

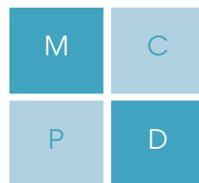
LAW OFFICE OF THE PUBLIC DEFENDER



*Delivering America's Promise of Justice for All*

2003-2004

ANNUAL REPORT



MARICOPA COUNTY

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The mission of the Office of the Public Defender is to provide quality legal representation to indigent individuals assigned to us by the court, thus safeguarding the fundamental legal rights of each member of the community.

# GOALS

# FY04

## Annual Report

The Maricopa County Public Defender's Office provides tremendous value to the community by serving an important public safety function. By seeking effective dispositions and addressing the underlying problems that contribute to their criminal behavior, MCPD gives clients their best chance to become productive and law-abiding individuals. Our goals are:

To protect the rights of our clients, to guarantee that clients receive equal protection under the law, regardless of race, creed, national origin or socio-economic status, and to ensure that all ethical and constitutional responsibilities and mandates are fulfilled.

To obtain and promote dispositions that are effective in reducing recidivism, improving clients' well-being, and enhancing quality of life for all.

To work in partnership with other agencies to improve access to justice, develop rational justice system policies, and maintain appropriate caseload and performance standards.

To enhance the professionalism and productivity of all staff.

To perform our obligations in a fiscally responsible manner including maintaining cost effectiveness by limiting the percentage of increase in the annual cost per case to no more than the percentage of increase in the overall annual funding of the County's criminal justice group.



defend

protect

enhance

promote

improve

ensure

partner

respond

produce

resolve

achieve

represent

lead

# SYSTEM IMPROVEMENT INITIATIVES

Advocacy for system wide improvements is part of our responsibility as members of the criminal justice system. Through a variety of opportunities this year, efforts were made to enhance system services and the mechanisms by which those services are offered. What follows are snapshots of some of those efforts.

## Indigency Screening

The lack of adequate indigency screening criteria has been a persistent issue. Because the number of defendants determined to be indigent correlates directly to public defender workload, we approached the court about studying the issues. Although there was some hesitation presumably because some believe that improved indigency screening would cause delay, a committee was formed to examine possible improvements. The Office proposed a pilot project in the Early Disposition Court, where many defendants should be able to afford to hire counsel for the relatively minor drug possession cases that are handled in that court. Staff worked with the Maricopa County Bar Association to develop a list of private attorneys who would handle these cases at a reduced fee. Our attorneys provided training in EDC case

processing for the private lawyers who signed up. Despite our efforts, there seems to be continued resistance to improving indigency screening. Preference has been given to concentrating on recovering part of the cost of defense from the defendants.

## Rule Changes

The Supreme Court formed a Committee to study Rule 8 and Rule 15, which had not been revised since the 1970's and were woefully out of date. Public Defender Jim Haas served as a member of the Committee that ultimately recommended and obtained sweeping changes to Arizona's discovery and speedy trial rules. Mr. Haas successfully advocated for changes to the rules governing depositions and sanctions for violating the discovery rules when a plea deadline has been set. As a result, Arizona now has a unique rule that protects defendants' Sixth Amendment right to counsel in the face of a plea cutoff that is reasonable, clear and fair to all parties.

## Interpreter Issues

Public Defender Jim Haas was appointed by the Supreme Court to serve on a committee to study



interpreter issues. Specifically, the committee studied the chronic problems associated with the need for Spanish-speaking interpreters. Mr. Haas served as Chair of the Committee's Rules/Statutes Subcommittee. The Committee recommended that the Supreme Court create a certification program for interpreters, with specified training, testing, monitoring and a code of ethics. The Committee presented its findings and recommendations to the Arizona Judicial Council (AJC). The AJC adopted the recommendations, but put implementation on hold pending adequate funding.

## **Rule 11 Litigation**

The Office established a Rule 11 (does the reader know what Rule 11 is) litigation team to draw attention to focus on reducing the delay occurring between the court order (which court order? the order requiring Rx?) and the initiation of the restoration treatment for those defendants found incompetent but restorable. The team will focus on finding legal remedies for the harm caused by the delay to those Rule 11 defendants waiting in jail.

## **Student Loan Forgiveness**

In April 2004, as part of the American Council of Chief Defenders' annual effort to persuade Congress to enact federal legislation giving student loan relief to prosecutors and public defenders, Public Defender Jim Haas traveled to Washington DC. He, along with more than 30 chief public defenders from throughout the country attended training on lobbying on Capital Hill and then spent a day meeting with their legislators. Mr. Haas met with most of the Arizona delegation or their senior staff, urging support for two related bills that were pending. While it appears that neither bill will pass this year, Mr. Haas remains confident that the bills will be resurrected in future legislative sessions.

## **Keeping the Record**

The Supreme Court formed the Keeping the Record Committee, which is studying technological methods of keeping the record of court proceedings and the legal barriers that prevent courts from using them. Public Defender Jim Haas was appointed by the Supreme Court to serve on the Committee and his work in that capacity is on-going.

# ORGANIZATIONAL ACCOMPLISHMENTS

Organizational challenges abound for any agency. The Public Defender's Office is no exception and this year staff continued to focus attention on several key improvement areas. The organizational accomplishments outlined in this section involve efforts that are a continuation of those started in previous years and actions that arose as a direct result of previous efforts. Staff remain committed to seeking all possible means of ensuring the Office provides effective and efficient legal representation to indigent clients.

## **Cost Per Case and Caseloads**

The Public Defender's Office has an on-going goal to maintain cost effectiveness by limiting the percentage of increase in the annual cost per case to no more than the percentage of increase in the overall annual funding of the County's justice group. This goal was met for FY03 when the County's justice group adopted budgets increased 6.3% from FY02 and PD cost per net case assignment actually decreased 9.0%. Through substantial efforts towards system efficiency and improved resource/staff allocation, the Public Defender's Office has managed to absorb a significant increase in the average annual caseload-per-attorney over the last eight years (over a 40% increase). The average net

annual caseload-per-attorney was 170.76 in FY96, and reached 241.1 by the end of FY04. During FY04, however, the Office reached the limit of caseload absorption using existing staff. In FY04, workload difficulties necessitated a reduction in caseload per attorney. Unfortunately, combined with increasing benefit costs for staff, the result was a 4.63% increase in cost per net case assignment from FY03 to FY04. The justice system saw only a 2.1% increase over that same time period resulting in the Office falling short of our goal. On a positive note, however, with newly funded positions, it is expected that while case assignments to the Office will increase, caseloads will decrease to more manageable and ethically acceptable levels in the coming year and that the FY05 cost per case will drop.

## **Case Weighting Study/Implementation**

In April 2003, we attained an Office goal that had been recommended by consultants since 1993 by completing a case weighting study. The study greatly improved the measurement and tracking of workloads and the process of determining appropriate staffing. In FY04, we successfully implemented case weighting recommendations into our statistics, the new County MfR processes



and our budget models. The statistical abstracts included in this FY04 Annual Report reflect our first reporting of data using the implemented methods and formats.

## **Reduction of Conflict Withdrawals**

The Office significantly reduced the number of case withdrawals based on ethical conflicts of interest. Attorneys were filing motions to withdraw in cases where there was a possible conflict, without following the Office's policy of first determining whether there was a real conflict. This was being done because of workload overload, but masked the real problem and diminished the usefulness of our case weighting study and implementation. We communicated the importance of following our conflict policy to our broader goals and directed our supervisors to enforce the policy. As a result, conflict withdrawals were reduced substantially.

## **PROJECT RESTORE**

The Office plans to create a comprehensive informational packet in English and Spanish describing the process for the restoration of civil rights that clients lose as a result of criminal convictions. The packet will contain a description of the process and the steps necessary to expunge a criminal record. The long-term goal of this effort is to provide assistance to the public through foundational material and on-site educational events.

This year, the Office partnered with the Commission on Minorities of the Arizona Supreme Court, the Youth and Family Workgroup of the Building Blocks project, the Clerk of Maricopa County Superior Court, and the Maricopa County Attorney's Office to provide an opportunity for citizens to restore civil rights, set aside adjudications and convictions and, in the case of minors, destroy juvenile court records. The project initially focuses on individuals with juvenile records. The State Bar's Youth and Family Workgroup agreed to incorporate the program into a future open house at the Cartwright School.

# EMPLOYEE RECOGNITION

The Office was proud to learn that Margaret Morse, an attorney assigned to our Juvenile Division in the Southeast Valley, received recognition by the State Bar of Arizona in a writing competition. Ms. Morse was one of five authors to win the recognition in the State Bar sponsored event. The Office, as the State Bar did in their February 2004 issue of *Arizona Attorney*, lets Ms. Morse's words speak for themselves.

## **TIGER LADY** **By Margaret Morse**

I knew it was going to be a bad day when I snagged my panty hose on the cheap desk the office provides. Sighing and rolling my eyes, I hurried to one of the restroom cubicles and began contorting myself into a new pair. Just as I had the hose pulled up to my knees, the outer door slammed open and two women burst in, giggling loudly. With a slap of her hand on the sink, one of them gasped, "I thought I would die when I heard Kyle say that Maxine was going to be training that new lawyer."

I could hear one of them brushing her long hair; then another voice snickered, "It doesn't seem fair to have a baby lawyer eaten alive by the tiger lady." Laughing uproariously, they hurried out of the restroom.

I sat down on the toilet seat, letting the panty hose slip to my ankles. Tiger lady? Me? Brave courtroom fighter, okay, but not a wild beast eating the other people in my office. How could they say that about me? Those clerks were probably mad because I made them set up the files the right way. I yanked up the panty hose and thought how much fun it would be to freak out them by being Ms. Smiley Face all day. Maybe I would just spend the whole day being sickeningly sweet to see how people reacted.

But first I would let Kyle my supervisor know what I thought of him dumping some silly baby lawyer on me. I was in a hurry, because court was starting soon, so I may have stomped as I blew into his office. Kyle, a balding man whose forehead seemed perpetually wrinkled, braced his hands on his desk when I demanded, "Kyle, what's this about me sticking me with some baby lawyer?"

Kyle pushed his chair back and raised his sandy brows, his ruddy face becoming a deeper red. "Don't you remember you put mentoring as one of the goals in your evaluation?" I let my arms fall to my sides and stared at Kyle, totally amazed that my evaluation could be used against me like that. But—a good trial lawyer twists bad facts to serve her cause. I would just practice my nice image on Kyle. I sat down lightly, took a deep breath, and smiled, "Sure, that's right, do you have any ideas about interacting with him?"

Kyle, watching me carefully, shoved some files around his desk, found a pen, and started chewing energetically on it, removing it to say quickly, "Uh, yeah, well, I thought maybe Josh could just go with you to Salazar's court. Let him watch you. Unless, you mind?" He looked at the pen—I could see deep ridges from his teeth grinding on it.

I leaned forward, still smiling, "I'm looking forward to it. Mentoring will help me grow."

As I got up to go, I could see him pull some antacid tablets from a desk drawer.

Okay, my next step would be image enhancement by starting some gossip about the new me, the bland nice me. Being a trial lawyer is kind of like being an actor; I could pull it off. Entering the secretaries' room, I disciplined myself to walk in slowly, my arms swinging at my side.

I spread my lips in a big smile and called out, "Good morning, has anyone seen Josh? He's shadowing me in Salazar today."

My secretary, Bernice, pushed a button to forward a call, tapped a key on her computer, stapled some papers, and shrugged at me, "I don't know where he is now, but I saw him at the



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coffee shop downstairs downing a double espresso when I came in.”

Rita, a thin pinched face woman, hissed, “I think he’s in your office looking at files.”

My heart started racing and I could feel my hands clench, but I kept smiling at them, determined to be so relentlessly perky that they would notice and start gossiping about the new me. “Sounds like he’s a real go-getter. Have a nice day.”

I hurried down the hall, wondering how I could be pleasant to this snoopy little twit who was rummaging through my files. I strode into my office, and there he was, seated in the client’s chair, thumbing through a file, shaking his head, his wide generous lips just curved a little up. He had shaggy brown hair, drooping over his tanned forehead, and when he got up and moved up to me, I saw he had wide blue eyes. He held out a hand, “Josh Slater.”

I smiled back, my face muscles aching from being cheery, and took his hand, shaking it firmly so he could feel my grip. “Maxine Reeder. I see you’re already familiarizing yourself with the files.”

He sat down and patted the mound of files. “Maxine, your notes are awesome; the other attorneys’ comments are just totally lacking.”

That made me suspicious. What was his agenda? Gently slipping the file mound to my side of the desk, I sat down in my chair and started putting them in the correct order, making sure my notes were on top. I racked my brain for something pleasant to say. “Are you from California?”

He leaned back, putting his hands behind his head, “Raised in L.A. Went to Great Western. In serious great debt.”

Great Western is a really expensive law school. I wondered why he was working at a public defender’s office; he should be able to get a real job at some big firm.

I checked the court calendar against the stack of files once more to make sure all was in order. “Let’s go. What did you think of Eddie Kramer’s file?”

He got up, his lanky form unfolding easily from the chair, tucked in his blue shirt, and shrugged into an expensive tweed jacket. “I was totally in tune

with your constitutional issues. The cops way overreacted.”

I marched down the hall, pulling the files behind me in a cart. “Yeah, but the plea deal is for four years. He does twenty-five flat—no parole—if he goes to trial. He won’t listen to me about a plea. I’ve tried every logical argument I can think of.”

I swung open the door and drew the files close to me, letting my little protégé follow. He strolled through, then started ahead of me, drawling, “Listening isn’t always really hearing.”

I gritted my teeth and walked faster so I could get ahead of him. What did he mean by that? I never before realized how hard it was to pretend to be nice. “Today’s the drop dead date for him to take the plea. If he says no today, it’s a trial and twenty-five years without parole if we lose the motions.”

I turned to look at the kid, but he reached ahead of me, opening the next door, raising his brows as he murmured, “Perhaps a different dialectic would help?”

I followed after him, feeling a headache starting from grinding my teeth. I tried to remember what dialectic meant. I suppose he meant some conversation with the client where he played the genial defense attorney and doubtless I was the witch.

As soon as we got to Salazar’s courtroom, I started briefing the out of custody clients, the kid watching me with a friendly, interested look. I could feel my face scrunching up into a frown and tried to take a deep breath, but that just made my heart rate speed up. After a couple of cases, I handed him an easy file and watched him charm the client, a young woman thinned by drugs to stick figure arms and legs. She was thrilled to get off with a fine. Gritting my teeth, I smiled at him, “Good job, Josh, nice rapport with—”

A young woman carrying a clipboard hurried up to us, “Um, Maxine, do you think you could possibly tell me when you’ll be ready to start? Judge Salazar has a jury coming in at 10.” She backed up as she finished talking but then stopped dead when she saw the kid and gave him a silly grin.

I tapped her clipboard with my pen, making her jump, “I’ve just got Eddie Kramer. Only a minute.” Grabbing Eddie’s file from the stack, I told the kid,

# EMPLOYEE RECOGNITION

"I'm going to give him one last chance to be reasonable."

I leaned across the jury box towards Eddie, a skinny guy with a wispy goatee mustache and black tattoos snaking around his arms. As soon as he saw me, he said in a rush, "I got another motion for you to file. The State can't use any stuff they hide from me, right? So you file this motion—"

"I already filed that motion, Eddie. Today's your last chance to take the State's deal. If you say you're going to trial today, you get twenty-five flat if we lose the motions and you get convicted. The State's deal—"

"Man, I told you I ain't doin' that time." He flourished his legal papers with his manacled hands—"The judge has got to—"

Smack went the gavel—"Honorable Anthony Salazar now in session."

Salazar slipped into the courtroom, dropped lightly onto his chair, flicked on the mike, and called the first case. After I did my files, I signaled to Eddie's prosecutor, a jolly looking plump woman named Susan Stanford, to meet me in the hall. The kid went ahead, holding the doors open for Susan. The minute she got in the hall, her cell phone went off, and she wandered away, yelling, "What? What? No!"

The kid leaned against the wall and looked at Susan, who was still shouting at her phone, and asked, "Now you psych her out?"

Normally, Susan and I would have a good shouting match with me trying to get more time for Eddie to accept the plea by reminding her of all the motions she would lose. But today I was working on my nice image. "No, I use logic."

When Susan got back to us, frowning at her phone, I told her quietly, "Susan, you know Eddie's case has some great motions we're likely to prevail on. Give Eddie three years and we have a deal."

Susan barely looked at me, being busy jabbing buttons on her phone, "I know Salazar—he'll give you one motion, but not all. Today. Four years. Nothing better. I only gave him such a good deal to keep you from ripping my throat out. He has a terrible record!" She slammed back into the courtroom, and I followed, my lips pursed, deciding I

would try the kid's idea of giving Eddie the old one-two approach, but Salazar called the case as I came in. I felt a sneaking relief I wouldn't have to try the baby lawyer's idea.

But before Eddie could shamble over in his shackles, Salazar sighed and waved us back, saying he was taking a recess to deal with a conference call in his chambers. I walked over to Eddie and said in a very calm voice, "Eddie, there's some great issues in your case, but unless we win all of the motions, you'll do a really long time in prison—twenty-five years! With credit for time served, you'll be out in three if you take the plea to four years. The County Attorney says no more extensions. If you say no today, the deal is gone for good."

Eddie didn't even answer; he just glared at his handcuffed hands. I waved the kid over and told Eddie, "Mr. Slater has some good ideas about your case. He's working with me."

I didn't give the kid any warning about talking to Eddie, but I figured trial attorneys have to learn to think on their feet.

The kid walked over and held out his hand to Eddie, "Mr. Kramer, I'm Josh Slater."

It was awkward with the cuffs, but Eddie managed to lift his hands and shake with the kid. The next thing the kid did was to go into the jury box and sit down next to Eddie.

"Hey, man, is that nice looking red-haired lady here for you?" He pointed at a plump woman with improbable copper colored hair wearing bright tight clothes who had been waving at Eddie and blowing kisses ever since the judge left the courtroom. Eddie nodded and flapped his hands at her.

The kid shook his head and sighed. "Think of it, man. In less than four years, you can be with her again." He gestured airily. "You're walking out of prison and down the street with her."

Eddie hunched his shoulders and sighed.

The kid gestured at the redhead, and she smirked fiercely at Eddie. "Hey, man, don't make her wait for you for twenty five years. Don't ruin her life. Think how happy she'll be if you can be with her in just about three years."



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I thought that was about the stupidest argument I ever heard.

Eddie gestured upward with his hands. "I got no more chances with the plea deal after today?"

My heart picked up speed; he was actually considering the plea! I froze in place.

The kid leaned back in his chair and nodded at the redhead. "Today, you can guarantee you'll be with your family in less than four years."

Eddie turned to the kid, "Can I see a copy of the plea?"

As if I hadn't shown it to him every time I saw him. I pulled it out of the file and handed it to the kid, who passed it on to Eddie.

Eddie squinted at it and then told the kid, "Ask Michelle should I take the plea."

Like the redhead had a law degree. The kid talked to her briefly, then came back to Eddie, "She says it's your best shot."

Eddie held the plea up and showed it to the redhead, who nodded energetically, causing her hair and her breasts to jiggle. The kid handed Eddie a pen, and without another word Eddie signed and initialed everything just like the pro he was. It was that easy. I guess you never learn. I thumbed through the file and looked at the letters I had written to Eddie trying to talk him into the plea. Not to mention the number of times I had yelled at him for being an idiot.

Salazar bustled in then, and I handed the kid the file, "Here, you do the plea with Eddie."

The kid blinked and raised his eyebrows, but went with Eddie to stand in front of the judge. When he had finished the legal stuff, Salazar leaned back and nodded at Eddie, "Mr. Kramer, familiar as I am with your case, let me just say your lawyer got you a really good deal." He pointed at the kid, who beamed at him and Eddie.

I could feel the blood rushing up my neck and knew my face was turning red, but I kept a half smile in place. They seemed to be forgetting the lawyer who had really wrestled the plea out of the prosecutor, but I realized a good sport would rise above all that and be gracious to the kid. Okay, I would finish my job of being nice by giving the kid a compliment even if it killed me.

As we walked back to the office, I tried to get out the positive reinforcement: "So, what made you appeal to Eddie's soft side?"

Josh turned towards me, his hands in his pockets, and shrugged, "Eddie had all the right reasoning from you, so I gave him the emotional boost he needed."

I frowned. It felt good to stop smiling. "So lust is an emotion?"

Josh held the door open for me, "For Eddie, Michelle is the white goddess and a hot mama."

I threw Eddie's file on my desk with a thud. Okay, I would try once more to praise him. "At least Eddie fell for your approach." This positive feedback was tougher than I realized.

Josh picked up the file and thumbed through it, shaking his head and half smiling.

I decided to say something sincere to the kid. "Meet me downstairs for coffee in five minutes." It was sincere because I really wanted some strong hot coffee.

I hurried down the hall, my head throbbing from frustration and my jaws aching from the unaccustomed smiling. I had one more nice image projection.

When I got to Kyle's office, I leaned against the door and curled my lips up, but couldn't put any teeth into the smile. Kyle pushed his chair back—I wished he would stop doing that—I had never eaten him alive.

"Well, I brought my little protégé back in one piece."

Kyle chuckled and began reaching for a roll of antacids.

"In fact, he did so well, I'd like to use him as a second chair for a special case."

Kyle popped three white pills in his mouth and looked at me with wide open brown eyes. "Sure, Maxy, glad it worked out." He was chugging water as I left.

All by myself in the elevator, heading down to the coffee shop, I realized I had been nice for about three whole hours. That was enough. Before I got out, I punched the buttons for all nine floors, just so I could mess with people's lives. Striding along the hall, I mentally sorted through my cases for a suitably challenging one for my charming protégé. For the first time that day, I could feel a real smile coming.

# TRAINING ACTIVITIES

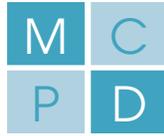
The Office remains committed to operating one of the premier public defender training programs in the country. Operating funds for the program are generated entirely from monies collected through a time-payment assessment imposed on people who pay court-ordered fees and, therefore, the program creates no tax burden on Maricopa County taxpayers. Substantive, job-specific educational opportunities are afforded to staff using training funds. Training of the quality offered enhances employees' skills to perform their responsibilities and provides staff with needed tools to carry out their duties.

This fiscal year, the Office conducted approximately five new attorney training sessions. Approximately thirty-two attorneys went through our intensive, weeks-long new attorney training program. In addition, the Office conducted five new employee orientation sessions. Forty-five new employees went through the four-day program.

This year, training staff tried something a little different by consolidating the initial sessions of the attorney and support staff orientations. In the past, similar information was presented to both groups during the orientation or training scheduled exclusively for their group. Instead, when schedules permit, attorneys

now participate alongside support staff during the initial four-day orientation. All new employees are welcomed by the Public Defender. The Public Defender Administrator, administration personnel, various supervisors, and others now present snapshots of the various areas and processes common to both attorneys and support staff just once during the first days of employment, which is a more efficient use of staff time. At the conclusion of the four-day orientation, attorney specific training continues for additional weeks with those sessions specific to attorneys. At the same time, we also continued to provide training to new attorneys and staff from other Maricopa County criminal justice offices and other Arizona county public defense offices.

The Office maintains our commitment to encouraging employees to better themselves by taking part in educational opportunities offered in-house, by the County or outside sponsors. Staff development is an important component of our training efforts and, in that regard, the Office sponsored (or co-sponsored) ten training events this year. During the year, staff participated in the training sessions and cultural experiences detailed in the sidebar. We recorded 1,265 attendees to the seminars listed. In addition, one hundred six



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employees registered for training classes offered by the County OP&T and another fourteen employees took advantage of the County's tuition reimbursement benefit.

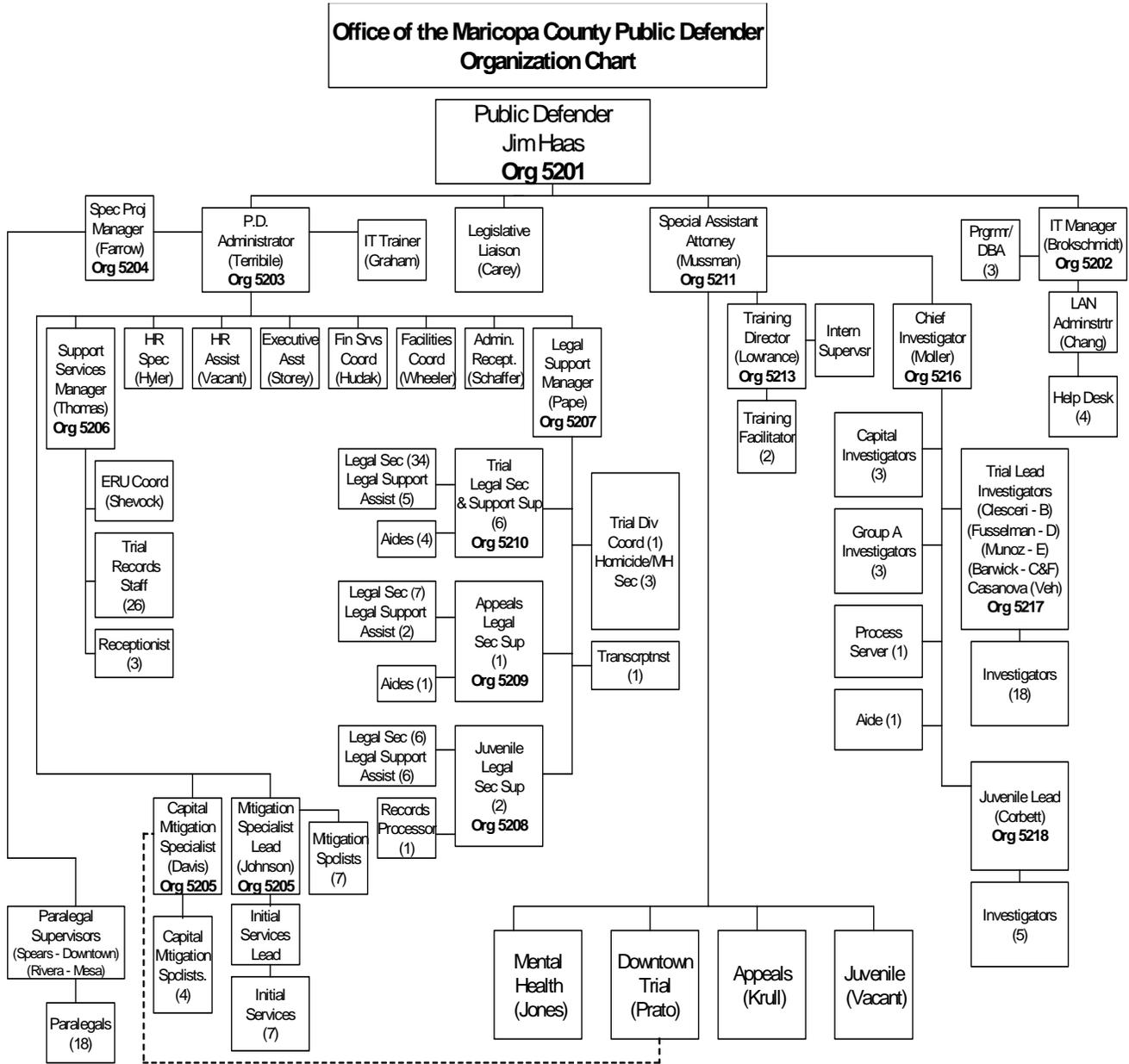
The Public Defender Training Fund also provided seventy-five opportunities for staff to receive training sponsored by organizations other than the County.

Employees that benefited from these opportunities included attorneys, paralegals, investigators, mitigation specialists, and other support/administrative staff. Of these opportunities, twenty-one required out-of-state travel and five required in-state travel.

| Title of Conference/Training            | Date(s)              | Topic   | # of attendees |
|---|----------------------|---|----------------|
| Blood Test Discovery                    | July 18, 2003        | How to read and understand blood test discovery           | 15             |
| Special Actions                         | August 15, 2003      | How to prepare special actions                            | 14             |
| Professionalism                         | October 17, 2003     | Required professionalism                                  | 6              |
| Death Penalty 03                        | December 4 & 5, 2003 | Current death penalty issues                              | 175            |
| Public Speaking I                       | February 11, 2004    | Public speaking techniques                                | 5              |
| Mitigation Brown Bag                    | February 20, 2004    | Developing mitigation for lawyers & other professionals   | 47             |
| Trial College                           | March 17-19, 2004    | Trial skills  | 35             |
| DUI-Vehicular Case Management Brown Bag | March 26, 2004       | Overview of accident investigation & DUI case preparation | 48             |
| Legislative Process Brown Bag           | April 2 & 9, 2004    | How a bill becomes law                                    | 18             |
| Appeals Seminar                         | April 16, 2004       | Various topics regarding making a record                  | 96             |
| Capital Jury Selection*                 | April 23, 2004       | Voir dire for capital jury trials                         | 92             |
| New Treatment Programs at DOC           | April 28, 2004       | Treatment programs @ DOC                                  | 37             |
| Sex Offender Assessment & Treatment     | June 11 & 18, 2004   | Probation supervision                                     | 24             |
| APDA Conference*                        | June 23-25, 2004     | Various   | 653            |

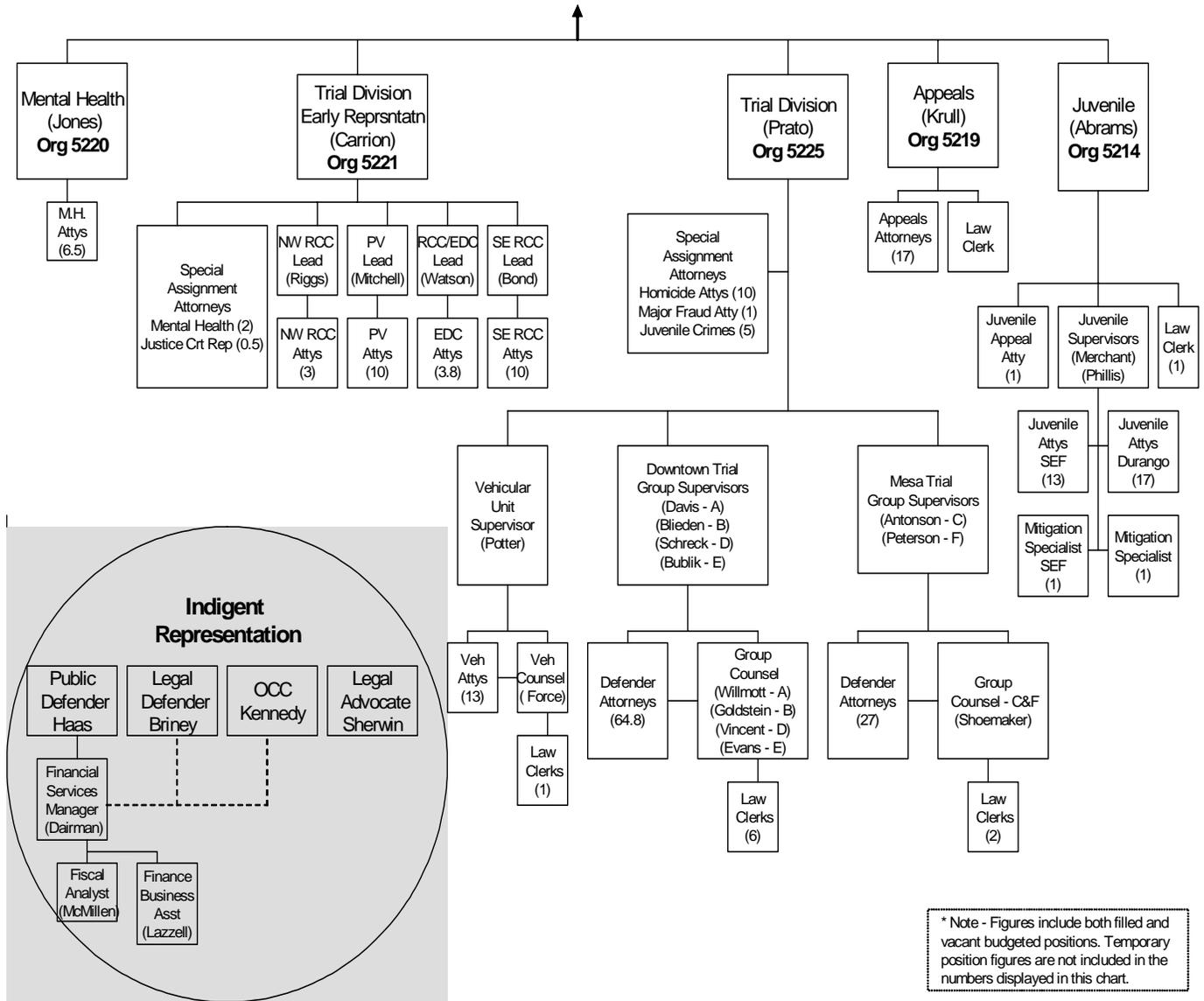
\* Denotes event was co-sponsored by the Office and another organization

# ORGANIZATIONAL CHART





# FY04 Annual Report



# BUDGET ABSTRACT

## MARICOPA COUNTY PUBLIC DEFENDER'S OFFICE BUDGET

7/1/03 THROUGH 6/30/04

| <b>ACCOUNT</b>                              | <b>EXPENDITURES</b>  |
|---|----------------------|
| SALARIES & BENEFITS                         | 26,088,601.89        |
| GENERAL SUPPLIES                            | 390,694.64           |
| FUEL  | 12,857.59            |
| NON-CAPITAL EQUIPMENT                       | 7,206.20             |
| LEGAL SERVICES                              | 1,674,738.71         |
| OTHER SERVICES                              | 144,715.9            |
| OPERATING LEASES AND RENTS                  | 1,937,047.20         |
| REPAIRS AND MAINTENANCE                     | 24,878.72            |
| INTERNAL SERVICE CHARGES                    | 64,885.20            |
| TRAVEL AND EDUCATION                        | 267,855.03           |
| POSTAGE/FREIGHT/SHIPPING                    | 33,301.91            |
| INTEREST EXPENSE (FTG Special Revenue Fund) | 668.31               |
| VEHICLES                                    | 17,143.78            |
| DEBT SERVICES (Technology Financing)        | 85,226.78            |
| <b>TOTAL EXPENDITURES</b>                   | <b>30,749,821.86</b> |

| <b>APPROPRIATIONS</b>             | <b>AMOUNT</b>     |
|-----------------------------------|-------------------|
| GENERAL FUNDS                     | 29,065,077        |
| TRAINING SPECIAL REVENUE FUND     | 330,808           |
| FILL THE GAP SPECIAL REVENUE FUND | 1,164,788         |
| DEA GRANT                         | 397,974           |
| <b>TOTAL APPROPRIATIONS</b>       | <b>30,958,647</b> |

### Budget Surplus

During FY04, the Public Defender's Office reduced spending to the extent that it did not negatively impact operations or the quality of legal services provided by the Office. The majority of savings generated came from supplies and services for discretionary supplies, furniture, and equipment. These cut backs allowed the department to return nearly \$1.3 million of general fund monies for use towards budgetary over-runs in the Office of Contract Counsel.



## Budgeting and Managing for Results

In the summer and fall of 2000, Maricopa County began to implement Managing for Results (MfR) – a fully integrated management system focused on results – by encouraging departments to develop departmental strategic plans. Plans were designed to integrate planning with budgeting and performance measurement. The goal for departments was to develop high quality strategic plans that managers could use to help them manage their resources. It was also an effort to move toward performance-based budgeting and the integration of results-oriented performance indicators.

By the fall of 2001, the Public Defender’s Office completed our first strategic planning document. The comprehensive planning methodology of MfR and the Office’s strategic plan support future:

- Creation of strategic goals that link to programs;
- Use of measure to track performance, support operational improvement, and inform resource allocation decisions; and
- Communication of goals and progress to employees and the public.

Following approval of the strategic planning document by a high level corporate review team, the Office began reporting performance measurement data along with commentary on progress on a quarterly basis. During the FY03 budget preparation process, the Office allocated the recommended budget by programs and activities defined within the departmental strategic plan, setting the stage for budgeting for results in FY04.

The MfR processes resulted in a dramatic change in the way the Office reports statistical data and measures performance. The statistical data reported in this annual report is the first of its kind for the Office. The data presented in the following section represents the results of MfR management practices and cannot be compared to data reported in previous years. Instead, the data is a new, additional tool created through the efforts of many to allow the Office to make sound business decisions and achieve departmental goals.

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**STATISTICAL ABSTRACT TABLE/CHART**

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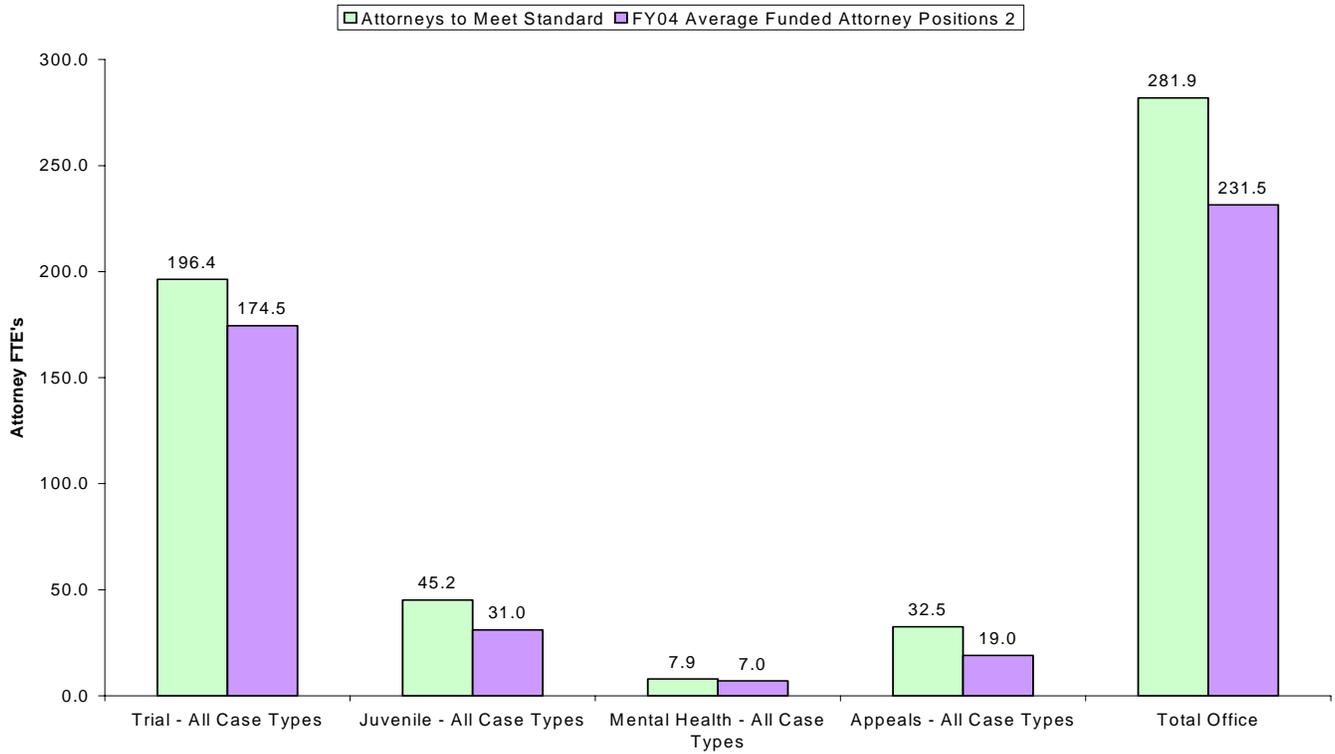
## ALL DIVISIONS

| Activity and Program Allocations Based on Case Assignments |               |                         |              |                            |
|--|---------------|-------------------------|--------------|----------------------------|
| Case Type  | FY04 YTD      | FY04 Current Projection | Standard     | Attorneys to Meet Standard |
| Capital  | 12            | 12                      | 2.1          | 5.7                        |
| All other Homicide   | 143           | 143                     | 11.4         | 12.5                       |
| <i>Non-DUI Attorneys</i>                                   |               | 71                      | 11.4         | 6.2                        |
| <i>DUI Unit</i>  |               | 72                      | 11.4         | 6.3                        |
| Class 2-3 Felony   | 5,859         | 5,859                   | 70.0         | 83.7                       |
| <i>Class 2 &amp; 3 in RCC/EDC</i>                          | 258           | 258                     | 184.3        | 1.4                        |
| <i>Class 2 &amp; 3 not RCC/EDC</i>                         | 5,601         | 5,601                   | 65.5         | 85.5                       |
| <i>Non-DUI Class 2 &amp; 3 not RCC/EDC</i>                 |               | 5,470                   | 65.5         | 83.5                       |
| <i>DUI Class 2 &amp; 3 not RCC/EDC</i>                     |               | 131                     | 65.5         | 2.0                        |
| DUI  | 2,816         | 2,816                   | 187.2        | 15.0                       |
| <i>DUI in RCC/EDC</i>                                      | 136           | 136                     | 432.0        | 0.3                        |
| <i>DUI not RCC/EDC</i>                                     | 2,680         | 2,680                   | 129.0        | 20.8                       |
| Class 4-6 Felony   | 15,891        | 15,891                  | 313.8        | 50.6                       |
| <i>Class 4-6 Felony in RCC/EDC</i>                         | 7,396         | 7,396                   | 532.6        | 13.9                       |
| <i>Class 4-6 Felony not RCC/EDC</i>                        | 8,495         | 8,495                   | 152.6        | 55.7                       |
| Violation of Probation                                     | 16,104        | 16,104                  | 1004.0       | 16.0                       |
| Misdemeanor  | 5,168         | 5,168                   | 407.6        | 12.7                       |
| <i>Misdemeanor by ERU Attorneys</i>                        | 2,584         | 2,584                   | 407.6        | 6.3                        |
| <i>Misdemeanor by non-ERU Attorneys</i>                    | 2,584         | 2,584                   | 407.6        | 6.3                        |
| <b>Trial Division Total</b>                                | <b>70,559</b> | <b>46,136</b>           | <b>N/A</b>   | <b>196.4</b>               |
| Juvenile Felony  | 3,005         | 3,005                   | 144.9        | 20.7                       |
| Juvenile Misdemeanor and Incurrigibility                   | 4,962         | 4,962                   | 278.6        | 17.8                       |
| Juvenile Violation of Probation                            | 2,385         | 2,385                   | 360.1        | 6.6                        |
| <b>Juvenile Division Total</b>                             | <b>10,352</b> | <b>10,352</b>           | <b>N/A</b>   | <b>45.2</b>                |
| <b>Mental Health</b>                                       | <b>2,203</b>  | <b>2,203</b>            | <b>278.6</b> | <b>7.9</b>                 |
| Non-Capital Appeals  | 310           | 310                     | 24.0         | 12.9                       |
| Capital Appeals  | 6             | 6                       | 2.0          | 3.0                        |
| <b>All Criminal Appeals</b>                                | <b>316</b>    | <b>316</b>              |              | <b>15.9</b>                |
| Plea PCR (Appeal/PCR)                                      | 958           | 958                     | 240.0        | 4.0                        |
| Trial PCR (PCR)  | 185           | 185                     | 18.0         | 10.3                       |
| Juvenile Appeal  | 82            | 82                      | 36.0         | 2.3                        |
| <b>Appeals Division Total</b>                              | <b>1,541</b>  | <b>1,541</b>            | <b>294.0</b> | <b>32.5</b>                |
| <b>Total of Above</b>                                      | <b>84,655</b> | <b>60,232</b>           | <b>N/A</b>   | <b>281.9</b>               |



## ALL DIVISIONS

Division Totals Needed Vs. Funded Attorney Positions



## Case Assignment History

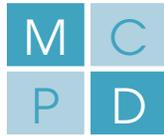
### History of Cases Assigned by Spangenberg Categories FY01-FY04 Cases Assigned<sup>1</sup>

| Case Type                                    | FY01          | FY02          | FY03          | FY04          |
|--|---------------|---------------|---------------|---------------|
| Capital <sup>2</sup>                         | 0             | 0             | 12            | 12            |
| All other Homicide                           | 122           | 143           | 115           | 143           |
| Class 2-3 Felony                             | 5,695         | 5,875         | 6,017         | 5,859         |
| DUI  | 2,238         | 2,513         | 2,736         | 2,816         |
| Class 4-6 Felony                             | 11,118        | 11,965        | 15,221        | 15,891        |
| Violation of Probation                       | 13,294        | 14,934        | 14,951        | 16,104        |
| Misdemeanor                                  | 4,170         | 5,177         | 4,906         | 5,168         |
| <b>Trial Division Total</b>                  | <b>36,637</b> | <b>40,607</b> | <b>43,958</b> | <b>45,993</b> |
| Juvenile Felony                              | 3,013         | 2,936         | 2,813         | 3,005         |
| Juvenile Misdemeanor and Incurrigibility     | 4,435         | 4,054         | 3,909         | 4,962         |
| Juvenile Violation of Probation <sup>3</sup> | 2,773         | 2,718         | 2,722         | 2,385         |
| <b>Juvenile Division Total</b>               | <b>10,221</b> | <b>9,708</b>  | <b>9,444</b>  | <b>10,352</b> |
| <b>Mental Health Total</b>                   | <b>1,690</b>  | <b>1,772</b>  | <b>2,164</b>  | <b>2,203</b>  |
| Appeals (includes Capital)                   | 489           | 448           | 450           | 316           |
| Plea PCR (Appeal PCR)                        | 770           | 1,251         | 1,269         | 958           |
| Trial PCR (PCR)                              | 266           | 256           | 269           | 185           |
| Juvenile Appeal                              | 127           | 86            | 67            | 82            |
| <b>Appeals Division Total</b>                | <b>1,652</b>  | <b>2,041</b>  | <b>2,055</b>  | <b>1,541</b>  |
| <b>Total of Above</b>                        | <b>50,200</b> | <b>54,128</b> | <b>57,621</b> | <b>60,089</b> |

<sup>1</sup> Calculated as total cases opened during the time period, minus cases closed during the time period with the following dispositions: no complaint, administrative transfer, and workload withdrawal cases).

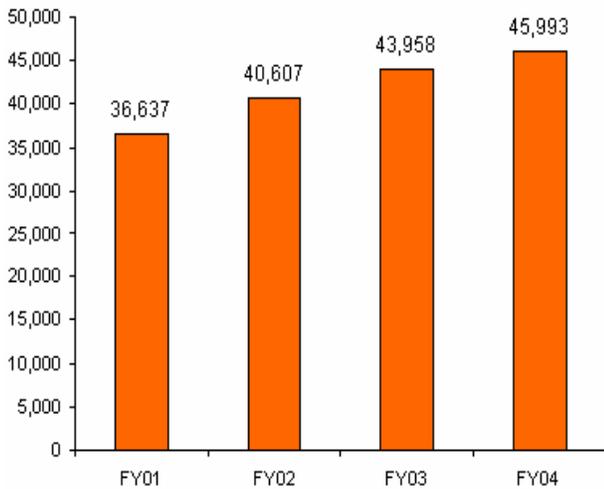
<sup>2</sup>Until FY03, Capital cases were not tracked separately from other Murder 1 Cases.

<sup>3</sup>Juvenile violation of probation information is not available for dispositions of conflict withdrawal or retention of private counsel for FY01. It is estimated, the missing data would result in approximately 83 cases (3% of total opened). That number has been used to "normalize" the data for comparative purposes.

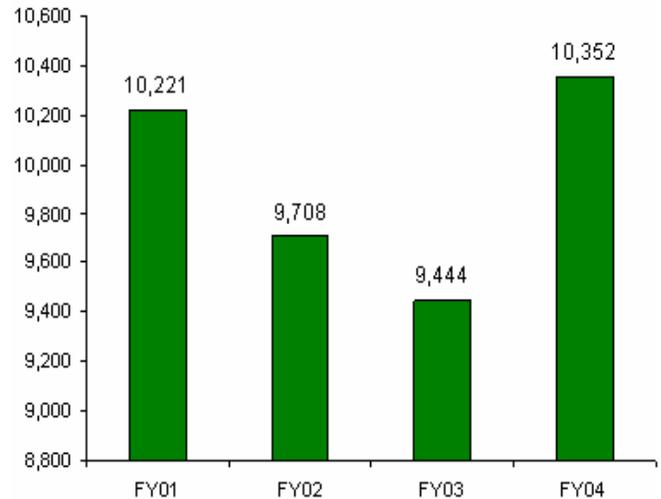


## Case Assignments by Division

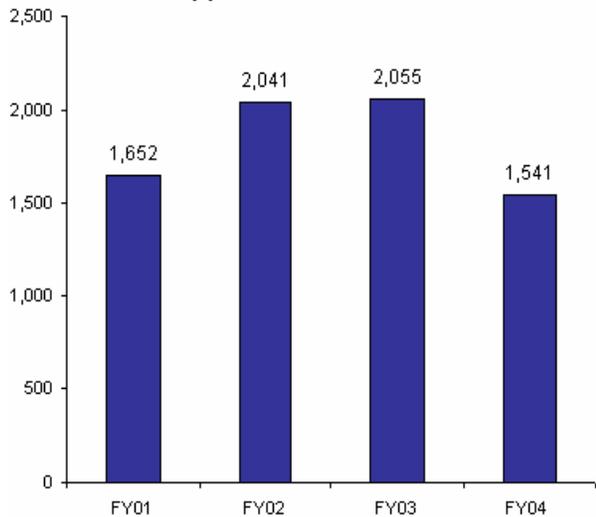
### Trial Division Total



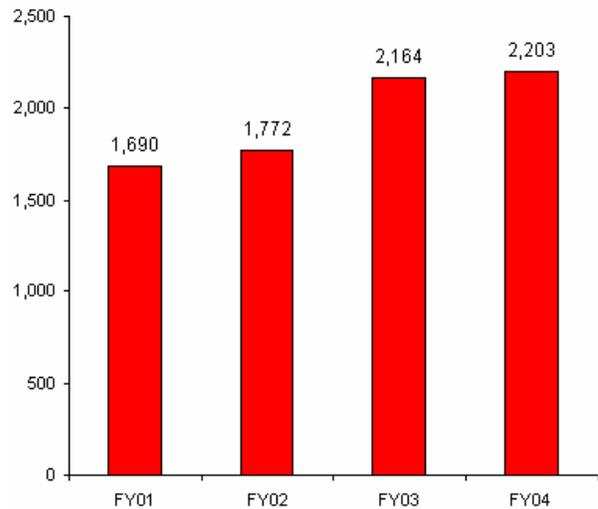
### Juvenile Division Total



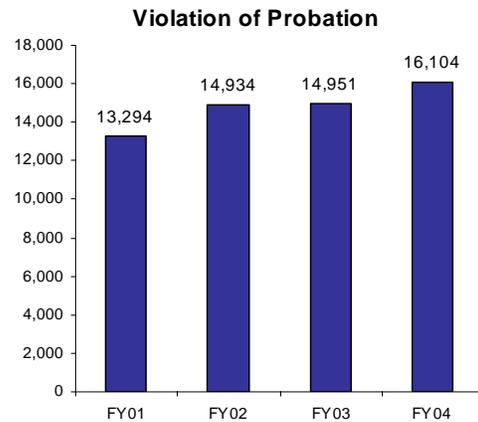
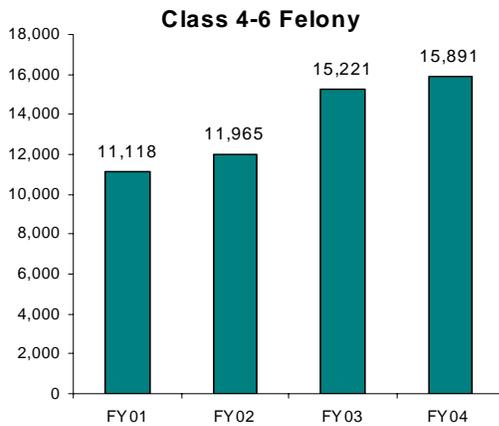
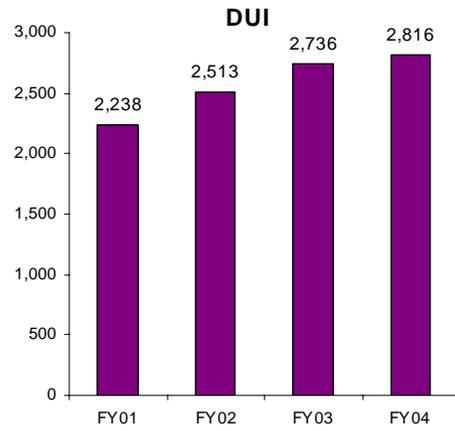
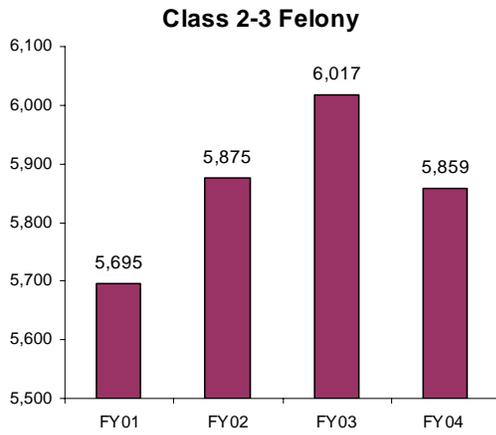
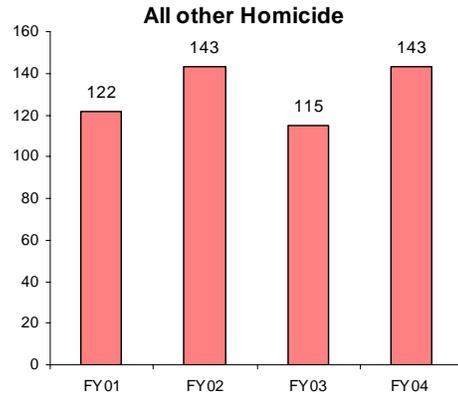
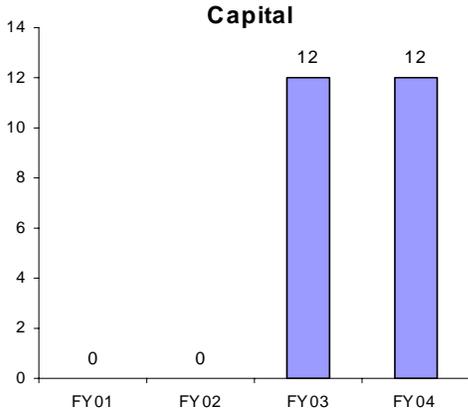
### Appeals Division Total



### Mental Health Total

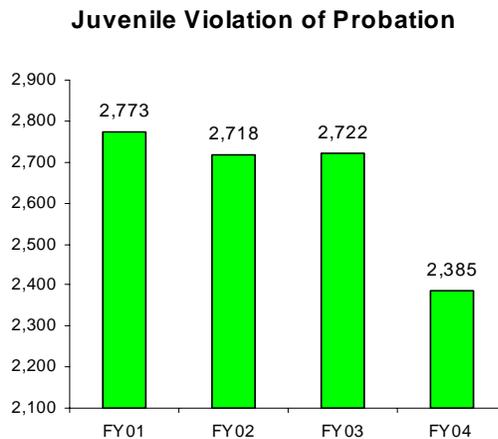
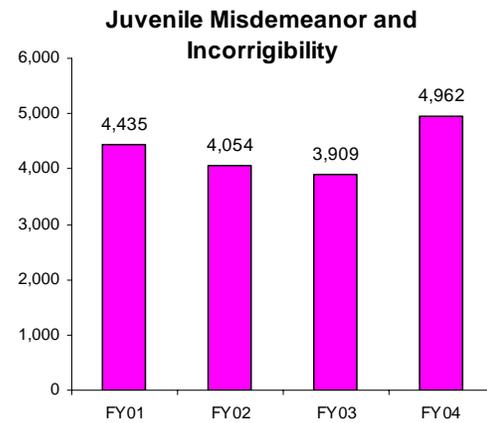
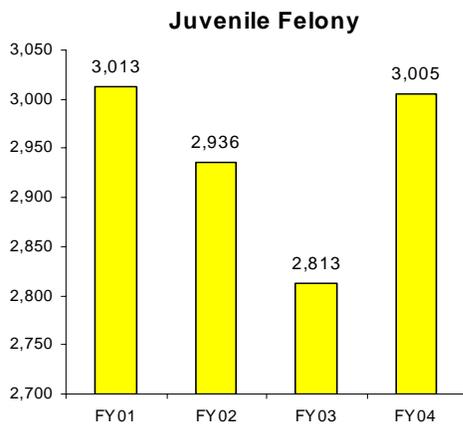
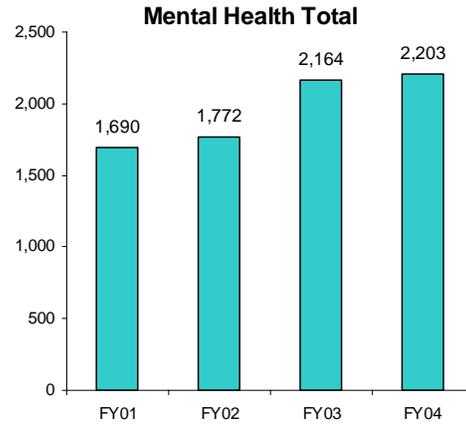
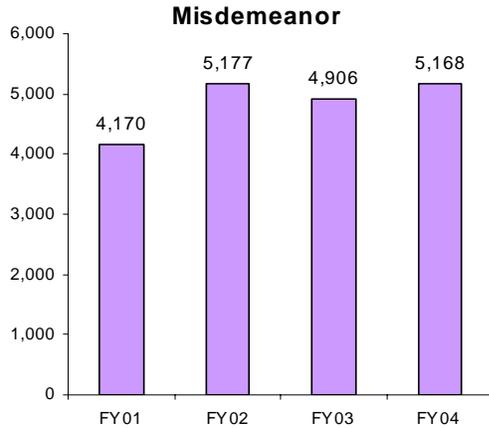


## Case Assignments by Case Type

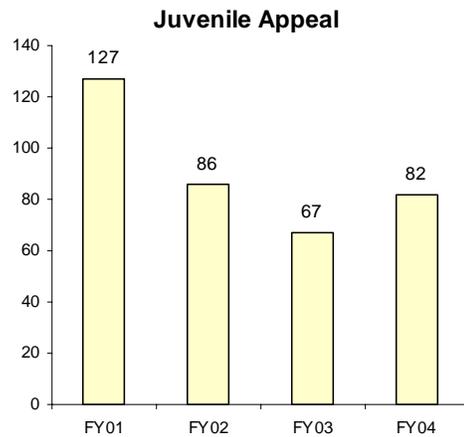
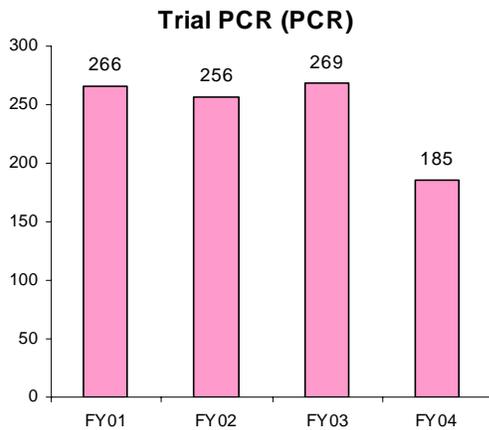
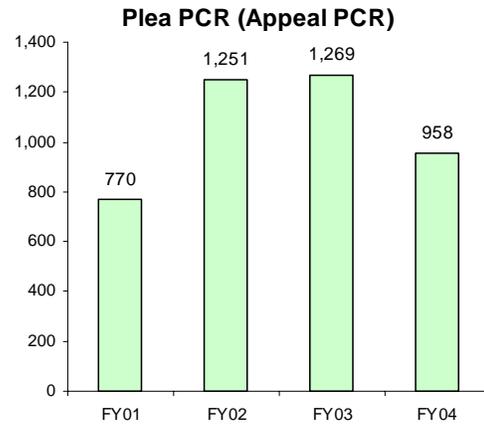
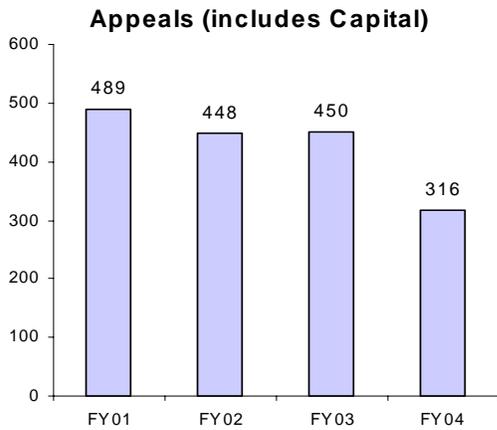


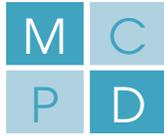


## Case Assignments by Case Type



## Case Assignments by Case Type





## Case Resolutions History

**History of Cases Resolved by Spangenberg Categories  
FY01-FY04 Cases Resolved<sup>1</sup>**

| Case Type                                    | FY01          | FY02          | FY03          | FY04          |
|--|---------------|---------------|---------------|---------------|
| Capital <sup>2</sup>                         |               |               | 2             | 2             |
| All other Homicide                           | 65            | 72            | 59            | 70            |
| Class 2-3 Felony                             | 4,686         | 4,735         | 4,865         | 4,579         |
| DUI  | 1,887         | 2,091         | 2,086         | 2,097         |
| Class 4-6 Felony                             | 10,085        | 10,610        | 11,237        | 12,298        |
| Violation of Probation                       | 12,308        | 13,455        | 13,136        | 14,486        |
| Misdemeanor                                  | 3,085         | 3,373         | 3,901         | 3,776         |
| <b>Trial Division Total</b>                  | <b>32,116</b> | <b>34,336</b> | <b>35,286</b> | <b>37,308</b> |
| Juvenile Felony-Level                        | 2,844         | 2,704         | 2,027         | 2,088         |
| Juvenile Misdemeanor and Incurrigibility     | 3,430         | 3,813         | 4,335         | 5,168         |
| Juvenile Violation of Probation <sup>3</sup> | 2,680         | 2,620         | 2,610         | 2,288         |
| <b>Juvenile Division Total</b>               | <b>8,954</b>  | <b>9,137</b>  | <b>8,972</b>  | <b>9,544</b>  |
| <b>Mental Health</b>                         | <b>1,663</b>  | <b>1,753</b>  | <b>2,158</b>  | <b>2,161</b>  |
| Appeals (includes Capital)                   | 419           | 420           | 422           | 405           |
| Plea PCR                                     | 513           | 852           | 956           | 1,171         |
| Trial PCR                                    | 109           | 153           | 126           | 150           |
| Juvenile Appeals                             | 146           | 91            | 60            | 65            |
| <b>Appeals Division Total</b>                | <b>1,187</b>  | <b>1,516</b>  | <b>1,564</b>  | <b>1,791</b>  |
| <b>Total of All Above</b>                    | <b>43,920</b> | <b>46,742</b> | <b>47,980</b> | <b>50,804</b> |

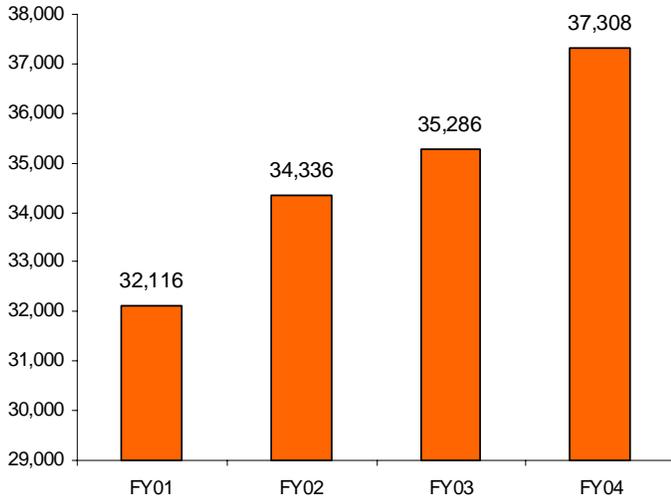
<sup>1</sup>Calculated as total cases closed during the fiscal year, minus cases closed during the fiscal year that were not resolved by the office directly (i.e., subtracts cases in which no complaint is filed, private counsel is retained, conflict withdrawals, workload withdrawals, and transfers to another IR department).

<sup>2</sup>Until FY03, Capital cases were not tracked separately from other Murder 1 Cases.

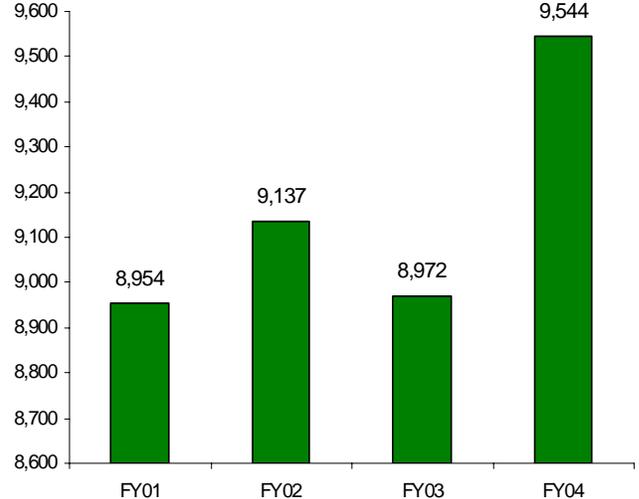
<sup>3</sup>Juvenile violation of probation information is not available for dispositions of conflict withdrawal or retention of private counsel for FY01. It is estimated, the missing data would result in approximately 83 cases (3% of total opened). That number has been used to "normalize" the data for comparative purposes.

Case Resolutions by Division

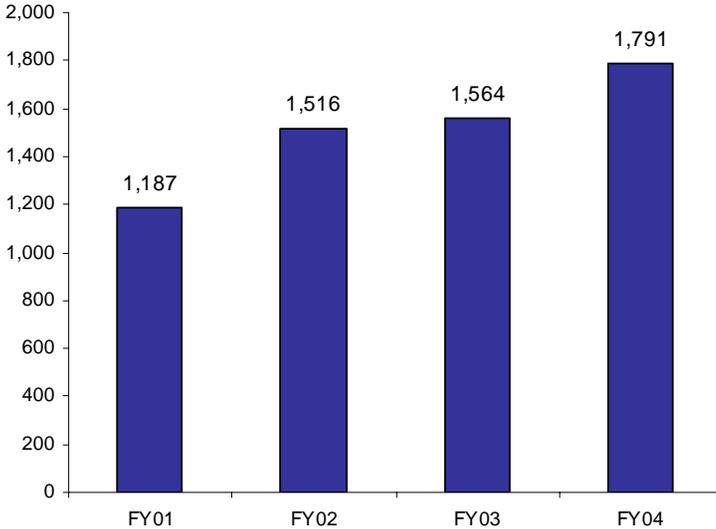
Trial Division Total



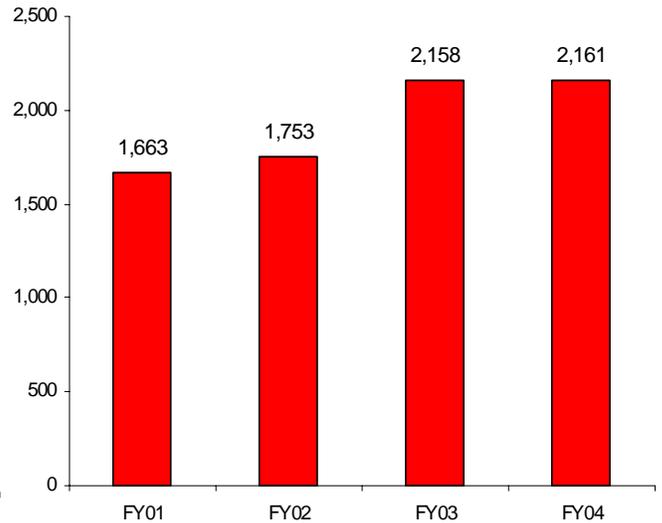
Juvenile Division Total



Appeals Division Total

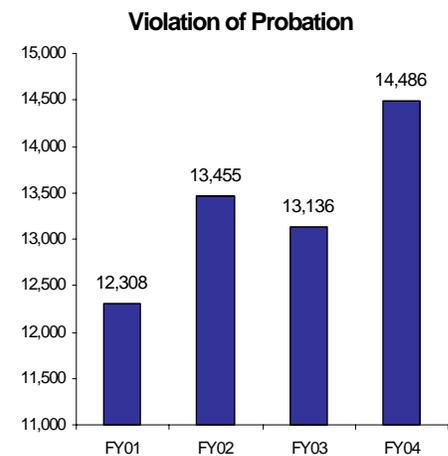
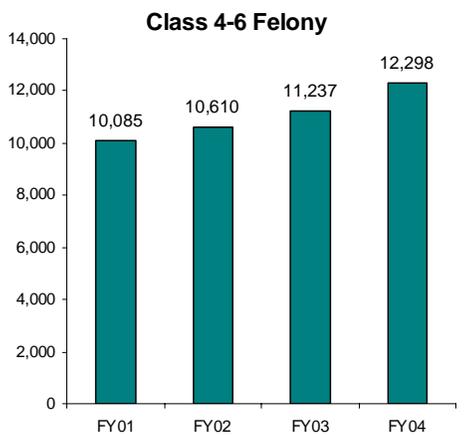
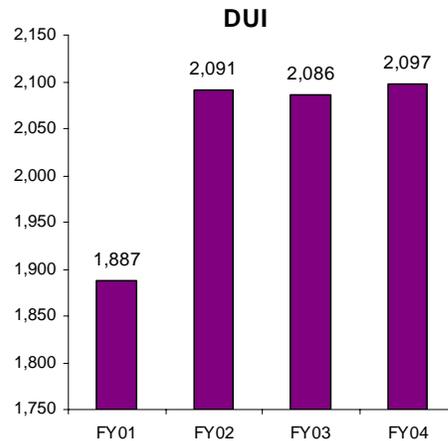
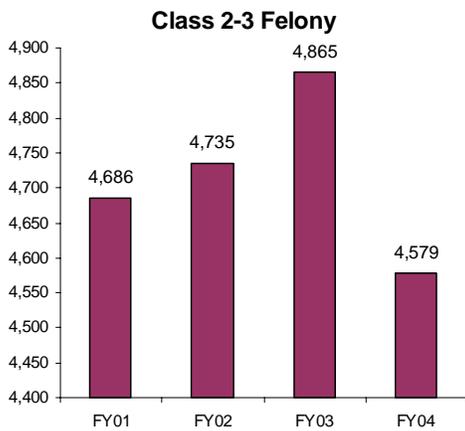
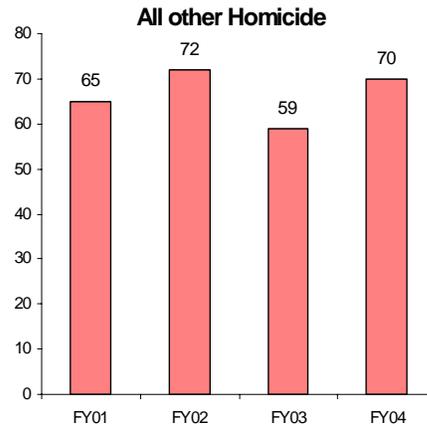
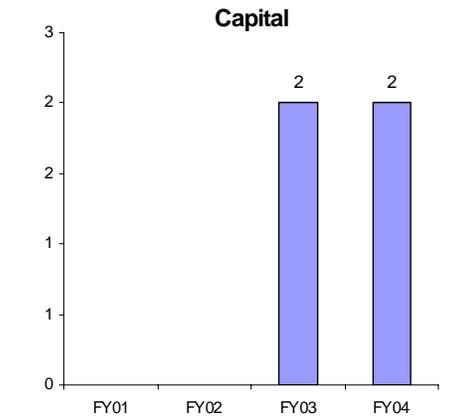


Mental Health

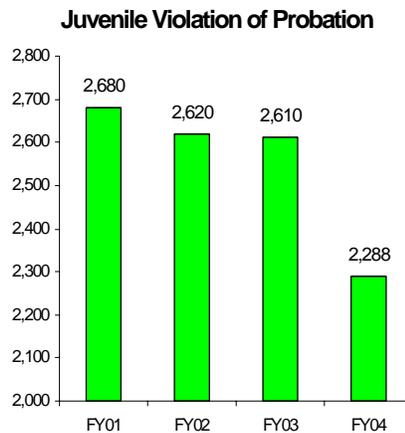
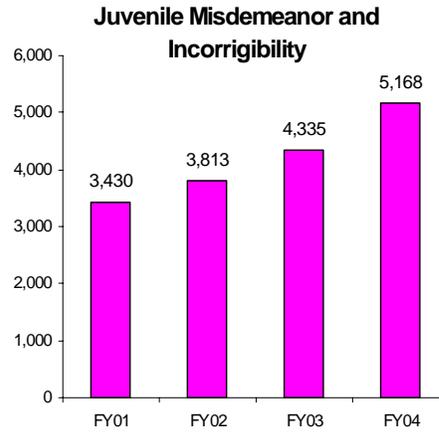
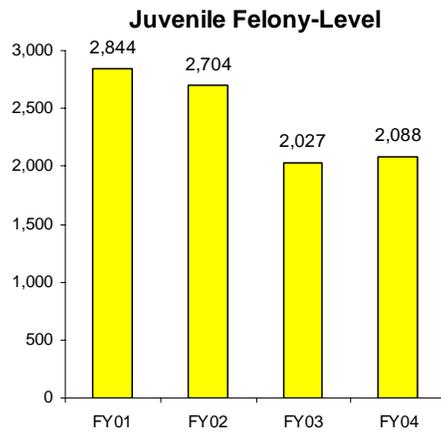
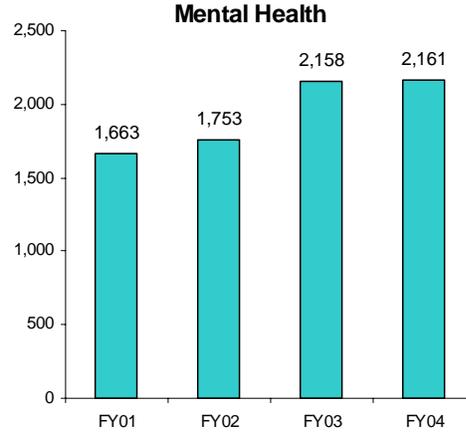
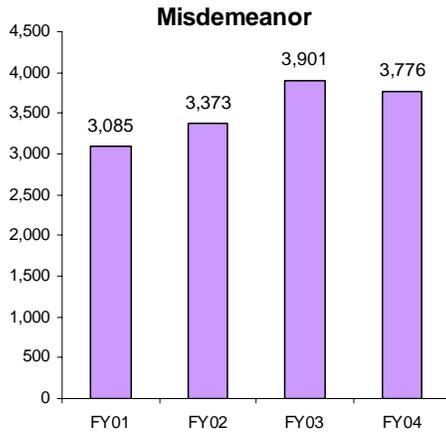


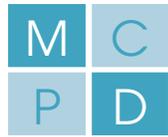


## Case Resolutions by Case Type

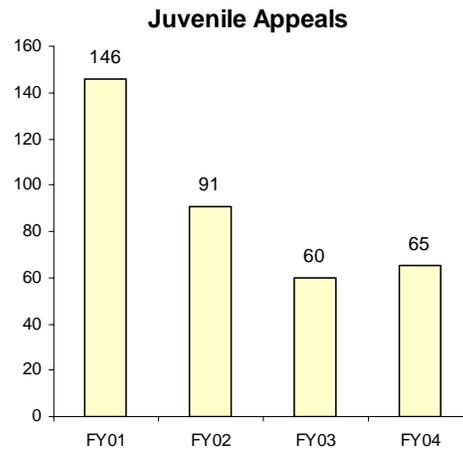
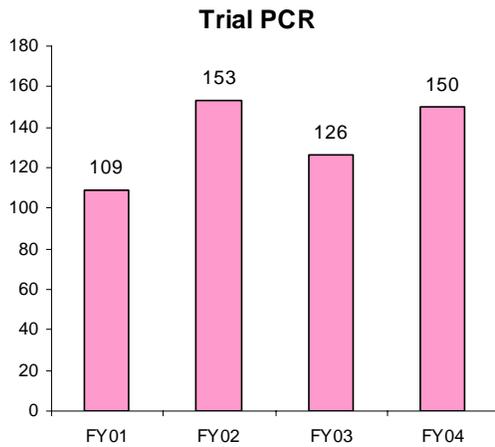
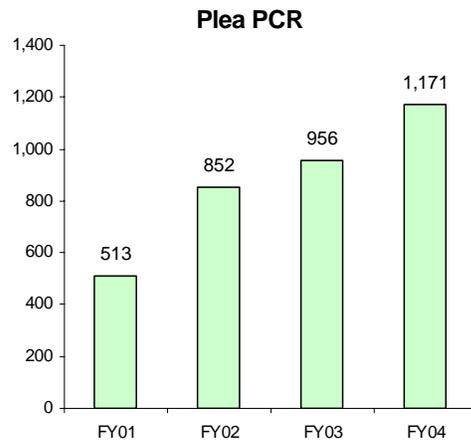
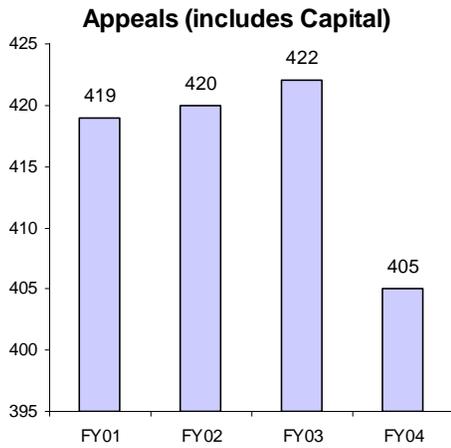


## Case Resolutions by Case Type





## Case Resolutions by Case Type



|   |   |  |  |
|---|---|--|--|
| Administration  | Appeals Division  | Juvenile Division - Durango  | Juvenile Division - Southeast  |
| 11 West Jefferson, 10 <sup>th</sup> Floor<br>Phoenix Arizona 85003<br>(602) 506-8200                | 45 West Jefferson<br>Phoenix, Arizona 85003<br>(602) 506-8220   | 3131 West Durango<br>Phoenix, Arizona 85009<br>(602) 506-4230            | 777 West Southern, Suite 101<br>Mesa, Arizona 85210<br>(602) 506-2033  |
| Mental Health Division  | Trial Groups A, B, D, E,<br>and Capital   | Trial Groups C and F   | Vehicular  |
| Desert Vista Behavioral<br>Health Center<br>570 West Brown<br>Mesa, Arizona 85201<br>(480) 344-2013 | 11 West Jefferson<br>2nd – 9th Floors<br>Phoenix, Arizona 85003<br>Group A (602) 506-8282<br>Group B (602) 506-8275<br>Group D (602) 506-3029<br>Group E (602) 506-3218<br>Capital (602) 506-7669 | 1750 S. Mesa Drive<br>Suite 150<br>Mesa, Arizona 85210<br>(602) 506-2200 | 222 North Central<br>Suite 4100<br>Phoenix, AZ 85004<br>(602) 506-5759 |