

# Agency 094 - COMMISSION ON PUBLIC ADVOCACY

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## STATUTORY AUTHORITY:

All duties of the Nebraska Commission on Public Advocacy are included in Neb. Rev. Stat. §§ 7-201 to 210; 25-3001 to 3010; 29-2101; 29-3504; 29-3919 to 3930; 29-4116 to 4125; 33-107.01 and 33-107.02; 33-156; and 81-1316 of the Revised Statutes of Nebraska.

## VISION:

The Commission's vision is to effectively represent indigent defendants in first degree murder cases, other serious violent felony cases, and felony drug cases. Such defendants have a constitutional right to the effective assistance of counsel. The counties have an obligation to provide indigent defense services. The Commission's vision is to provide effective assistance of counsel at trial, on direct appeal, and in postconviction proceedings. The Commission's vision also includes providing advice and assistance to public defenders and court-appointed attorneys. The Commission is entirely cash funded. The Commission's vision is to continue to provide all of its services at no cost to the counties, reducing the counties' tax burden.

## MISSION AND PRINCIPLES:

The Commission's chief mission is to provide quality legal services to indigent people charged with serious crimes. The Commission's mission also includes: providing civil legal services to low-income people; representing indigent inmates pursuant to the DNA Testing Act; and providing educational loan repayment assistance to lawyers employed in non-profit public legal service positions or in legal profession shortage areas, thereby meeting the need for competent attorneys in those positions and areas.

## GOALS:

The Commission's primary goal is to continue to provide high-quality legal services to indigent people at no cost to the counties and without reliance upon money from the general fund or an increase in filing fees.

# Agency 094 - COMMISSION ON PUBLIC ADVOCACY

## Financial Data

	FY16 Actual	FY17 Approp	FY18 Request	FY18 Recomm	FY19 Request	FY19 Recomm
<b>Operations Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	1,152,174	1,298,773	1,326,311	1,308,481	1,357,847	1,320,789
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Operations</b>	<b>1,152,174</b>	<b>1,298,773</b>	<b>1,326,311</b>	<b>1,308,481</b>	<b>1,357,847</b>	<b>1,320,789</b>
<b>Aid Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	2,217,204	3,842,355	3,692,355	3,692,355	3,692,355	3,692,355
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Aid Funding</b>	<b>2,217,204</b>	<b>3,842,355</b>	<b>3,692,355</b>	<b>3,692,355</b>	<b>3,692,355</b>	<b>3,692,355</b>
<b>Total Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	3,369,378	5,141,128	5,018,666	5,000,836	5,050,202	5,013,144
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Agency</b>	<b>3,369,378</b>	<b>5,141,128</b>	<b>5,018,666</b>	<b>5,000,836</b>	<b>5,050,202</b>	<b>5,013,144</b>

**Agency 094 - COMMISSION ON PUBLIC ADVOCACY**  
**Program 425 - OPERATIONS**

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**PROGRAM DESCRIPTION:**

The Nebraska Commission on Public Advocacy (Commission) was created in 1995 for the purpose of providing property tax relief to Nebraskans in the form of effectively representing indigent Nebraskans in first-degree murder cases, serious violent felony cases, and felony drug cases at trial, on direct appeal, and in postconviction proceedings. In 2003, a statutory change allowed the Commission to provide these services at no cost to the counties.

**PROGRAM OBJECTIVES:**

The Commission will continue to provide effective legal representation for indigent defendants charged with murder, other serious violent felony crimes, and felony drug crimes at no cost to the counties, thereby reducing the counties' tax burden.

**PERFORMANCE MEASURES:**

Performance of legal representation is not easily measured. However, when the legislature created the Commission, it did so, in part, to provide tax relief to counties that are required to provide indigent defense services. Since 2003, the Commission has provided services to counties throughout the State at no cost to the counties. In every case in which the Commission provided indigent defense services, we provided tax relief to the county. Thus, the Commission performed as anticipated by the legislature. The Commission's lawyers maintain a proper caseload and the Commission performs at full capacity. The Commission continues to save counties hundreds of thousands of dollars, while providing the constitutional mandate of effective assistance of counsel.

**Agency 094 - COMMISSION ON PUBLIC ADVOCACY**  
**Program 425 - OPERATIONS**

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**Financial Data**

	<b>FY16 Actual</b>	<b>FY17 Approp</b>	<b>FY18 Request</b>	<b>FY18 Recomm</b>	<b>FY19 Request</b>	<b>FY19 Recomm</b>
<b>Operations Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	1,148,280	1,222,273	1,251,311	1,233,481	1,282,847	1,245,789
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Operations</b>	<b>1,148,280</b>	<b>1,222,273</b>	<b>1,251,311</b>	<b>1,233,481</b>	<b>1,282,847</b>	<b>1,245,789</b>
<b>Aid Funding</b>						
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
<b>Total Aid Funding</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	1,148,280	1,222,273	1,251,311	1,233,481	1,282,847	1,245,789
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Program</b>	<b>1,148,280</b>	<b>1,222,273</b>	<b>1,251,311</b>	<b>1,233,481</b>	<b>1,282,847</b>	<b>1,245,789</b>

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

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**PROGRAM DESCRIPTION:**

LB 729 created the Legal Aid and Services Fund (LASF) 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 people. The Commission disburses money 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, guidelines, policies and application. Strategies continue to assure successful oversight of the operation of the fund in achieving its sole purpose of providing monetary assistance to civil legal service providers. Funds will continue to be disbursed in monthly payments to applicants who receive an annual award by the governing Commission. Similar objectives were developed and administered to monitor money paid from the National Foreclosure Settlement Grant for the two-year duration of its provisions.

**PERFORMANCE MEASURES:**

Disbursement of grant awards acts as performance measures under this fund. Deposits have continued to decrease and so have the totals paid out to providers. Therefore, amounts actually disbursed may not equal amounts awarded. The Commission pays out all amounts deposited in the fund per statute. The Commission granted awards totaling \$1,980,235 in 2015, and the same amount in 2016. 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**

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**Financial Data**

	<b>FY16 Actual</b>	<b>FY17 Approp</b>	<b>FY18 Request</b>	<b>FY18 Recomm</b>	<b>FY19 Request</b>	<b>FY19 Recomm</b>
<b>Operations Funding</b>						
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
<b>Total Operations</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Aid Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	1,860,067	3,402,355	3,402,355	3,402,355	3,402,355	3,402,355
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Aid Funding</b>	<b>1,860,067</b>	<b>3,402,355</b>	<b>3,402,355</b>	<b>3,402,355</b>	<b>3,402,355</b>	<b>3,402,355</b>
<b>Total Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	1,860,067	3,402,355	3,402,355	3,402,355	3,402,355	3,402,355
Federal Fund	0	0	0	0	0	0
Revolving Fund	0	0	0	0	0	0
Other Fund	0	0	0	0	0	0
<b>Total Program</b>	<b>1,860,067</b>	<b>3,402,355</b>	<b>3,402,355</b>	<b>3,402,355</b>	<b>3,402,355</b>	<b>3,402,355</b>

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

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**PROGRAM DESCRIPTION:**

The Commission assumed operation of the Civil Legal Services Fund from the Nebraska Supreme Court pursuant to LB 35 in 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 people. The Commission disburses money 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, guidelines, polices and application. Strategies continue to assure successful oversight of the operation of the fund in achieving its sole purpose of providing monetary assistance to civil legal service providers. Certified providers of civil legal services must receive funding from the national Legal Services Corporation to qualify for grant funds. 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. Deposits have continued to decrease and so have the totals paid out to providers. Therefore, amounts actually disbursed may not equal amounts awarded. The Commission pays out all amounts deposited in the fund pursuant to statute. The Commission granted awards totaling \$252,000 in 2015 and the same amount in 2016. 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 429 - CIVIL LEGAL SERVICES**

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**Financial Data**

	<b>FY16 Actual</b>	<b>FY17 Approp</b>	<b>FY18 Request</b>	<b>FY18 Recomm</b>	<b>FY19 Request</b>	<b>FY19 Recomm</b>
<b>Operations Funding</b>						
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
<b>Total Operations</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Aid Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	212,310	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
<b>Total Aid Funding</b>	<b>212,310</b>	<b>290,000</b>	<b>290,000</b>	<b>290,000</b>	<b>290,000</b>	<b>290,000</b>
<b>Total Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	212,310	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
<b>Total Program</b>	<b>212,310</b>	<b>290,000</b>	<b>290,000</b>	<b>290,000</b>	<b>290,000</b>	<b>290,000</b>



**Agency 094 - COMMISSION ON PUBLIC ADVOCACY**  
**Program 430 - RURAL PRAC LOAN REPAY ASST**

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**PROGRAM DESCRIPTION:**

The purpose of The Legal Education for Public Service and Rural Practice Loan Repayment Assistance Program is to satisfy the needs of public legal service entities and rural clients to hire competent attorneys. Loan forgiveness repayment assistance encourages law students and attorneys to seek employment in those areas.

**PROGRAM OBJECTIVES:**

Agency objectives meet the purposes of the fund through annual Board review of program guidelines and the application packet. Making the program known among qualifying Nebraska attorneys is achieved through both Nebraska law schools and the Nebraska State Bar Association.

**PERFORMANCE MEASURES:**

Disbursement of loan assistance to qualifying Nebraska attorneys acts as performance measures. In fiscal year 14-15, 28 Nebraska attorneys received awards totaling \$135,865, and in FY 15-16, 57 attorneys received awards totaling \$144,826. Two attorneys have returned funds due to their inability to honor the three-year commitment of service and one attorney returned an overpayment after loans were paid off, totaling \$9,857. Compliance with the requirements of the program are tracked through quarterly submission of loan status documentation and semi-annual submission of qualifying employment verification by fund recipients for the three-year period for which they committed.

**Agency 094 - COMMISSION ON PUBLIC ADVOCACY**  
**Program 430 - RURAL PRAC LOAN REPAY ASST**

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**Financial Data**

	<b>FY16 Actual</b>	<b>FY17 Approp</b>	<b>FY18 Request</b>	<b>FY18 Recomm</b>	<b>FY19 Request</b>	<b>FY19 Recomm</b>
<b>Operations Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	64	1,500	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
<b>Total Operations</b>	<b>64</b>	<b>1,500</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Aid Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	144,827	150,000	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
<b>Total Aid Funding</b>	<b>144,827</b>	<b>150,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	144,891	151,500	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
<b>Total Program</b>	<b>144,891</b>	<b>151,500</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

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**PROGRAM DESCRIPTION:**

The DNA Testing Act became law on September 1, 2001, pursuant to LB 655. Convicted inmates may request court-appointed counsel and DNA testing of biological materials that may produce exculpatory evidence that is relevant to a claim that the inmate was wrongfully convicted. This program is entirely funded from the Commission's cash operating fund. Upon a proper showing, the court must appoint counsel. The court must first contact the Commission to inquire if the Commission can accept the appointment. If the Commission cannot accept the appointment, other counsel will be appointed and counsel's fees and expenses will be paid by the Commission. Regardless of who represents the inmate, the Commission pays the costs for any DNA testing ordered by the court.

**PROGRAM OBJECTIVES:**

The Commission's objectives under the DNA Testing Act are to effectively represent inmates when the Commission is appointed by the court to represent such inmates. Strategies and actions planned to achieve such objective include moving the court for an order for DNA testing of biological materials that were not previously tested or can be subjected to retesting with more current DNA techniques that may produce exculpatory evidence showing that the inmate was wrongfully convicted. If the results of DNA testing exonerate or exculpate the inmate, the Commission will move the court to vacate and set aside the judgment and release the inmate from custody.

**PERFORMANCE MEASURES:**

Performance measures could include the number of cases in which the district court appointed counsel pursuant to the DNA Testing Act.

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

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**Financial Data**

	<b>FY16 Actual</b>	<b>FY17 Approp</b>	<b>FY18 Request</b>	<b>FY18 Recomm</b>	<b>FY19 Request</b>	<b>FY19 Recomm</b>
<b>Operations Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	3,829	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
<b>Total Operations</b>	<b>3,829</b>	<b>75,000</b>	<b>75,000</b>	<b>75,000</b>	<b>75,000</b>	<b>75,000</b>
<b>Aid Funding</b>						
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
<b>Total Aid Funding</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Funding</b>						
General Fund	0	0	0	0	0	0
Cash Fund	3,829	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
<b>Total Program</b>	<b>3,829</b>	<b>75,000</b>	<b>75,000</b>	<b>75,000</b>	<b>75,000</b>	<b>75,000</b>