

Change Record Detail with Description (285)
Department of Administration

Scenario: FY2014 Supplemental (11324)
Component: Office of Public Advocacy (AR 11890) (43)
RDU: Legal and Advocacy Services (11)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions											
										PFT	PPT	NP									
FY2014 Supplemental																					
Caseload Capacity and Appellant Backlog																					
1004 Gen Fund	Suppl	193.0	0.0	0.0	193.0	0.0	0.0	0.0	0.0	0.0	0	0									
The Office of Public Advocacy (OPA) is seeking a supplemental to accommodate case load increases and address the appellant backlog.																					
In FY2013, specific areas of OPA experienced a continuous and significant caseload increase. In FY2013, Child in Need of Aid (CINA) cases increased by nearly 300 cases statewide over FY2012 and continue to increase in FY2014. The increase in cases is having a substantial impact on the wards entrusted to the Public Guardian section. Civil appeals have almost tripled in caseloads from 39 in FY2012 to 102 in FY2013. Caseloads for criminal appeals (79 in FY2012 to 104 in FY2013) and post-conviction relief cases (166 in FY2012 to 228 in FY2013) have increased in numbers now equivalent to the work of two additional full time attorneys. OPA is facing additional scrutiny from the court system related to delays associated with timely pursuing these cases.																					
In January 2014, OPA received a letter from the Supreme Court stating "the court will no longer grant any requested extensions exceeding a total of 30 days for the appellant's opening brief, 30 days for the appellant's brief, and 15 days for the appellant's reply." Sanctions have been threatened against OPA related to the time requests being made to handle the cases. To avoid costly sanctions and meet the court's demands related to pursuing these cases in a timely manner, OPA is requesting funds for contract attorneys to handle increasing caseloads.																					
Additionally more and more cases, both civil and criminal are requiring expert services from neuropsych exams in guardianship cases to DNA testing in criminal cases. The Department of Law's decision to no longer negotiate sentencing agreements in A felony and unclassified offenses will also affect OPA's case load.																					
OPA is a "down flow" office in that it reacts to actions of other state agencies and systems, including the Office of Children's Services, Adult Protective Services, the Attorney General Human Services Section, the District Attorney's office, the Court System and other public and private entities. OPA must take all cases assigned to it if statutorily authorized.																					
The impact of this supplemental request is being considered for a FY2015 budget amendment.																					
Component Totals		193.0	0.0	0.0	193.0	0.0	0.0	0.0	0.0	0.0	0	0									

Change Record Detail With Description
Department of Administration

Scenario: FY2014 Supplemental (11324)
Component: Public Defender Agency (AR 11895) (1631)
RDU: Legal and Advocacy Services (11)

Scenario/Change Record Title	Trans Type	Totals	Personal Services	Travel	Services	Commodities	Capital Outlay	Grants, Benefits	Miscellaneous	Positions		
										PFT	PPT	NP
Caseload Capacity and Appellant Backlog												
1004 Gen Fund	Suppl	650.0	25.0	11.0	539.0	75.0	0.0	0.0	0.0	0	0	0
The Public Defender Agency (PDA) is seeking a supplemental to address case load increases and the appellant backlog.												
PDA uses a weighted average system expressed in terms of felony cases handled per year. The American Bar Association standards for ethical caseload limits require that attorneys handle no more than 150 felony cases per year. The weighted average number of cases handled by attorneys at the PDA increased from 128 in FY2009 to 150 in FY2013.												
The appellate division has a backlog of over 130 appellate matters. Criminal appellate matters have increased significantly from FY2010 (124) to FY2013 (212). The growth in criminal appeals in FY2014 is projected to be an additional 45 cases over FY2013 which will add to the current backlog.												
It currently takes approximately 12 months for a case to be assigned to an attorney and an additional three to four months to file the opening brief. Felony merit appeals increased 49% in FY2012 and an additional 12% in FY2013. Misdemeanor merit appeals increased 50% FY2013 data is not available at this time. Felony trials have increased significantly since FY2010 (153) to FY2013 (227). The projected growth in appeals strongly indicates an increase trial rate in FY2014 over FY2013. Expenses related to trial litigation and the necessary services vary dramatically between case types.												
The civil division currently maintains a vacant attorney position. As a result, the division has only six attorneys who appear before ten superior court judges handling Child in Need of Aid (CINA) matters. Overall CINA caseload growth for FY2013 was 44%. These increases have a significant impact on the division's ability to appropriately process child welfare cases.												
In January 2014, the department received a letter from the Supreme Court stating "the court will no longer grant any requested extensions exceeding a total of 30 days for the appellant's opening brief, 30 days for the appellant's brief, and 15 days for the appellant's reply." In addition, the Alaska Court of Appeals has issued new guidelines on continuances in criminal appeals reducing the time permitting for filing an opening brief. The new guidelines reduce the time permitted by 170 days over the next two and one-half years. It is anticipated that PDA will not be able to meet these new guidelines during this fiscal year.												
The Department of Law's decision to no longer negotiate sentencing agreements in class A felony and unclassified offenses will also affect PDA's case load.												
The impact of this supplemental request is being considered for a FY2015 budget amendment.												
Component Totals		650.0	25.0	11.0	539.0	75.0	0.0	0.0	0.0	0	0	0