

October 14, 2024



## MEMO

Update on the Private Assigned Counsel Fund and PAC Payment

**Purpose:** The purpose of this memo is to inform you about a potential funding shortage and to provide guidance on actions you can take to help ensure the Office of Indigent Defense Services (IDS) can continue processing fee applications through the end of the fiscal year in June.

**Current Situation:** In the last two quarters of fiscal year 2023, IDS experienced unexpected and unprecedented demand on the Private Assigned Counsel (PAC) fund. While some PAC funding was allocated for public defender expansion and IDS implemented a rate hike in January 2022, these impacts were measured and anticipated.

Factors Contributing to Increased Demand: Several new factors have led to the extraordinarily high demand for PAC funding, including:

- The push in the courts to clear the COVID-era backlog.
- The introduction of eCourts in the state's largest counties, resulting in longer case durations in district court.
- A record number of pending homicide cases.

We also know that the explosion in digital discovery in recent years requires more attorney time to be spent on some cases.

While some of these factors may lessen over time, it is possible that the increased demand could become the "new normal." We remain committed to assessing demand and seeking appropriate funding from the General Assembly. As we prepare our budget request for the 2025 long session, we will seek funding sufficient not only to cover forecasted demand but also to raise PAC rates.

**Immediate Funding Needs:** Absent an unforeseen drop in demand, IDS will require an infusion of cash to pay fee applications through the end of this fiscal year on June 30, 2025. As of today, our best estimate is that we may run out of money to pay fee applications in May.

The good news is that both chambers of the General Assembly have recognized this need and included \$12 million in their respective continuation budgets this past summer. However, the bad news is that General Assembly adjourned without passing a continuation budget.

**What you can do:**

**No one can convey the importance and value of your work like you can.** We ask for your assistance in reaching out to your elected representatives to encourage them to provide IDS with the additional \$12 million.

Currently, legislators are focused on hurricane relief. However, we believe that the legislature may reconvene in November and could address this matter at that time. If not, we urge them to prioritize this issue as soon as the long session begins in 2025, well in advance of June 30.

Action Steps:

Here's a link to a ["Whom to Call"](#) resource.

**Ongoing Communication:** To keep you informed, IDS will post monthly updates about the state of the PAC fund on our website. [PAC Fund Updates](#)

Thank you for all you do.