





# Greetings Attorneys - I Come in Peace

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Indigent Defense Services

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- I. Appeals in A/N/D and TPR cases
  - II. Appellate Attorneys
  - III. Budget Issues



# The Past

“The past is a good place to visit, but I wouldn’t want to live there.” – Author Unknown



# Office of the Appellate Defender

- July 2001
- October 2005
- December 2006



# The Present

“If you’re still talking about what you did yesterday, you haven’t done much today.”  
–Author Unknown



# Office of Parent Representation

- Wendy C. Sotolongo
- Denise J. French
- Annick Lenoir-Peek
- Lee Gilliam



# Appeals

- Do we screen appeals?
- Do we monitor appellate attorneys?
- Are A/N/D and TPR appeals frivolous?



# Screening Appeals

Before the Appointment notice is signed, we:

- review the order being appealed
- review the notice of appeal
- discuss problems with both the trial and appellate attorney





# Monitoring Attorney Quality

- Brief bank
- Feedback forms
- Training
- Cost analysis
- Roster changes



# Statistics

“I always find that statistics are hard to swallow and impossible to digest. The only one I can ever remember is that if all the people who go to sleep in church were laid end to end, they would be a lot more comfortable.” –Mrs. Robert A. Taft

# Appeal Numbers

<b>Orders and Appeals</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>	<b>FY10</b>	<b>FY11</b>
# A/D Orders	3400	3134	2856	3292	
# A/D Orders Appealed	44	23	39	27	43
% A/D Orders Appealed	1.29%	0.73%	1.36%	0.82%	
# TPR Orders	954	879	928	1023	
# TPR Orders Appealed	97	126	143	141	117
%TPR Orders Appealed	10.16%	14.33%	15.41%	13.78%	
# Other Orders Appealed	49	33	29	33	18
<b>Total # of Appeals</b>	<b>190</b>	<b>182</b>	<b>211</b>	<b>201</b>	<b>178</b>

1. The data on the # of statewide A/D and TPR orders was obtained from AOC's GAL program. The data on the # of appeals is based on the number of attorney assignments per family unit; if both parents appealed the same order, the chart counts that as one appeal.

# Appeal Outcomes

<b>Fiscal Year</b>	<b># of decisions</b>	<b># A/D (%)</b>	<b># TPR (%)</b>	<b># other (%)</b>	<b>Affirmed (%)</b>	<b>Dismissed (%)</b>	<b>Relief (%)</b>
FY07	255	38 (15%)	176 (69%)	41 (16%)	189 (74%)	13 (5%)	53 (20%)
FY08	167	34 (20%)	118 (71%)	15 (9%)	117 (70%)	3 (2%)	47 (28%)
FY09	155	27 (17%)	108 (70%)	20 (13%)	107 (69%)	3 (2%)	45 (29%)
FY10	206	31 (15%)	149 (72%)	26 (13%)	152 (74%)	3 (1%)	51 (25%)



# The Future

“In times like these, it’s helpful to remember that there have always been times like these.” –Paul Harvey

# IDS' Budget

- FY 2011

IDS was able to pay fee applications received through May 11, 2011 before the PAC fund was depleted. These unpaid fee applications will be paid out of this fiscal year's appropriation. Payments on last year's fee applications began on Friday, July 8 and IDS hopes to be current with payments by the end of July, 2011.

- FY 2012

IDS ended FY2011 with a shortfall of approximately \$10.2 million. In addition, the budget that passed was \$18.5 million less than needed based on anticipated growth. This \$30 million shortfall will not be filled by the reduction in rates. The PAC fund will be depleted before the end of this fiscal year.

# Fiscal Year 2012

**SECTION 15.16.(c)** of Session Law 2011-145 as amended by §39 of House Bill 22, now provides: “The Office of Indigent Defense Services shall issue a request for proposals from private law firms or not-for-profit legal representation organizations for the provision of all legal services for indigent clients in all judicial districts. The Office of Indigent Defense Services shall report on the issuance of this request for proposals to the Joint Legislative Commission on Governmental Operations by October 1, 2011. In cases where the proposed contract can provide representation services more efficiently than current costs and ensure that the quality of representation is sufficient to meet applicable constitutional and statutory standards, the Office of Indigent Defense Services shall use private assigned counsel funds to enter into contracts for this purpose. In selecting contracts, the Office of Indigent Defense Services shall consider both the cost-effectiveness of the proposed contract and the ability of the potential contractor to provide effective representation for the clients served by the contract.”



# Questions?

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