

Agency 094 - COMMISSION ON PUBLIC ADVOCACY

STATUTORY AUTHORITY:

All duties of the Nebraska Commission on Public Advocacy are included in Neb. Rev. Stat. §§ 7-201 to 209; 25-3001 to 3010; 29-2101; 29-3504; 29-3919 to 3933; 29-4116 to 4125; 33-107.01 and 33-107.02; 33-156; and 81-1316 of the Revised Statutes of Nebraska.

VISION:

There will always be indigent Nebraskans needing legal representation in serious criminal cases. The Nebraska and United States Constitutions require that all citizens who cannot afford an attorney shall have one appointed for them. Therefore, Nebraska courts will continue to appoint the Commission in such cases, which in turn will save those Nebraska counties thousands of dollars in legal defense services and expenses for the indigent Nebraskan accused of a crime. All of the Commission's legal services and expenses are cash funded so there are no expenditures of general funds for the Commission to carry out its duties. It is the vision of this agency to continue providing qualified legal representation to those that would otherwise not be able to afford it.

MISSION AND PRINCIPLES:

The mission of this agency is to continue its activities keeping its stated vision as its focus for providing quality services to Nebraska citizens and counties. As mandated by state and federal constitutions and laws, the mission of this agency is to continue to provide quality legal representation for the poor, represent qualifying indigent prisoners under the DNA Testing Act, assist indigent citizens needing civil legal services, represent qualifying indigent prisoners under the DNA Testing Act, and to provide educational loan forgiveness to lawyers employed in non-profit public legal service positions, all with no reliance upon the general fund.

GOALS:

Agency goals are set with only public service in mind, founded in governing statutes. Such goals have not changed since the agency began, except for additional duties assigned through legislation. Agency goals continue to be to: provide quality legal representation for the poor, represent qualifying indigent prisoners under the DNA Testing Act, assist indigent citizens needing civil legal services, represent qualifying indigent prisoners under the DNA Testing Act, and to provide educational loan forgiveness to lawyers employed in non-profit public legal service positions, all with no reliance upon the general fund.

Agency 094 - COMMISSION ON PUBLIC ADVOCACY

Financial Data

	FY10 Actual	FY11 Approp	FY12 Request	FY12 Recomm	FY13 Request	FY13 Recomm
Operations Funding						
General Fund	0	0	0	0	0	0
Cash Fund	1,072,732	1,164,934	1,164,934	1,159,764	1,164,934	1,175,151
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total Operations Funding	1,072,732	1,164,934	1,164,934	1,159,764	1,164,934	1,175,151
Aid Funding						
General Fund	0	0	0	0	0	0
Cash Fund	2,663,037	2,837,000	2,837,000	2,637,000	2,837,000	2,637,000
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total Aid Funding	2,663,037	2,837,000	2,837,000	2,637,000	2,837,000	2,637,000
Total Funding						
General Fund	0	0	0	0	0	0
Cash Fund	3,735,769	4,001,934	4,001,934	3,796,764	4,001,934	3,812,151
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total Agency	3,735,769	4,001,934	4,001,934	3,796,764	4,001,934	3,812,151

Agency 094 - COMMISSION ON PUBLIC ADVOCACY
Program 425 - OPERATIONS

PROGRAM DESCRIPTION:

The operations program of this agency allows the Nebraska Commission on Public Advocacy to perform its legislated duties since the agency was created in 1995. The Commission provides legal representation to indigent Nebraskans charged with first-degree murder, violent or drug-related felonies, including juvenile cases at trial and on direct appeal. Simultaneously, the Commission meets its purpose of providing property tax relief because counties do not pay for legal services and associated costs. The commission also performs legislated duties under additional programs. This agency also oversees the Legal Education for Public Service Loan Repayment Fund, which is a subprogram of this agency's operations program.

PROGRAM OBJECTIVES:

Strategies and actions already in place shall continue to be implemented, giving tax relief to Nebraska counties by providing legal representation mandated by state and federal constitutions and state laws at no charge to counties; providing effective direct legal representation for indigent Nebraskans charged with murder and other violent crimes to maintain balance in the criminal justice system; assisting public defender and court-appointed attorneys in felony cases and providing resource assistance; and overseeing the Legal Education for Public Service Loan Repayment Fund to provide educational loan forgiveness to lawyers employed in the area of non-profit public legal service in accordance with adopted guidelines.

PERFORMANCE MEASURES:

Performance is measured by number of appointments from Nebraska courts to provide competent representation to indigent defendants. Commission attorney caseloads maintain an average consistent with standards adopted by the Commission in 1997. For the first year of the biennium, the Commission handled 7 DNA cases, and responded to 54 requests for research and assistance. Also, 20 murder cases were handled and some of those were death penalty cases. Overall, we estimate that we saved over \$6,000,000 in local property tax dollars in murder cases. In addition, based on an average cost of \$5,000 per case, the 204 cases involving serious violent and/or drug related felonies handled saved taxpayers over \$1,000,000 in fees and thousands more in expenses.

Agency 094 - COMMISSION ON PUBLIC ADVOCACY
Program 425 - OPERATIONS

Financial Data

	FY10 Actual	FY11 Approp	FY12 Request	FY12 Recomm	FY13 Request	FY13 Recomm
Operations Funding						
General Fund	0	0	0	0	0	0
Cash Fund	1,071,882	1,089,934	1,089,934	1,084,764	1,089,934	1,100,151
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total Operations Funding	1,071,882	1,089,934	1,089,934	1,084,764	1,089,934	1,100,151
Aid Funding						
General Fund	0	0	0	0	0	0
Cash Fund	0	0	0	0	0	0
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total Aid Funding	0	0	0	0	0	0
Total Funding						
General Fund	0	0	0	0	0	0
Cash Fund	1,071,882	1,089,934	1,089,934	1,084,764	1,089,934	1,100,151
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total Program	1,071,882	1,089,934	1,089,934	1,084,764	1,089,934	1,100,151

Agency 094 - COMMISSION ON PUBLIC ADVOCACY
Program 426 - LEGAL SERVICES AID

PROGRAM DESCRIPTION:

The Legal Aid and Services Fund, created through LB 729, which became law on January 1, 1998, legislates this agency program to provide civil legal services to eligible low-income persons, deriving its funds from filing fees and court costs, with no reliance upon the general fund. The Commission disburses monies to qualifying certified civil legal service providers to the indigent, through an application process, in accordance with established criteria and guidelines.

PROGRAM OBJECTIVES:

Strategies and actions already in place shall continue to be implemented overseeing the operation of the Legal Aid and Services Fund in its sole purpose of providing monetary assistance to civil legal service providers for the indigent. Objectives shall continue to be the review of application eligibility criteria, definitions, guidelines and policies and the grant application itself. Providers shall apply for grant awards generated by certain filing fees in criminal and civil cases established by LB 729 as the Legal Aid and Services Fund. Awards shall continue to be disbursed in monthly payments from annual awards to certified civil indigent legal service providers for continued or new operation of legal services as approved by the Commission.

PERFORMANCE MEASURES:

Performance is measured by the total of awarded grants disbursed to qualifying indigent civil legal service providers using established eligibility criteria and the application process. The Commission disbursed awards totaling \$2,402,287 in 2009 and is disbursing \$2,414,037 in 2010. Performance under this program is further measured by the continuous supervision of all activities through quarterly activity and expenditure reports and annual audits to ensure compliance with guidelines and policies regarding activities performed and expenditure of granted awards per approved applications.

Agency 094 - COMMISSION ON PUBLIC ADVOCACY
Program 426 - LEGAL SERVICES AID

Financial Data

	FY10 Actual	FY11 Approp	FY12 Request	FY12 Recomm	FY13 Request	FY13 Recomm
Operations Funding						
General Fund	0	0	0	0	0	0
Cash Fund	0	0	0	0	0	0
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total Operations Funding	0	0	0	0	0	0
Aid Funding						
General Fund	0	0	0	0	0	0
Cash Fund	2,408,037	2,547,000	2,547,000	2,347,000	2,547,000	2,347,000
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total Aid Funding	2,408,037	2,547,000	2,547,000	2,347,000	2,547,000	2,347,000
Total Funding						
General Fund	0	0	0	0	0	0
Cash Fund	2,408,037	2,547,000	2,547,000	2,347,000	2,547,000	2,347,000
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total Program	2,408,037	2,547,000	2,547,000	2,347,000	2,547,000	2,347,000

Agency 094 - COMMISSION ON PUBLIC ADVOCACY
Program 429 - CIVIL LEGAL SERVICES

PROGRAM DESCRIPTION:

The operation of the Civil Legal Services Fund was turned over from the Nebraska Supreme Court to the Commission through LB 35 in August 2009, with this fund being funded from filing fees and court costs with no reliance upon the general fund. This agency program provides funds to civil legal service providers serving the indigent who receive funds from the federal Legal Services Corporation. The Commission disburses monies to qualifying certified civil legal service providers to the indigent, through an application process, in accordance with established criteria and guidelines.

PROGRAM OBJECTIVES:

Strategies and actions already in place shall continue to be implemented overseeing the operation of the Civil Legal Services Fund in its sole purpose of providing monetary assistance to civil legal service providers for the indigent. Objectives shall continue to be review of the application policies, and the application itself. Providers shall apply for grant awards generated by certain filing fees and court costs. Awards shall continue to be disbursed in monthly payments from annual awards to certified civil indigent legal service providers for continued or new operation of legal services as approved by the Commission.

PERFORMANCE MEASURES:

Performance is measured by the total of awarded grants disbursed to qualifying indigent civil legal service providers using established eligibility criteria and the application process. Since the Commission took over operation, it has disbursed \$37,500 in funds in 2009 and is disbursing \$360,000 in 2010. Performance under this program is further measured by the continuous supervision of all activities through quarterly activity and expenditure reports and annual audits to ensure compliance with guidelines and policies regarding activities performed and expenditure of granted awards per approved applications.

Agency 094 - COMMISSION ON PUBLIC ADVOCACY
Program 429 - CIVIL LEGAL SERVICES

Financial Data

	FY10 Actual	FY11 Approp	FY12 Request	FY12 Recomm	FY13 Request	FY13 Recomm
Operations Funding						
General Fund	0	0	0	0	0	0
Cash Fund	0	0	0	0	0	0
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total Operations Funding	0	0	0	0	0	0
Aid Funding						
General Fund	0	0	0	0	0	0
Cash Fund	255,000	290,000	290,000	290,000	290,000	290,000
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total Aid Funding	255,000	290,000	290,000	290,000	290,000	290,000
Total Funding						
General Fund	0	0	0	0	0	0
Cash Fund	255,000	290,000	290,000	290,000	290,000	290,000
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total Program	255,000	290,000	290,000	290,000	290,000	290,000

Agency 094 - COMMISSION ON PUBLIC ADVOCACY
Program 455 - DNA TESTING

PROGRAM DESCRIPTION:

Since September 1, 2001, the DNA Testing Act, created within LB 655, has allowed convicted inmates to request DNA testing of biological evidence that might establish their innocence. Under this agency program, if the district court grants the request for DNA testing, the Act requires the Commission to represent indigent prisoners and pay for the DNA testing out of its cash operating fund, with no reliance upon the general fund.

PROGRAM OBJECTIVES:

Strategies and actions already in place shall continue to be implemented in the Commission's acceptance of appointments to represent qualifying prisoners in efforts to seek DNA testing to reexamine convicting evidence and attempt to prove innocence, and to pay for such testing as ordered, from its cash operating fund with no reliance upon the general fund. Such representations remain the main objective of this agency program, in accordance with governing legislation and the overall mission of this agency to provide legal representation to indigent Nebraskans.

PERFORMANCE MEASURES:

This agency measures performance of this program by number of cases appointed for representation. For the first year of the biennium, the Commission has handled 7 cases representing inmates who have qualified under the Act.

Agency 094 - COMMISSION ON PUBLIC ADVOCACY
Program 455 - DNA TESTING

Financial Data

	FY10 Actual	FY11 Approp	FY12 Request	FY12 Recomm	FY13 Request	FY13 Recomm
Operations Funding						
General Fund	0	0	0	0	0	0
Cash Fund	849	75,000	75,000	75,000	75,000	75,000
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total Operations Funding	849	75,000	75,000	75,000	75,000	75,000
Aid Funding						
General Fund	0	0	0	0	0	0
Cash Fund	0	0	0	0	0	0
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total Aid Funding	0	0	0	0	0	0
Total Funding						
General Fund	0	0	0	0	0	0
Cash Fund	849	75,000	75,000	75,000	75,000	75,000
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
Total Program	849	75,000	75,000	75,000	75,000	75,000