

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 3008; 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:

It has always been and will continue to be the vision of the Commission to fulfill its obligation to effectively represent indigent Nebraskans needing legal representation. The Nebraska and United States Constitutions recognize that all citizens who cannot afford an attorney must have one appointed for them. Since all of the Commission's legal services and expenses are cash funded, with no reliance upon the State's general fund, 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.

MISSION AND PRINCIPLES:

This agency continues its focus on its stated vision in providing quality legal services as its chief mission. As mandated by state and federal constitutions and laws, the mission of this agency is to continue, with no reliance upon the State general fund, providing quality legal representation for the poor, assisting indigent citizens needing civil legal services, representing indigent prisoners under the DNA Testing Act, and providing educational loan forgiveness to lawyers employed in non-profit public legal service positions.

GOALS:

Agency goals have not changed since their inception: public service to Nebraska citizens. The only things that have changed since its founding statutes have been additional duties added, including: assisting indigent citizens needing civil legal services, representing indigent prisoners under the DNA Testing Act, and providing 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

	FY12 Actual	FY13 Approp	FY14 Request	FY14 Recomm	FY15 Request	FY15 Recomm
Operations Funding						
General Fund	0	0	0	0	0	0
Cash Fund	1,081,394	1,175,151	1,200,767	1,193,258	1,202,016	1,211,230
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	1,081,394	1,175,151	1,200,767	1,193,258	1,202,016	1,211,230
Aid Funding						
General Fund	0	0	0	0	0	0
Cash Fund	2,453,919	2,837,000	2,837,000	2,837,000	2,837,000	2,837,000
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	2,453,919	2,837,000	2,837,000	2,837,000	2,837,000	2,837,000
Total Funding						
General Fund	0	0	0	0	0	0
Cash Fund	3,535,313	4,012,151	4,037,767	4,030,258	4,039,016	4,048,230
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	3,535,313	4,012,151	4,037,767	4,030,258	4,039,016	4,048,230

Agency 094 - COMMISSION ON PUBLIC ADVOCACY
Program 425 - OPERATIONS

PROGRAM DESCRIPTION:

Created in 1995, the Nebraska Commission on Public Advocacy has been performing its legislated duties ever since. The Commission meets its purpose of providing property tax relief to Nebraskans as counties do not pay for legal services and costs. The Commission continues to meet its other purpose by effectively representing indigent Nebraskans charged with first-degree murder and violent or drug-related felonies, including juvenile cases at trial and on direct appeal. Also included as a subprogram of its operations program is the oversight of the Legal Education for Public Service Loan Repayment Fund. LB 1014 created the fund to provide educational loan forgiveness to lawyers employed in the area of non-profit public legal service.

PROGRAM OBJECTIVES:

The agency will continue its main objective to provide effective legal representation and to:

1. Interview witnesses and investigate the facts of cases.
2. Confer with defendants and prosecuting attorneys to exchange information.
3. Research legal, evidentiary, state and federal court constitutional issues.
4. Prepare pre-trial motions.
5. Draft correspondence, motions, briefs, and other legal documents.
6. Review evidence in preparation for trial.
7. Formulate legal opinions and recommendations.
8. Prepare jury instructions and prepare for jury selection.
9. Represent clients at trial and sentencing.
10. Assist as co-counsel.
11. Provide public defenders, court-appointed attorneys and defense attorneys with resource assistance, responding to requests for research assistance.

PERFORMANCE MEASURES:

The Commission measures performance by the number of cases it is appointed to. Commission attorney caseloads maintain an average consistent with standards adopted by the Commission in 1997. Thus far in the biennium, the Commission handled 2 DNA cases, 35 murder cases, 75 violent and drug related cases, and responded to 112 requests for research and assistance.

Agency 094 - COMMISSION ON PUBLIC ADVOCACY
Program 425 - OPERATIONS

Financial Data

	FY12 Actual	FY13 Approp	FY14 Request	FY14 Recomm	FY15 Request	FY15 Recomm
Operations Funding						
General Fund	0	0	0	0	0	0
Cash Fund	1,080,050	1,100,151	1,125,767	1,118,258	1,127,016	1,136,230
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	1,080,050	1,100,151	1,125,767	1,118,258	1,127,016	1,136,230
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	1,080,050	1,100,151	1,125,767	1,118,258	1,127,016	1,136,230
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	1,080,050	1,100,151	1,125,767	1,118,258	1,127,016	1,136,230

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

PROGRAM DESCRIPTION:

LB 729 created the Legal Aid and Services Fund and became law on January 1, 1998. Without any reliance upon the general fund, court costs and filing fees are deposited state-wide into this fund, which provides civil legal services to eligible indigent Nebraskans. The Commission disburses monies to qualifying certified civil legal service providers through an application process in accordance with established criteria and guidelines.

PROGRAM OBJECTIVES:

Objectives have proven to be well-organized in the years this grant has operated, and will continue to include an annual review of the application eligibility criteria, definitions, guidelines, policies and the grant application. The strategies and actions in use bring about successful oversight of the operation of the Legal Aid and Services Fund in achieving its sole purpose of providing monetary assistance to civil legal service providers and will continue to be used. Certified providers of civil legal services shall apply for grant fund awards, which are derived from filing fees and court costs as enacted by LB 729. Funds will continue to be disbursed in monthly payments to applicants who receive an annual award by the governing Commission.

PERFORMANCE MEASURES:

Disbursement of grant awards acts as performance measures under this fund. Total annual amounts disbursed may not equal amounts awarded, as deposits to the fund may be less than predicted. Qualifying civil legal service providers using eligibility criteria in the application process receive awards from the Commission. The funds are disbursed on a monthly basis. The Commission pays out all amounts deposited in the fund per statute. The Commission disbursed awards totaling \$2,350,508 in 2010, \$2,185,743 in 2011, and plans to disburse \$2,203,435 in 2012. All activities performed and income/expenditures handled under this fund are monitored by the Commission through receipt and review of quarterly activity and financial summary reports. Grant recipients also share annual outside audit results with the Commission.

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

Financial Data

	FY12 Actual	FY13 Approp	FY14 Request	FY14 Recomm	FY15 Request	FY15 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	0	0	0	0	0	0
Aid Funding						
General Fund	0	0	0	0	0	0
Cash Fund	2,163,919	2,547,000	2,547,000	2,547,000	2,547,000	2,547,000
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	2,163,919	2,547,000	2,547,000	2,547,000	2,547,000	2,547,000
Total Funding						
General Fund	0	0	0	0	0	0
Cash Fund	2,163,919	2,547,000	2,547,000	2,547,000	2,547,000	2,547,000
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	2,163,919	2,547,000	2,547,000	2,547,000	2,547,000	2,547,000

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

PROGRAM DESCRIPTION:

LB 35 turned the operation of the Civil Legal Services Fund from the Nebraska Supreme Court to the Commission in August 2009. Without any reliance upon the general fund, court costs and filing fees are deposited state-wide into this fund, which provides civil legal services to eligible indigent Nebraskans. The Commission disburses monies to qualifying certified civil legal service providers receiving funding from the national Legal Services Corporation, through an application process in accordance with established criteria and guidelines.

PROGRAM OBJECTIVES:

Objectives have proven to be well-organized in the years this grant has operated, and will continue to include an annual review of the application eligibility criteria, definitions, guidelines, polices and the grant application. The strategies and actions in use bring about successful oversight of the operation of the Civil Legal Services Fund in achieving its sole purpose of providing monetary assistance to civil legal service providers and will continue to be used. Certified providers of civil legal services receiving funding from the national Legal Services Corporation shall apply for grant fund awards, which are derived from filing fees and court costs as governed by statute. Funds will continue to be disbursed in monthly payments to applicants who receive an annual award by the governing Commission.

PERFORMANCE MEASURES:

Disbursement of grant awards acts as performance measures under this fund. Total annual amounts disbursed may not equal amounts awarded, as deposits to the fund may be less than predicted. Qualifying civil legal service providers using eligibility criteria in the application process receive awards from the Commission. The funds are disbursed on a monthly basis. The Commission pays out all amounts deposited in the fund per statute. The Commission disbursed awards totaling \$360,000 in 2010, \$332,465 in 2011, and plans to disburse \$252,000 in 2012. All activities performed and income and expenditures handled under this fund are monitored by the Commission through receipt and review of quarterly activity and financial summary reports. Grant recipients also share annual outside audit results with the Commission.

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

Financial Data

	FY12 Actual	FY13 Approp	FY14 Request	FY14 Recomm	FY15 Request	FY15 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	0	0	0	0	0	0
Aid Funding						
General Fund	0	0	0	0	0	0
Cash Fund	290,000	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	290,000	290,000	290,000	290,000	290,000	290,000
Total Funding						
General Fund	0	0	0	0	0	0
Cash Fund	290,000	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	290,000	290,000	290,000	290,000	290,000	290,000

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

PROGRAM DESCRIPTION:

LB 655 created the DNA Testing Act and became law on September 1, 2001. The Act allows convicted inmates to request DNA testing of biological evidence that might establish their innocence. Without any reliance upon the general fund and working out of the cash operating fund, if the district court grants the request for DNA testing, the Commission can be appointed to represent indigent Nebraska prisoners and pay for the DNA testing.

PROGRAM OBJECTIVES:

Representing convicted individuals whose case may be directly affected by DNA testing of evidence falls in line with the Commission's sole purpose and mission of providing quality legal representation to indigent Nebraskans. Strategies and actions already in place shall continue to be implemented in the Commission's continued acceptance of representing qualifying prisoners in efforts to seek DNA testing to reexamine convicting evidence and attempt to prove innocence. The Commission will also pay for such testing as ordered, from its cash operating fund, with no reliance upon the general fund.

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 2 cases representing inmates who have qualified under the Act.

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

Financial Data

	FY12 Actual	FY13 Approp	FY14 Request	FY14 Recomm	FY15 Request	FY15 Recomm
Operations Funding						
General Fund	0	0	0	0	0	0
Cash Fund	1,344	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	1,344	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	1,344	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	1,344	75,000	75,000	75,000	75,000	75,000