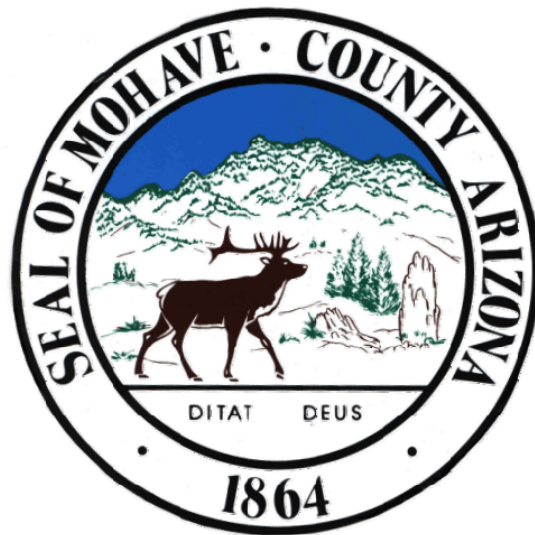


Law Offices of the Mohave County  
Public Defender



FY 2007  
Annual Report

Prepared by:  
Dana P. Hlavac  
Public Defender  
316 N. 5<sup>th</sup> St.  
Kingman, AZ 86401



## Executive Summary

This report is prepared in accordance with A.R.S. §11-584(A)(2) & (3) which requires that the Public Defender prepare and file with the Board of Supervisors an annual report of services rendered as well as an annual report with the Presiding Judge of the Superior Court, the Chief Probation Officer and the Board of Supervisors on the average cost of defending a felony case. This report combines the requirements of A.R.S. §11-584(A)(2) & (3) by setting forth the number of cases filed and to which an indigent defense attorney was appointed during FY 2007 together with an accounting of funds expended in FY 2007. The report will also highlight several of our accomplishments during the year. Finally, the report provides an analysis of the statistics for future planning purposes.

This report also incorporates data relevant to the Loan Repayment Assistance and Relocation Assistance Programs that were approved by the Board of Supervisors in January of 2005. This data will review the number of attorneys on staff at the beginning of the fiscal year that were projected to be eligible for participation in the Loan Repayment Assistance Program together with data regarding their individual and collective comparison of employment history in relation to historical trends in attorney retention.

FY 2007 represented the twenty-second full year of operation for the Law Offices of the Mohave County Public Defender. The Law Offices of the Mohave County Public Defender continues to provide quality legal services to those persons whose cause has been entrusted to this office for representation.

In addition, the office continues to strive to fulfill our goal of providing indigent defense services in a cost efficient manner. The staff at the Law Offices of the Mohave County Public Defender remains dedicated to considering the impact of our organizational structure and efficiency on the taxpayers of Mohave County.

FY 2007 continued to see significant gains in recruiting with over 130 applicants from around the nation seeking a position with the Law Offices of the Mohave County Public Defender. From this group of applicants, 30 individuals traveled to Kingman to be interviewed and 8 final offers were extended to fill vacancies which existed at the close of FY 2007. At the close of FY 2007, these eight vacancies reflected forty percent of the authorized positions were unfilled. 7 of the offers were accepted with individuals starting as early as April of 2007, and as late as September 2007. All individuals that accepted offers needed to take the July 2007 Bar Examination to obtain their Arizona license. Due to the time required to recruit and train new attorneys the effectiveness of this forty percent will be minimal during FY 2008, with the most significant impact to be seen in FY 2009 when these new employees will have a full 6+ months of training and licensure behind them. As a result, although the positions will have been filled during FY 2007 there will be only minor increases in efficiency and ability to handle caseloads within the office during FY 2008. This will result in continued excessive contract expenditures on private counsel throughout most of FY 2008. For FY 2007, the vacancy rate was equal to the lowest since FY 2004 at 21.5%. Overall

productivity as measured by hours worked was the second highest since FY 2004 at 35,906, or an average of 43.36 hours per week.

During FY 2007, nine attorneys left the office, with four of those attorneys having less than six months experience. The remaining five departures averaged thirty months of service. During the same period nine attorneys began employment.

FY 2007 saw significant relief in facilities capacity and appropriateness. The renovation of the historic St. John's United Methodist Church was finished in the spring of 2007, and complete move-in was finished in the 3<sup>rd</sup> quarter. The renovated facility has significantly improved morale, efficiency and overall professionalism within the office. Long term benefits are expected to be seen in the form of greater success at recruiting and retention efforts.

FY 2007 began extremely promising as 8 offers were extended to third year graduating law school students. These offers went to students from Franklin Pierce College of Law, New Hampshire; University of Seattle, Washington; University of Cincinnati, Ohio (2); University of Louisville, Kentucky; SUNY Buffalo, New York; Harvard, Massachusetts; and Tulane University, Louisiana. Unfortunately none of these individuals began work until the fourth quarter of FY 07, with the bulk of them beginning in the first quarter of FY 2008. This meant that for the bulk of FY 2007, professional staffing was critically low. Over 800 cases were "overflowed" to private contract counsel because there was insufficient internal trained professional staff to handle the cases. The year end per case cost analysis showed that private contract cases continue to be significantly more expensive than cases handled by an in house indigent defense office. Unanticipated costs were roughly \$ 719,000 for FY 2007 due to staffing shortages. By comparison there were cost avoidances of roughly \$ 575,000 from the same staffing shortages. The net to the county was an unexpected loss of \$145,000 for FY 2007.

On the positive side, since the implementation of the Hot Job incentive program for recruiting and retention, applications are up significantly and to date retention is up from 25% to 71% although the time period to fully evaluate retention differences is too short to be reliable at this point.

At the beginning of the fiscal year, one additional FTE was authorized through the budget process to serve as a Mitigation Specialist. A Mitigation Specialist assists attorneys in issues related to pre-trial release and post-conviction sentencing and alternative release and treatment programs. Mitigation Specialists are well recognized throughout the nation as an integral function of indigent defense. A key function of the Mitigation Specialist is to interview and screen new admittees in the Mohave County Jail whenever there are initial indications of special mental health concerns. Additionally the Mitigation Specialist screens both in-custody and out-of custody Public Defender clients for treatment programs in lieu of continued incarceration if appropriate and makes alternative sentencing recommendations in appropriate cases in lieu of prison incarceration.

The Mitigation Specialist also allows licensed attorneys to focus more on the legal aspects of a clients case, rather than get tied up in the social work aspects of treatment programs. This results in a greater level of productivity and quality in the services provided by licensed attorney staff

members. Previously attorneys who had clients whom they believed would be better served by treatment programs, spent an exorbitant amount of time pursuing these options. This occurs because the attorneys are not as familiar with the availability of such programs, and it therefore took them much longer to research these issues. The time that an attorney puts into social program research is better spent on the legal issues. Ultimately, if an attorney's workload becomes excessive, there would be an additional need for more attorneys. Attorneys are more costly to the County. It is therefore most beneficial to the county to attempt to divert these social program activities away from the attorney and to a social "expert" who can perform the tasks with greater efficiency and at lower cost.

Unfortunately due to processing times and the fact that this position was new to the County and required a complete classification study, there was a significant delay in hiring to fill this newly created position and the position was not filled until the second half of FY 07.

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## **Introduction**

This report is intended to provide an overview of services provided by the Law Offices of the Mohave County Public Defender for Fiscal Year 2007.

The first section of this report will discuss indigent defense caseloads and statistics. The caseloads will be broken down by type of case (i.e.: felony, juvenile, misdemeanor) and by major charge (i.e.: assault, theft, etc.).

The second section will discuss costs associated with indigent defense and provide a breakdown of the costs per case on a weighted case basis for FY 2007. The term “weighted case” is used throughout this report to represent an adjustment to raw caseload figures based on acceptable workload standards under State (*Joe U. Smith*) and Federal (*US Department of Justice Compendium of Standards for Indigent Defense Systems*) law. Felony cases are weighted as a complete case and are therefore fully credited (a 1:1 ratio). Misdemeanor cases are weighted as .375 cases (a 3:8 ratio) based on the standard caseload permissible being 400 versus 150 for felonies. Juvenile cases are weighted as .75 cases (a 3:4 ratio) based on the standard permissible caseload being 200 versus 150 felonies. Probation violation cases are weighted as .375 cases (a 3:8 ratio) based on the standard caseload permissible being 400 versus 150 for felonies. Appeals are weighted as 6 cases based on the standard permissible caseload being 25 (a 6:1 ratio) while post-conviction relief proceedings are weighted as 2 cases based on the standard permissible caseload being 70 (a 2:1 ratio).<sup>1</sup> During FY 2007 the necessity of ensuring that caseloads were properly managed and reviewed was emphasized by the American Bar Association in its’ ethics opinion 06-0441 (Appendix A).

The third section will highlight several of the office highlights and achievements during the year.

The fourth section will detail human resource issues and participation in the Loan Repayment and Relocation Assistance Programs.

The final section is a conclusion that will discuss challenges and trends that need to be considered in future planning for success.

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<sup>1</sup> Please note that prior year caseloads have been adjusted using the proper case weights for appeals and post-conviction proceedings.

## **Part I - Indigent Defense Caseload Statistics**

### **A. Service Delivery Methods**

In Mohave County, there is one method by which indigent persons<sup>2</sup> accused of committing criminal acts are provided legal services. They are appointed a Public Defender and the case is referred to the Law Offices of the Mohave County Public Defender. As soon as paperwork is received<sup>3</sup> the individuals' name is screened for potential conflicts in representing the individual within the Law Offices of the Mohave County Public Defender. If there is no apparent conflict based on the initial paperwork, a case file is opened and an attorney is assigned to the case<sup>4</sup>. If a conflict is identified, the Legal Defender's Office is contacted and a similar conflict check is performed by that office. If there is a conflict in both the Public and Legal Defender offices, the case is then assigned to a contract counsel based on a rotating schedule and attorney qualifications.

Data is maintained within the Law Offices of the Mohave County Public Defender on all cases to which an individual has been assigned government funded counsel. This data is cross-checked and verified to the greatest extent possible at each year end to ensure the best information is included within this report.

### **B. Case Classifications**

There are three major classifications of indigent defense services: (1) felony cases; (2) juvenile cases (juvenile cases currently include only delinquency cases<sup>5</sup>); and (3) misdemeanor cases.<sup>6</sup>

Prior to reviewing the figures below, please review Appendix A entitled, "Where the Numbers Came From and What They Represent" for a discussion about how the statistics are kept, what they mean and how they may differ from the case statistics kept by the other agencies.

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<sup>2</sup> It is important to note, that there is a very minimal screening process to determine the true financial eligibility of individuals based on income and assets.

<sup>3</sup> The time frame for paperwork to be transmitted varies from court to court, but can range from 12 to 72 hours.

<sup>4</sup> This process usually takes a complete business day.

<sup>5</sup> Statutorily the Board of Supervisors may authorize local indigent defense offices to handle "All juvenile proceedings other than delinquency and incorrigibility proceedings under subdivision (f), including serving as a guardian ad litem, when appointed by the court pursuant to section 8-221, if the court appoints the public defender and the board of supervisors has advised the presiding judge of the county that the public defender is authorized to accept the appointment." A.R.S. § 11-584(H)

<sup>6</sup> Additional representational duties are authorized by statute, but such authorization along with accompanying staffing has not occurred in Mohave County to date. Specifically, local indigent defense services may represent "All mental health hearings regarding release recommendations held before the psychiatric security review board pursuant to section 13-3994, when appointed by the court as provided in section 31-502, subsection A, paragraph 8, if the court appoints the public defender and the board of supervisors has advised the presiding judge of the superior court in the county that the public defender is authorized to accept the appointment." A.R.S. §11-584(i) and may act "As attorneys pursuant to title 14, chapter 5, article 4 of adults who are allegedly unable to effectively manage their affairs or preserve their estates, if the court appoints the public defender and the board of supervisors has advised the presiding judge of the county that the public defender is authorized to accept the appointment." A.R.S. § 11-584(j).

<b>Caseload Counts FY 2007</b>		
<b><u>PDO</u></b>		
	Misdemeanor	1946
	Felony	1951
	Juvenile	423
	PCR	57
	Appeals	25
	Probation Violations	259
	Subtotal	<b>4661</b>
<b><u>LDO</u></b>		
	Misdemeanor	418
	Felony	677
	Juvenile	87
	PCR	0
	Appeals	0
	Probation Violations	185
	Rejected	11
	Subtotal	<b>1367</b>
<b><u>Private Contract</u></b>		
	Misdemeanor	80
	Felony	862
	Juvenile	108
	PCR	1
	Appeals	0
	Probation Violations	173
	Subtotal	<b>1224</b>
	<b>Total</b>	<b>7252</b>

**Table 1** – This table shows the raw caseloads assigned to each of the three respective delivery providers of indigent defense for FY 2007. The 11 cases listed as rejected by the Legal Defender’s Office were cases which were assigned to the Legal Defender’s office, accepted by that office, but subsequently rejected due to a conflict arising during the handling of the case. These cases were only counted once and credited to the Legal Defender’s office.

## 1. Felony Cases

A felony is a crime which carries a potential sentence of at least one year in prison. The first type of felony case generally begins with an arrest. An arrested individual must appear before a magistrate or justice of the peace within 24 hours for a determination as to whether there is sufficient reason to believe the person committed an offense for which they can be lawfully arrested. This first hearing is known as an initial appearance. These hearings currently are held without any counsel being present. At the hearing, a decision is made regarding whether the individual should remain in custody and if so what bond should be required for them to be released. If an individual requests counsel during this first hearing, the Law Offices of the Mohave County Public Defender is appointed to represent the individual. The physical paperwork indicating that appointment is forwarded by the court to the Law Offices of the Mohave County Public Defender. The paperwork is generally received between 12 and 72 hours later depending on the court. An individual who remains in custody is entitled to a *preliminary hearing*<sup>7</sup> within 10 days. An individual who is out of custody is entitled to a preliminary hearing within 20 days.

For individuals that are appointed counsel a conflict check is performed to identify any potential conflict of interests which would preclude representation by a member of the Law Offices of the Mohave County Public Defender. If there is a conflict, the case is sent to either the Legal Defender, or a private contract attorney, depending on whether the Legal Defender has a conflict or not. This process takes roughly one business day depending on the volume of incoming cases. If the case is retained within the Law Offices of the Mohave County Public Defender it is immediately assigned to the FasTrak supervisor. These cases are all assigned to the FasTrak unit in an attempt to achieve a speedy disposition of the case. The FasTrak unit attempts to mirror the *charging entities*<sup>8</sup> at the Mohave County Attorney's office and negotiate pleas, waiver-bind overs<sup>9</sup>, or dismissals. If none of these resolutions can be achieved, then either the case proceeds to a contested preliminary hearing, or the County Attorney may present the case to the Grand Jury for indictment.

The FasTrak supervisor immediately attempts to contact the appropriate charging entity within the Mohave County Attorneys' Office. The FasTrak supervisor and supporting secretaries attempt to influence the appropriate deputy county attorney to forward all reports and law enforcement documentation regarding the case as quickly as possible. Depending on the individual deputy County Attorney this may occur within a day, or sometimes not for a week or more (in the instance of a case being presented to the grand jury, reports may not be forwarded for several weeks or more ,

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<sup>7</sup> A preliminary hearing is a hearing at which a judge must make a determination as to whether there is probable cause to believe that the individual has committed the offense that they are charged with. The hearing generally consists of a law enforcement officer (who may, or may not, have been involved in the arrest and investigation of the individual) detailing the arresting officers report to the court. The court must view any evidence presented by the State in the light most favorable to sustaining a finding of probable cause.

<sup>8</sup> A charging entity is the individual responsible for making charging decisions about a case. These decisions include what statutory sections to allege have been violated, how the charging should proceed (by information to the justice court, or grand jury presentation), what offers should be made to resolve the case early on (if any), and whether law enforcement has provided sufficient information in reports to base a filing decision on in the first place.

<sup>9</sup> A felony case may only get to Superior Court if there has been a finding of probable cause made either by a Justice of the Peace at a contested hearing, or by a grand Jury. The exception is that an individual may waive their right to a probable cause determination and agree to have their case "bound over" to Superior court for all future proceedings.

causing significant delay in the overall processing time and costs attributable to the case). The delay in receiving reports prevents an attorney from having any meaningful discussion with a client due to the lack of information as to the alleged evidence that would be presented against the client. Ultimately, the goal of the FasTrak unit is to gather information to provide clients with appropriate advice as early in the judicial process as possible and to resolve the status of a felony currently filed in a justice court. This resolution may be achieved by pointing out deficiencies in evidence, or investigation sufficient to convince a deputy county attorney to dismiss, either because of a lack of evidence, or because a client is not guilty; pleading the client to a misdemeanor offer if appropriate; having the client agree to waive their right to a preliminary hearing in exchange for a benefit offered by the State<sup>10</sup>; or by conducting a contested preliminary hearing at which the State puts on evidence and the defense may cross-examine on the issue of probable cause. If the court finds probable cause, or the client waives their right to a preliminary hearing, the case is sent to Superior Court for all further proceedings.

Felony cases are divided into two classifications in terms of internal administration. The first group of cases is those which are filed in one of the five outlying Justice Courts<sup>11</sup>.

The second group of felony cases is known as *original indictments*. An original indictment is generally a case in which an individual was not arrested and a complaint was never filed in a justice court, but rather proceeds directly to Superior Court after the indictment is returned. In general, these cases involve more complex factual issues which were presented to the grand Jury for investigative or political reasons. A Mohave County OMB review of Grand Jury costs a year or so back, indicated that each grand jury indictment costs the county approximately \$250. The Law Offices of the Mohave County Public Defender has attempted to reduce the number of grand jury presentations by working more closely with the Mohave County Attorneys' office, but this effort has been only nominally successful. In a significant number of grand jury presentations attempts to move a case to Superior Court through less expensive alternatives such as those previously mentioned have been met by un-returned e-mails, phone calls or other attempts to resolve the matters. Despite this resistance, the FasTrak supervisor remains tasked with attempting to minimize the number of grand jury presentations by working jointly with the various charging entities. If the grand jury finds probable cause to believe an individual committed a criminal offense the grand jury returns a signed Indictment.

In FY 2007 there were a total of 3,490 felony cases to which an attorney was assigned. For fiscal year 2007, the Law Offices of the Mohave County Public Defender averaged 13 attorneys, the Legal Defender averaged 5 and there were twenty-four indigent defense contract attorneys at the end of FY 2007.<sup>12</sup> During FY 2007 the Law Offices of the Mohave County Public Defender represented 1951

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<sup>10</sup> This benefit can be an offer to a sentencing stipulation which is less than the client is facing based on the charges, an offer to plea to a lesser felony offense, a guarantee of probation if the client pleads to a felony, a reduced bond, or release on their own recognizance.

<sup>11</sup> Kingman, Cerbat, Bullhead City, Lake Havasu City and Moccasin are the 5 justice courts within Mohave County.

<sup>12</sup> Christian C. Ackerley (Show Low), Lenore Knudtson (Kingman), Stephen R. Glazer (Flagstaff), David Goldberg (Flagstaff), Shawn Hamp (Kingman), Sarah Heckathorne (Flagstaff), John W. Lovell (Tucson), Diane S. McCoy (Flagstaff), Troy Messer (Kingman), Gail Natale (Phoenix), Geraldine Miller (Bullhead), Elana Sears (Kingman), Jason Smith (Phoenix), Kathy Tuthill (Kingman) M. Alex Harris (Prescott), Michael J. Hruby (Williams), Cathy Johnstone (Page), Thomas Jones (Lake Havasu City), Daniel B. Kaiser (Flagstaff), Rick Williams (Bullhead City), Deborah A. Liverence (Kingman), Randolph Wolfson (Bullhead City), William Porter (Kingman), and Daniel DeRienzo (Prescott).

felony defendants (56%), the Legal Defender represented 677 felony defendants (19%) and contract attorneys represented 862 (25%). Most notable of these figures is the fact that the number of cases sent to outside contractors grew by almost 50% during FY 07.

The total of 3490 felony cases, represents a 5.3% decrease in total felony cases handled over FY 2006.

## **2. Juvenile Cases**

Juvenile cases consist of juvenile *delinquency* cases (persons under the age of 18 charged with crimes). Legal services are provided to the children whom are charged with criminal offenses.

### **A. Delinquent and Incurable Juveniles**

A "Delinquent Juvenile" is a juvenile who committed an act which if committed by an adult would be a criminal or petty offense. An "Incurable Juvenile" is one who has been adjudicated to have committed an offense which can only be committed by a juvenile, such as refusing to obey one's parents, truancy, runaway, etc.

The number of delinquencies cases to which counsel was appointed decreased slightly from 683 in FY 2006 to 618 in FY 2007 (a 9.5% decrease).

### **B. Dependencies**

Currently legal representation for all parties to a juvenile dependency case is coordinated through the Courts. The Court has separate contracts with private counsels which pay a set amount for a specific number of cases. The Board of Supervisors has directed County Staff to review the efficacy of implementing a contract administrator position and review methods of reducing the cost of providing representation to indigent individuals in dependency actions. It has been discussed that this function might be best handled by a legal services procurement officer who works for procurement, but is co-located with the Law Offices of the Mohave County Public Defender. It is likely that the representation of dependent children will become an additional area of responsibility for the Law Offices of the Mohave County Public Defender in the future. It is anticipated that cost savings can be accomplished, although contract counsel will always be required due to conflicts of interest in representing adverse parties in a single action.

A "dependent child" is one who is:

1. In need of proper and effective parental care and control and has no parent or guardian, or the parent or guardian is not willing to exercise or incapable of exercising care and control, or
2. a child who is destitute, or is not provided with the necessities of life, including adequate food, clothing, shelter or medical care, or where the home is "unfit" by reason of abuse, neglect, cruelty or depravity by a parent, guardian or other person having care or custody of the child, or
3. A child who is incompetent or not restorable to competency and who is alleged to have committed a serious offense.

The Law Offices of the Mohave County Public Defender is organized in a manner in which the representation of parties to a dependency action will be handled by the organizational unit that currently represents juvenile delinquency clients. There is a high level of cross-over between juveniles accused of delinquent acts and those that the State<sup>13</sup> seeks to declare dependent.

### **3. Misdemeanor Cases**

A misdemeanor is an offense for which a sentence to a term of incarceration other than to the custody of the department of corrections is authorized by state law. Jurisdiction for adjudicating these offenses lies with the Justice Courts of Mohave County. Total misdemeanor case assignments during FY 2007 were 2444 as compared to 2234 in FY 2006, an increase of 9.4 %. The highest concentrations of cases in this area are driving under the influence and domestic violence related cases.

### **4. Appeals and Post Conviction Relief Cases**

This year there were 82 Appeals and Post Conviction Relief (PCR) cases filed as compared to 98 in FY 2006. This is a reduction of 16 %. An appeal is a case which occurs automatically after a trial results in the conviction of a defendant. Exceptions occur at the sole choice of the defendant and are predominantly limited to instances where the defendant is convicted of only a very minor charge and does not wish to remain entangled in the court system any longer than necessary. Post Conviction Relief cases are filed pursuant to Criminal Rule of Procedure 32 and are essentially a claim that the quality of legal representation was below professional standards. While information is anecdotal, there is an obvious connection between the workload an attorney has and the perceived performance each particular client has of that attorney's ability to work their cause. Higher per attorney caseloads inevitably result in a greater percentage of post-conviction relief proceedings. When you consider that the case weighting is 2 for a post-conviction relief case (Requires attorney to review everything that was originally done, re-do everything that was originally done, and evaluate whether the methodology falls below professional standards) it is certainly less expensive to do it right the first time.

For FY 2007, approximately 50% of the convictions or sentences were overturned and remanded back to Mohave County for additional proceedings. This includes a reversal of a homicide conviction that will now proceed to trial for the third time. This case was a contract case, and to date has cost Mohave County in excess of \$75,000.

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<sup>13</sup> Notably these cases are NOT handled by the County Attorney's Office, but rather by the Attorney General's Office.

## Part II - Indigent Defense Costs

The Law Offices of the Mohave County Public Defender was approximately 19% under authorized budget for FY 2007. Most of these savings came from the inability to fill authorized attorney positions.

ACCOUNTS FOR:		ORIGINAL	REVISED	ACTUAL	BUDGET USED	
40110	REGULAR SALARIES/WAGES	1,970,789	1,970,789	1,560,467	79.2	%
40120	OVERTIME	0	0	349	100	%
40130	TEMPORARY EMPLOYEES	1,000	1,000	10,548	1054.8	%
40210	EMP.BENE.-FICA	150,765	150,765	117,583	78	%
40230	CTY.HEALTH INS.	274,680	274,680	174,131	63.4	%
40240	WORKERS COMP	2,956	2,956	2,156	72.9	%
40260	STATE RETIRE.	179,342	179,342	139,511	77.8	%
41100	OFFICE SUPPLIES	10,562	10,562	8,175	77.4	%
41140	COPIES/DUPL. SUPPLIES	3,600	3,180	1,225	38.5	%
41150	DATA PROCESSING SUPPLIES	2,640	2,640	4,109	155.6	%
41400	TOOLS & EQUIPMENT UNDER \$1000	2,000	2,000	1,397	69.9	%
43110	LEGAL SERVICES	220,000	220,000	249,463	113.4	%
43115	INVESTIGATION FEES	8,307	8,307	4,096	49.3	%
43120	DATA PROCESSING SERVICES	59,018	59,018	59,018	100	%
43177	EDUCATIONAL ASSISTANCE	24,000	24,000	8,051	33.5	%
43210	TELEPHONE	25,440	25,440	26,092	102.6	%
43215	TELEPHONE COMPUTER DATA	3,089	3,089	3,089	100	%
43216	CELL PHONE CHARGES	2,100	2,100	2,169	103.3	%
43230	POSTAGE	5,500	5,500	4,991	90.8	%
43310	TRAVEL EXPENSES	4,040	6,735	6,603	98	%
43312	TRAVEL RECRUITING	3,100	4,627	5,002	108.1	%
43320	MOTOR POOL CHGS.	16,111	16,111	16,768	104.1	%
43325	VEHICLE REPLACEMENT	7,236	7,236	7,236	100	%
43340	MOVING EXPENSES	27,000	25,473	12,751	50.1	%
43430	JOB ADVERTISING	330	80	0	0	%
43510	PRINTING EXP'S	1,595	1,595	1,026	64.3	%
43530	COPIER CONTRACT	7,534	7,534	7,296	96.8	%
43730	WATER EXPENSE	480	480	696	144.9	%
43810	LEASE COMPUTER (IT ONLY)	23,431	23,431	23,431	100	%
43860	BUILDING LEASES	5,100	5,100	4,897	96	%
43910	R&M AUTOMOTIVE	480	480	55	11.5	%
43920	R&M OFFICE EQUIP	550	550	137	24.9	%
47910	COURT COSTS/INVESTIGATIONS DUES,	5,013	21,737	24,018	110.5	%
47930	SUBSCRIPTIONS/MEMBERSHIP	14,000	14,420	17,697	122.7	%
47990	MISCELLANEOUS OTHER	0	250	758	303.2	%
GRAND TOTAL		3061788	3081207	2504990.87	81.3	%

**Table 2** – This table lists the totality of expenditures under the primary General Fund account which comprises the main budget for the Law Offices of the Mohave County Public Defender.

## Cost per Case Analysis

The average cost per case for an appointed attorney from the Law Offices of the Mohave County Public Defender was \$671.16 during FY 2007. This is up about \$82.57 per case from FY 2006, and up \$166.40 per case from FY 2005, but only up \$ 164.01 from FY 2004. By comparison, the average cost per case for an appointed attorney from the Legal Defender's Office was \$ 823.06 for FY 2007, up only \$0.94 from FY 2006. But up 100.32 from FY 2005 and up \$ 131.57 from FY 2004. The average cost per case for the contract attorneys also rose for the third straight year to \$ 931.06 in FY 2007 versus \$897.09 for FY 2006 (+ \$34.07); \$745.95 for FY 2005 (+\$185.11); \$904.59 for FY 2004 (+\$26.57); and \$655.39 in FY 2003 (+\$275.77). The significant jump in the average cost of Public Defender cases during FY 2007 was due to the extraordinary number of attorney interns that were unlicensed for a total of 142 weeks. This created a double expense for the county. We were paying intern salaries (Roughly 65% of a licensed attorney) **and** still sending cases out to contract. This meant that our overhead remained high, while our ability to keep more cases was not impacted for a large portion of the year. The total number of cases which were required to be sent to contract counsel grew by 20% from 1020 in FY 2006 to 1224 in FY 2007. The chart in Figure 1 shows the comparative costs of the three delivery methods for FY 2007. The chart in Figure 2 shows a five year comparison of the costs of the three delivery systems and the five year average for all three systems. The chart in Figure 3 shows the change in the raw number of cases handled through each delivery method over a five year period (FY 2003-2007).

Percentage of Funding by Provider Agency					
Agency	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
PDO	59.3	65.2	65.1	54.6	56.1
LDO	24.3	22.3	24.0	21.8	19.8
Contract	16.4	12.5	10.8	23.6	24.1

**Table 3 – This table shows the percentage of total indigent defense expenditures for Mohave County that were attributable to each of the three delivery providers. It is reasonable to expect 65% of all funding to be through the PDO, 15% to be to contracts and 20% to LDO in an optimal year.**

It is important to comment briefly on the structure of the conflict contracts. Under the contract, a private attorney can either accept, or decline an offered case. If they accept the case, the price is established as a flat rate for the first 25 hours of work. There are minor exceptions which can reduce the flat rate if the case resolves quickly. However, if the case exceeds 25 hours, the attorney simply asks the court to order the contract administrator (currently the Public Defender) to pay an hourly rate for all work beyond the 25<sup>th</sup> hour. Such converted hourly cases are generally a very small percentage, but when they occur (generally in complex cases) the result is an extreme deviation to the average cost.

The cost per case calculation is a little more complex than may first appear due to the fact that the actual number of cases is derived based upon a weighted average. The reason for this is consistency. Different types of cases as set forth in the Introduction require differing amounts of effort to perform an effective job of representing accused persons. The contract system is set up to recognize this difference by paying more for more complex cases and less for simpler ones. Similarly two similarly paid staff attorneys can handle significantly different caseloads based on the complexity.

Therefore the cases are “weighted” to standardize the average work required per case and this weighted figure is used to determine the average case cost.

The numbers speak for themselves. It cost the County more tax dollars, per case, to retain a contract attorney than it does for a staff attorney to handle a case “in-house.” The reasons for this include 1) economies of scale; 2) fixed salaried employees versus the variable cost of contract attorneys; 3) centralized management; 4) improved record keeping; 5) organized division of labor; 6) a centralized databank and 7) increased amount of state and federal funding. The costs for the Law Offices of the Mohave County Public Defender are the lowest primarily because of economies of scale that enable an organizational structure which provides a heightened level of efficiency, and therefore, slightly higher caseloads per attorney without an accompanying increase in the time required to provide effective representation.

It is important to note that a significant portion of the increased internal per case cost for FY 2007 is attributable to the number of FTE attorney positions that were underfilled with Attorney Interns. This equated to over \$ 100,000 in salary that went to employees pending bar results who could not handle a caseload. This means that the expense was raised without any parallel increase in the ability to handle caseload during that period. The necessity to hire graduating law school students due to a lack of an adequate licensed applicant pool causes this additional expense. If the employee can be retained for a sufficient period of time after becoming licensed, this is a justifiable expense. A priority for FY 08 and beyond needs to be to work with Human Resources and finance to derive a break-even formula for recruiting these applicants, versus holding a position vacant and waiting for a qualified applicant (lateral transfer). In the end analysis, it boils down to whether it is better to gamble on an attorney intern passing the bar exam and staying a sufficient period to make the investment in them worthwhile versus gambling on the unknown and unpredictability of waiting to fill a vacancy with a qualified licensed attorney.

### **Part III - FY 2007 Highlights and Achievements**

During FY 2007, technology invested in during FY 2002 was expanded upon. Automation played a huge part in the ability to hold costs low while providing quality representation. By utilizing automation capabilities, the average of 13 attorneys at the Law Offices of the Mohave County Public Defender were required to plan to attend 25,041 court appearances during the year; this is an incredible feat when you consider that in FY 06 there were only 21,523 court hearings attended by 15 attorneys.

Year	Number of Attorneys	Number of hearings	Average # Hearings
FY 05	17	18,910	1,112
FY 06	15	21,523	1,435
FY 07	13	25,041	1,926

**Table 4 – This table illustrates the average number of hearings attended by a Public Defender licensed attorney for FY 05-07. The significant increase in the average number of hearings is a indication of workload issues which are likely to lead to stress, low morale and ineffective representation if forced to be sustained over long periods of time.**

During this same time period from FY 05 to FY 07 the number of cases which were retained by the Law Offices of the Mohave County Public Defender actually went down by ten percent (10%) due to reduced staffing. The increase in hearings is a corollary to attorneys being overloaded and not being able to shepherd their assigned cases thru the legal system in a timely manner, resulting in more continuances versus meaningful hearings.

Over 30,147 documents were created through an automated document assembly system which retrieved data from the case management database. This is an increase of 1,000 documents from FY 2006. Each of these documents was created with a time savings of 30-120 seconds. Individually this seems like a small amount, but collectively this is a time savings of 250 to 1,000 hours!

FY 2007 was a difficult year with respect to personnel. The year began very positively with 12 licensed attorneys and 2 Attorney Interns on staff. In addition 7 law school graduates who took the Arizona Bar Examination in July of 2006 were scheduled to start between August and October of 2006. This appeared to present a full licensed staff by mid-year, depending on bar examination results. Unfortunately, after the fiscal year began, the following unexpected changes in personnel occurred:

- 1) one licensed attorney left the office to return to law enforcement (A long standing goal) as the Deputy Director of the Mohave County Jail; 2) a young attorney moved to Phoenix after her spouse obtained a job in the Phoenix area; 3) a young attorney moved to Phoenix so that he and his significant other would be able to live in the same city. This attorney had been commuting to Los Angeles virtually every weekend for over a year to be with his significant other; 4) a young attorney left the office to work for the Legal Defender's Office; 5) a young intern failed the bar examination and left prior to results being posted for her second examination to return to Nebraska. 6) a young attorney went to work for the City of Kingman City

Attorney's Office; 7) one of the newly licensed interns left the office to go to work for the City of Kingman City Attorney's Office; 8) one of the newly licensed attorney interns left the office to return to Sacramento, CA to pursue a clerking opportunity with a federal court; and 9) one of the newly licensed attorney interns left the office to work for the County Attorney's office.

At this point in the fiscal year, while we had anticipated a staffing of 19 out of 20 professional positions, we were faced with only 10 of 20 authorized positions. Fortunately we were able to hire a local attorney with almost a decade of experience who had been serving as a contract provider, and an experienced public defender from Kentucky (roughly 10 years) who took the July 2007 Arizona bar Examination. This left us with 12 of 20 professional positions filled at the end of the fiscal year, and an average of 13 licensed attorneys over the course of the fiscal year. During the beginning of the 3<sup>rd</sup> quarter of the fiscal year, we issued offers of employment to another round of law school graduates. All total we issued 6 offers of employment to May 2007 law school graduates, all of whom began their employment in the first quarter of fiscal 2008. These individuals came from Harvard University, University of Cincinnati (2), Franklin Pierce Law School (New Hampshire), University of Seattle, and SUNY Buffalo.

Subsequent to the approval of the Loan Repayment and Relocation Assistance Programs by the Board of Supervisors in January of 2006, interest in positions with the Law Offices of the Mohave County Public defender has grown phenomenally. In previous years an average annual total of applications would be roughly two dozen. By contrast since the implementation of these programs, the number of applications from 3<sup>rd</sup> year law students has been at or above 200 each successive year. The first of the employees recruited under these programs will become eligible for participation in the second quarter of Fiscal year 2009. Of the initial 7 who were recruited under these programs, one failed to pass the Arizona Bar Examination twice and is no longer with the office, of the remaining , one left the office to work at the City of Kingman City Attorneys Office as a prosecutor (Subsequently left there and now works for the County Attorney's office as a prosecutor), a second one left to work for the County Attorney's Office as a prosecutor, and a third one left Kingman to return to Sacramento (stated reasons were spousal dissatisfaction with the area, and a prestigious federal clerkship in Sacramento). Three remain with the office. This equates to 50% retention after one year (Not counting the individual who was disqualified from employment due to not passing the Arizona bar Examination twice). In Fiscal 2007, 7 combined offers were made to 6 3<sup>rd</sup> year law students and one experienced public defender from another state. At the time of writing this report, all are employed by the office. These individual were chosen from over 150 applications and 26 on site interviews. These individuals came from a diverse geographic area encompassing New Hampshire, Washington, Ohio (2), Kentucky, Massachusetts and New York. Of the seven individuals who accepted employment in March of 2007, 6 sat for the July 2007 bar with 4 passing (passing rate for the examination was 76.1%). The remaining three are scheduled to take the February 2008 Bar Examination.

While it is still too early to validate the efficacy of the new Loan and Relocation programs as a retention tool, it is unquestionable that they have been instrumental in being an invaluable asset to recruiting. The plans will need to be extended for an additional period to validly assess the impact. It is recommended that the plan be extended for an additional 5 years. The total cost of both programs for Fiscal Year 2007 was roughly \$ 20,000.

As we went into the budget process for FY 2007, plans had begun to renovate and move into the historic St. Johns church. Actual renovation began in the last part of FY 2006 and was completed in March of 2007. The office relocated and was fully operational in the new facility by the end of March 2007. The morale of the office has significantly improved since the move into the new facilities. While the facilities are not spacious, they were designed to maximize the use of space and provide for organizational functionality. With the ability to conduct management, team and even departmental meetings within the facility, communication has vastly improved (this has resulted in a significant decrease in gossip and rumors among office personnel). Anecdotally, at least one individual who was previously actively seeking to change jobs to another locale, now reports “loving” her job despite the social challenges posed by the geographic region.

Appropriate caseloads and staffing have a definite role in the level of stress and accompanying job satisfaction felt by employees. In FY 2007 the professional staff in the office handled 3359 felony equivalent cases (Weighted Cases). Pursuant to *Joe U. Smith* standards, this should have been handled by 22.4 attorneys, however the load was borne by an average of 13 attorneys over the course of the fiscal year. The number of weighted cases retained internally in fiscal year 2007 was roughly 300 less than in fiscal year 2006 which corresponds to a reduction in the average number of attorneys of almost two from fiscal year 2006. A total of 597 felonies (weighting factor of 1), 24 juveniles (weighting factor of .75, for a weighted load of 18 felony equivalents), 49 misdemeanors (weighting factor of .375, for a weighted load of 18 felony equivalents), and 142 probation violation cases (weighting factor of .375, for a weighted load of 55 felony equivalents) were sent out to “overflow” contractors. These 688 felony equivalent cases could have been handled by the public defenders office if appropriate resources and staffing had been available.

Overflow Case Type	Raw Number	Conversion	Net Weighted Cases
Felony	597	1	597
Misdemeanor	49	.375	18
Juvenile	24	.75	18
Probation Violation	142	.375	55
Total			688

**Table 5- This table shows the conversion factors for the cases which were sent to “overflow” contract counsel during FY 2007. These are cases which could have, and should have been handled by in-house attorneys on the Public Defender staff, but for lack of authorizations and staff. The weighted number must be added back into the number of cases actually handled to make projections on needed staff to fully perform the Public Defender function at optimal levels (resulting in lower average and overall per case costs!).**

**Adding the 688 weighted cases to the 3359 actually handled, equates to a need to handle 4,047 felony cases in fiscal year 2007. To appropriately handle this number of cases, 27 attorneys would have been required. A staffing of 27 attorneys would also require three supervisors to maintain appropriate levels of supervision, or a total of 30 authorized professional staff members. During Fiscal 2007, the office was only authorized 20 attorneys, including supervisors, for a net deficit of 10 positions. The longer the County goes without addressing adequate staffing, the harder it will be in the future to catch up. By ignoring the dilemma, we are setting ourselves up as a county for a major legal issue with the provision of indigent**

## **defense in the coming years.**

Failure to provide staff authorizations, **and** the tools to recruit and retain are simply a shifting of costs from one area to another. Instead of paying for employees, and recruiting and retention programs, we have historically systematically recruited who we can, gotten whatever work we could from them, and then allowed them to burnout and fall to the wayside as replacements were recruited. The soft and hard dollars that go into sustaining this process need to be utilized to create and sustain a more positive system. A positive system will exist when appropriately professional work environment, proper staffing levels, and proper support staffing levels are all in place. The continuation of current recruiting and retention tools which recognize that it is difficult to recruit and retain public defenders will be key to continuing to move forward toward a system that will become self sustaining and effective on both a tangible fiscal and intangible performance basis.

Phyllis H. Subin, Esq. was engaged to conduct an assessment of the Law Offices of the Mohave County Public Defender, during the second quarter of FY 2007. The assessment included a review of internal and external records and data regarding the Law Offices of the Mohave County Public Defender, data from the Justice and Superior Court reports from the National Center for State Courts (NCSC), and on the ground interviews with employees, judicial personnel, prosecution personnel and county finance, human resource and OMB personnel. Ms. Subin issued her Assessment in March of 2007. The Assessment is attached as Attachment A. The Assessment identified areas of organizational structure that were in need of improvement as well as challenges to supervision and training that needed to be overcome. Virtually all of the recommended improvements have been implemented as of the writing of this report, to include a Board of Supervisor approved re-organization of management structure within the office. The report also identified recruiting and retention challenges. Among the most notable challenges to retention were job stress (amplified by the loss of personnel, or the knowledge that certain employees were actively seeking other employment), lack of a defined career path, lack of quality training, lack of a defined leadership structure in the absence of the Public Defender, and inequities in recognition of work and in work assignments. While job stress is always present, continued monitoring and better control over workloads and assignments has been implemented to better balance workload among qualified individuals. An attempt to better define what career path is available within the office has been made through the formalization of a new organizational structure in the office. A fixed well defined leadership structure clearly identifies the leadership hierarchy as well. Lastly the re-organization has included the designation of a formal Training Director (with other supervisory duties) who will have primary responsibility for internal training programs. A highly qualified individual is expected to begin employment in the 3<sup>rd</sup> quarter of FY 2008.

## **Part IV – Human Resources / Participation in Loan Repayment and Relocation Assistance Programs**

### **Human Resources –**

FY 2007 began very positively with 12 licensed attorneys and 2 Attorney Interns on staff. In addition 7 law school graduates who took the Arizona Bar Examination in July of 2006 were scheduled to start between August and October of 2006. This appeared to present a full licensed

staff by mid-year, depending on bar examination results. Unfortunately, after the fiscal year began, the following unexpected changes in personnel occurred:

1) one licensed attorney left the office to return to law enforcement (A long standing goal) as the Deputy Director of the Mohave County Jail; 2) a young attorney moved to Phoenix after her spouse obtained a job in the Phoenix area; 3) a young attorney moved to Phoenix so that he and his significant other would be able to live in the same city. This attorney had been commuting to Los Angeles virtually every weekend for over a year to be with his significant other; 4) a young attorney left the office to work for the Legal Defender's Office; 5) a young intern failed the bar examination and left prior to results being posted for her second examination to return to Nebraska. 6) a young attorney went to work for the City of Kingman City Attorney's Office; 7) one of the newly licensed interns left the office to go to work for the City of Kingman City Attorney's Office; 8) one of the newly licensed attorney interns left the office to return to Sacramento, CA to pursue a clerking opportunity with a federal court; and 9) one of the newly licensed attorney interns left the office to work for the County Attorney's office.

By the end of the fiscal year, while we had anticipated a staffing of 19 out of 20 professional positions, we were faced with only 10 of 20 authorized positions filled. Fortunately we were able to hire a local attorney with almost a decade of experience who had been serving as a contract provider, and an experienced public defender from Kentucky (roughly 10 years) who took the July 2007 Arizona Bar Examination. This left us with 12 of 20 professional positions filled at the end of the fiscal year, and an average of 13 licensed attorneys on average over the course of the fiscal year. During the beginning of the 3<sup>rd</sup> quarter of the fiscal year, we issued offers of employment to another round of law school graduates. All total we issued 6 offers of employment to May 2007 law school graduates, all of whom began their employment in the first quarter of fiscal 2008. These individuals came from Harvard University, University of Cincinnati (2), Franklin Pierce Law School (New Hampshire), University of Seattle, and SUNY Buffalo.

Of the nine professional staff employees who left during the fiscal year, four relocated and cited problems with work force, or lifestyle as a factor in their decision, two went to work for the City of Kingman City Attorney's Office at higher pay, one went directly to work for the County Attorney's office, one went to work for the Legal Defender's office, and one went to work for the Mohave County Sheriff's Office.

All of the individuals who were hired in FY 2007 participated in the relocation assistance program. Those who left employment were required to pay back virtually all of the assistance they received. This resulted in only about 50% of the original relocation budget being utilized during the course of the fiscal year.

To date, no employee who was recruited under the Loan Repayment Assistance Program has yet to qualify. The first employee that will qualify will not qualify until approximately May of 2008. An extension of the LRAP and relocation programs for a minimum of 5 years will be sought in order to allow for sufficient program participation to evaluate whether it will have the desired impact on retention. The impact on recruiting is clearly a positive and if for no other reason than that, should

be continued. The total cost of the LRAP program was under \$ 9,000 for FY 2007.

	Attorneys/ Interns July 1	Number Attorneys/ Interns departing	Number Attorneys/ Interns hired	Net Change	Participation in Relocation	Participation in LRAP	Average Years of Experience
FY 2002	10/0	3	4	+1	N/A	N/A	11
FY 2003	10/2	3/1	6/5	+7	N/A	N/A	7.75
FY 2004	18/0	4/0	2/0	-2	N/A	N/A	8.75
FY 2005	16/0	4/0	3/0	-1	N/A	N/A	10.2
FY 2006	15/0	9/0	6/2	-1	8	N/A	9.18
FY 2007	12/2	7/4	2/7	-2	9		5.14
Totals		30/5	23/14	+4	8	N/A	8.77

**Table 6 – This table shows the shift in professional staffing levels on an annual basis.**

Since reliable records began to be kept in October of 2001, the average professional employee of the Law offices of the Mohave County Public Defender has worked in the office for 1.8 years. This calculation does NOT take into consideration time that employees spent with the office prior to October of 2001! The first year in which professional staff employees were recruited using the Loan Repayment Assistance program (LRAP) and Relocation Assistance Programs was FY 2007. While it is still too early to gather sufficient data to provide a statistically relevant analysis, to date the retention figures for this class are the highest of any recruiting group for which data is available.

YEAR HIRED	Avg. Length of Service (YRS)	% who left prior to 2 years	Percentage Remaining on Staff
FY 2003	2.0	45.5%	18.2
FY 2004	3.0	50%	0
FY 2005	1.1	100%	0
FY 2006	1.0	88.9%	11.1
FY 2007	.9	44.4%	55.6

**Table 7 – This table shows the average length of service by recruiting year, the percentage of recruit who left county service prior to the end of their initial 2 year period, and the percentage who still remain on staff. The FY 2006 and FY 2007 numbers could change if any of the remaining employees leaves prior to the end of their second full year.**

## **Part V – Conclusion (Challenges and Trends for the Future)**

Systemically the Law Offices of the Mohave County Public Defender is light years ahead of where it

was in FY 2001. Organizational structure and technological advances have been put in place which can allow near optimal human efficiencies. The lack and delay of providing appropriate physical facilities has caused a significant setback in the advancement of the organization as one which can become self-sustaining. However the occupation of the newly renovated facility has been instrumental in assisting in a significant turn around of staff morale. Personnel losses prior to the occupation of the new facility and re-organization of the Department caused a significant set back, however with moral, staffing and organization significantly improved, the future looks very bright. It remains imperative to avoid a knee-jerk reaction to simply hire “*bodies*” to fill chairs and create additional problems down the line and it is therefore imperative that caseloads be maintained with professional standards. This will require that cases which can not be absorbed by remaining staff due to numbers or experience be sent to outside private contract counsel. Without the addition of appropriate staffing to handle the incoming cases while maintaining ethical caseload/workload limits, it will be necessary to continue to rely heavily on outside contract counsel, even if full staffing is achieved within the office. This could easily result in a projected contract budget for “overflow” cases of close to \$ 1 million dollars yet again. In order to not exacerbate the use of private counsel at higher cost, it will be imperative to approve and allow for the recruiting of additional FTE staff to maintain professional standards and limit liability to the County. It is important to note that if the County knowingly fails to provide effective counsel by maintaining a system which is known to be ineffective, the county can be held civilly liable for under 42 U.S. C. § 1983 (See, *Miranda v. Clark County*, 319 F.3d 465, 03 Cal. Daily Op. Serv. 1037, 2003 Daily Journal D.A.R. 1353 (9th Cir.(Nev.) (Feb 03, 2003), *certiorari denied by Clark County, NV v. Hernandez Miranda*, 540 U.S. 814, 124 S.Ct. 64, 157 L.Ed.2d 28, 71 USLW 3724, 72 USLW 3206, 72 USLW 3235 (U.S. Oct 06, 2003) and *Powers v. Hamilton County Public Defender Comm.*, 2004 FED App. 0288P (6<sup>th</sup> Cir.) (August 29, 2007).

On the positive side, the newest group of law school recruits has formed an outstanding alliance to the office and one another. Each has adapted well to Kingman, Mohave County and the office. However, since the budget does not become final until August, which is well beyond the end of the recruiting season, it will be imperative that a commitment be made prior to the finalization of the budget as to what staffing levels will be allowed for FY 2009. Additionally, it is imperative that the relocation and LRAP programs be continued for another 5 year period. The program has yet to be truly implemented for any of the recruits who were recruited under the original plan. In order to conduct a proper assessment of the fiscal benefit of the plan, a much longer term study is necessary.

If the positive aspects of the issues raised and addressed in this report can be enhanced and followed through on, the future looks bright for all of the citizenry of Mohave County to know that the justice system in Mohave County will be fair and that they can have faith in the integrity of the results of that system. Failure to follow through is likely to result in continued depletion of quality attorneys in the government defense offices which will result in a significantly lower quality of representation at a higher cost. Lower quality representation as discussed will result in additional costs beyond the initial contract cost of representation due to the potential for an increase in post-conviction relief cases and civil liability.

All in all FY 2008 looks to be a turning point (although not without its’ challenges). If a commitment to continuing the positive changes can be carried through on, Mohave County will be well on its’ way to having an Indigent Defense system which will ensure that every citizen of

Mohave County can view the justice system with confidence and pride.

## **Appendix A - Where the Numbers Come From and What They Represent**

In order to best analyze the caseload statistics, it is important to understand where the numbers came from and what the numbers represent.

The caseload/crime statistics contained in this report were compiled from the Public Defender case management database known as *Justware*. This database was implemented in 2001 and was designed to track caseload information at several different levels. Because many crimes are unreported and because many crimes are not solved, the numbers compiled in this report in no way reflect the crime rate in Mohave County. Those figures should be obtained from law enforcement agencies. Similarly, not every reported crime, or arrest becomes a case, so the internal case data is unlikely to directly reflect local law enforcement data.

In addition, the figures represent the number of individuals charged with a crime, not necessarily the number of cases filed in the Superior Court. For example, when a crime is committed by multiple defendants our office records the number of defendants. This is because each defendant will need a lawyer. The Superior Court and the County Attorney, on the other hand, may record that case as a single filing. For this reason, our statistics may differ from those of the Superior Court and the County Attorney.

It is also helpful to understand that the type of crimes recorded represent the crimes *as charged* (ie: assault, theft, etc.), and not the ultimate disposition (not the crime to which the defendant was found guilty of, pled to, or was acquitted of). Many defendants plead to lesser offenses. Sometimes felonies are reduced to misdemeanors or dismissed outright. Sometimes defendants are found not guilty by a jury. For the purpose of staffing, management and planning analysis it is important to know what a defendant is charged with initially. It is the initial charge which determines whether counsel is appointed and how much the County must ultimately spend for the defense.

In addition, the crime figures mentioned in this report reflect only the main crime charged. Many defendants are charged with multiple offenses arising out of a single act. For example, a defendant may be charged with Possession of Marijuana, Possession of Marijuana with Intent to Sell, Possession of Drug Paraphernalia and Underage Drinking. The following statistics would reflect only the main charge, to wit, Possession with Intent to Sell. If we counted all of the multiple charges which the prosecutor decided to file, analysis would prove meaningless, because indigent defense attorneys are not compensated based upon the number of charges filed.

Finally, our statistics reflect only charges filed against indigent defendants. We estimate that 95% of all persons charged with felony and juvenile offenses are found to be indigent and are provided counsel through the Law Offices of the Mohave County Public Defender.

**Appendix B - Breakdown of Most Prevalent Crimes for FY 2007 By Charge**

<b>Statute and Description</b>	<b>Number of cases involving</b>
13-3415 – Possession of Drug Paraphernalia	1495
13-3407 – Possession of Dangerous Drugs	544
13-901.C – Probation Violation/Petition to Revoke	510
13-3405 – Possession of Marijuana	472
28-1381.A.1 – DUI	358
28-3473 – Driving w/ DL Suspended	351
13-1204.A.2 – Aggravated Assault	306
13-2904/13-3601 – Disorderly Conduct by DV	269
28-1381.A.2 – DUI .08%	236
13-1203.A.1 – Assault by Domestic Violence	227
13-2904 – Disorderly Conduct	170
13-1814 – Theft of means of Transportation	166
13-2506 – Failure to Appear	163
13-1602 – Criminal Damage	159
13-1506 – Burglary in the Third Degree	154
28-1383.A.1 – Aggravated DUI	153
28-1382.A – Extreme DUI	144
13-3102 – Misconduct involving Weapons	143
13-2002 – Forgery	141

**Table 8 – This table is solely based on the number of cases in which the listed charge appears. It is possible for a single case to contain multiple charges, and therefore the numbers can NOT be used to calculate caseloads.**

**General Category Breakdown<sup>14</sup>**

<b>Type of Crime</b>	<b>Number</b>
Primary Drug	1,513
Assault/Disorderly Conduct	1,087
Probation Violation	687
Domestic Violence	649
DUI	557
Theft	467
Criminal Damage	244
Vehicle Violations	243
Burglary	233
Forgery	202
Theft of means of Transportation	180
False Reporting/Obstruction	134
Flight/Escape	125
Trespass	110
Weapons Violations	104

<sup>14</sup> This represents the total number of cases in which this particular type of charge was included. The total number of cases is not reflected as many cases have two or more charges from more than one general category. Similarly, the general category does not distinguish between misdemeanor and felony charges in this table. This table is provided solely to provide a general overview of the type of charges filed and defended, NOT necessarily the severity of the charges. The severity of Charges is more accurately reflected in the number of felony, misdemeanor, juvenile, probation violation, post-conviction relief and appellate cases received which appears elsewhere in this report.

Animal Violations	89
Shoplifting	85
Sex Offenses	87
Failure to Appear	59
Child Abuse/Neglect	55
Post Conviction Relief	55
Planning & Zoning Violations	38
Hindering Prosecution	28
Appeals	22
Contempt	21
Arson Related	18
Homicide	17
Contracting without a License	17
Criminal Littering	16
Kidnapping/Imprisonment	10
Wildlife Violations	5

**Table 9 – This table lists charges by major category. The number represents the number of cases in which one or more of the type of charges appeared. Individual cases often contain multiple charges and these numbers therefore should NOT be used to attempt to calculate caseload numbers.**

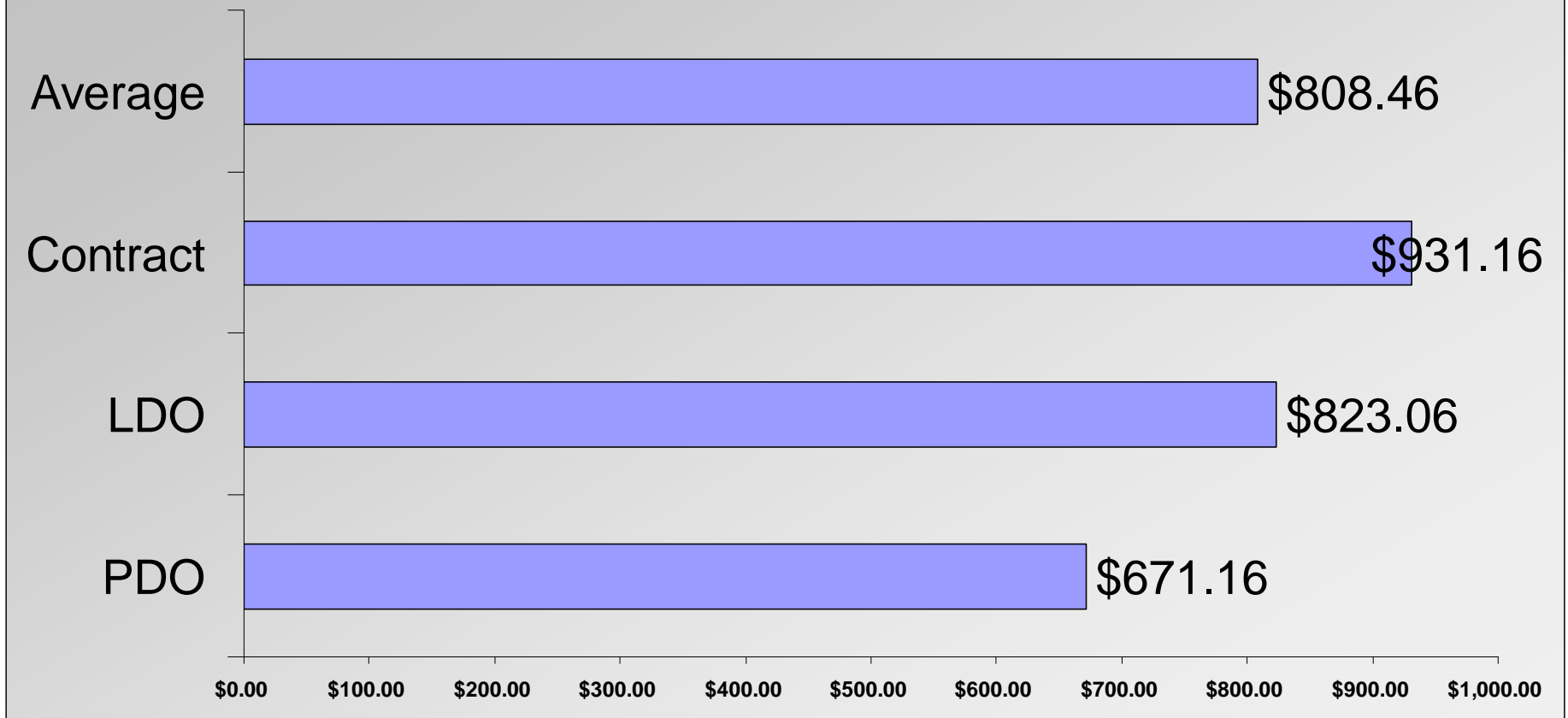
**Appendix C - Detailed Budget Report**

		ORIGINAL	REVISED	ACTUAL	BUDGET USED	
40110	REGULAR SALARIES/WAGES	1,970,789	1,970,789	1,560,467	79.2	%
40120	OVERTIME	0	0	349	100	%
40130	TEMPORARY EMPLOYEES	1,000	1,000	10,548	1054.8	%
40210	EMP.BENE.-FICA	150,765	150,765	117,583	78	%
40230	CTY.HEALTH INS.	274,680	274,680	174,131	63.4	%
40240	WORKERS COMP	2,956	2,956	2,156	72.9	%
40260	STATE RETIRE.	179,342	179,342	139,511	77.8	%
41100	OFFICE SUPPLIES	10,562	10,562	8,175	77.4	%
41140	COPIES/DUPL. SUPPLIES	3,600	3,180	1,225	38.5	%
41150	DATA PROCESSING SUPPLIES	2,640	2,640	4,109	155.6	%
41400	TOOLS & EQUIPMENT UNDER \$1000	2,000	2,000	1,397	69.9	%
43110	LEGAL SERVICES	220,000	220,000	249,463	113.4	%
43115	INVESTIGATION FEES	8,307	8,307	4,096	49.3	%
43120	DATA PROCESSING SERVICES	59,018	59,018	59,018	100	%
43177	EDUCATIONAL ASSISTANCE	24,000	24,000	8,051	33.5	%
43210	TELEPHONE	25,440	25,440	26,092	102.6	%
43215	TELEPHONE COMPUTER DATA	3,089	3,089	3,089	100	%
43216	CELL PHONE CHARGES	2,100	2,100	2,169	103.3	%
43230	POSTAGE	5,500	5,500	4,991	90.8	%
43310	TRAVEL EXPENSES	4,040	6,735	6,603	98	%
43312	TRAVEL RECRUITING	3,100	4,627	5,002	108.1	%
43320	MOTOR POOL CHGS.	16,111	16,111	16,768	104.1	%
43325	VEHICLE REPLACEMENT	7,236	7,236	7,236	100	%
43340	MOVING EXPENSES	27,000	25,473	12,751	50.1	%
43430	JOB ADVERTISING	330	80	0	0	%
43510	PRINTING EXP'S	1,595	1,595	1,026	64.3	%
43530	COPIER CONTRACT	7,534	7,534	7,296	96.8	%
43730	WATER EXPENSE	480	480	696	144.9	%
43810	LEASE COMPUTER (IT ONLY)	23,431	23,431	23,431	100	%
43860	BUILDING LEASES	5,100	5,100	4,897	96	%
43910	R&M AUTOMOTIVE	480	480	55	11.5	%
43920	R&M OFFICE EQUIP	550	550	137	24.9	%
47910	COURT COSTS/INVESTIGATIONS DUES,	5,013	21,737	24,018	110.5	%
47930	SUBSCRIPTIONS/MEMBERSHIP	14,000	14,420	17,697	122.7	%
47990	MISCELLANEOUS OTHER	0	250	758	303.2	%
GRAND TOTAL		3,061,788	3,081,207	2504990	81.3	%

**Appendix D - Cost per Case Analysis using Weighting Factors**

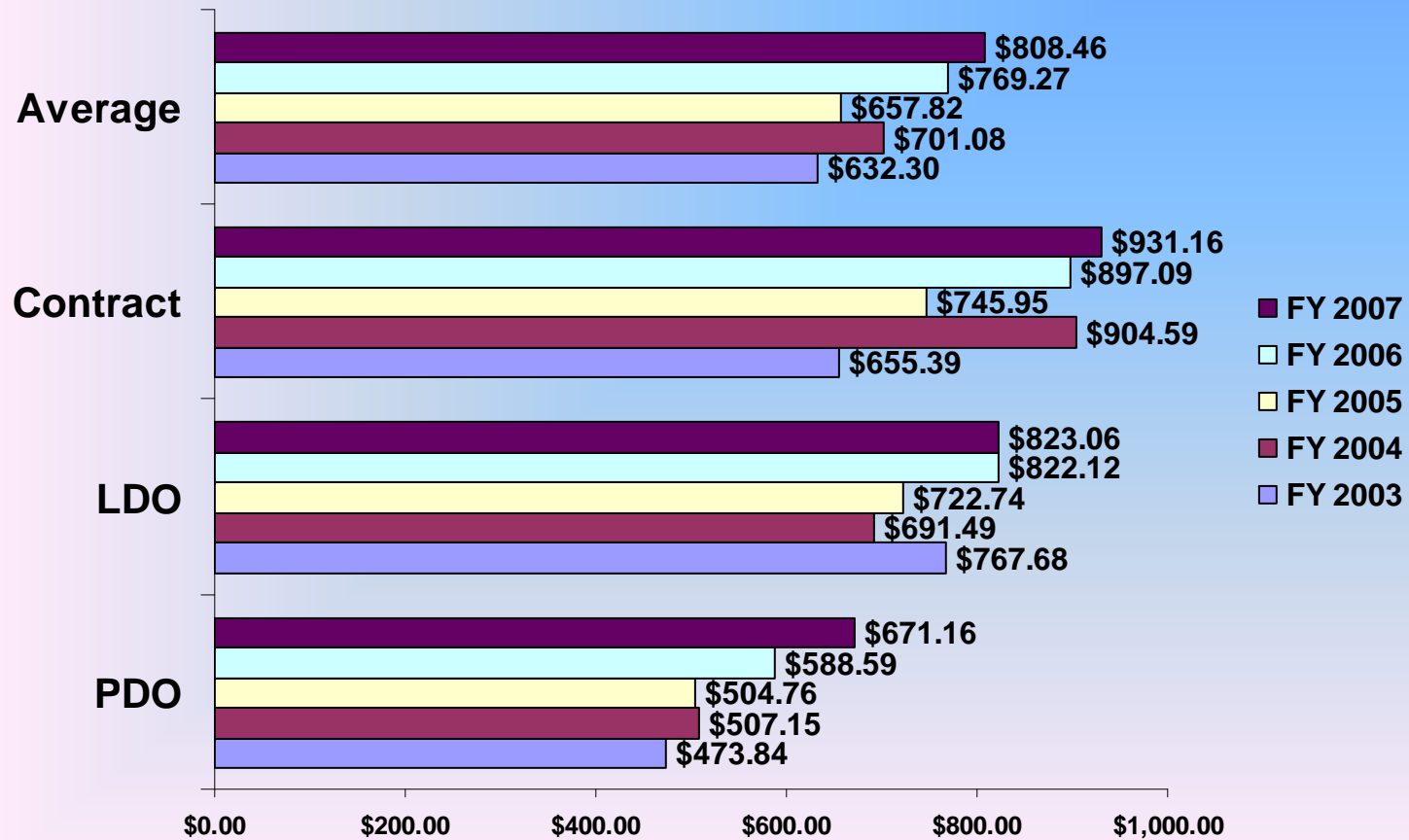
<b>Caseload Counts FY 2007</b>							
		<u>Raw Number</u>	<u>Conversion Factor</u>	<u>Weighted Cases</u>	<u>FY '07 Budget</u>	<u>Per case Weighted Cost</u>	
<b>PDO</b>						(Actual Expenditures)	
	Misdemeanor	1946	0.375	729.75			
	Felony	1951	1	1951			
	Juvenile	423	0.75	317.25			
	PCR	57	2	114			
	Appeals	25	6	150			
	Probation Violations	259	0.375	97.125			
Subtotal		<b>4661</b>		3359	\$2,254,525.39	\$671.16	
<b>LDO</b>							
	Misdemeanor	418	0.375	156.75			
	Felony	677	1	677			
	Juvenile	87	0.75	65.25			
	PCR	0	2	0			
	Appeals	0	6	0			
	Probation Violations	185	0.375	69.375			
	Rejected	11					
Subtotal		<b>1367</b>		968.375	\$797,030.02	\$823.06	
<b>Private Contract</b>							
	Misdemeanor	80	0.375	30			
	Felony	862	1	862			
	Juvenile	108	0.75	81			
	PCR	1	2	2			
	Appeals	0	6				
	Probation Violations	173	0.375	64.875			
Subtotal		<b>1224</b>		1039.875	\$968,285.43	\$931.16	
<b>Total</b>		<b>7252</b>		5367.375	\$4,019,840.84	\$748.94	

# Indigent Defense Provider Cost Per Weighted Case FY '07

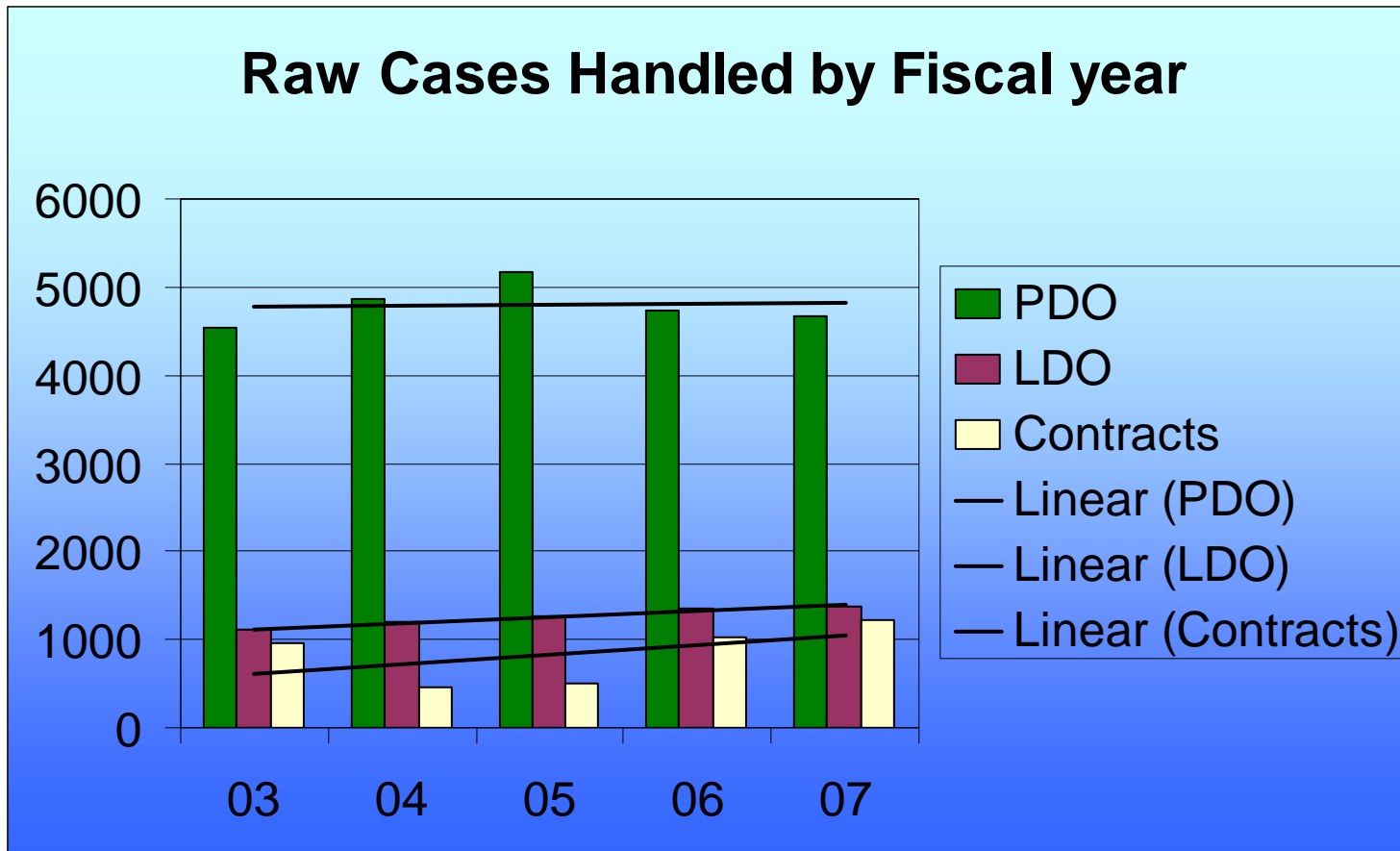


**Figure 1** – This Chart illustrates the average cost per case for all three forms of legal service providers, as well as the average for all services for fiscal year 2007.

## Indigent Defense Provider Cost per Weighted Case FY 03 - FY 07



**Figure 2** – This Chart shows an annual comparison for all three indigent defense provider systems and the average for the county provided service.



**Figure 3** – This chart shows the growth in the volume of raw cases handled by the respective service provider systems within Mohave County. General decreases in the number of outside contract case assignments is a result of more stringent conflict review, and greater internal efficiencies and optimization of resources. Recent increases in the number of outside contract case assignments is a result of staffing shortages coupled with increased overall case filings.