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NC Indigent Defense Services

FY04 End-of-Year Fiscal Analysis



September 2004

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Overview

The purpose of the end-of-year fiscal analysis is to understand how indigent defense funds were expended, what factors or changes drove those expenditures, and to project future expenditures. To accomplish this task, we developed a research agenda that answered the following questions:

1. What did we spend last fiscal year and how does that compare to previous fiscal years?
2. What was the demand for services (fee applications) last fiscal year and how does it compare to previous fiscal years?
3. What was the demand cost of providing those services last fiscal year and how does it compare to how much it cost us to provide services in previous fiscal years?
4. If the cost for services is changing, what is driving that change? For example, if costs are rising, is it because the demand for services has risen or because per case costs are increasing?
5. What factors, trends, or policy decisions will impact the demand for indigent services and how much money will we need to cover the cost of providing these services over the next 3 fiscal years (FY05, FY06, FY07)?
6. What, if anything, should IDS do to effect changes in either the demand for services or the cost of providing those services?

Findings

Please note that these findings reflect the changes in the *demand* for fee applications and the changes in the *demand* cost of providing these services. By demand, we mean the services, and the cost of those services, that were provided during the fiscal year regardless of when the services were actually paid for. For example, fee applications that were received in FY04 are included in FY04 fee application demand regardless of whether they were actually paid for in FY05. Similarly, fee applications that were submitted to IDS in FY03 but were paid for in FY04 were excluded from FY04 fee application demand because those services were provided in FY03 and not FY04.

Handouts 1 through 5 provide the detail supporting the following findings.

1. In FY04, providing indigent defense legal services cost ≈\$5.2 million more than in FY03—a 7.7% increase. Most of this increase was due to a growth in fee application demand (the number of cases IDS is given and over which IDS has little control). In FY04, IDS was responsible for 16,445 more cases than the previous year—a 7.4% increase. But some of the growth (≈\$232,914) represents an increase in expenditures that exceeds the increase in fee application demand. This is a departure from FY03, where the growth in the demand for fee applications exceeded the growth in the demand cost. The demand for fee applications rose 7.3% in FY03, while the demand cost rose only 4.9%.
 - a. The primary factors behind the growth in FY04 demand were a significant increase in both private assigned counsel (PAC) adult and PAC capital trial expenditures.
 - b. *PAC Adult Case Expenditures.* The number of PAC adult fee applications rose 2% (≈2,637 fee applications) in FY04, while PAC adult fee expenditures rose 4.6% (≈\$1.7 million). This is a departure from FY03, where PAC adult fee application demand rose 10.6% but PAC adult expenditures rose only 6.7%. There are two possible explanations for why PAC adult expenditures rose faster than PAC adult fee applications. Either per case costs *per type of case* rose in FY04 or the mix of case types changed in FY04, with IDS paying for a higher percentage of more expensive case types, such as felonies. While it is true that the *overall* average cost per case for PAC adult cases rose, that does not necessarily mean that per case costs *by type of case* rose, because different types of cases have different costs. The following example illustrates why this distinction is important. The picture below shows two case cost scenarios for two different years.

Year 1	Year 2
Total Cost = \$3,600	Total Cost = \$4,200
Avg. Cost per Case= \$360	Avg. Cost per Case= \$420
8 Misdemeanors = \$300@	6 Misdemeanors = \$300@
2 Felonies = \$600@	4 Felonies = \$600@

The average case cost in Year 1 is \$360, while the average case cost in Year 2 is \$420. At first glance, it appears case costs have risen in Year 2. But further investigation reveals that in fact case costs did *not* rise, Year 2 simply paid for a different combination of case types.

Further analysis is necessary to determine what is driving the increase in PAC adult expenditures. At this time, IDS does not have the capability of determining average cost per case by case type without conducting a labor-intensive sample study as was done in FY02, because our confidence in case type data before the revised data collection system was implemented in July 1, 2004 is not high. IDS will have the ability to analyze cost data by case type in FY05 under the new data collection system and may be able to use the new data system to verify the reliability of pre-FY05 years. However, IDS will conduct an hours study later this fall to determine whether there has

been any hours creep in PAC adult cases. One can presume that, with a standard hourly rate in place, in order for the average cost per case *by type of case* to rise, the average number of hours per case by case type would have to rise. On this assumption, IDS can look for hours creep in FY05 to indicate whether per case costs by type of case have risen. If there is no hours creep in FY05, that suggests no hours creep occurred in FY04. By process of elimination, this would suggest that any growth in overall costs in FY04 would be due to differing proportions of case types in FY04 compared to FY03.

- c. *Capital Trial Expenditures.* IDS paid fees for ≈682 more PAC capital trial fee applications in FY04 than in FY03, costing ≈\$2.47 million more. The number of PAC capital trial fee applications paid grew 30.8% in FY04, while the growth in PAC capital trial expenditures grew only 22.6%. Although the growth in PAC capital trial fees was significantly less than the growth in the number of PAC capital trial fee applications, 22.6% vs. 30.8%, further analysis is necessary to determine whether the FY04 growth in PAC capital trial expenditures represents any real growth in PAC capital trial case costs. Because of the number of interim fee applications in capital cases, there is no 1-to-1 parity between PAC capital trial fee applications and the number of PAC capital trial cases.

IDS looked at the average cost of a capital case by type of disposition (pled cases, trial cases, dismissals, trial cases with sentencing hearings, etc.) for FY02, FY03, and FY04 and found no evidence that capital per case costs were rising.

The data to date indicates that the rise in capital case demand expenditures in FY04 is not due to a rise in per case costs for capital cases. Instead, the data suggests three reasons for the 22.6% increase in capital demand expenditures last fiscal year. First, there was a surge in the number of new capital cases that opened during FY03, which probably generated fees in FY04. In FY03, IDS was responsible for 559 new capital cases¹, which was a 9.2% increase (47 more cases) over FY02. Second, a significantly larger percentage of attorneys are now submitting interim capital fee applications, rather than waiting until the conclusion of the case, which pushes IDS' obligations into the year in which they were incurred rather than delaying them until future years. This change in behavior appears to be part of what caused the more than 30% growth in capital fee applications during FY04. Third, IDS' announcement in early March 2004 that we would be running out of money at the end of April 2004 caused a large spike in capital demand during the month of March.

Handouts 3 and 4 are graphs showing the number of PAC capital trial fee applications, including experts, and PAC capital trial expenditures paid by month received by IDS in FY02, FY03, and FY04. They show a significant spike in the number of and total fees paid for PAC capital trial fee

¹ Number excludes retained counsel cases for which IDS made no counsel appointments and paid no fees.

applications in March 2004. Before March 2004, the number of fee applications received by IDS in a single month had never topped 258. But in March 2004, IDS received 334 capital trial fee applications. This spike may be due to IDS's March announcement. The fact that July 2004 PAC capital trial fee application expenditures were significantly less than in prior years for July supports this conclusion (see Handout 4). It suggests that IDS's announcement triggered attorneys to change their customary behavior in submitting PAC capital trial fee applications, meaning IDS paid for PAC capital trial fee applications in FY04 that ordinarily would have been submitted in FY05. The approximate cost of this spike could range from \$.25 to \$.47 million. Capital trial bills received prior to March 2004 had never exceeded a high of \$1.364 million, but were \$1.618 million in March 2004—a \$.254 million difference. Capital trial bills received for any three month period prior to the three months surrounding March 2004 had never exceeded \$3.61 million, but totaled \$4.08 million for February, March and April of 2004—a \$.47 million difference.

Additionally, the proportion of PAC capital trial expenditures that go to PAC capital trial expert witnesses, private investigators, and mitigation specialists did not change substantially in FY04 from FY03. In FY04, PAC capital trial expert witness, private investigator, and mitigation specialist expenditures were 29.8% of total PAC capital trial expenditures. This is up very slightly from FY03, wherein PAC capital trial expert witness, private investigator, and mitigation specialist expenditures were 28.1% of total PAC capital trial expenditures.

Lastly, it is important to note that both capital appeal and capital post-conviction costs declined in FY04. Capital appeal expenditures declined by \$17,637 (or 9.4%) in FY04 and capital post-conviction expenditures declined by \$189,751 (or 8.4%) in FY04. IDS staff believe that higher quality capital defense representation at the trial level, which while it may be more expensive than lower-quality capital legal representation, generates future savings in capital appeal and capital post-conviction cases, in addition to meeting the higher standards of serving justice.

- d. *Public Defender Offices.* Public Defender Offices in aggregate improved performance this year. They closed 23.5% more cases (12,702 dispositions) in FY04, while costs grew only 14.2% (≈\$1.96 million). The increase in expenditures was due to the growth in public defender offices (the new Forsyth office and the significant expansion of the Mecklenburg office). This is an improvement over FY03, in which PD offices' closed cases grew 5.5% while expenditures grew 6.6%. The disparity in growth rates in PD office expenditures over PD office case closings in FY03 was most likely due to the start-up costs attributable to the PD office expansion described above. In summary, PD offices handled ≈30.4% of all PAC/PD cases, while PD expenditures were ≈20.8% of all PAC/PD expenditures in FY04. This is an improvement from FY03 numbers, in which PD offices handled ≈26.5% of all PAC/PD cases, while PD expenditures were 22.4% of all PAC/PD expenditures.

- e. *All Indigent Offices.* In aggregate, the Public Defender Offices, the Capital Defender Office, the Appellate Defender Office, and Special Counsel dispositions grew 19.5% in FY04, while office expenditures increased by 16.2%. The growth in expenditures was due to office expansion efforts in the PD offices (as described above) and a full-year of Capital Defender Office expenditures resulting from the expansion of the Capital Defender Office in FY03. In summary, all Indigent Offices handled $\approx 36.1\%$ of all indigent cases in FY04, while Indigent Office expenditures were $\approx 24.2\%$ of all indigent case-related expenditures. This is an improvement from FY03 numbers, in which Indigent Offices handled $\approx 32.5\%$ of all indigent cases, while Indigent Office expenditures were 22.4% of all indigent case-related expenditures.

Handout 6

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
1	Comparing Demand for Services to Total Fees or Cost of Providing Service for Capital-Related Cases (Capital Trials, Capital Appeals, Capital Post-Conviction)																
2		No. Fee Application Demand			Total Demand Cost (Fees)			FY03 Change from FY02					FY04 Change from FY03				
3	Case Type	FY02 Demand	FY03 Demand	FY04 Demand	FY02 Demand	FY03 Demand	FY04 Demand	% Change No. Fee Apps	% Change Total Fees	Chg Fees Rose More/Less Chg. Cases	Diff. in No. Fee Apps	Diff. in Total Fees	% Change No. Fee Apps	% Change Total Fees	Chg Fees Over/Below Chg. Cases	Diff. in No. Fee Apps	Diff. in Total Fees
4	Capital Trials	986	934	1,083	8,720,346	7,886,426	9,431,164	-5.3%	-9.6%	↓	(52)	\$ (833,920)	15.9%	19.6%	↑	149	1,544,738
5	Capital Trial Experts, Pls., Etc.	1,086	1,282	1,816	2,263,153	3,079,326	\$ 4,009,269	18.1%	36.1%	↑	196	\$ 816,173	41.6%	30.2%	↓	533	929,943
6	Capital Trial Total	2,072	2,216	2,898	10,983,499	10,965,752	13,440,432	7.0%	-0.2%	↓	144	\$ (17,748)	30.8%	22.6%	↓	682	2,474,681
7	Capital Appeals	68	21	11	575,588	185,904	170,821	-68.8%	-67.7%	-	(47)	\$ (389,684)	-46.3%	-8.1%	↑	(10)	(15,083)
8	Capital Appeal Experts, Pls., Etc.	13	4	(1)	29,873	1,779	\$ (776)	-67.2%	-94.0%	↓	(8)	\$ (28,095)	-119.0%	-143.6%	↓	(5)	(2,555)
9	Capital Appeal Total	80	25	11	605,461	187,682	170,045	-68.5%	-69.0%	-	(55)	\$ (417,779)	-58.1%	-9.4%	↑	(15)	(17,637)
10	Capital P-C	256	224	180	2,675,171	1,891,465	1,636,528	-12.6%	-29.3%	↓	(32)	\$ (783,706)	-19.6%	-13.5%	↑	(44)	(254,937)
11	Capital P-C Experts, Pls., Etc.	254	185	175	494,733	378,633	\$ 443,819	-27.1%	-23.5%	↑	(69)	\$ (116,100)	-5.6%	17.2%	↑	(10)	65,186
12	Capital P-C Total	510	408	354	3,169,903	2,270,098	2,080,347	-19.8%	-28.4%	↓	(101)	\$ (899,805)	-13.3%	-8.4%	↑	(54)	(189,751)
13	All PAC Capital-Related Fee Apps	2,662	2,650	3,263	\$ 14,758,864	\$ 13,423,532	\$ 15,690,824	-0.4%	-9.0%	↓	(12)	\$ (1,335,332)	23.1%	16.9%	↓	613	2,267,292
14																	
15																	
16		No. Fee Application Demand			Total Demand Cost (Fees)			FY03 Change from FY02					FY04 Change from FY03				
17	Case Type	FY02 Demand	FY03 Demand	FY04 Demand	FY02 Demand	FY03 Demand	FY04 Demand	% Change No. Disp.	% Change Cost	Chg Cost Over/Below Chg. Cases	Diff. in No. Disp.	Diff. in Cost	% Change No. Disp.	% Change Cost	Chg Cost Over/Below Chg. Cases	Diff. in No. Disp.	Diff. in Cost
18	Public Defender Office	51,318	54,146	66,848	\$ 12,987,449	\$ 13,841,796	\$ 15,800,910	5.5%	6.6%	↑	2,828	\$ 854,347	23.5%	14.2%	↓	12,702	1,959,114
19	Capital-Related Cases (Trial & Appeal) Wtd. Capital-Related Cases	201	200	193	\$ 1,359,694	\$ 1,369,932	\$ 1,269,424	-0.5%	0.8%	↑	(1)	\$ 10,238	-3.5%	-7.3%	↓	(7)	(100,508)
20	(Trial & Appeal) Cap.=40, Appeal=16 Capital Defender Office	76,796	80,832	96,093	\$ 406,350	\$ 852,436	\$ 1,517,038	139.1%	109.8%	↓	32	\$ 446,086	34.5%	78.0%	↑	19	664,602
22	Appellate Defender Office	72	62	64	\$ 972,713	\$ 1,021,944	\$ 1,022,731	-13.9%	5.1%	↓	(10)	\$ 49,231	3.2%	0.1%	↓	2	787
23	Capital-Related Casework	TBD	TBD	TBD	TBD	TBD	TBD										
24																	
25	Cap. Cost Ind. Office (except OAD)	224	255	267	\$ 1,766,044	\$ 2,222,368	\$ 2,786,462	13.8%	25.8%	↑	31	\$ 456,324	4.7%	25.4%	↑	12	\$ 564,093
26																	
27	PAC & Cap. Related Ind. Offices	2,886	2,905	3,530	\$ 16,524,908	\$ 15,645,900	\$ 18,477,286	21.5%	-5.3%	↓	19	\$ (879,008)	21.5%	18.1%	↓	625	2,831,385

Handout 1

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	
1	Comparing Demand for Services to Total Fees or Cost of Providing Service																			
2		No. Fee Application Demand				Total Demand Cost (Fees)				FY03 Change from FY02				FY04 Change from FY03						
3	Case Type	FY02 Demand	FY03 Demand	FY04 Demand	% of All FY04	FY02 Demand	FY03 Demand	FY04 Demand	% of All FY04	% Change No. Fee Apps	% Change Total Fees	Chg Fees Rose More/Less Chg. Cases	Diff. in No. Fee Apps	Diff. in Total Fees	% Change No. Fee Apps	% Change Total Fees	Chg Fees Over/Below Chg. Cases	Diff. in No. Fee Apps	Diff. in Total Fees	
4	Capital Trials	2,072	2,216	2,898	1.89%	\$ 10,983,499	\$ 10,965,752	\$ 13,440,432	22.31%	7.0%	-0.2%	↓	144	\$ (17,748)	30.8%	22.6%	↓	682	\$ 2,474,681	
5	Capital Appeals	80	25	10	0.01%	\$ 605,461	\$ 187,682	\$ 170,045	0.28%	-68.5%	-69.0%	↓	(55)	\$ (417,779)	-60.3%	-9.4%	↓	(15)	\$ (17,637)	
6	Capital P-C	510	408	354	0.23%	\$ 3,169,903	\$ 2,270,098	\$ 2,080,347	3.45%	-19.8%	-28.4%	↑	(101)	\$ (899,805)	-13.3%	-8.4%	↓	(54)	\$ (189,751)	
7	Non-Capital Appeals	664	1,130	1,043	0.68%	\$ 1,589,650	\$ 2,597,373	\$ 2,097,979	3.48%	70.2%	63.4%	↓	466	\$ 1,007,723	-7.7%	-19.2%	↑	(87)	\$ (499,393)	
8	Adult	119,133	131,738	134,375	87.72%	\$ 34,518,329	\$ 36,835,999	\$ 38,532,774	63.97%	10.6%	6.7%	↓	12,604	\$ 2,317,670	2.0%	4.6%	↑	2,637	\$ 1,696,775	
9	GAL	1,056	678	740	0.48%	\$ 306,310	\$ 167,957	\$ 238,033	0.40%	-35.8%	-45.2%	↑	(378)	\$ (138,354)	9.2%	41.7%	↑	62	\$ 70,076	
10	Juvenile	13,444	12,478	12,385	8.08%	\$ 3,191,641	\$ 3,262,198	\$ 3,031,192	5.03%	-7.2%	2.2%	↓	(966)	\$ 70,558	-0.7%	-7.1%	↑	(92)	\$ (231,006)	
11	Court Reports	1,232	1,608	1,384	0.90%	\$ 852,173	\$ 810,361	\$ 653,464	1.08%	30.6%	-4.9%	↓	377	\$ (41,812)	-13.9%	-19.4%	↑	(224)	\$ (156,896)	
12	Lab Services	-	-	-	0.00%	\$ 1,248	\$ 1,307	\$ 348	0.00%		4.7%									\$ (959)
13																				
14	All PAC Fee Apps	138,192	150,283	153,190	100%	\$ 55,218,214	\$ 57,098,726	\$ 60,239,919	100.01%	8.7%	3.4%	↓	12,091	\$ 1,880,453	1.9%	5.5%	↑	2,908	\$ 3,145,888	
15						\$ 19,130	\$ 251,320	\$ 270,450												
16																				
17		No. Fee Application Demand				Total Demand Cost (Fees)				FY03 Change from FY02				FY04 Change from FY03						
18	Case Type	FY02 Demand	FY03 Demand	FY04 Demand	% of All FY04	FY02 Demand	FY03 Demand	FY04 Demand	% of All FY04	% Change No. Fee Apps	% Change Total Fees	Chg Fees Over/Below Chg. Cases	Diff. in No. Fee Apps	Diff. in Total Fees	% Change No. Fee Apps	% Change Total Fees	Chg Fees Over/Below Chg. Cases	Diff. in No. Fee Apps	Diff. in Total Fees	
19	Public Defender Office	51,318	54,146	66,848		\$ 12,987,449	\$ 13,841,796	\$ 15,800,910		5.5%	6.6%	↑	2,828	\$ 854,347	23.5%	14.2%	↓	12,702	\$ 1,959,114	
20	Capital Defender Office	23	55	74		\$ 406,350	\$ 852,436	\$ 1,517,038		139.1%	109.8%	↑	32	\$ 446,086	34.5%	78.0%	↑	19	\$ 664,602	
21	Appellate Defender Office	72	62	64		\$ 972,713	\$ 1,021,944	\$ 1,022,731		-13.9%	5.1%	↑	(10)	\$ 49,231	3.2%	0.1%	↓	2	\$ 787	
22	Special Counsel	17,803	18,101	20,710		\$ 773,292	\$ 802,022	\$ 845,239		1.7%	3.7%	↑	298	\$ 28,730	14.4%	5.4%	↓	2,609	\$ 43,217	
23	All Indigent Offices	69,216	72,364	86,475		\$ 15,139,804	\$ 16,518,198	\$ 19,185,918		4.5%	9.1%	↑	3,148	\$ 1,378,394	19.5%	16.2%	↓	14,111	\$ 2,667,720	
24																				
25	PAC & Indigent Offices	207,408	222,647	239,091		70,358,018	73,616,924	79,425,837		7.3%	4.6%	↓	15,239	3,258,906	7.4%	7.9%	↑	16,445	\$ 5,808,913	
26																				
27	Net Recoupment (Set Off Debt Office Costs subtracted)					\$ 6,359,870	\$ 6,464,636	\$ 7,124,637			1.6%					10.2%				
28	PAC & Indigent Offc Costs w/ Recoupment	207,408	222,647	239,091		\$ 63,998,148	\$ 67,152,288	\$ 72,301,200		7.3%	4.9%	↓			7.4%	7.7%	↑		\$ 5,148,912	
29																				
30	All of IDS (IDS ofcc included)	207,408	222,647	239,091		\$ 64,470,619	\$ 67,635,041	\$ 72,872,948		7.3%	4.9%	↓	15,239	\$ 3,164,422	7.4%	7.7%	↑	16,445	\$ 5,237,907	
31																				
32	<i>Note: Juvenile and GAL number of fee applications and total fees paid are inaccurate because the AOC was miscoding GAL fee applications into the juvenile account by mistake. The AOC is now correctly coding GAL fee applications but has no way to go back and correct miscoded fee applications. The line item below looks at GAL & Juvenile combined together to offset the coding errors that prevent looking at these cases types individually from being accurate.</i>																			
33																				
34																				
35																				
36	GAL & Juv. Combined	14,500	13,156	13,126		\$ 3,497,951	\$ 3,430,155	\$ 3,269,225		-9.3%	-1.9%	↑	(1,344)	\$ (67,796)	-4.7%	-0.2%	↑	(30)	\$ (160,930)	
37																				
38	PD Offices as % of Total PAC & PD Office Fee Application/Dispositions	27.1%	26.5%	30.4%		19.0%	19.5%	20.8%												
39	All Indigent Offices as % of Total PAC & PD Office Fee Application/Dispositions	33.4%	32.5%	36.1%		21.5%	22.4%	24.2%												

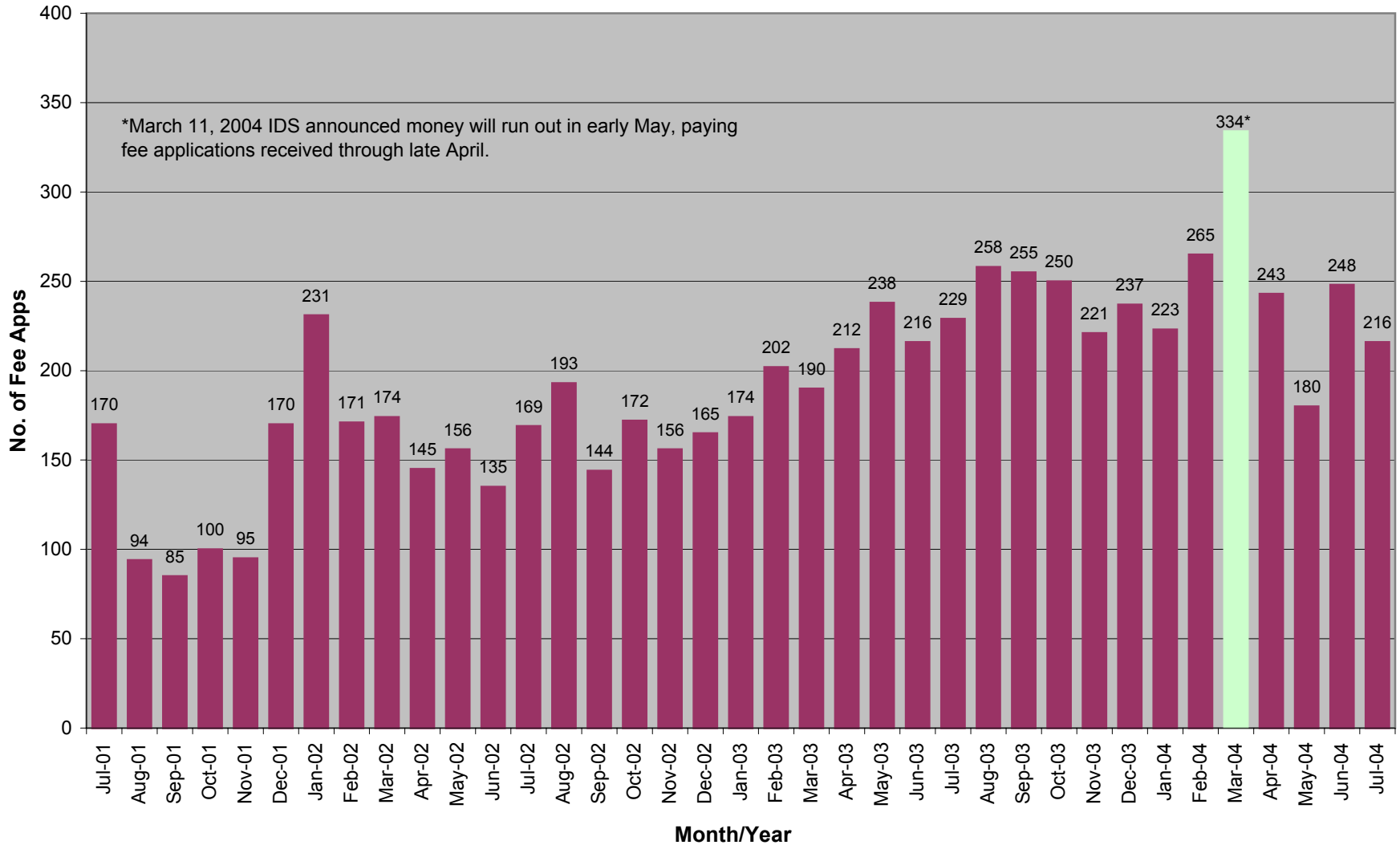
Handout 2

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	
1	FTP Data: PAC Fee Applications by Fiscal Year and Account																							
4	No. Fee Applications (Cases)																							
5	Fee Apps Paid within FY	FY00	FY01	FY01 Actual (Est.)	FY02 Actual	FY03 Actual	FY04 Actual	FY01 Avg Case Cost (U/D)	FY01 Oblig. (Z/H)	FY02 Encumb. (AB/L)	FY02 Demand (E+J)	FY02 Avg Case Cost (V/E)	FY02 Oblig. (AB/L)	FY03 Encumb. (AD/P)	FY03 Demand (F-M+N)	FY03 Avg Case Cost (W/F)	FY03 Oblig. (AD/P)	FY04 Encumb. (Detail)	FY04 Demand (G-Q+R)	FY00	FY01 Actual (Est. See Detail)	FY02 Actual	FY03 Actual	
6	Capital Trial			871	894	922	1,031	\$ 9,434	39	132	986	\$ 8,865	132	144	934	\$ 8,495	144	196	1,083		\$ 8,218,513	\$ 7,923,241	\$ 7,832,247	
7	Capital Trial Experts, Pls, Etc.			819	979	1,234	1,665	\$ 2,168	37	144	1,086	\$ 2,087	144	192	1,282	\$ 2,370	192	343	1,816		\$ 1,774,292	\$ 2,042,195	\$2,924,130	
8	Capital Trial Total			1,690	1,872	2,156	2,696	\$ 11,601	76	276	2,072	\$ 10,952	276	336	2,216	\$ 10,865	336	539	2,898		\$ 9,992,805	\$ 9,965,436	\$ 10,756,377	
9	Capital Appeals			60	61	26	13	\$ 9,081	3	9	68	\$ 8,534	9	4	21	\$ 8,728	4	2	11		\$ 542,464	\$ 522,975	\$ 227,484	
10	Capital Appeal Experts, Pls, Etc.			12	11	5	-	\$ 1,971	1	2	13	\$ 2,372	2	1	4	\$ 995	1	-	(1)		\$ 23,421	\$ 26,957	\$ 4,975	
11	Capital Appeal Total			72	72	31	13	\$ 11,052	3	11	80	\$ 10,906	11	5	25	\$ 9,723	5	2	10		\$ 565,885	\$ 549,932	\$ 232,459	
12	Capital Post-Conviction			226	232	223	180	\$ 11,152	10	34	256	\$ 10,480	34	35	224	\$ 8,727	35	34	180		\$ 2,521,222	\$ 2,430,640	\$ 1,946,077	
13	Capital P-C Experts, Pls, Etc.			191	229	189	173	\$ 2,029	9	34	254	\$ 1,953	34	29	185	\$ 2,034	29	31	175		\$ 387,866	\$ 446,431	\$ 384,449	
14	Capital P-C Total			417	460	412	353	\$ 13,181	19	68	510	\$ 12,433	68	64	408	\$ 10,761	64	65	354		\$ 2,909,088	\$ 2,877,071	\$ 2,330,526	
15	Non-Capital Appeals			663	605	1,054	1,025	\$ 2,407	30	89	664	\$ 2,394	89	164	1,129	\$ 2,306	164	180	1,040		\$ 1,596,788	\$ 1,448,218	\$ 2,430,069	
16	Non-Capital Appeals Experts, Etc.			-	-	1	3	\$ -	-	-	-	\$ -	-	0	1	\$ 1,425	0	-	3		\$ -	\$ -	\$ -	
17	Non-Capital Appeals Total			663	605	1,055	1,028	\$ 2,407	30	89	664	\$ 2,394	89	165	1,130	\$ 3,731	165	180	1,043		\$ 1,596,788	\$ 1,448,218	\$ 2,431,494	
18	Adult	100,960	###	117,576	107,223	126,342	124,282	\$ 289	5,300	15,800	117,723	\$ 287	15,800	19,708	130,250	\$ 280	19,708	26,567	131,141	\$ 29,260,225	\$ 33,936,079	\$ 30,778,571	\$ 35,417,912	
19	Adult Expert Wit., Pls, Mit. Spec.			255	305	309	421	\$ 2,258	11	45	338	\$ 2,174	45	48	312	\$ 1,459	48	36	409		\$ 575,416	\$ 662,298	\$ 450,677	
20	Jim's Contract Amount			(52)	(52)	(52)	(64)				(52)				(52)				(64)					
21	Juv. Contract payments miscoded to Adult account						(4)																	
22	Adult Contract payments to contract acct.			1,270	1,124	1,131	2,196				1,124				1,131				2,099					
23	FY04 Contract Work Billed in FY05 and Paid in FY05																		200				\$ 56,034	
24	FY03 Contract work paid for in FY04														97									
25	Total Adult			119,048	108,600	127,730	126,831	\$ 2,547	5,311	15,845	119,133	\$ 2,461	15,845	19,756	131,738	\$ 1,739	19,756	26,603	133,785		\$ 34,511,495	\$ 31,440,869	\$ 35,868,588	
26	GAL	680	###	975	959	709	572	\$ 306	44	141	1,056	\$ 291	141	111	678	\$ 255	111	279	740	\$ 208,031	\$ 298,241	\$ 278,687	\$ 180,819	
27	Juvenile	13,819	###	15,238	12,316	12,364	10,923	\$ 251	687	1,815	13,444	\$ 238	1,815	1,929	12,478	\$ 258	1,929	2,821	11,815	\$ 3,136,707	\$ 3,829,989	\$ 2,932,196	\$ 3,195,779	
28	Jim's Contract Amount						(51)												(51)					
29	Susan Juv. Contracts						570												570					
30	Juv. Contract payments miscoded to Adult account						4																	
31	FY04 Contract Work Billed in FY05 and Paid in FY05																		67				\$ 11,931	
32	FY03 Contract work paid for in FY04																							
33	Total Juvenile						11,446								12,478				12,401					
35	Lab Services																				\$ 2,762	\$ 1,196	\$ 1,283	
36	Court Reporters	1,372	###	1,534	1,134	1,536	1,624	\$ 459	69	167	1,232	\$ 679	167	240	1,608	\$ 520	240	-	1,384	\$ 622,110	\$ 704,350	\$ 770,397	\$ 799,217	
37	Total PAC	115,459	###	139,637	126,018	145,993	144,563		6,240	18,412	138,192		18,412	22,605	150,283		22,605	30,495	152,616	\$ 32,604,962	\$ 54,411,402	\$ 50,264,001	\$ 55,796,543	
38	% Change in Total Pac				-9.8%	15.9%	-1.0%								8.7%				1.6%		-7.6%		11.0%	
39	Current Year Encumbrances						30,410													\$ 2,182,700	\$ 2,452,706	\$ 7,406,919	\$ 8,703,686	
40	Pending FY04 Encumbrances						66																	
41	PAC + Encumbrance						30,476														\$ 12,987,449	\$ 12,987,449	\$ 15,800,910	
42	Prior Year Encumbrances																				\$ 2,182,700	\$ 2,452,706	\$ 7,406,919	
43																								
44	Indigent Service Provider Offices																							
45	Public Defender Office			49,748	51,318	54,146	65,627				51,318	54,146	65,627	-	54,146	-	51,318	54,146	65,627		\$ 12,814,291	\$ 12,987,449	\$ 13,841,796	
46	Capital Defender Office (Closed + pending)*			9	23	55	74				23				55		23	-	74		\$ 352,240	\$ 406,350	\$ 852,436	
47	(No. of Asst. Cap. Defenders)				3.0	4.9	8.0												3.0				4.9	
48	Appellate Defender Office			59	72	62	64				72				62				64		\$ 1,071,924	\$ 972,713	\$ 1,021,944	
49	Special Counsel			18,720	17,803	18,101	20,710				17,803				18,101		-	17,803	-	20,710		\$ 674,721	\$ 773,292	\$ 802,022
50	Total Indigent Offices (case-related)			68,536	69,216	72,364	86,475				69,216				72,364				86,475		\$ 14,913,176	\$ 15,139,804	\$ 16,518,198	
51	% Change Indigent Offc (case-related)				1.0%	4.5%	19.5%				1.0%				4.5%				19.5%			1.5%	9.1%	
52																								
53	Total PAC & Indigent Offc (case-related)			208,173	195,234	218,357	231,038		- 6,240	18,412	207,408	54,146	84,039	22,605	222,647		- 91,749	84,641	239,091		\$ 32,604,962	\$ 69,324,578	\$ 65,403,805	\$ 72,314,741
54	% Change in Case-Related Services				-6.2%	11.8%	5.8%		-100.0%	#DIV/0!	195.1%		-73.9%	55.2%	-73.1%	7.3%	-100.0%	#DIV/0!	-7.7%	7.4%	13537.0%		-5.7%	10.6%
55																								
56	Total Recoupment Revenue																				\$ 6,870,473	\$ 6,425,388	\$ 6,536,009	
57	Set Off Debt Collection Office																				\$ 94,402	\$ 65,518	\$ 71,373	
58	Net Recoupment Revenue																				\$ 6,776,071	\$ 6,359,870	\$ 6,464,636	
59	Total PAC & Indigent Offc After Recoupment			208,173	195,234	218,357	231,038		- 6,240	18,412	207,408				222,647				239,091		\$ 32,604,962	\$ 62,548,507	\$ 59,043,935	\$ 65,850,105
60	% Change PAC & Offc After Recoupment													7.3%					7.4%				-5.6%	11.5%
61																								
62	IDS Office																				\$ 174,076	\$ 472,471	\$ 482,753	
63																								
64	Total Indigent Defense Services			208,173	195,234	218,357	231,038		- 6,240	18,412	207,408	54,146	84,039	22,605	222,647		- 91,749	84,641	239,091		\$ 62,722,583	\$ 59,516,406	\$ 66,332,858	
65	% Change in Total Services													7.3%					7.4%				-5.1%	11.5%

	A	X	AC	AF	AG	AH
1						
4	Total Fees (Cost)					
5	Fee Apps Paid within FY	FY04 Actual	FY03 Expend. As % of Total (W/W25)	FY02 Demand (V-Z+AB)	FY03 Demand (W-AB+AD)	FY04 Demand (X-AD+AE)
6	Capital Trial	\$ 9,094,587	14.0%	\$ 8,720,346	\$ 7,886,426	\$ 9,431,164
7	Capital Trial Experts, Pls, Etc	\$3,825,196	5.2%	\$ 2,263,153	\$ 3,079,326	\$ 4,009,269
8	Capital Trial Total	\$ 12,919,783	19.3%	\$ 10,983,499	\$ 10,965,752	\$ 13,440,432
9	Capital Appeals	\$ 129,178	0.4%	\$ 575,588	\$ 185,904	\$ 170,821
10	Capital Appeal Experts, Pls, E	\$ -	0.0%	\$ 29,873	\$ 1,779	\$ (776)
11	Capital Appeal Total	\$ 129,178	0.4%	\$ 605,461	\$ 187,682	\$ 170,045
12	Capital Post-Conviction	\$ 1,490,830	3.5%	\$ 2,675,171	\$ 1,891,465	\$ 1,636,528
13	Capital P-C Experts, Pls, Etc.	\$ 431,560	0.7%	\$ 494,733	\$ 378,633	\$ 443,819
14	Capital P-C Total	\$ 1,922,390	4.2%	\$ 3,169,903	\$ 2,270,098	\$ 2,080,347
15	Non-Capital Appeals	\$ 2,144,786	4.4%	\$ 1,589,650	\$ 2,595,725	\$ 2,097,351
16	Non-Capital Appeals Experts,	\$ 851	0.0%	\$ -	\$ 1,647	\$ 629
17	Non-Capital Appeals Total	\$ 2,145,637	4.4%	\$ 1,589,650	\$ 2,597,373	\$ 2,097,979
18	Adult	\$35,771,078	63.5%	\$33,784,372	\$36,407,201	\$38,062,700
19	Adult Expert Wit., Pls. Mit. Sp	\$ 432,622	0.8%	\$ 733,957	\$ 423,381	\$ 434,727
20	Jim's Contract Amount	\$ (251,322)				
21	Juv. Contract payments miscoded to Adult account	(12,916)				
22	Adult Contract payments to contract acct.	254,234				
23	FY04 Contract Work Billed in FY05 and Paid in FY05					\$ 21,633
24	FY03 Contract work paid for in FY04				\$ 5,417	\$ (5,417)
25	Total Adult	36,193,696	64.3%	\$34,518,329	\$36,835,999	\$38,513,644
26	GAL	\$ 188,468	0.3%	\$ 306,310	\$ 167,957	\$ 238,033
27	Juvenile	\$ 2,891,706	5.7%	\$ 3,191,641	\$ 3,262,198	\$ 3,031,192
28	Jim's Contract Amount	(466,740)				
29	Susan Juv. Contracts	465,755				
30	Juv. Contract payments miscoded to Adult account	12,916				
31	FY04 Contract Work Billed in FY05 and Paid in FY05					\$ 17,083
32	FY03 Contract work paid for in FY04				\$ 12,916	\$ (12,916)
33	Total Juvenile	\$ 2,903,637			\$ 3,275,114	\$ 3,035,359
35	Lab Services	\$ 548	0.0%	\$ 1,248	\$ 1,307	\$ 348
36	Court Reporters	\$ 778,134	1.4%	\$ 852,173	\$ 810,361	\$ 653,464
37	Total PAC	57,181,471	100.0%	55,218,214	57,098,726	60,239,919
38	% Change in Total Pac	2.5%			3.4%	5.5%
39	Current Year Encumbrances	\$11,715,838				
40	Pending FY04 Encumbrances	\$ 32,149				
41	PAC + Encumbrance	\$68,929,457				
42	Prior Year Encumbrances	\$ 8,703,686				
43						
44	<i>Indigent Service Provider Offices</i>					
45	Public Defender Office	\$15,800,910		\$12,987,449	\$13,841,796	\$15,800,910
46	Capital Defender Office (Closed +	\$ 1,517,038		\$ 406,350	\$ 852,436	\$ 1,517,038
47	(No. of Asst. Cap. Defenders)	8.0		\$ 3	\$ 5	\$ 8
48	Appellate Defender Office	\$ 1,022,731		\$ 972,713	\$ 1,021,944	\$ 1,022,731
49	Special Counsel	\$ 845,239		\$ 773,292	\$ 802,022	\$ 845,239
50	Total Indigent Offices (case-rela	\$ 19,185,918		\$ 15,139,804	\$ 16,518,198	\$ 19,185,918
51	% Change Indigent Offc (case	16.2%		1.5%	9.1%	16.2%
52						
53	Total PAC & Indigent Offc (case-r	\$76,367,389	1	\$70,358,018	\$73,616,924	\$79,425,837
54	% Change in Case-Related S	5.6%			4.6%	7.9%
55						
56	Total Recoupment Revenue	\$ 7,193,537		\$ 6,425,388	\$ 6,536,009	\$ 7,193,537
57	Set Off Debt Collection Office	\$ 68,900		\$ 65,518	\$ 71,373	\$ 68,900
58	Net Recoupment Revenue	\$ 7,124,637		\$ 6,359,870	\$ 6,464,636	\$ 7,124,637
59	Total PAC & Indigent Offc After Recoupr	\$69,242,752	1	\$63,998,148	\$67,152,288	\$72,301,200
60	% Change PAC & Offc After Recoupr	5.2%			4.9%	7.7%
61						
62	IDS Office	\$ 571,748		\$ 472,471	\$ 482,753	\$ 571,748
63						
64	Total Indigent Defense Services	\$69,814,500	2	\$64,470,619	\$67,635,041	\$72,872,948
65	% Change in Total Services	5.2%		-100.0%	4.9%	7.7%

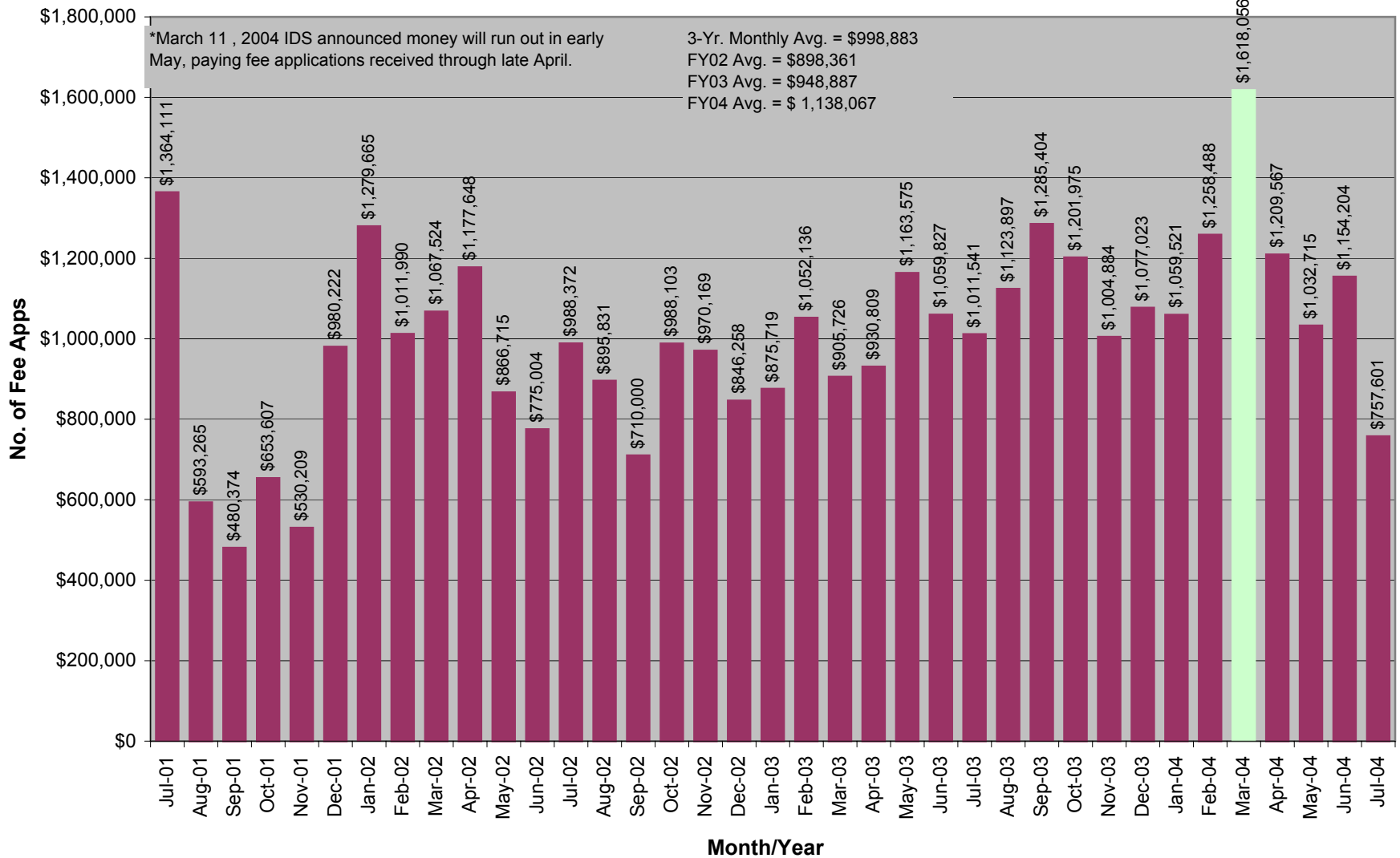
Handout 3

Number of Capital Trial Fee Applications by Date Received at IDS (Attorney & Expert, PI, Mit. Spec Fee Apps)



Handout 4

Total Fees Paid: Capital Trial Fee Applications by Date Received at IDS (Attorney & Expert, PI, Mit. Spec Fee Apps)



Handout 5

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
1	Capital Fee Applications By Fiscal Year (based on date to AOC)																
2					All Capital				Capital Attorneys				Capital Experts, Etc.				% Expend. to Experts
3	FY	Total New Cases	New OCD Cases	PAC New Cases	No. Fee Apps Paid	No. Cases	Total Paid	% Change	No. Fee Apps Paid	No. Cases	Total Paid	% Change	No. Fee Apps Paid	No. Cases	Total Paid	% Change	
4	FY02	529	10	519	1,723	750	\$10,699,053		948	611	\$8,704,976		775	387	\$1,994,077		18.6%
5	FY03	590	25	565	2,189	788	\$11,056,393	3.3%	955	606	\$8,057,318	-7.4%	1,234	548	\$2,999,075	50.4%	27.1%
6	FY04	535	18	517	2,926	887	\$14,030,331	26.9%	1,115	648	\$9,974,926	23.8%	1,811	632	\$4,055,405	35.2%	28.9%
7	FY05 YTD (7/27/04)	37			265	206	\$1,093,089		94	88	\$749,263		171	140	\$343,826		
8	Total	1691			7,103		\$36,878,866		3,112		\$27,486,483		3,991		\$9,392,383		
9	No. Unique Cases Over All Years				1,835				1,540				1,263				
10																	
11																	
12																	
13	Projected FY05																
14	<i>*Includes cases where client eventually retains attorney, but since IDS appears to always pay some fees for these cases (random sample shows fees of \$2,000 to over \$26,000, these cases have been included.</i>																
15																	
16	New Capital Cases																
17	FY	No. New Cases	No. OCD New	No. PAC New													
18	Prior to FY02 (inherited cases)	867															
19	FY02	529															
20	FY03**	590															
21	FY04	535															
22	FY05 YTD (7/27/04)	37															
23	Warrant Served Blank	17															
24	Excluded	3															
25	Total	2578															
26																	
27	<i>**Excludes 1 case where warrant never issued and although attorneys have been appointed, no fee applications have been received, 1 case to Meck. PD where no warrant has been served, and 1 case where provisional counsel has been assigned but warrant has not been served. Trial # 2s, #3s, and #4s were distributed to appropriate fiscal year by the earliest appointment date for that trial.</i>																
28																	
29																	
30																	