

**MINUTES
DEPARTMENTAL BUDGET HEARINGS
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
TUESDAY, MAY 15, 2012
1:00 P.M.**

Advance public notice of the Departmental Budget Hearings was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and emailed to the media on May 11, 2012.

Commissioners Present: Deb Schorr, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Jane Raybould
Brent Smoyer

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dennis Meyer, Budget and Fiscal Director
Dan Nolte, County Clerk
Angela Zocholl, County Clerk's Office

The Chair opened the meeting at 1:00 p.m.

COUNTY COURT (622)

Present were Becky Bruckner, Judicial Administrator; Laurie Yardley, County Court Judge; and Susan Strong, County Court Judge.

Dennis Meyer, Budget and Fiscal Director, noted that building rent increased by \$35,800 to account for eight months with a new courtroom.

Bruckner said County Court did not meet the requested 3% budget decrease; to do so would require unrealistic numbers. She said one of the biggest increases is legal services, which is hard to control. Meyer discussed how difficult it had become to meet the 3% decrease after departments have made cuts previously.

Schorr questioned the large increase in photocopying. Bruckner said her office is now printing to the copier machine so there will be a decrease in desktop printer expenses. She predicted photocopying would decrease due to the demand for fewer guardianship packets and an increase in scanning.

Yardley stated guardian ad litem fees are down for the year so less money could be budgeted. She added a lot of changes have been made to the program that people do not like, which may have resulted in less guardian conservatorships.

Meyer noted the spike in legal services. Currently the budget is at \$40,000. He said this number could be slightly decreased, knowing it would be reviewed at midyear. Yardley said that would work as long as it was understood that the budgeted funds might all be used. Bruckner mentioned they

could do something similar with witness fees; however, this is not a budget item they have control over. Raybould asked Bruckner to break down legal services and the costs. Bruckner said it covers court appointed attorneys when the Public Defender's office has conflicts. Raybould questioned if this fluctuates each year depending on the caseload of the public defender. Bruckner explained it is mostly driven by the Public Defender's caseload, but also by the types of cases. Yardley added that the attorney fee is \$50 an hour, which appears to be the cheapest rate available. Hudkins said last year the approved budget was \$195,000 and it was raised to \$213,000. He would like to see the same approach to guardian ad litem by not including the extra funds in the budget initially, rather adding them later only if needed.

Meyer questioned the microcomputer and technology equipment requests. Strong said there has not been any new technology upgrades since 2000. Bruckner said the request includes a computer for Courtroom 21 and billing software that would potentially reduce legal services fees. Yardley explained it would make sure every attorney is paid the same and cut down on time spent reviewing paperwork. The timeline on installation and final costs was not confirmed. Meyer discussed the use of microcomputer funds versus ongoing software costs. Schorr verified the amounts needed were \$4,000 for hardware and \$8,000 for software.

Raybould questioned revenues and reimbursement. Bruckner responded that revenues were reduced slightly. She noted there is not much control over payment and wages cannot be garnished to cover court fees. Those who do not pay may end up in jail which results in the County paying their room and board. Yardley explained that the money from fines go to schools so she contacted the local school board to see if they would hire someone to collect fines since they are the ones who benefit. So far they have not responded. She added court costs do go back to the County.

Meyer asked if County Court has been forced to reduce staff. Buckner said they are down two positions and would likely cut two more due to increased automation.

DISTRICT COURT (624)

Present was Troy Hawk, District Court Administrator.

Hawk said the biggest increase is in legal fees (court appointed attorney fees). Over the past five years, felony filings have risen by 28% with 300 more filings than in 2007. In addition, the Public Defender had 144 more conflicts in 2011 than 2010. He said as felony filings rise, more private attorneys must be appointed. Court attorney fees are \$75/hour for District Court felony work. In doing an informal survey, Hawk found the cheapest attorney for felony defense was \$150/hour.

Raybould asked if the Public Defender's Office could take on one more case per attorney to help alleviate costs. Hawk was not sure if it would make a big difference.

Heier questioned the bill of exception. Hawk explained that is when a defendant appeals and the court reporter prepares a transcript of the proceedings. This is filed as a bill of exception and, if the defendant is indigent, the County pays the court reporter fees.

Raybould asked Hawk to discuss personnel costs. Hawk said there are nine full-time Bailiff IIs (one for each of the eight judges and one for the child support referee), the Child Support Referee, Court Administrator, two Law Clerks, and a part time Bailiff I who does work release paperwork from the

jail. Raybould asked if it would be easier to make budget cuts in salaries or benefits. Hawk felt salary cuts would be preferable but not ideal.

Schorr asked about District Court's capital outlays. Hawk said the biggest item is furniture for one of the new judges. It was originally thought there would be used furniture available, but it turned out to be incomplete and in poor shape. Hawk felt the judge's chambers should reflect the dignity of the court and its proceedings. He said they would like to purchase a small conference table and chairs. Hudkins questioned the amount (\$6,800) and wondered if it could be reduced or postponed.

Smoyer suggested working with the Bar Association to cut costs and make legislative changes. Hawk said Bar Association dues for the Referee and Law Clerks are paid for since they are required to have law degrees for their job; he pays his own dues since his position does not require a law degree. In addition, a minimum of \$300 each is paid for CLEs (continuing legal education) which is required for Bar membership. He said \$300 only covers half of what is needed. Raybould felt dues should be the individual attorney's responsibility. Smoyer disagreed. Hawk felt it was reasonable to pay dues considering the employees are only being paid around \$38,000. Raybould asked if the employees pay taxes on that money. Hawk was not sure but said he would look into it.

Schorr clarified that the microcomputer request was for hardware only. Hawk responded that he did not include the billing software in the budget request. He said those costs include \$25,000 to develop the system, \$18,000 to convert existing files and \$15,000 for new cases to be filed over the next year for a total of \$58,000 or \$3 per case.

Raybould asked Hawk to discuss revenue. Hawk said the largest revenue stream is IV D reimbursement with 66% of the cost coming back from the State. He said other revenue comes from court cost reimbursements. Raybould asked if there is a lot of bad debt. Hawk said a lot of the money is never received from defendants assessed with court costs and it is not cost effective to go after those who owe money. He said some states use a collection agency. Schorr suggested looking at that in the future.

Schorr asked about the fiscal impact of non-IV D work done by the Child Support Referee. Hawk thought around 10% of the Referee's time was spent on non-IV D work. He estimated the impact at \$15,000-\$20,000 per year. Hawk said if the non-IV D work were not given to the Referee, it would be given back to the judges as a trade-off. Schorr noted there would be a meeting about the State's concern over the Child Support Referee doing non-IV D work.

Raybould asked what other counties are doing to reduce deficits and increase revenues. Hawk did not know of anything specific but felt his department was already doing a good job of reducing costs. He discussed the use of video conferencing in the courtroom and said it would cost more upfront but would save on travel costs. Hawk also discussed working with Community Corrections to divert more people from the jail system.

Raybould discussed the possibility of jurors waiving their fees. Hawk thought jurors might be given a form addressing the option to waive fees.

DISTRICT COURT CLERK (621, 751)

Present were Sue Kirkland, Clerk of the District Court, and Chuck Salem, Chief Deputy Clerk of the District Court.

District Court Clerk (621)

Kirkland said her department's budget is down 3.02%. Increased automation has cut costs and travel costs have been minimized by not attending the National Conference. In addition, salaries have decreased by \$42,000 by only filling 22.5 full time employee positions out of 25.

Meyer asked if additional appropriations would be needed this year. Salem responded that they do not anticipate the need for additional funding.

With regard to a microcomputer request, Kirkland and Salem said their new program was already budgeted for this year and nothing else is needed next year.

Raybould asked how other district courts are handling deficit issues. Kirkland said it is hard to compare due to different size caseloads and budget limits.

Mental Health Board (751)

Kirkland said the budget was reduced by 3%. She said salaries were budgeted higher since the decreased caseload could unexpectedly pick up again. Expenses, such as consulting services, could also change based on bringing in extra consultants.

Meyer confirmed there would be no additional appropriations or microcomputer request. Salem said this is a result of the number of cases. Currently more are being dismissed but this could change.

COUNTY EXTENSION (645)

Present were Gary Bergman, County Extension Officer, and Kay Coffey, Administrative Aide.

Bergman said they submitted a 97% budget. The major reduction was due to secured support from a University staff member. He discussed finding ways to reduce costs such as reviewing phone lines.

Bergman talked about involving youth in 4-H and how positive youth development could prevent kids from ending up in the juvenile justice system.

Heier questioned the University of Nebraska's budget contribution. Bergman did not have an exact number but estimated it to be around \$1,000,000.

Hudkins asked about department vehicles. Bergman said one car obtained from surplus property is still running. In the future, he may lobby for the purchase of a surplus vehicle from University Transportation. Schorr asked if they were finding it cheaper to purchase than rent. Bergman said it is cheaper as long as the vehicles are solid units that are serviced regularly. Schorr confirmed that County Engineering does all of the maintenance. Bergman clarified that two vehicles are leased from the University who provides the service.

Bergman discussed the cost and necessity of carrying flood insurance. Schorr said the area should be checked against the new flood maps. Bergman added the Antelope Valley improvements might also mitigate some of their current risks.

Meyer questioned the number of full-time (FTE) County employees and the unfilled position. Bergman said the unfilled position was a UNL faculty position; the 8.05 FTE number would not change.

Meyer discussed the possible disbursement of costs for the GIS system and questioned the Extension Department's usage. Bergman said his department uses GIS for the City of Lincoln bio-solids program. The cost, \$30,000, is built into their annual budget under Miscellaneous Fees.

With regard to additional appropriations, Bergman said he does not anticipate anything except for a possible general maintenance cost increase.

Meyer asked about the microcomputer request. Bergman said they submitted one for \$5,000 but anticipates the cost to be less.

JUVENILE PROBATION (673)

Present were Lori Griggs, Chief Probation Officer, and Wendy Barrera-Andazola, Juvenile Drug Court Coordinator.

Griggs said they were able to come in at 97% due to unused Juvenile Drug Court treatment money and a reduction in contractual services related to electronic monitoring.

Schorr inquired about the \$400 of miscellaneous revenue. Griggs said this includes court-ordered drug test payments from parents.

With regard to relocation, Griggs said they will be moving to 421 South 9th Street as they have run out of space in the Hall of Justice, although, they have discussed having a possible "satellite office" somewhere on the fourth floor because of their constant court presence.

Griggs said they did not submit a microcomputer request as their current software is compatible with the new cloud system used by the State.

It was noted that no additional appropriations were needed this year, although, Griggs said if they did have any unspent money she would possibly submit a request to purchase new equipment or furnishings. She added they are going to try to use all of their current furniture when they move to the new location but could use new conference room chairs.

PUBLIC DEFENDER (625)

Present were Dennis Keefe, Lancaster County Public Defender, and Monica Ross-Williams, Office Administrator.

Keefe said a 3% reduction would impact personnel and his office's ability to cover cases. He added the more cases diverted from his office increases costs to the County as they are assigned to private attorneys. Keefe said he and his staff review office policies and procedures annually to make sure services are being provided efficiently.

Keefe noted this budget will include an employee retirement payout of \$24,000, group health insurance increases of roughly \$13,000 and a small increase in local phone usage related to inmate

calls all of which are outside of his control. Additionally, the new jail is going to impact the budget with regard to mileage. Keefe noted they will utilize video visitation as much as possible.

Keefe said eventually his office will be going paperless. To do so will require a \$14,000 modification to the office's new case management system.

With regard to the microcomputer request, Keefe said it includes an additional server, related to electronic filings, which will allow them to have a global search function within their system. It also includes an upgrade for roughly 25% of their computers and hardware/software for video visitation. The total dollar amount is \$55,380. Schorr questioned the technology priorities. Keefe said the order would be as follows: video visitation, electronic filing, computer upgrades and, lastly, the global search engine.

Raybould asked Keefe if personnel costs were to be reduced, would salary cuts or a reduction in force be a better option for his department? Keefe said he hoped the County Board would not limit itself to those options as neither would be his preference. He noted the new jail is a big part of the budget deficit and, if public safety is the reason for its construction, then maybe a tax increase to cover this expense should be considered. He believed citizens would understand if it is truly a public safety issue and felt it is wrong to decimate County agencies because of these new costs.

Raybould said the jail "is what it is" and the County Board has to look at the budget in its totality. She added the jail will likely continue to be a financial drain for the County. Heier interjected that while the jail is a mandated financial drain, the Board cannot dictate to Keefe whether he cut salaries or reduces staff – that is his choice. Keefe noted there would be consequences in laying people off.

Smoyer questioned the increase in conflicts and asked to see a copy of the 2008 workload study. Keefe said more filings reflect more conflicts. He said the new case management system will help track data associated with outside counsel fees.

Smoyer asked how much work is done for the City of Lincoln. Keefe said he is increasing their request by 5% for the next fiscal year but this does not cover all costs. Schorr asked what amount would. Keefe said the last time he checked they were at least \$40,000 short. Schorr asked Keefe to calculate the actual dollar amount needed to cover the City's share.

Heier asked about liability insurance. Keefe said he budgeted \$6,800 allowing for a small increase. Heier asked if two insurance policies are needed. Keefe said in order to purchase low-cost insurance they have to belong to the National Legal Aid and Defender Association at a cost of \$3,650. He confirmed that professional liability insurance is included.

Raybould asked about opportunities for additional budget cuts. Keefe said if he had a way to cut cases, he could cut costs. Raybould pointed out that according to a 10-year analysis by the police department, crime is down but felonies are up. She noted more cases are being filed but fewer arrests are being made. Keefe said the Legislature has elevated previous misdemeanors to felonies over the last 7-8 years which takes up more time for his office.

COUNTY ATTORNEY (652)

Present were Joe Kelly, Lancaster County Attorney; Pat Condon, Chief Deputy County Attorney; Doug Cyr, Deputy County Attorney; and Eileen LeGrande, Office Manager.

Kelly stated his budget was reduced by 2.6% due to having three less full-time employees. He noted his office has under spent the last four budget years while functioning with fewer attorneys and an increasing caseload.

Kelly discussed his office's role with the sex offender registration violators pointing out that failure to register is a felony. Following up on these cases is timely and expensive, therefore, Kelly said they will be experimenting with making phone calls to see if people will register on their own.

With regard to their microcomputer request, Condon explained that they would like to begin replacing computers and monitors. They are also considering MOVI (a video court application). Heier asked if drug forfeiture money can be used for this purchase. Kelly said they can look at that option. Schorr asked who will be making the decision about MOVI. Meyer said it is really everyone's decision as it is part of the new jail's proposed video capabilities.

In response to Meyer's inquiry, Kelly said PEHP is currently not included in the budget. Adding it would reflect a 1.9%, versus 2.6%, reduction in the budget.

Raybould questioned what legislative initiatives could address the felony caseload. Kelly said there should be an interim study to review the new welfare legislation and the juvenile system with the goal of reducing future law violations and neglect cases.

Meyer asked Kelly if he wanted to address pre-trial diversion. Kelly said there have been previous discussions about Community Corrections taking on these duties (including the STOP program and restitution accounts) and whether they could do it cheaper and more efficiently. Information is still being gathered related to this issue.

SHERIFF (651)

Present were Terry Wagner, County Sheriff, and Bill Jarrett, Chief Deputy Sheriff.

Wagner said he was not able to submit a 97% budget and still perform his statutory duties. He added the budget is up 5.01% which includes various cost-of-living and merit increases, an increase in worker's compensation insurance and PEHP, rising fuel costs and being staffed at 100%.

With regard to contractual services, Wagner said he pays 4% of the 911 Center's budget. Figures were recently received from the City's Public Safety Director showing current-year usage at 9.1%. Wagner said he would discuss these figures with Tom Casady.

With regard to personnel, Wagner said two new deputies will soon be requested to accommodate the two new judges.

Capital improvements include the radio replacement program and the mobile data project. Jarrett said they are continually monitoring grant availability to assist with radio purchases.

Raybould questioned the need for additional deputies when crime and arrest numbers from the Lincoln Police Department (LPD) are decreasing and police officers have been reduced, although, the population of the City of Lincoln continues to grow. She challenged the Sheriff's Office to review its budget to see if they can also do more with less. Wagner explained his office's duties are half patrol

and half statutorily mandated - unlike LPD. He said the area requiring growth in his department encompass those justice duties mandated by the State as opposed to patrol.

Raybould distributed a revised handout regarding sheriff vehicles and fuel consumption **(Exhibit A)** and noted previous discussions have occurred on the issue. She said no one takes public safety lightly and she felt that the Sheriff's past comments accusing the Board of acting "arbitrarily and capriciously" is a misrepresentation. Wagner clarified that the figures presented in the handout show a total increase in fuel of 63.41 gallons over the last year.

Schorr asked the Sheriff to prioritize the proposed staffing increase. Wagner said he would choose the court security personnel since it could be required by the judges.

Meyer next discussed insurance, including the general liability excess premium, sheriff pursuit and sheriff at-fault. He said these are being built into the Sheriff's budget.

With regard to GIS services, Meyer said the Board is considering allocating these costs to the departments who utilize it. Jarrett said they do use other programs such as Google Earth and, in discussing the issue with staff, noted that GIS is not of particularly high importance to their office.

Wagner noted the drop in revenue is due to the loss of federal stimulus grants and civil process fees.

Jarrett indicated that additional appropriations figures will be forthcoming.

JUVENILE COURT (623)

Present were Roger Heideman, Juvenile Court Judge; Reggie Ryder, Juvenile Court Judge; and Theresa Emmert, Juvenile Court Administrator.

Meyer said the budget figures include additional appropriations. Emmert noted they did submit a 3% budget reduction which was taken primarily from attorneys fees and boarding contracts.

In response to Schorr's inquiry, Ryder said the reduction to boarding contracts is not ideal and added the benefit of retaining those costs is that Juvenile Court can select placement for a child with a law violation case. Now, if a juvenile needs an out-of-home placement, the Court is relying on commitment to the Office of Juvenile Services (OJS) and group homes. Heier asked how this is working. Ryder said this is not preferable because when committed to this level of care, Juvenile Court loses control with regard to the youth's future placement, i.e., moving to a lower level of care or going home. Ryder added that legislatively, some of the related issues are out of their control. Schorr asked if legislative changes are warranted. As an example, Ryder explained that if a child has law violations and is ordered to be placed in a facility, group home or foster home, Juvenile Court has no placement oversight and this can be costly for the County. But, if a truancy is involved, OJS is required to get Juvenile Court's approval. It was suggested the issue of expansion of judicial discretion be placed on the County's legislative list for next fall.

With regard to the microcomputer request, Emmert said they will try to make due with only memory upgrades this year but noted a number of their machines are outdated and need to be replaced. She noted the attorney billing software is also included in the request and deemed it a priority.

Meyer questioned whether the reduction in legal services is realistic. Emmert said it is very likely this number will be reached and, had the County Board not requested a 3% decrease, she would have left the budgeted amount the same as the current year.

MISCELLANEOUS BUDGETS (805, 028, 041)

Due to time constraints and staff availability, Meyer suggested the Board next address the Justice System Miscellaneous Budget (628) which was originally scheduled for discussion on May 16th.

Justice System Miscellaneous (628)

Meyer asked Dennis Keefe, Public Defender, to briefly address the Legal Aid of Nebraska contract. Keefe said the study performed by Liz Neeley recommended that the contract be renewed for another three-year term at the current levels (133 new abuse cases and 200 new law violations per year). At one point, the Juvenile Court Judges recommended the abuse cases be doubled which would increase the budget to around \$500,000. Neeley explained the Legal Aid case fees are less expensive than appointed counsel and since they typically take 2.25 years to complete, the savings will grow over the life of the case. Keefe said money will essentially be shifted from legal services to contracts. He anticipated a renewal contract to be before the County Board in a few weeks.

Neeley distributed a handout related to the implementation of select recommendations of the Lancaster County Indigent Defense Advisory Committee **(Exhibit B)**. She said estimated costs and benefits are included for each recommendation. She felt the County would benefit most from Recommendation 4, exploring a statutory change to clarify whether non-custodial parents should have the right to a court-appointed attorney. It was estimated the County would save approximately \$148,000 per year if a statutory change reduced the need for the appointments by half. Schorr asked that this issue also be included on the County's legislative list.

Neeley noted the County would also benefit by expanding diversion (Recommendation 6). She said if an additional 100 cases were diverted, the County could save \$56,000 per year.

With regard to the proposed budget on page seven, Neeley felt the County would get the most systems benefit, as opposed to fiscal savings, from numbers seven (indigence determination form) and eleven (reduce number of continuances). She said new billing software would also be beneficial when making important policy decisions. Meyer said consideration will be given to this proposal when going through the budget process.

Health & Human Services (805)

Meyer said the interlocal agreements with the City are factored into this budget. Since he does not have those figures, he built in a 2% increase. He included \$794,000 for Joint Budget Committee (JBC) contracts. With regard to the Region V match, Meyer said the Region V Governing Board voted for a 1.5% increase. He added the breakdown of the match shows Lancaster County covering 84% in the Mental Health Fund and 64-65% in the Health & Human Services Fund. Meyer said he would provide copies of the Region V match breakdown to the County Board.

Note: Discussion was postponed on the Keno Fund (028) and Debt Service (041).

ADJOURNMENT

MOTION: Smoyer moved and Heier seconded to adjourn the meeting at 4:48 p.m. Raybould, Heier, Smoyer, Hudkins and Schorr voted aye. Motion carried 5-0.

Dan Nolte

Dan Nolte
Lancaster County Clerk



Note: Documents referred to are included in Proposed Budget Fiscal Year 2012 (on file in the County Clerk's Office).

~~February 14, 2012~~ March 15, 2012 REVISED

Sheriff Vehicle Approval

Recommend reducing the vehicle request from 6 to 3 because of projected budget overage of \$61,072 from mid-year.

Recommend keeping vehicles on site after a deputy's shift rather than allowing the deputy to use the vehicle for commuting. Here is a quick analysis using only 55 of the 75 vehicles in their department and the reduction in mileage, fuel and wear comes up to over ~~\$18,000~~ \$36,000 per year in fuel savings alone.

52 weeks

X 4 days of commuting per week

208 days per year

X 10 miles per day round trip commute

2,080 miles per year

Divided by 20 10 miles per gallon

~~104~~ 208 gallons per year

X \$3.20 per gallon (2011 average price per gallon)

~~\$333~~ \$665.60 per vehicle in fuel savings

X 55 Crown Victorias

~~\$18,315~~ \$36,608 per year IN SAVINGS THAT WOULD PAY FOR A NEW VEHICLE EVERY YEAR.

Lancaster County Sheriff

Fuel Report

Month	2010 Gallons	Cost	Cost Per Gal.	2011 Gallons	Cost	Cost Per Gal.	% +/- Per Gal.	2010/2011 Difference Gallons	% +/-	Cost	% +/-	2012 Gallons
January	5502.45	\$ 12,988.33	\$ 2.36	5617.13	\$ 15,707.76	\$ 2.80	18%	114.68	2.08%	\$ 2,719.43	20.94%	5608.66
February	5199.1	\$ 12,077.28	\$ 2.32	5228.12	\$ 14,960.71	\$ 2.86	23%	29.02	0.56%	\$ 2,883.43	23.87%	
March	5758.79	\$ 13,921.43	\$ 2.42	6312.38	\$ 21,295.68	\$ 3.37	40%	553.59	9.61%	\$ 7,374.25	52.97%	
April	5949.8	\$ 15,031.86	\$ 2.53	5865.73	\$ 20,399.33	\$ 3.48	38%	-84.07	-1.41%	\$ 5,367.47	35.71%	
May	5789.68	\$ 14,918.54	\$ 2.58	5461.83	\$ 19,610.47	\$ 3.59	39%	-327.85	-5.66%	\$ 4,691.93	31.45%	
June	5774.6	\$ 14,084.36	\$ 2.44	5735.66	\$ 19,895.14	\$ 3.47	42%	-38.94	-0.67%	\$ 5,810.78	41.26%	
July	6005.07	\$ 14,674.93	\$ 2.44	5784.19	\$ 19,412.35	\$ 3.36	37%	-220.88	-3.68%	\$ 4,737.42	32.28%	
August	5463.78	\$ 13,355.50	\$ 2.44	5902.91	\$ 18,938.95	\$ 3.21	31%	439.13	8.04%	\$ 5,583.45	41.81%	
September	5397.72	\$ 13,174.29	\$ 2.44	5775.94	\$ 19,244.96	\$ 3.33	37%	378.22	7.01%	\$ 6,070.67	46.08%	
October	5955.07	\$ 14,654.63	\$ 2.46	5586.76	\$ 18,292.68	\$ 3.27	33%	-368.31	-6.18%	\$ 3,638.05	24.83%	
November	5372.21	\$ 13,044.31	\$ 2.43	5215.38	\$ 16,158.15	\$ 3.10	28%	-156.83	-2.92%	\$ 3,113.84	23.87%	
December	5694.02	\$ 14,526.66	\$ 2.55	5439.67	\$ 16,571.68	\$ 3.05	19%	-254.35	-4.47%	\$ 2,045.02	14.08%	
Total +/-	67862.3	\$ 166,452.12		67925.7	\$220,487.86			63.41	0.09%	\$ 54,035.74	32.46%	

Scope of Work
Implementation of Select Recommendations of the
Lancaster County Indigent Defense Advisory Committee
Objective Advantage, LLC

Improved Data and Transparency

1. **Recommendation:** County and District Court Judges should develop billing guidelines (for continuity across their levels of court) regarding what activities (wait time, travel time, etc.) and what ancillary services or other costs (depositions, experts, etc.) the courts will reimburse for or require prior approval for reimbursement. Billing guidance will also be developed to encourage/provide guidance on the use of paralegals.

Scope of Work: A series of meetings will be held with the County and District Court judges and court administrators to draft billing guidelines. (Upon request, the Juvenile Court guidelines, which are already in place, can also be reviewed). Once the draft guidelines have been developed, focus group discussions will be conducted with court appointed counsel for feedback. Final billing guidelines will be developed for consideration and approval by the Judges and court administrators.

Estimated Time and Cost: Up to 20 hours (\$1,800)

Estimated Benefit: While billing guidelines are not expected to create substantial cost savings (the greatest potential for savings will come from providing guidance on the use of paralegals), guidelines are expected to improve consistency in billing practices. This recommendation is necessary to provide the framework for the billing software discussed below in Recommendation 2.

2. **Recommendation:** Lancaster County should acquire billing software for its appointed counsel system in order to allow for: electronic invoicing and payment, greater uniformity in billing practices, a reduction in staff time spent on reviewing bills, a reduction in the time that attorneys wait from submission to payment, and improvement of the courts' ability to identify trends, project costs, and estimate the impact of policy changes.

Scope of Work: Work with stakeholders to develop a framework for billing software to ensure it is consistent with billing guidelines (see above, along with juvenile court billing guidelines if requested), definitions of case types (so that cost comparisons can be made with the Public Defender's Office), and the types of evaluation reports needed by court administrators. Pilot the software with court appointed counsel. Provide feedback to Justice Works on any necessary adjustments.

Estimated Time and Cost: Up to \$30 hours (\$2,700). *There will also be a charge by Justice Works for the software and conversion (estimated at \$7,500), to be included in courts' budgets.*

Estimated Benefit: As described above, this recommendation will allow for: electronic invoicing and payment, greater uniformity in billing practices, a reduction in staff time spent on reviewing bills, a reduction in the time that attorneys wait from submission to payment, and improvement of the courts' ability to identify trends, project costs, and estimate the impact of policy changes.

3. **Recommendation:** Use information obtained from acquiring billing software to collect more accurate data regarding the costs of legal representation. Information should be used to explore establishment of a Conflict Defender Office, an Office of Guardian ad Litem, and any other contracts for civil legal services.

Scope of Work: Utilize Justice Works reports to compare against existing costs in the Lancaster County Public Defender Office, and to compare against proposed budgets for a Conflict Defender Office, Office of Guardian ad Litem and contracts for civil legal services.

Estimated Time and Cost: Up to 20 hours (\$1,800)

Estimated Benefit: This recommendation will provide an accurate cost benefit analysis to determine whether a Conflict Defender Office, Office of Guardian ad Litem, or other contracts for civil legal services would provide a cost savings to the County.

Reduced Number of Appointments

4. **Recommendation:** The County should explore a statutory change to clarify whether (or under what circumstances) non-custodial parents, parents against whom there are no allegations filed, or even custodians of children who have no legal relationship to the children should have a right to a court appointed attorney.

Scope of Work: Work with the Juvenile Court Administrator to develop a baseline estimate of how many cases of this type, receive court appointed counsel. Work with the Indigent Defense Advisory Group (perhaps supplemented with additional juvenile justice stakeholders) to draft language for a statutory change along with a one-page fact sheet detailing the potential impact of legislation (both in terms of costs and on the administration of justice). Present to the tri-county Board Meeting to build a coalition of support. *Kissel and Associates to identify senator for bill introduction, other supporting partners, and any lobbying activities.*

Estimated Time and Cost: Up to 30 hours (\$2,700)

Estimated Benefit: The fiscal benefit would depend on the approach taken (i.e., whether or under what circumstances non-custodial parents have a right to a court appointed attorney). It is estimated that this type of appointment occurs in approximately 250+ cases per year. If statutory clarification reduced the need for these types of appointments in even half of those cases, it is estimated that this legislative change could save the County approximately \$148,875 (125 fewer appointments * \$1,191 average expense in parent representation over the life of the case in 3(a) cases = \$148,875).

5. **Recommendation:** The City Prosecutor's Office should adopt a process by which criminal history is available at the time of initial review and charging and adopt a form to prompt prosecutors to indicate the likelihood of jail time (jail time likely, jail time a possibility, and no jail time) so that the decision about whether to request jail time is ready at the time of arraignment. Judges would agree not to appoint on cases where jail time is not likely (with the understanding that if circumstances change, appointment of counsel could be reassessed).

Work Involved: Letter from the Indigent Defense Advisory Committee to the City Prosecutors and County Judges regarding the recommendation.

Estimated Time and Cost: No assistance necessary.

Estimated Benefits: Implementation would result in minimal savings by reducing the number of court appointed attorneys on city misdemeanor cases. On average, a city misdemeanor cases costs \$209.45 in court appointed counsel fees. (A 10% reduction would create a cost savings of approximately \$5,400).

6. **Recommendation:** Explore the expansion of eligibility for diversion and diversion programming (mental health, truancy, DUI).

Scope of Work: As requested, work with the Lancaster County and City Attorneys to review and (when appropriate) expand eligibility criteria for juvenile and adult diversion (at the juvenile level this will be done in coordination with the diversion assessment process). Identify areas for program expansion and work with diversion providers to develop expansion plans. Track referral and participation rates.

Estimated Time and Cost: Up to 30 hours (\$2,700)

Estimated Benefit: Increasing Pretrial Diversion: Over the past four years, admissions to adult pretrial diversion have decreased by 14.4% and have decreased by 20.8% for juvenile diversion. If 100 more cases were diverted

per year at the juvenile and adult levels, this would represent approximately \$56,000 in savings for the county. Approximately \$26,000 in attorney fees at the juvenile court level (the typical juvenile law violation case takes 4 hours of attorney time * \$65 per hour * 100 cases = \$26,000) and approximately \$30,000 in attorney fees at the county court level (the typical county filed misdemeanor requires 6 hours of attorney time * \$50 per hour * 100 cases = \$30,000), assuming counsel was appointed in these cases.

Scope of Work for DUI Diversion: Obtain outcome data from Sarpy County's DUI Diversion Program. Work with the Indigent Defense Advisory Group and prosecutors to explore the concept and draft language for a statutory change to either: 1) allow DUI diversion; or 2) allow for a pilot project to assess the impact (on recidivism and public safety) and cost effectiveness of offering DUI Diversion for 1st time offenders. *Kissel and Associates to identify senator for bill introduction, other supporting partners, and any lobbying activities.*

Estimated Time and Costs: Up to 30 hours (\$2,700)

Estimated Benefit: DUI Diversion would save the County considerable resources. Not only would it reduce court appointed counsel costs (as these defendants would not have legal representation) but diversion would also result in fewer jury trials, leading to additional cost savings and system efficiencies).

7. **Recommendation:** A form should be piloted to assist with indigence determinations, relying on several simple questions that would automatically qualify someone as indigent (e.g., if they are receiving state aid, or are at 125% of the federal poverty guidelines, etc.) or flag someone for further questioning by the Judge. In County Court, the form would be disseminated by the bailiff and filled out, signed and sworn to by the defendant. If the client is in custody and is appearing via video, Lancaster County Corrections should be responsible for disseminating the form and providing it to the Judge. Implementation of the form should be piloted in one courtroom initially, to assess the impact and identify any barriers to successful implementation (thought will also need to be given regarding in-custody defendants).

Scope of Work: Establish eligibility criteria in consultation with the County Court Judges. Identify a courtroom in which to pilot the form. Work with the County Attorney's Office to make sure the form contains information to aid the process of recoupment. Establish an implementation process for the pilot courtroom and for Lancaster County Corrections. Assess impact and implementation process to inform expansion. If requested, establish a way to

assess the rate of appointment via the form currently in place in juvenile court.

Estimated Time and Costs: Up to 50 hours of work (\$4,500)

Estimated Benefit: Because there is no baseline data available (i.e., we do not know how many requests are made for court appointed counsel and how many requests are granted), it is difficult to estimate the financial savings of implementing an indigence determination form/process. Implementation of the form, however, will lead to better-informed indigence determinations. It also has the potential to enhance trust and confidence in the courts by adding uniformity (judges asking the same questions of defendants) and transparency to this subjective process. It may also improve the County's efforts to recoup fees when appropriate.

ALTERNATIVE FUNDING STREAMS

8. **Recommendation:** Counties should protect and when opportunities present themselves, support the continued use of the Commission on Public Advocacy and the expansion of the state contribution toward indigent defense.

Scope of Work: Explore legislation to either 1) initiate an interim study to assess the division of costs (county/state) of indigent defense; or 2) increase the state contribution to indigent defense. Present to the tri-county Board Meeting to build a coalition of support. *Kissel and Associates to identify senator for bill introduction, other supporting partners, and perform any lobbying activities.*

Estimated Time and Costs: Up to 30 hours (\$2,700)

Estimated Benefit: Compared to other states, the state of Nebraska contributes very little to indigent defense. The fiscal impact of an increased state contribution to indigent cannot be estimated, as it is dependent on the approach taken (type of cases, percentage increase, etc.).

LEGAL SERVICE DELIVERY OPTIONS

9. **Recommendation:** Explore expansion of the current contract with Legal Aid of Nebraska for 3(a) GAL representation from 133 appointments per year to 266 new appointments per year.

Work Involved: Letter from the Indigent Defense Advisory Committee to Legal Aid of Nebraska regarding expansion of the contract based on rates

estimated in the Advisory Committee's report.

Estimated Time and Cost: No assistance necessary.

Estimated Benefit: The estimated total cost of a 3(a) case for Legal Aid (over the life of the case) is less than the estimated average cost per case for appointed counsel. Lancaster County will see cost savings by expanding its contract with Legal Aid. Because the average 3(a) case lasts 2.25 years, the full impact of the change will take several years to be fully realized.

CASE PROCESSING/CASE MANAGEMENT

10. **Recommendation:** The ability of attorneys to initiate a call to their clients quickly, securely and confidentially to discuss matters with their clients via phone in the new jail facility is imperative to controlling attorney fees once the jail transitions to its new location.

Work Involved: The equipment decision has already been made by Lancaster County Corrections.

Estimated Time and Cost: No assistance necessary.

Estimated Benefit: If the new technology does not allow attorneys to initiate a call to their clients (quickly, securely and confidentially) then the County should expect fees for court appointed counsel (whose clients are detained) to increase.

11. **Recommendation:** Pilot the impact that asking the Sheriff to provide parents with the form informing them of their right to obtain counsel at the time of service on 3(a) cases, has on the number of continuances in juvenile court.

Scope of Work: Establish a baseline of average number of continuances for 3 (a) cases. Review and make any necessary adjustments to the content of the form. Develop a simple evaluation framework. Meet with Sheriff's office and other stakeholders to develop an implementation process. Evaluate impact on number of continuances.

Estimated Time and Cost: Up to 20 hours (\$1,800)

Estimated Benefit: Reducing the number of continuances in Juvenile Court may produce a modest savings in court appointed counsel fees. Reduced continuances would also result in more timely resolution of cases as well system efficiencies for judges and prosecutors.

Budget

Proposed Time Frame: July 1, 2012 through December of 2013 (18 months)

Based on an Hourly Rate (\$90) with Maximum Amounts

Recommendation	Activity	Estimated Hours	Contract Amount
1	Develop Billing Guidelines	20	\$1,800
2	Billing Software	30	\$2,700
3	Cost Comparisons	20	\$1,800
4	Legislation regarding Right to Counsel	30	\$2,700
6	Expansion of Diversion	30	\$2,700
6	DUI Diversion	30	\$2,700
7	Indigence Determination Form	50	\$4,500
8	State Contribution toward Indigent Defense	30	\$2,700
11	Reduce Number of Continuances	20	\$1,800
		260	\$23,400