" but "do nothing" type of change is the War on Drugs. As the exhaustive AP report in 2010 demonstrated, "After 40 years, the United States' war on drugs has cost \$1 Trillion and hundreds of thousands of lives, and for what? Drug use is rampant and violence even more brutal and widespread." Does anyone remember the DARE Program? Enormous amounts of money were spent on that program even after the research clearly established it was not effective.

At the state level, the explosion in new felony offenses, mandatory minimum sentences and overall increasing penalties over the past ten years have significantly impacted counties' expenditures on criminal justice including indigent defense. At a bare minimum, given the state's budget crisis, the Legislature (and local City Councils who pass their version of these laws) owe it to the taxpayers to conduct research on whether these changes have been effective in solving the problems they were intended to solve. Do we really need all of the offenses we now have on the books to be safe? Do we really need all of the offenses that carry jail sentences and mandatory minimums? Have the increased penalties really made a difference in the problems they were supposed to have addressed? Isn't it time, given our current economic circumstances, that we reexamine what we are doing in the criminal justice system and ask ourselves if there is a better, more efficient way?

Dennis Keefe

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MISSION STATEMENT

The mission of the Lancaster County Public Defender's Office is to provide high quality 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.

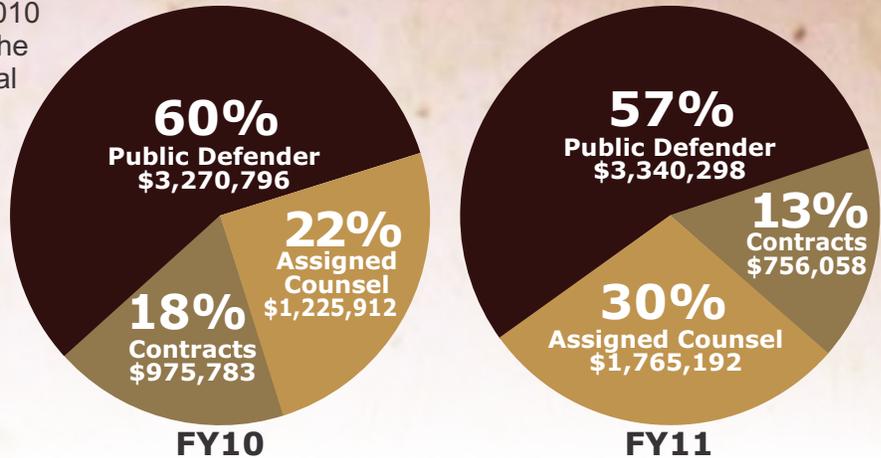
GOALS

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 LANCASTER COUNTY'S INDIGENT DEFENSE SYSTEM

The indigent defense system in Lancaster County consists of the Lancaster County Public Defender's Office, private assigned counsel in county, district and juvenile court, and a series of contract attorneys for juvenile court and the Child Support and Paternity cases. The chart below compares the FY11 projected expenditures as of December 31, 2010

(as reported by the Budget and Fiscal Office) for each segment of the system with the FY10 Actual Expenditures.



2010 ASSIGNED COUNSEL NOTES

- If the projected expenditures for FY11 hold up through the end of the fiscal year, it would mean that the Public Defender's Office will have spent 2% more than in FY10, and that Assigned Counsel expenditures will have increased by 44%, due mainly to increased spending in juvenile court as the contracts lapse and are no longer renewed per the juvenile court judges' decision. At the same time, the cost of contracts will decrease by approximately 22%.
- Of the 1,546 felony cases closed by the public defender's office in 2010, 400 cases (26%) were closed because of a conflict of interest which required the appointment of the Commission on Public Advocacy or private assigned counsel. In addition, 12 felony cases were closed by the public defender because they exceeded the office's caseload standards.
- The Nebraska Commission on Public Advocacy was appointed to represent clients in 7 of the 412 felony cases where the public defender had a conflict or where the office exceeded its caseload limits. 1 of those cases was a First Degree Murder prosecution. The number of cases accepted by the Commission has declined significantly because of their position that they will not handle drug cases because of the conflicts that they create with other serious felony cases. The commission's services are provided at no cost to Lancaster County and have saved the county hundreds of thousands of dollars in attorneys fees over the years.
- Of the 3,410 misdemeanor cases closed by the public defender's office in 2010, 527 (15%) were closed because of a conflict of interest requiring appointment of assigned counsel. In addition, 18 City Attorney-filed misdemeanor cases were closed because they exceeded the public defender's caseload standards (Compared to 311 in 2009).
- Of the 1,340 Juvenile Law Violations and Status Offender cases closed by the public defender in 2010, 156 (12%) were closed because of a conflict of interest and either a contract attorney or private attorney was appointed. In addition, the public defender closed 27 of these cases because they exceeded their office caseload standards, compared to 14 in 2009.

CONTRACT NOTES

- At the beginning of 2010, Lancaster County had contracts for legal services in Juvenile Court with 5 private attorneys/law firms and 1 with Legal Aid of Nebraska. At the end of the year, because of the juvenile court judges' decision to stop using the contracts, the number was down to 2 private attorney contracts and the contract with Legal Aid of Nebraska. 2010 was the second year of the juvenile court transfer of cases from contracts to private attorneys.
- According to the Separate Juvenile Court, there were 415 new 3(a) (abuse/neglect) cases filed in the Separate Juvenile Court of Lancaster County in 2010, representing a 19% increase from the number they reported filed in 2009. This increase would have required approximately 156 more attorney appointments in 2010 over the number needed in 2009.
- According to the State Court Administrator, the number of total filings in the Separate Juvenile Court of Lancaster County in 2010 were 76% of the total number filed in Douglas County.
- In the first year of the Child Support/Paternity contract between Lancaster County and the DeMars Gordon Law Firm, the contractor opened 317 Child Support contempt cases and closed 304, opened 121 new Paternity cases and closed 114, and opened 21 other Orders To Show Cause matters. The firm logged 1779.2 hours total for this work which would exceed the standards for one attorney in this office.

LANCASTER COUNTY INDIGENT DEFENSE ADVISORY COMMITTEE

In 1995, at the request of Lancaster County Public Defender Dennis R. Keefe, the Lancaster County Board of Commissioners established the Lancaster County Indigent Defense Advisory Committee to advise the Public Defender and the Lancaster County Board on all issues relating to indigent defense. Members of the advisory committee are nominated by the Board of Trustees of the Lincoln Bar Association and are appointed by the Board of Commissioners. The advisory committee plays a very important role, especially in the recommendation of new contractors for Lancaster County. We want to thank the volunteer members of this committee who served during 2010. They are Andy Strotman, Randy Goyette, Sean Brennan, Brad Roth, and Jeanelle Lust.

PUBLIC DEFENDER'S OFFICE OPERATIONS

OVERVIEW

After adjusting for the transfer of the Child Support and Paternity cases to the contractor in 2010, the Public Defender's Office saw a 2% decline in the overall number of new cases assigned. However, the two categories of cases that have the highest attorney time requirement, felonies and County Attorney filed misdemeanors, both showed increases.

In the felony cases, the state filed 6.5% more felonies than the year previous and our office was appointed to 7% more cases than in 2009. All but the category of Drug Felony showed some increase, but the largest increase by far was in the "Other" category, consisting of cases such as the felony driving offenses of drunk driving and suspended license and fleeing to avoid arrest as well as the relatively new offense of Sex Offender Registration Violations. Child Abuse, Child Pornography, and Arson also showed increases over 2009 cases.

The number of County Attorney filed misdemeanor cases opened by the public defender increased by 4% overall. However, there were large declines in the drunk driving and suspended license cases and a large increase in theft cases. The number of City Attorney filed misdemeanors continued to decline and 2010 was a 5 year low for these new open cases. We believe that this decline is due, at least in part, to the judges becoming more selective in the types of cases that require appointed counsel.

YOU SAY HELLO AND I SAY GOODBYE



Dorothy Walker retired from the Public Defender's Office in 2010. She had two stints as a deputy public defender in the Lancaster County Public Defender's Office. In her last year with the office, Dorothy represented clients before the Board of Mental Health and in Child Support and Paternity cases.



Todd Molvar was sworn into the Nebraska Bar in February of 2010 after motioning in from the Colorado Bar Association. Todd is also a native of Lincoln. He began his career representing clients before the Board of Mental Health and in City Misdemeanor cases. He also assumed responsibility for the review cases where the client had been found not responsible by reason of insanity.



Two new attorneys joined the office in 2010. Yohance Christie, a native of Lincoln, joined the office on January 26, 2010 after having passed the Texas Bar Exam and motioning in to the Nebraska Bar. Yohance began as an attorney in the juvenile division representing youth in law violation and status cases.

FEDERAL GRANT PROVIDES TRAINING AND TECHNOLOGY

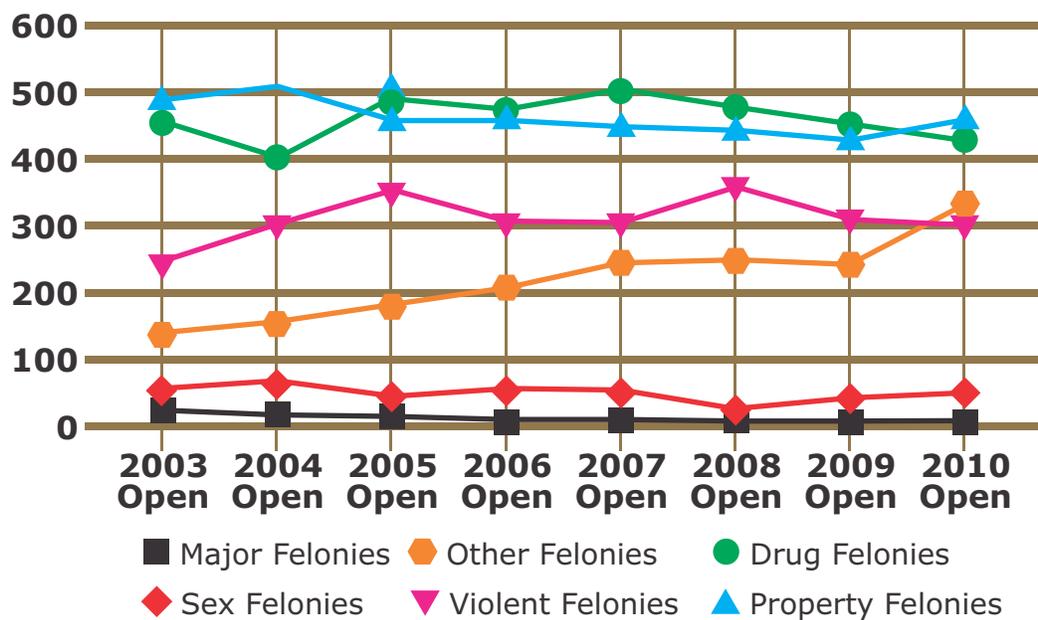
The Lancaster County Public Defender's Office received 2 grant awards from the Nebraska Crime Commission in 2010. One of the grants provided more than \$46,000 in federal funds to purchase computer equipment, upgrade the office's case management information system, and provide funding for out-of-state training experiences for staff attorneys. The second grant provided more than \$29,000 in federal funds for statewide training on the obligations of criminal defense attorneys to provide competent advice to clients about the immigration consequences of criminal convictions. In addition, this latter grant provides funding for out-of-state training for a number of criminal defense attorneys to learn immigration law. The second grant will be managed by the Nebraska State Bar Association, through its Minority Justice Committee.

THE FELONY DIVISION

Scott P. Helvie, Chief Deputy
 Robert G. Hays, Chief Deputy
 Joseph D. Nigro, Deputy
 Webb E. Bancroft, Deputy
 Kristi J. Egger-Brown, Deputy
 Shawn D. Elliott, Deputy
 Elizabeth D. Elliott, Deputy
 Christopher L. Eickholt, Deputy
 Timothy M. Eppler, Deputy
 John C. Jorgensen, Deputy

Joe Renteria, Investigator
 Steve Schultz, Paralegal
 Angelia Onuoha, Paralegal
 Matthew Meyerly, Law Clerk
 Andy Conroy, Law Clerk
 Leroy Scott, Law Clerk
 Lori Hoetger, Law Clerk

NEW OPEN FELONIES BY TYPE



FELONY CASE NOTES

- The county attorney's office filed 1,936 felony cases in Lancaster County Court in 2010, representing a 6.5% increase from 2009.¹ The public defender's office was appointed in 1,578 (81.5%) of those cases in the first instance.
- The 1,578 felony cases opened by the public defender in 2010 represents a 7% increase over 2009 and is an all time high in terms of new open felony cases, although we approached those numbers in 2007 at 1,577 new open felonies.
- In 2010, Drug Felonies were at a 5 year low. Major Felonies, Sex Felonies and Violent Felonies remained unchanged or increased only slightly. Property Felonies increased 7%, led by a 21% increase in Forgery cases. Other Felonies had a 30% increase led by many of the new Drunk Driving felony offenses, and a doubling of the number of Sex Offender Registration Violations.
- Major Cases Opened and Closed in 2010: We opened 5 new major cases and closed 4 cases. The office opened 1 case of First Degree Murder, 1 case of Child Abuse Resulting in Death, 1 case involving Attempted First Degree Murder, 1 case of Attempted Second Degree Murder and 1 case of Attempted Kidnaping. We closed 2 cases of First Degree Murder, 1 following a guilty plea and the other because of case overload (accepted by the Nebraska Commission on Public Advocacy); we closed 1 case of Attempted First Degree Murder following a plea to a lesser charge; and we closed 1 case of Second Degree Murder following a plea to a lesser charge.
- In 2010, the Public Defender's Office had 37 clients admitted to the Adult Drug Court Program and 22 public defender Drug Court clients had their cases closed; 2 clients' cases were closed because of a conflict of interest, but of the remaining clients, 20 clients (54%) had their cases closed following successful graduation and case dismissal and 17 of the clients (46%) had their cases closed because of unsuccessful participation and the cases were referred back to the regular criminal courts.

1. The figures for new filed felonies has been provided by the Lancaster County Court Judicial Administrator.

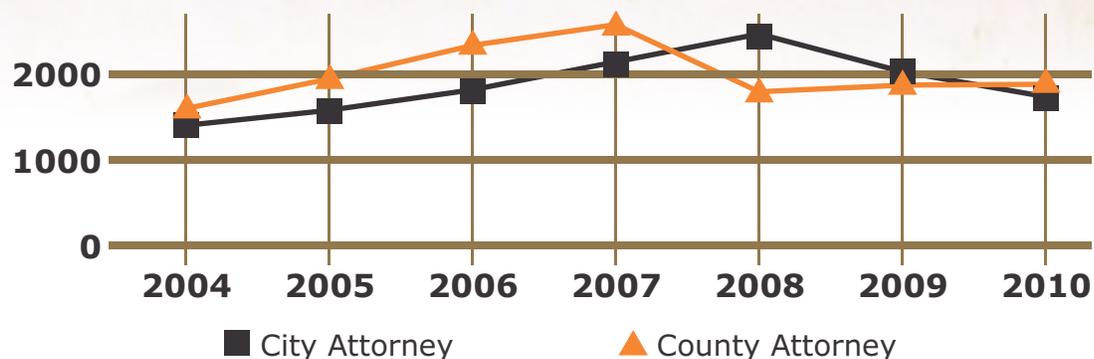
MISDEMEANOR DIVISION

Susan R. Tast, Deputy
Sarah P. Newell, Deputy
Paul E. Cooney, Deputy
Jennifer M. Houlden, Deputy
Todd C. Molvar, Deputy

Jed Rojewski, Paralegal
Kristi Gottberg, Paralegal

GROWTH IN PUBLIC DEFENDER MISDEMEANOR CASES FILED BY THE CITY ATTORNEY AND COUNTY ATTORNEY FROM 2004-2010

These cases are Drunk Driving, Assaults, Domestic Violence, Violation of Protection Orders, Driving on Suspended License and Theft



MISDEMEANOR CASE NOTES

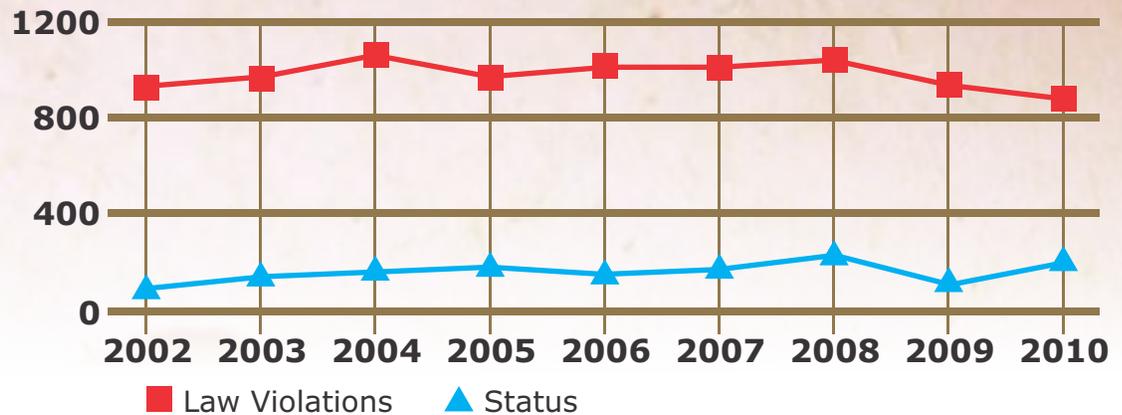
- Non traffic misdemeanor filings in Lancaster County Court, including filings by the City Attorney and the County Attorney, declined by 9% from 2009 to 2010.²
- Public Defender Office appointments in all misdemeanor cases declined by 7% from 2009 to 2010, reaching a six year low. There was a decrease for City Attorney filed cases (16%) but a slight increase for County Attorney filed cases of 4%.
- There are 3 Deputy Public Defenders and one paralegal assigned to the County Attorney filed Misdemeanors which totaled 1,846 new cases in 2010.
- There are 1.5 Deputy Public Defenders and 1 paralegal assigned to the City Attorney filed Misdemeanors which totaled 1,710 new cases in 2010. After showing significant increases in 2009, Drunk Driving Cases and Suspended License Cases showed significant decreases in 2010 (22% and 23% respectively) while Theft cases showed significant increases (16%).

² These figures are from the State Court Administrator.

JUVENILE DIVISION

Margene M. Timm, Chief Deputy Angela Franssen, Paralegal
Yohance L. Christie, Deputy
Valerie R. McHargue, Deputy

JUVENILE CASE OPENINGS BY CASE TYPE



JUVENILE CASE NOTES

- The State Court Administrators Office's report shows that law violation filings in the Separate Juvenile Court of Lancaster County decreased by slightly more than 8% from 2009 to 2010. Lancaster County Public Defender appointments in law violation cases declined by 5%.
- The State Court Administrators Office's report also shows that Status filings (mostly school trancies) grew by over 33% in 2010. The Public Defenders Office experienced a 23% increase in appointments in Status cases.
- In 2010, the public defenders office conflicted out of 12% of the juvenile cases it closed, or 156 cases. Some of these cases were then assigned to the contractors and others to private assigned counsel. In addition, the office was relieved of its appointment in 27 cases because we exceeded the new caseload standards for the office. There is a caveat here: we do not have information on all of the appointments to private attorneys made by the juvenile court because they sometimes appoint attorneys without asking us if we have a conflict or, in the case of case overload, they sometimes continue to appoint private attorneys even after we no longer have an overload.
- The Public Defenders Office opened 16 new cases in the Juvenile Drug Court program in 2010 and closed 14. Of the 14 cases closed, 1 was closed because the client hired private counsel, 3 were closed following successful completion and graduation and 10 were closed following unsuccessful termination from the program.

MENTAL HEALTH COMMITMENTS AND MISCELLANEOUS CASES

Todd C. Molvar, Deputy
Matthew Meyerie, Law Clerk
Andy Conroy, Law Clerk
Brett Pettit, Law Clerk
Tara Nagel, Law Clerk

- The number of new petition cases in the Mental Health Commitment docket declined by 10% in 2010 (to 227 cases).
- 4 of the new petitions in 2010 involved petitions for commitments under the Sex Offender Commitment Act.
- There were 5 appeals filed in the district court from mental health commitment proceedings in 2010.
- The public defenders office opened 234 miscellaneous cases in 2010 compared to 225 miscellaneous cases in 2009 (after adjusting for the Paternity cases). The 2010 cases included 166 felony revocation of probation cases; 29 fugitive from justice cases; 37 adult drug court cases; and 2 new cases involving reviews of cases where there had been a verdict of not responsible by reason of insanity.

APPENDIX A

TABLE 1

LANCASTER COUNTY PUBLIC DEFENDER'S OFFICE
OPEN/CLOSED CASELOAD REPORT 2010

CASETYPE	PENDING START	OPENED 2010	CLOSED 2010	PENDING END 2010
Appeals	55	98	106	47
Felonies	559	1573	1542	599
Juveniles	504	1346	1340	500
Major Cases	3	5	4	4
Mentals	9	227	220	6
Miscellaneous	100	234	238	100
Misdemeanors	625	3556	3410	771
Totals	1855	7039	6860	2023

TABLE 2

LANCASTER COUNTY PUBLIC DEFENDER'S OFFICE
HISTORICAL COMPARISON OF CASES OPENED SINCE 2000

CASETYPE	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Chg. 09-10
Appeals	86	96	95	109	110	107	119	110	101	95	98	3%
Felonies	981	1130	1404	1368	1415	1515	1506	1566	1558	1476	1573	7%
Juveniles	1453	1520	1487	1331	1467	1417	1520	1517	1597	1323	1346	2%
Major Cases	9	6	10	15	12	11	4	11	7	5	5	0%
Mental Comm.	406	458	533	471	416	415	370	454	289	252	227	-10%
Misc.	152	221	202	210	178	187	810	764	749	616	234	-62%
Misd.	3306	3661	2955	2749	3157	3551	4101	4291	3970	3820	3556	-7%
Totals	6393	7092	6686	6253	6755	7203	8430	8713	8271	7587	7039	-7%

APPENDIX B

LANCASTER COUNTY GENERAL FUND EXPENSE BUDGET

Public Defender EXPENDITURES	ACTUALS 2008-09	MODIFIED BUDGET 2009-10	ACTUALS 2009-10	PROPOSED BUDGET 2010-11	ADOPTED BUDGET 2010-11
SALARIES & WAGES	2,175,902	2,226,033	2,233,379	2,257,529	2,257,529
EMPLOYEE BENEFITS	631,264	651,687	635,316	646,706	646,706
OFFICE SUPPLIES	16,698	17,750	18,591	16,750	16,750
OTHER CONTRACTED SERVICES	51,727	56,500	58,512	66,300	66,300
TRANS, TRAVEL & SUBSISTANCE	10,747	12,079	13,801	9,290	9,290
COMMUNICATIONS	20,712	20,996	21,359	20,996	20,996
POSTAGE, COURIER & FREIGHT	6,351	6,715	5,860	6,715	6,715
PRINTING & ADVERTISING	10,462	12,340	8,460	9,690	9,690
CONTRACTED HEALTH SERVICE	8,925	15,000	6,675	15,000	15,000
OTHER CLIENT SERVICES	0	50	0	50	50
MISC FEES & SERVICES	80,924	95,283	83,921	88,508	88,508
INSURANCE & SURETY BONDS	8,330	8,387	8,217	8,422	8,422
REPAIR & MAINTENANCE COST	532	500	0	500	500
RENTALS	148,335	151,223	151,223	151,223	151,223
EQUIPMENT	1,692	1,189	7,442	0	0
TOTAL PUBLIC DEFENDER	3,172,603	3,275,732	3,252,756	3,297,679	3,297,679

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

Neb. Rev. Stat. 23-3401 (Reissue 2007)

Public defender in certain counties; election; qualifications; prohibited practices; residency.

(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 receives the same annual salary as each deputy county attorney of comparable ability and experience 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 a county for 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.

APPENDIX C *(continued)*

Neb. Rev. Stat. 23-3402 (Reissue 2007)

Public Defender duties; appointment; prohibitions.

(1) 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 postconviction 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 either 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.

(2) It shall 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 71-945 to 71-947.

(3) 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.

(4) 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, nor recommend to a court that a defendant be determined or not determined as indigent.

(5) For purposes of this section, the definitions found in section 29-3901 shall be used.

Neb. Rev. Stat. 23-3403 (Reissue 2007)

Public Defender; assistants; personnel; compensation; office space, fixtures, and supplies.

The public defender may appoint as many assistant public defenders, who shall be attorneys 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 the 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, and brief-printing, investigative, expert, travel and other miscellaneous expenses reasonably necessary to enable the public defender to effectively and competently represent the clients of the office.

Neb. Rev. Stat. 29-3901(3) (Reissue 2008)

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; and