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August 3, 2017  
VIA EMAIL and FIRST CLASS MAIL

Todd Wiltgen, Chair  
Lancaster County Board of Commissioners  
555 S. 10<sup>th</sup> Street, Room 110  
Lincoln, NE 68508

RE: Agreement Between Lancaster County and Legal Aid of Nebraska to Provide Appointed Legal Representation of Indigent Parents and Juveniles in Lancaster County Separate Juvenile Court Proceedings, C-15-0316

Dear Chair Wiltgen:

Legal Aid of Nebraska is honored to provide professional, high quality and well respected appointed representation of indigent juveniles and parents in the Separate Juvenile Court of Lancaster County for over 25 years. Our legal staff has over seventy years of collective experience in this representation, daily providing efficient, cost-effective service to thousands of needy clients in Lancaster County. Legal Aid's mission is to address the underlying conditions of poverty faced by our clients through high quality civil legal services, using our skills to help them gain hope, opportunity, and increased family stability. Our appointed work in the Separate Juvenile Court in Lancaster County is doing just that for needy local residents every day.

We thank Lancaster County and the Separate Juvenile Court for this ongoing opportunity to provide this civil legal service through our present contract. Legal Aid, as an experienced non-profit with this mission, is able to provide Lancaster County this considerable and expert appointed legal service for far less cost than other options available to the county. We believe that is as it should be.

Nevertheless, under the three-year appointed representation contract Legal Aid entered into with Lancaster County in 2015, Legal Aid is now only able to cover approximately two-thirds of its costs of this representation. Given serious fiscal challenges facing Legal Aid in the year ahead, including the likelihood of significantly reduced funding from federal sources, Legal Aid's leadership has determined we will be unable to continue this legal service to Lancaster County without an increase in our contractual payment to a level that more closely covers this highly cost-effective service.

Legal Aid is proud to provide appointed legal services that meet the professional standards established by the Nebraska Supreme Court for juvenile and parent representation, while also

partnering with the courts to obtain more speedy and just results. Legal Aid also knows its experienced legal services helps to lower other costs to Lancaster County (by, for example, reducing the incidence of domestic violence, better meeting children's needs, and gaining income support and benefits for indigent families), and provides other less tangible benefits to the county through our continual commitment to improving the administration of justice.

In each appointed case, this necessary civil legal service will include investigations, legal research, client and court meetings, and representation in juvenile court hearings and trials. This representation also includes several time consuming factors not anticipated in the 2015 contract, such as a significant number of new appointments to cases in Family Drug Court, and a steep increase in juvenile law violation appointments.

For these appointed cases, there are marked trends showing an increase in required and necessary hours dedicated by Legal Aid staff. During 2015-16, Legal Aid provided over 13,000 hours of civil legal services in the Lancaster County Separate Juvenile Courts. This pace of appointed indigent legal representation increased in 2016-17 to over 14,000 hours in nearly 900 appointed cases. Abuse and neglect cases in particular showed over a 94% increase in average hours per case over the last three years. These trends for appointed cases, required to meet professional standards and to meet court appointment obligations, are likely to continue.

Due to this growing volume of necessary and high-quality legal services under the present contract, Legal Aid is spending approximately \$48 per hour to meet the increasing costs. At the same time, Legal Aid is only paid approximately \$32 per hour for these legal services by Lancaster County. Thus, for each hour Legal Aid staff provides legal services for appointed indigent legal representation, Legal Aid is spending a significant amount of its own limited, non-contractual funds to insure its indigent appointed clients receive the professional legal services they deserve and must receive per constitutional and statutory requirements. In contrast, appointed, non-contracted private counsel are presently paid at the rate of \$65 per hour for similar appointed legal services in juvenile court.

Legal Aid strongly desires to continue to provide appointed, cost-effective civil legal services in the Separate Juvenile Court under contract with Lancaster County for indigent children and parents, but it cannot continue to absorb these costs, especially in light of likely fiscal pressures in 2018. Legal Aid has investigated our own options, including termination of the contract, which may be done with 120 days written notice. But at this time, Legal Aid merely wants to open a discussion with Lancaster County on how to better meet the costs of this appointed legal service to indigent children and parents in 2018 and in future years. We know Lancaster County officials are completing their annual budgetary process, and this request is not, from that perspective, the most timely. Nevertheless, Legal Aid has determined it needs to open this discussion before too much additional time goes by, given our desire to not carry these costs into 2018.

It should be emphasized, of course, that Legal Aid will always be the lower cost, higher quality option for Lancaster County. Lancaster County officials know well that Legal Aid's hundreds of appointed clients are receiving expert, experienced, and still highly cost-effective legal services. We anticipate this mutually beneficial relationship will continue into and beyond 2018, but

further discussions must be had on more appropriately meeting the necessary costs of doing so. Our objective is to have some indication of a solution by September 1, to allow us to plan for 2018.

Again, Legal Aid is honored to provide appointed civil legal services to indigent children and parents under its contract with Lancaster County, and is pleased to be a major part of how Lancaster County is serving its needy children, parents, and families. I look forward to this discussion, and I will be in touch to arrange an opportunity to meet with appropriate county officials at your earliest convenience.

Sincerely,



Milo Mumgaard, JD  
Executive Director

cc: Lancaster County Commissioner Bill Avery, Vice-Chair  
Lancaster County Commissioner Deb Schorr  
Lancaster County Commissioner Roma Amundson  
Lancaster County Commissioner Jennifer Brinkman  
Lancaster County Chief Administrative Officer Kerry Eagan  
Lancaster County Budget and Fiscal Officer Dennis Myer  
Lancaster County Juvenile Court Administrator Theresa Emmert  
Separate Juvenile Court Judge Roger Heideman  
Separate Juvenile Court Judge Linda Porter  
Separate Juvenile Court Judge Reggie Ryder  
Separate Juvenile Court Judge Toni Thorson  
Lancaster County Public Defender Joe Nigro