

An illustrated Primer on the Revenue  
Streams, Expenditures & Caseload  
Standards for Public Defender Offices and  
the Louisiana Public Defender Board  
system.

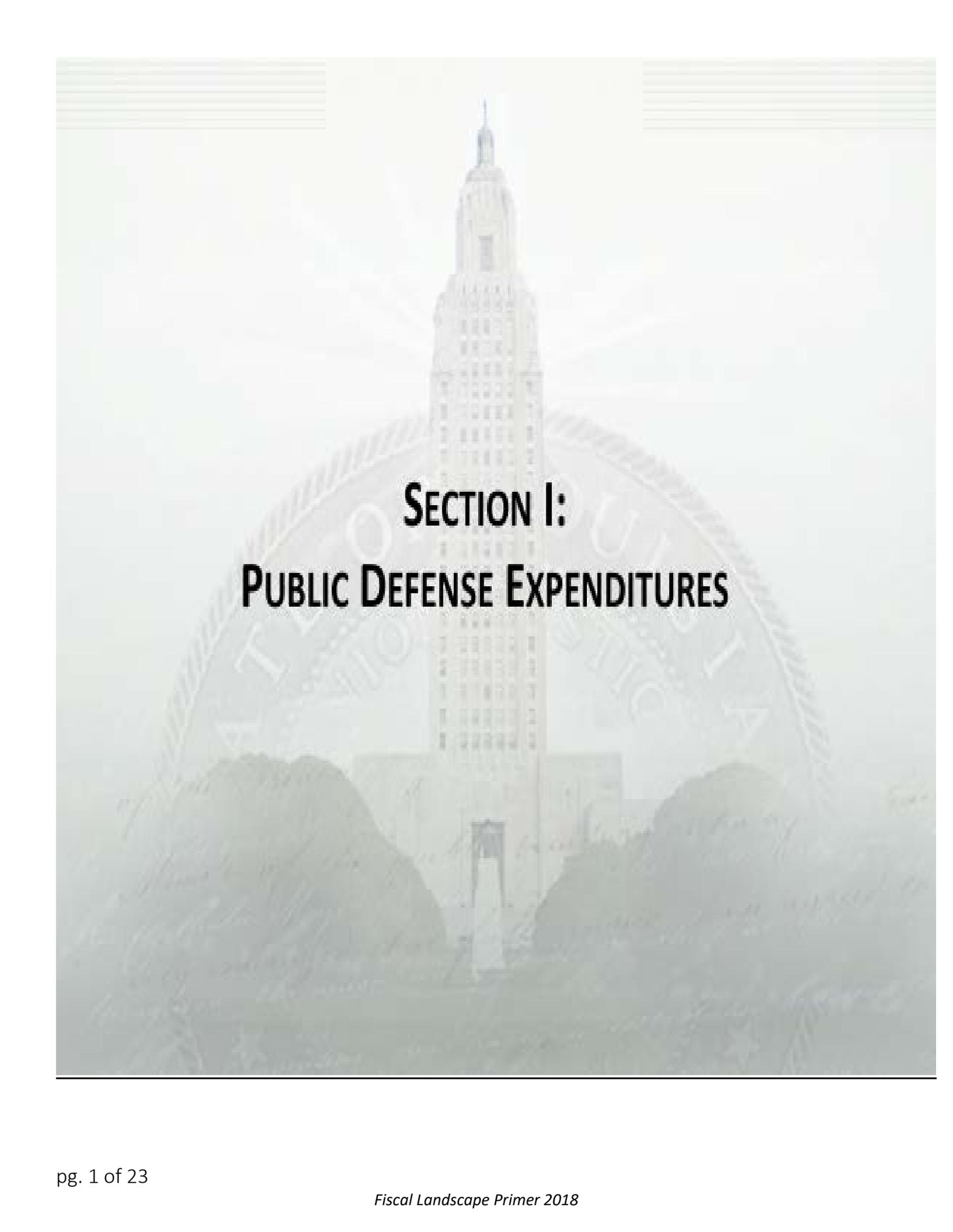
# The LPDB Fiscal Landscape

Training Document for Budget  
Working Group

LPDB Staff October 2018

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Data Sources Disclaimer: this report is a compilation of numerous current LPDB reports using LPDB data as well as several reports from other agencies collected over several years. Many of these other agencies' reports are not conducted annually, therefore comparisons with LPDB contain LPDB data from that same year. Similarly, some agencies' annual reports are not available until the following year and so comparisons with LPDB use LPDB data from that same year.

The background of the page features a faded, light-colored image of the Empire State Building in the center. Behind the building is the Seal of the State of New York, which includes a sun rising over mountains and a river, with the words 'EUREKA' and '1784' visible. The text 'SECTION I: PUBLIC DEFENSE EXPENDITURES' is overlaid in the center in a bold, black, sans-serif font.

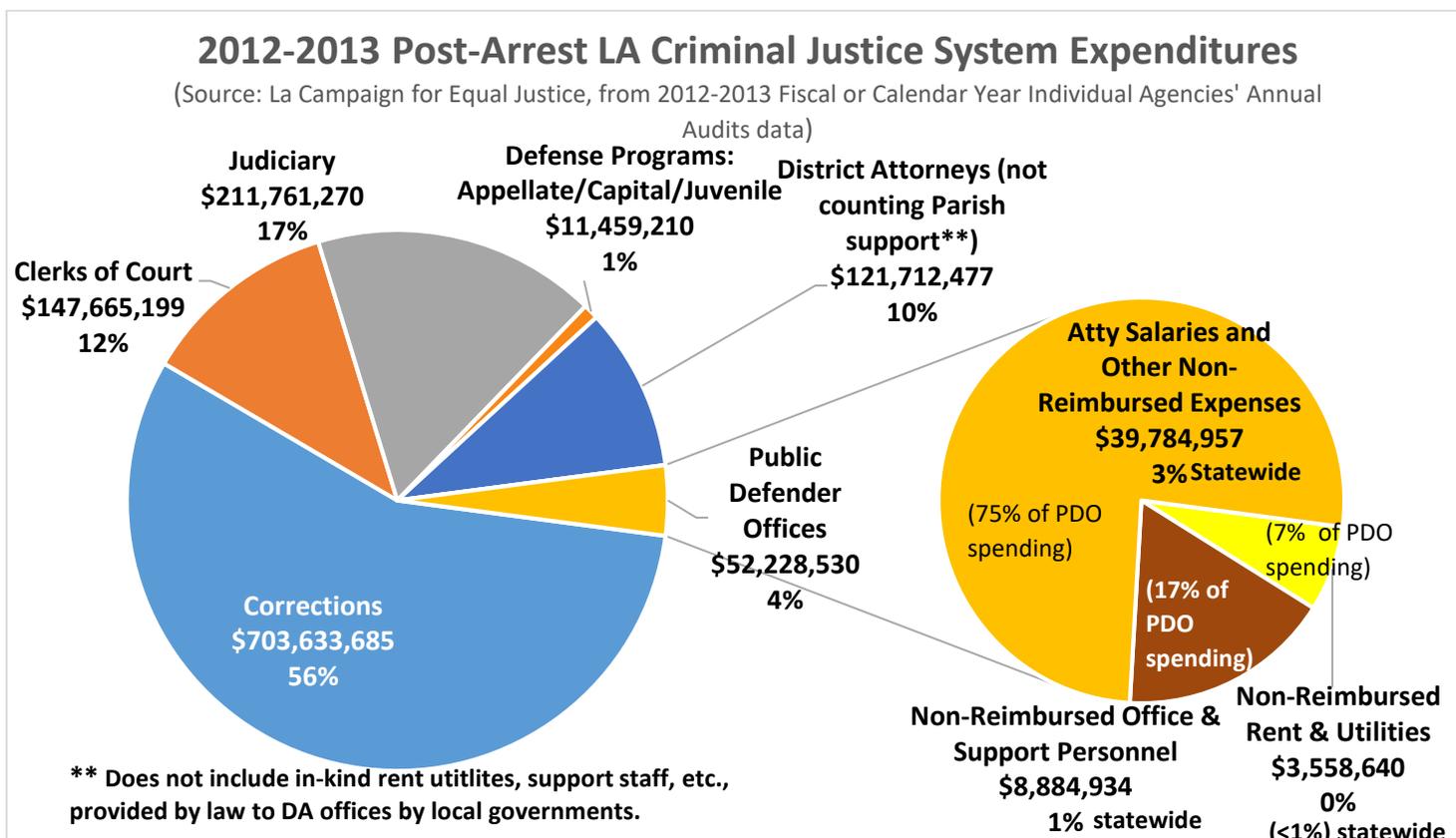
# **SECTION I: PUBLIC DEFENSE EXPENDITURES**

## Public Defenders' Office (PDO) Expenditures: Public Defense represents just 5% of the total

### Criminal Justice System Spending

Any examination of finances must consider the expenditures as well as revenues. To put public defense expenditures in context, the chart below compares expenditures of all publicly-funded criminal justice-related entities which handle criminal cases after the initial arrest (Courts, Prosecution, Defense and Corrections). The data are derived from the 2012 and 2013 annual audit reports of each agency collected by the staff at the Louisiana Campaign for Equal Justice and compiled into categories for presentation by LPDB staff. (These data were published on the Louisiana Legislative Auditor website.) The data regarding PDO overhead and support staff costs (called "non-reimbursed expenditures" below) was collected through a survey to PDOs from the LPDB in 2013.

It is clear from the chart below that the defense spending is by far the smallest percentage of this total. Law enforcement expenditures were excluded because these expenditures are not exclusively related to contact with the defendant/client. Had law enforcement (police and sheriffs' departments) been included in this comparison, the public defense percentage would become even smaller, but these groups were excluded because significant portions of their spending are devoted to non-criminal public order tasks which are not relevant in this context. Additionally, there are indeterminate amounts of Court and Prosecution expenses devoted to civil cases which are not eliminated from the chart below. Also, the Administrative expenditures for PDO Monitoring, Supervision, Training and Support of the PDOs through the LPDB itself are not included in the chart for a similar reason: LPDB is statutorily prohibited from direct legal representation activities, and thus has no direct contact with the defendants/clients unlike other entities included in the chart. (A discussion of LPDB expenditures follows.)



## **Non-Reimbursed Direct Representation “Overhead” Expenditures:**

Nearly 25% of all Public Defender Office (PDO) expenditures were devoted to office rent, overhead, supplies, utilities and support personnel such as investigators, clerical and administrative support staff, accounting and office management. A survey by LPDB staff conducted in 2013 revealed that more than \$12M of the total PDO spending went to such overhead expenses. It should be noted that the District Attorneys, who provide an analogous although not identical public service, are provided many of these overhead amenities and personnel expenses by local governments, guaranteed by law (Title XVI). According to the recent Legislative Auditor’s Report on 2014 finances, these DA expenditures were frequently excluded from their reports. It is very likely therefore these same expenses are excluded from the \$121M expenses for 2013 shown in the previous pie chart because the LDAA response to the audit findings was that their CPAs would need to be given new guidelines to avoid such omissions in future reports. Also, whereas PDOs must provide their own investigative services, the vast majority of DA investigation needs are provided at no charge by local police and sheriffs, and these also are not typically reflected in DA Office fiscal reports. All things considered, the actual disparity between defense and prosecution spending is very likely deeper than the chart illustrates. However, since 2013, PDOs have been encouraged by LPDB to request similar support from local governments and quite recently a very few have in fact succeeded in securing free or reduced rent for office space.

## **Non-Reimbursed Direct Representation Attorney Salary Expenditures:**

As shown in the secondary (smaller) pie chart in the Expenditures graphic on p. 2, approximately 75% of all PDO spending is devoted to attorney salaries or contractual compensation. Also included in this tally, on an extremely limited basis, are PDO attorney health and retirement benefits, unlike the District Attorneys’ Offices where such benefits are reputedly excellent and broadly extended. In PDOs, such benefits are most often reserved for PDO management and clerical support in those instances where such benefits are indeed offered. PDO attorneys’ employment relationship with the district PDO varies, in large measure due to the “delivery mechanism” which is grandfathered to its Pre-Public Defender Act 2007 status except in those districts wherein the “grandfathered” District Defender has since been replaced.

Attorney compensation is the largest and perhaps the most discretionary of all expenditures in the PDO. Staff has developed and collected the online PDO compensation reports since 2014 to assist the PDOs in reporting employment and payroll statistics. These data reveal not only the compensation amounts, but also, receipt of health and retirement benefits, the specialty court or juvenile casework, supervisory duties, the amount of time on average per month devoted to public defense in the district, to private practice and to other PDOs in the state and data on the type of employment relationship per attorney.

By its enabling statute, LPDB is strictly prohibited from providing direct services to defendants and thus could not meaningfully be included in the pie chart of direct public service spending on Page 2 (above). Using data from Division of Administration FY16 Planning and Budget web-publications, meaningful comparative analyses are provided on Page 4 (below).

### LPDB Administration Costs

LPDB administrative costs and employee numbers are low compared to other state agencies. The analytics below (on Page 4) track LPDB administrative costs from 2012-2017 and compare LPDB administrative spending and staffing against other criminal justice agencies as well as compare agencies with statewide missions and similar-sized state appropriations (<\$50M). The FY17 LPDB administrative spending covers all office activities in support of the agency’s charge to provide funding, monitoring, supervision, training and support to the PDOs. (Note that FY18 Division of Administration data on the comparable agencies were not yet published at the time this research was conducted, November of 2018, so FY17 data were used. However, FY18 statistics on LPDB expenditures are reported below.)

At 7.7%, the LPDB administrative costs have been a full percentage point below that of the AG, which has the next lowest administrative cost percentage in the Criminal Justice System at 8.6%. LPDB’s percentage was almost exactly half

of the 16.3% spent by the Office of Juvenile Justice. (See Figure 3.) LPDB administrative costs are also lowest among executive and state agencies with similar statewide scope and similar-sized appropriations (<\$50M). (See Figure 4.)

Regarding staffing, LPDB ranks among the lowest regarding staff size. (The TO or *Table of Organization* is defined as the maximum number of permanent staff allowed as established by the Division of Administration.) The TO for LPDB is far lower than other agencies with comparable missions and appropriations. LPDB is allowed 16 positions in its TO, whereas for example, the Office of Elderly Affairs is the next lowest at 26 positions – 62% larger than LPDB. LPDB’s TO is also far lower than other agencies in the criminal justice system. The next smallest TO among criminal justice agencies reported by the DoA is the Attorney General with 479 positions.

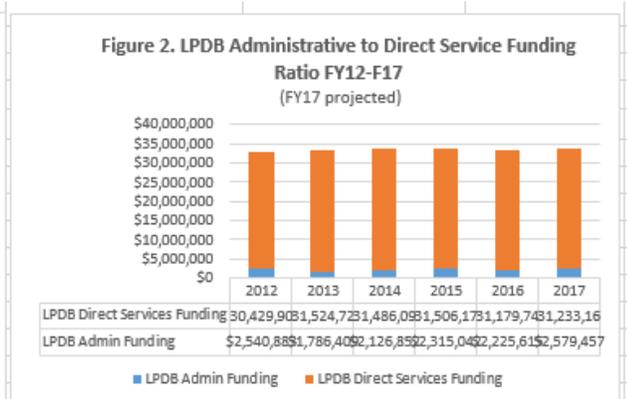
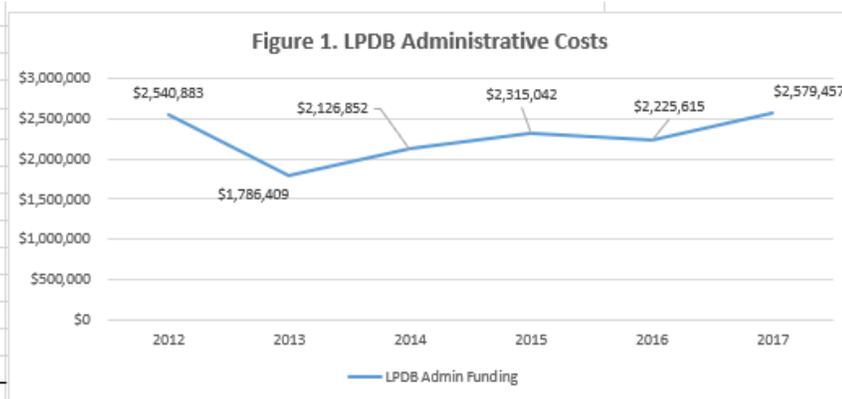


Figure 1 shows the total LPDB administrative Spending since 2012 through 2017 which is also reflected in the blue portion of the bar chart in Figure 2.

Figure 2 uses the same administrative costs data as Figure 1 but presents the data in relation to the remainder LPDB Appropriation which is devoted to client services.

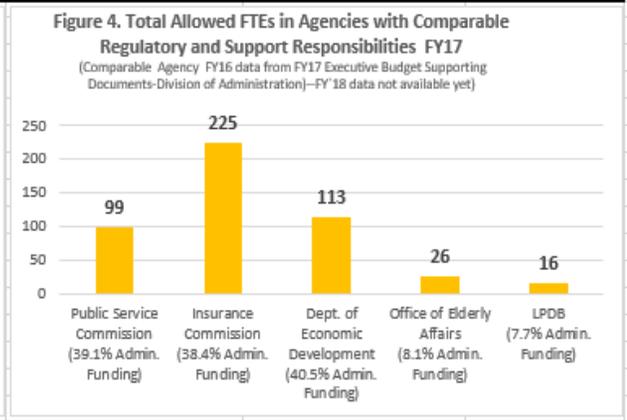
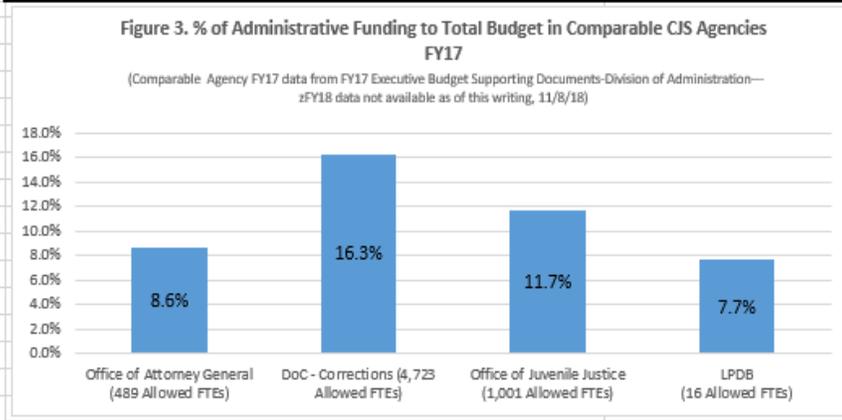


Figure 3 compares the percentage of administrative costs to total appropriation among relevant state agencies in the Criminal Justice system (CJS), most of which have statewide oversight, support, training and funding duties like LPDB. The smallest administrative cost percentage is LPDB with \$2.57M (7.7%). The second smallest is the AG, which spends \$4.85M (8.1%) of its appropriation on administrative costs. (The total number of positions or FTEs is presented in parentheses. LPDB has by far the leanest staffing.)

Figure 4 compares the staff sizes (total allowed FTEs) among state agencies with similar-sized budgets-- less than \$50M. The second smallest agency, Office of Elderly Affairs has a 62% greater staff, larger budget and spends 8.1% of its appropriation on administrative costs. Other agencies in the comparison have a far greater staff sizes and administrative-cost percentages than LPDB.

(From DoA Office of Planning & Budget Website FY17 publications)	Total Appropriation FY17	Administrative Budget FY17	% of Admin Costs to Total Budget	2017 TOC (# Employees)
Office of Attorney General	56,208,562	4,856,658	8.6%	489
DoC - Corrections (4,723 Allowed FTEs)	522,446,772	84,920,214	16.3%	4723
Office of Juvenile Justice	110,858,791	13,012,964	11.7%	1001
LPDB	33,617,704	2,579,457	7.7%	16
Public Service Commission	8,485,175	3,317,845	39.1%	99
Insurance Commission	28,746,881	11,052,730	38.4%	225
Dept. of Economic Development	40,062,453	16,219,157	40.5%	113
Office of Elderly Affairs	42,346,564	3,411,313	8.1%	26

While the FY17 7.7% administrative costs of the LPDB \$33M appropriation are indisputably among the lowest in comparison to other relevant state agencies, the administrative cost percentage of the LPDB office drops to about 3% each year when including the roughly \$32M in annual local revenues which raises the total public defense system spending to about \$65M. The FY18 LPDB administrative costs were \$2,249,206 (down 1 percentage point from FY17 at about 6.7% of state-funded spending, or 3.5% of the total spending over which the Board has oversight (i.e., all combined state-funded AND locally funded expenditures on Public Defense statewide).

The predominant expense is “Attorney Salaries & Other Non-Reimbursed Expenses” at roughly 75% of total spending among PDOs in Louisiana (see p. 2, smaller pie chart on right). **It is important to note that these salaries or wages ARE VERY LOW in comparison to private sector attorneys as shown in the “Attorney Average Earnings” table below.** To understand these expenses, one must understand the various types of employment relationships as determined by the amount of work done for the PDO each week as well as the methods of measuring the amount of work done in the form of total annual caseloads and alternately, in hours worked per week.

Types of Employment Relationships: Based on Hours Worked -- FT, MPD, PT and INT

Attorney compensation data is categorized into four groups, FT, MPD, PT and INT depending on the number of hours the attorney typically reports working per month. Full Time attorneys (FT) which are defined as doing exclusively public defense work (no private practice permitted) regardless of the number of hours worked, are most often 40+ hours per week. While turnover rates are variable, as of June 30, 2018, Monthly Compensation Reports show there were 192 FT attorneys. On the same date there were 91 Mainly Public Defense attorneys (MPD) who are generally permitted a limited private practice and most often work 30+ hours per week. Part-Time Attorneys (PT) work 10-29 hours per week most often and are generally permitted a private practice. Intermittent Attorneys (INT) are used rather sporadically (usually as conflict counsel for a third or fourth co-defendant) and generally work an average of less than 10 hours per week (and typically do NOT work every month of the year) with private practice permitted. There were 311 listed as PT on June 30, 2017 and 58 listed as INT attorneys. Note that these descriptions are based on hours reported and NOT on actual cases handled. (District Defenders were not included in these averages as their full range of duties involve many hours of office management and some of them work no cases at all.) Health benefits are extended to 87% of FT attorneys, 29.7% of MPD, 1.6% PT and 1.7% INT attorneys. Retirement benefits are extended to 45.8% or 88 of the FT attorneys, 23.1% or 21 of the MPD attorneys, 3.5% or 11 PT attorneys and none to INT attorneys.

Attorney Average Earning Rates by Employment Relationship (Based on Hours Worked)		
Primary Employment Status	Number of Attorneys with this Status (as of June 2018)	Average Earnings per Annum
Full Time (FT)	192 (29%)	\$57,734
Mainly Public Defense (MPD)	91 (14%)	\$59,776
Part-Time (PT)	311 (48%)	\$42,538
Intermittent (INT)	58 (9%)	\$33,442*

\*Note that these data are a snapshot of the June 2018 Compensation Report and the Average Earning per Annum therefore are indicative of average pay rates, not necessarily total annual earnings as not all attorney work a full year (turnover rate can be high in some districts). In particular, the Intermittent attorneys, by definition do not typically work a full week nor a full year, thus the \$33,442 per annum represents the rate if they had worked 40 hrs/wk all twelve months at the June rate, but this is unlikely. Most often, intermittent attorneys earn far less per annum than the \$33K listed above.

Types of Employment Relationships: Based on Percentages of a Standardized Workload Full Time Equivalent (FTE)

A second means of measuring attorney human resources is based on the number of cases of each case type handled (e.g., misdemeanors, high- medium- and low-level felonies, Juvenile-CINC, etc.). Before adding up case counts to ascertain a total attorney caseload, these different types are weighted (i.e., mathematically adjusted) for differing time and effort typically required for each type of case. This is done to standardize the case counts for those attorneys with caseloads comprised of a variety of case types. For a simple example, an attorney caseload with 50 shoplifting cases and 50 disturbing the peace cases might be counted as 100 cases, and likewise, yet incorrectly, an attorney caseload with 50 aggravated rape cases and 50 armed robbery cases could also amount to 100 cases. This improper method of counting cases would suggest the **workloads** (total time and effort) were equal. Thus, a case-weighting method must be employed to account for time and effort differences among case types, counting the aggravated rapes and armed robberies much more heavily than the shoplifting and disturbing the peace cases. Once this case-weighting technique is employed, individual attorney caseloads as well as districtwide and statewide total caseloads and average caseloads can be analyzed and compared meaningfully and correctly.

The Louisiana Project 2017 Case Weighting Study

*The Louisiana Project (2017)*, a case weighting study of Louisiana attorneys conducted by the ABA and Postlethwaite & Netterville in 2016-2017, derives scientifically valid standards using the Rand Corporation Delphi Methodology. Assuming an attorney has a combined total of two weeks off for vacation, sick leave and all holidays, and works fifty 40-hour work-weeks per year (2,000 hours), the annual maximum caseload standards identified in this study are as follows:

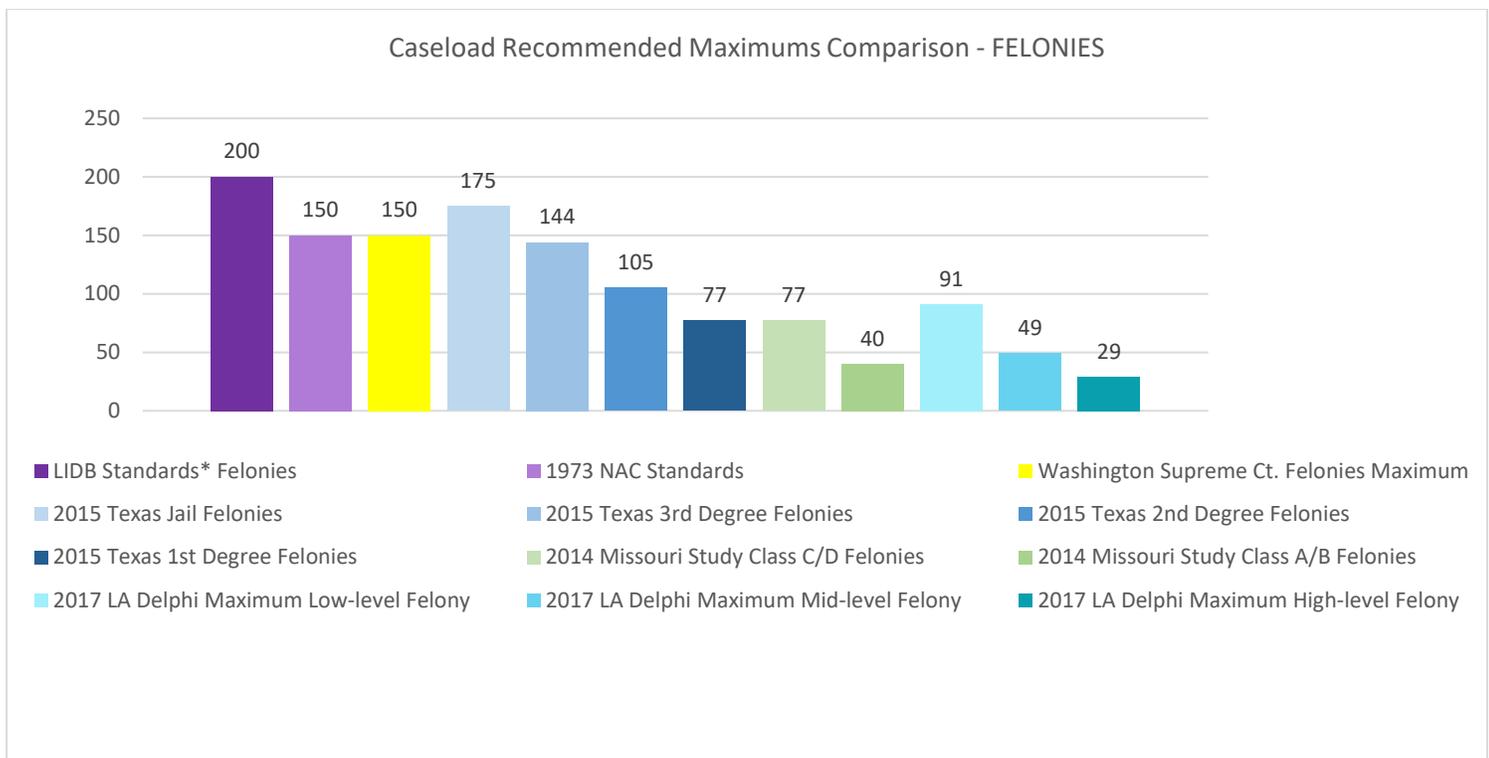
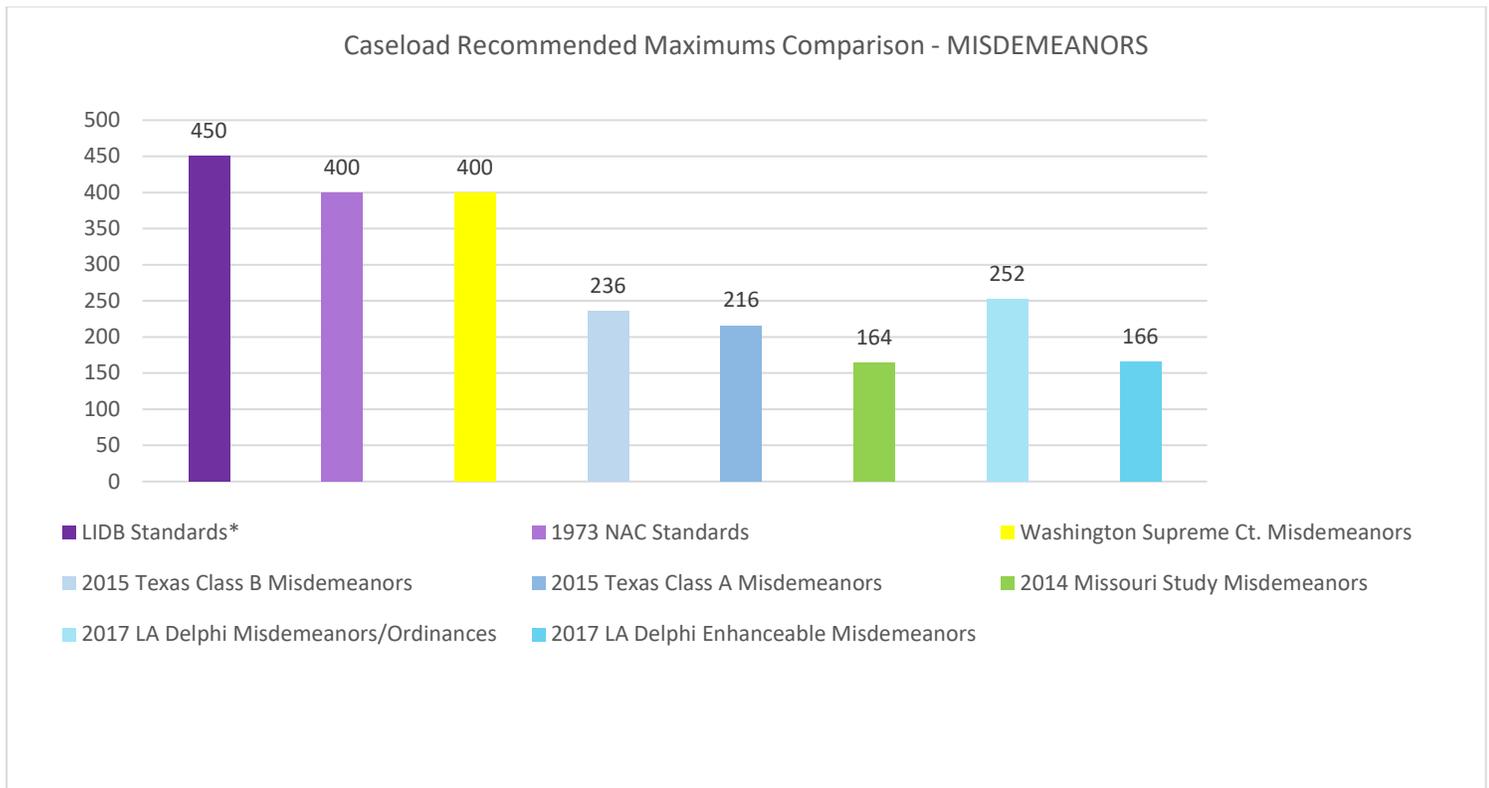
2017 Delphi Method Recommended Annual Caseload Maximums	
Misdemeanors/City Ordinances	252
Enhanceable Misdemeanors	166
Low-level Felonies	91
Mid-level Felonies	49
High-level Felonies	29
LWOPs	10
Juvenile Delinquencies	101
Family in Need of Services	207
Child in Need of Care	80
Revocations	236
Capital Cases	3 to 5*

Using the Delphi Methodology, *The Louisiana Project* derived the “Delphi Standards” (reasonable maximum caseload totals for each case type) and was then able to demonstrate that the actual average caseload per attorney in 2016 was more than 4.7 times the maximum based on the Delphi Standards. This is to say that on average, statewide, each of the PDO attorneys are burdened with the work of more than 4 attorneys. (\*Capital cases were not tested in the Delphi Method because very few attorneys in this study had significant experience with these cases. The older LIDAB maximums for capital cases-- discussed below-- continue to be used.)

LIDAB Maximums and the 1974 National Advisory Council to the ABA Recommended Maximums

Prior to the scientifically derived Delphi Standards, the LPDB used the Annual Caseload Maximums of its predecessor board, the Louisiana Indigent Defense Assistance Board (LIDAB). These were largely adapted from the 1974 National Advisory Council of the ABA’s (NAC-ABA) maximum recommended annual caseloads. The LIDAB figures were adapted by loosening the NAC-ABA recommended maximums, adding 50 more cases for each NAC-ABA case type (except they retained the NAC-ABA maximums of 18 LWOPs and 3 to 5 capital case types). Note that these NAC-ABA maximums and the resulting, more relaxed LIDAB standards were created through non-scientific means and also were conceived well

before the broad use of forensics, DNA testing and other crime lab techniques which are now rather commonplace yet greatly complicate the defense. Recent scientifically-based case-weighting studies in other states show that the LIDAB and NAC-ABA maximum recommended caseloads are far higher than the newer and more soundly established case-weighting maximums derived from the several scientific studies.



The LIDAB recommended caseload maximums for each case type are provided below.

LIDAB Recommended Caseload Maximums	
Misdemeanors/Parish-City Ordinances	450
Non-LWOP Felonies of all levels	200
LWOPs	18
Juvenile Delinquencies	250
Family in Need of Services	250
Child in Need of Care	100
Revocations	200
Capital Cases	3 to 5

Using these far more relaxed LIDAB caseload maximums in the CY16 time-period (when the *Louisiana Project* data were collected), nonetheless we see that the average attorney is highly overloaded. The average workload per attorney statewide was 2.01 times the LIDAB recommended caseloads. (That is, on average, attorneys statewide were working slightly more than 200% of the LIDAB maximum recommended caseload each.)

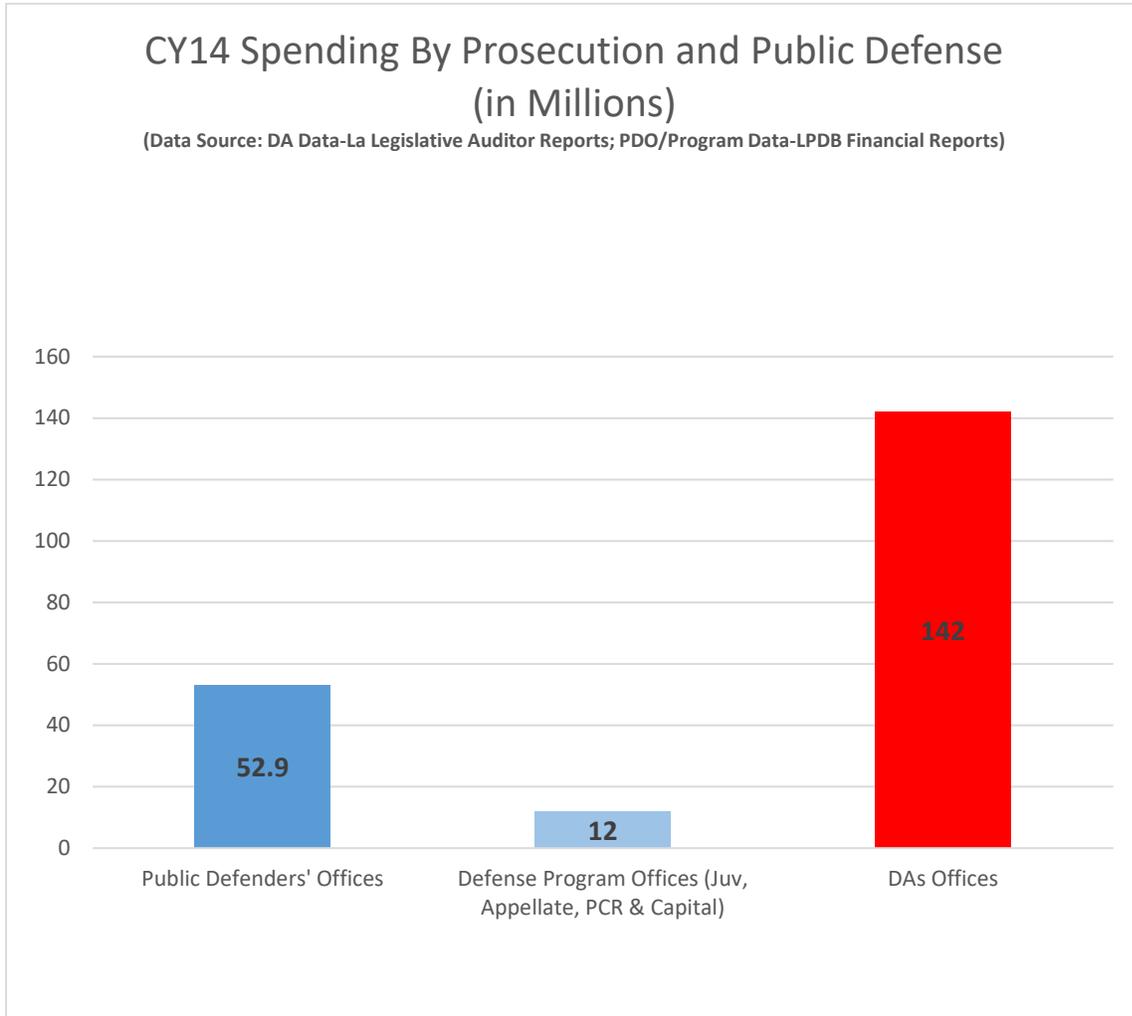
**Increase in Expenditures May Be Necessary: Public defenders routinely exceed LIDAB caseload standards, which are the highest and most relaxed standards found in the nation and likely greatly underestimate the time and resources needed to follow ethical representation standards.**

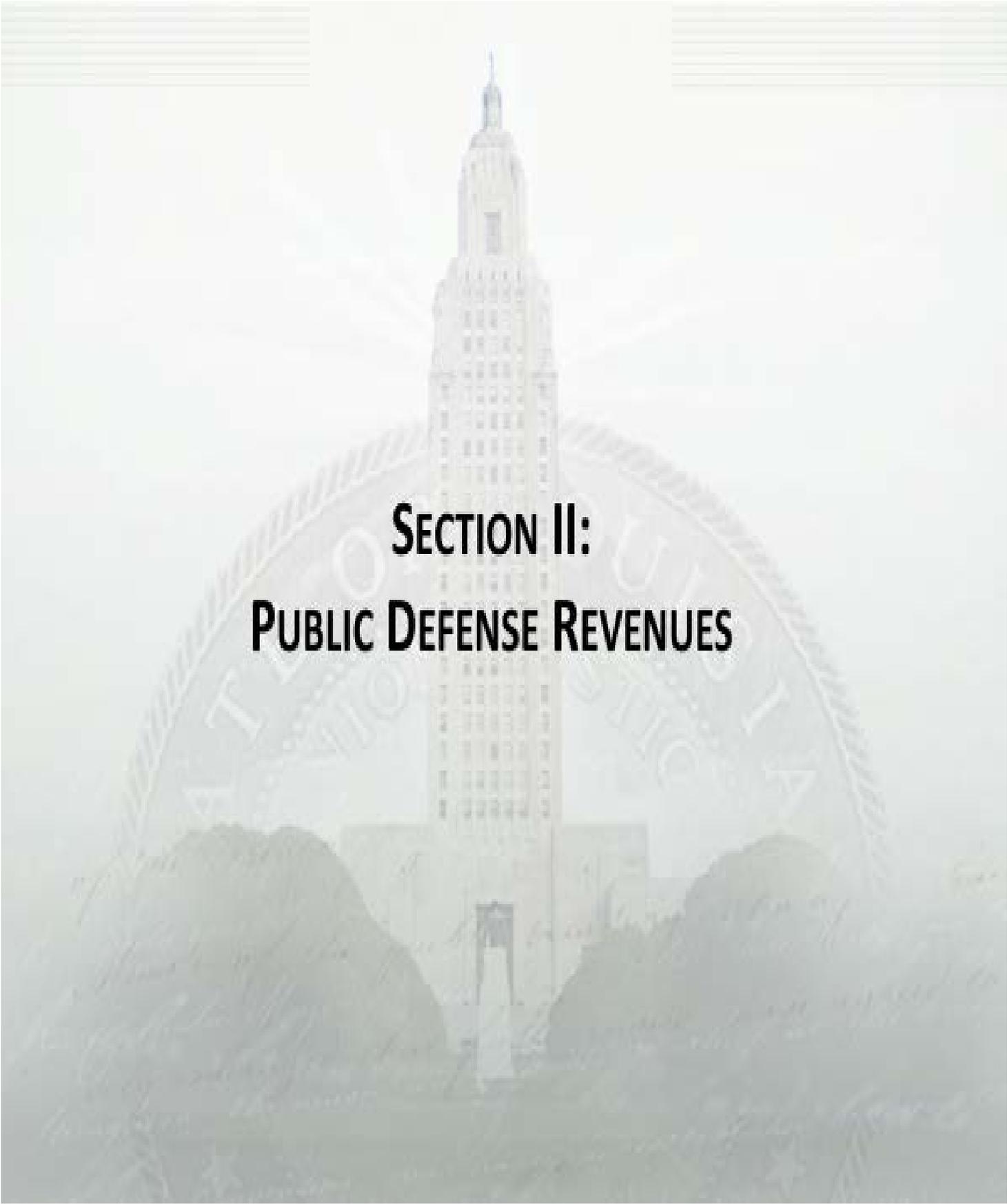
The ABA-Postlethwaite & Netterville workload study, (*The Louisiana Project*), and numerous analyses done by LPDB staff as well as several pending lawsuits against the state all suggest strongly that public defense spending in Louisiana should be INCREASED.

Further evidence of this can be found in the recent Louisiana Legislative Auditor (LLA) reports on the 42 District Attorney Offices which found that the prosecution collectively reported spending over \$142M in CY14—the most current DA audit data used for the LLA audit report. (It should be noted that findings in the LLA Report suggest that the \$142M figure does NOT INCLUDE much of the staff and overhead in-kind contributions provided by local governments to the DAs, nor does that figure include over \$12M from the State which were NOT reported in several of the DAs’ annual reports.)

**While the Prosecution and the Defense do not incur *precisely* the same expenses per case as they face each other in court on criminal cases, there *should be a high degree of similarity of costs.*** (Note that while PDOs do not usually handle civil cases, likewise the DAs do not generally cover the many thousands of city court filings handled by the PDOs, so this may be a non-issue.) A comparison between DA Office and Public Defender Office revenues and expenditures in each district can be found in Appendix A.

In the same year studied in the LLA Report in which DA spending exceeded \$142M (CY14), the PDOs collectively expended only \$52.9M. Specialized defense programs for Capital, Juvenile, Appellate and Post-Conviction Relief (PCR) providing coverage statewide expended about \$12M bringing total public defense spending to nearly \$65M. **It is clear that public defense spending is not keeping pace with prosecution spending.** Despite any number of streamlining and efficiency measures and cost-saving programs, public defense spending is clearly too low. Proper spending would require a more stable, reliable and sufficient revenue mechanism than the current means of financing can provide. In Section II of this document, a discussion of PDO revenue is provided.



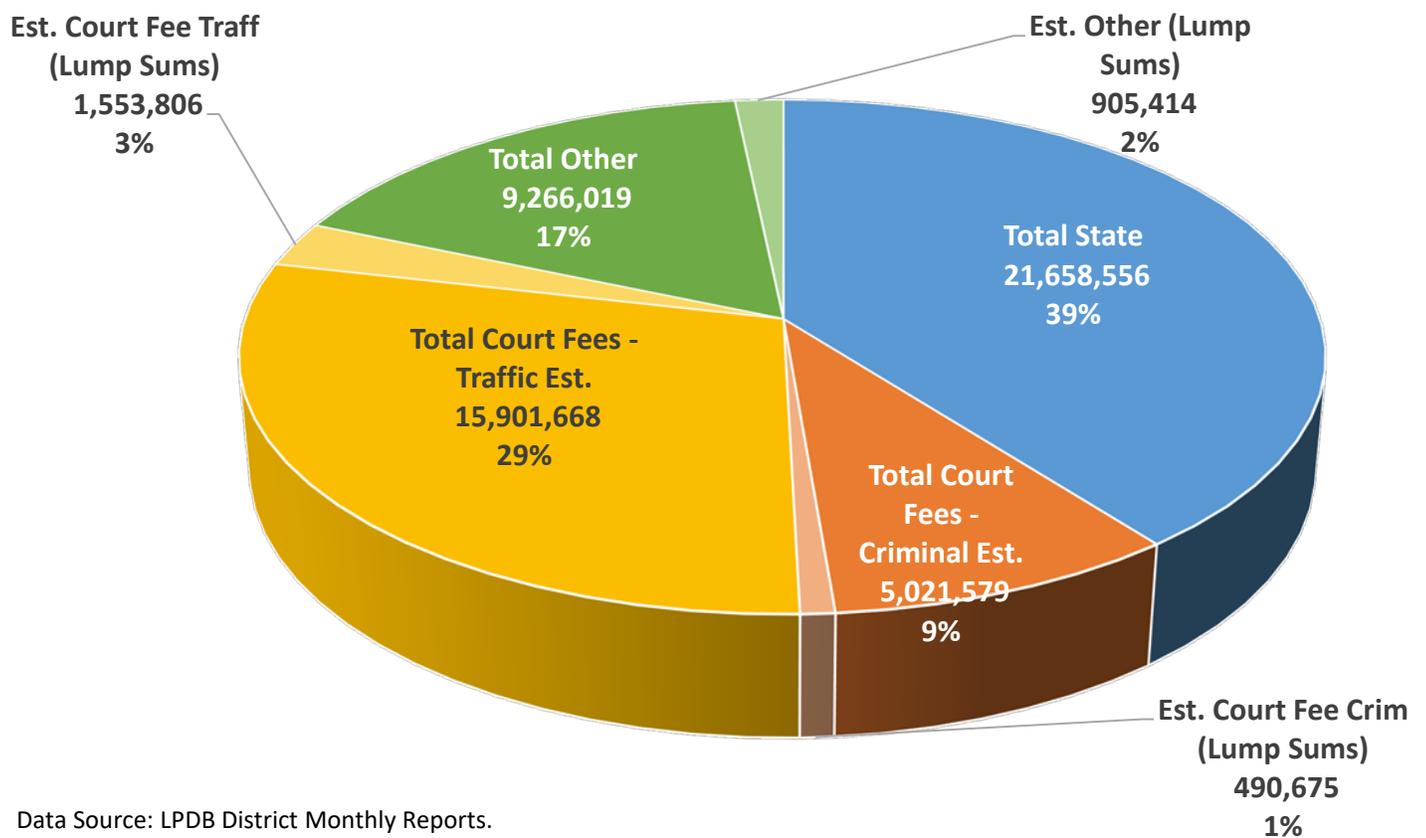
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## **SECTION II: PUBLIC DEFENSE REVENUES**

**PDO Revenues:** The bulk of PDO funding is from local funding, most of which comes from traffic filings.

The charts below show the CY16 and CY17 State and Local revenue streams broken out by general categories. Local court costs are rarely reported by districts distinctly as either traffic or criminal charges except in the few districts which have a “stand-alone” Traffic Court. However, since 2013 or longer, the DA filings show a consistent pattern in the LA Supreme Court Annual Reports (LASC Reports); 76% of all court cost-generating filings are traffic charges and 24% are criminal charges. These proportions were used to parse out estimates of traffic- and criminal-related revenues. Note that in 12 districts, a part --if not all-- local revenues are received in a lump sum from the sheriff or other remitting agency, with no detailed itemization (contrary to RS 13:848.1 which requires itemization of remittances to PDOs). To estimate the sources of these lump sums, we use the same proportions as the properly itemized court fees, i.e., 76% were assumed to be from traffic and 24% from criminal court fees. A comparison of the CY16 and CY17 revenues below shows the total local revenues have hardly changed from \$30,189,266 in 2016 to \$30,178,439 in 2017 while state funds are up roughly \$1M.

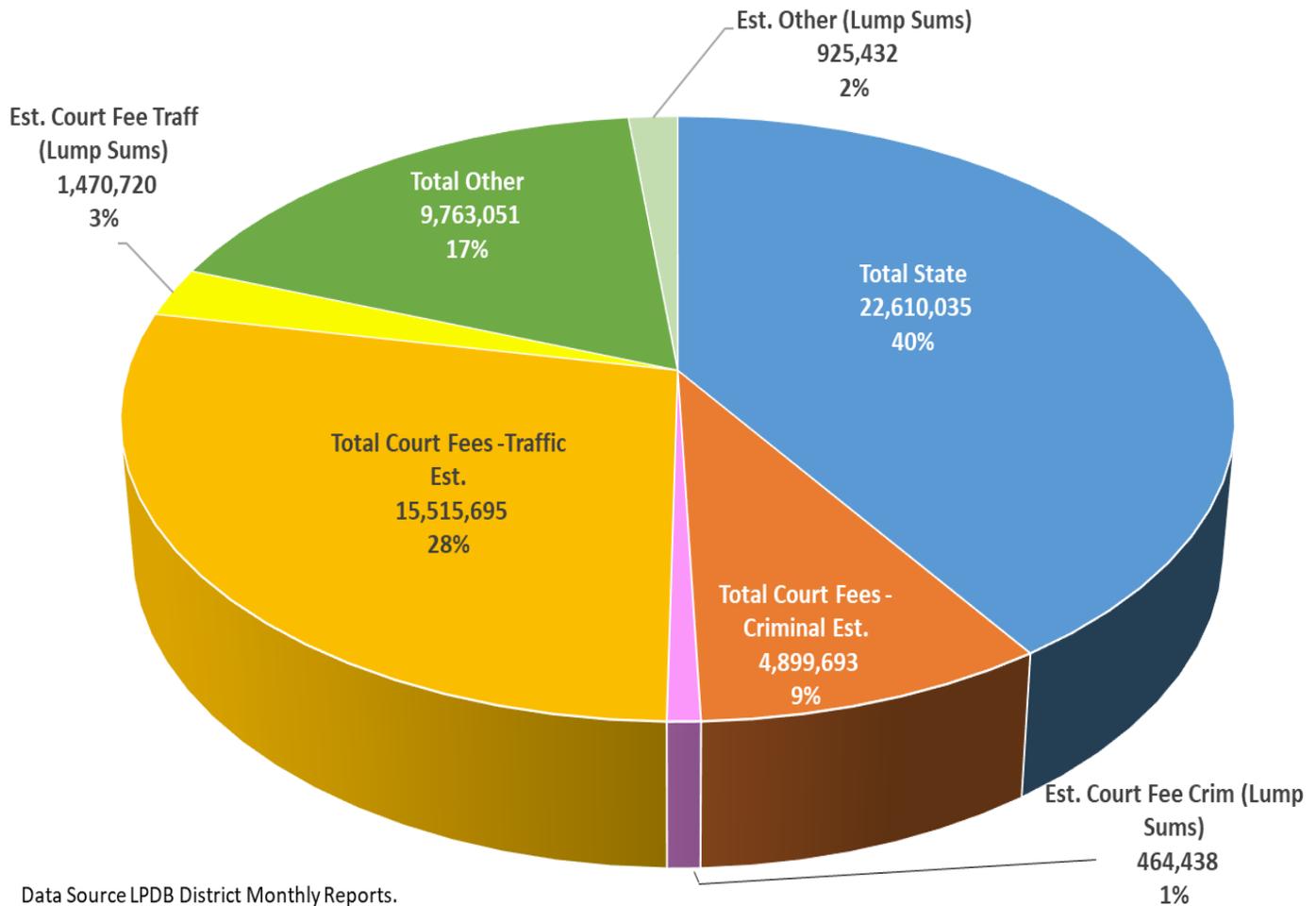
**CY16 Total Revenues by Revenue Source (total: \$54,979,718)**



Data Source: LPDB District Monthly Reports.

Note: Some remitting agencies in some districts remit unitemized Lump Sums; these were broken out into estimates based on the proportions of properly itemized remittances. Also, properly itemized court fees do not always specify Traffic or Criminal cases. However, LA Supreme Court Annual reports on CY13, CY14 and CY15 consistently show the proportion of Traffic charges to be 76% and Criminal charges 24% of all fee-generating charges. So these proportions were used to break out properly remitted court fees into Traffic

## CY17 Total Revenues by Revenue Source (total: \$54,797,718)



Data Source LPDB District Monthly Reports.

Note: Some remitting agencies in some districts remit unitemized Lump Sums; these were broken out into estimates based on the proportion of properly itemized remittances. Also, properly itemized court fees do not always specify Traffic or Criminal cases. However, LA Supreme Court Annual reports from CY13 through the most recent CY17 consistently show the proportion of Traffic charges to be 76% and Criminal charges 24% of all fee generating charges. So these proportions were used to break out all remitted court fees and lump sum remittances.

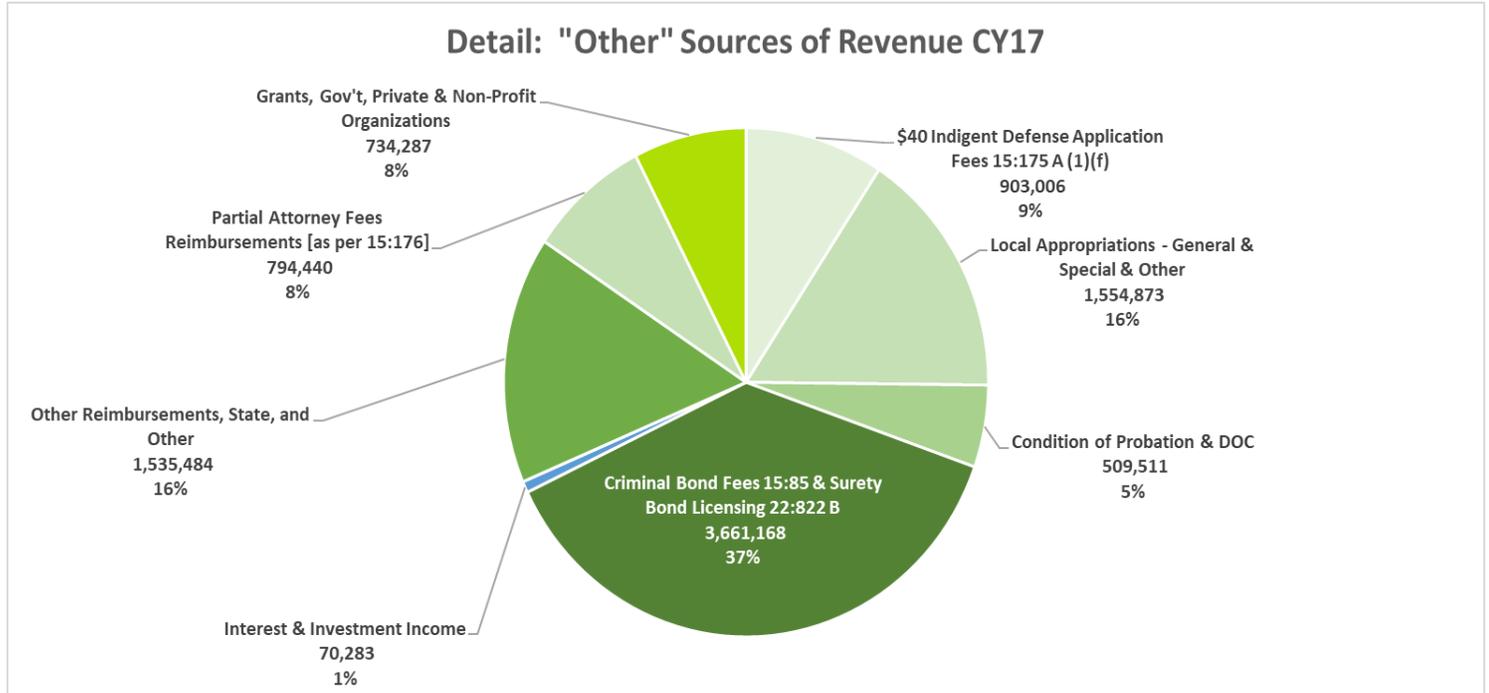
### Other Revenues:

There are numerous relatively small sources of revenue included in the “Other” category in the pie charts above which nonetheless bear delineation because collectively they comprise almost 20% of all revenues in the statewide system. These “Other” funds are most often from:

- General or Special Appropriations from local governments;
- One-time grants from federal, state or local governments or philanthropic organizations or corporations;
- Conditions of Probation, partial reimbursements, court fees and fines collected on installment plans by probation officers or other Dept. of Corrections collections;
- Criminal Bond Fees (\$2 per bonded case as per R.S. 15:85.1) or Surety Bond Licensing Fees (R.S. 22:822 B)
- Partial Attorney reimbursement fees or other reimbursements for partially indigent clients (typically set and imposed by courts)
- Interest or investment income
- “Other” revenue from grants or other miscellaneous (usually one-time) sources which vary greatly among districts (note that a space on the monthly financial report is provided to explain or list these sources)

- Types of grants include awards in the form of Georgetown University Fellowships, George Washington University Fellowships, Kellogg Foundation Fellowships and Yale University Fellowships as well as Second Line Sponsorships

To illustrate the general composition of the “Other Revenues”, the following pie chart shows the CY17 “Other” category broken out more granularly. (There are about 20 different sources reported in the districts’ monthly financial reports to the Board which comprise the “Other” category; this chart combines some of them to create a more readable pie chart. Of course, finer details are available upon request.)

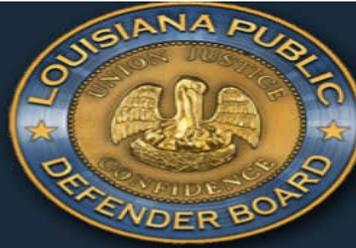


financial_label	CY2017	financial_label	CY2017
<b>Cat. 1: Grants, Gov't, Private &amp; Non-Profit Organizations</b>		<b>Cat. 5: Criminal Bond Fees 15:85.1] and Surety Bond Licensing 22:822 B</b>	
Corporate	1,550	Criminal Bond Fees [\$2 per bonded case as per 15:85.1] and Surety Bond Licensing Fees	3,661,168
Grants	218,314	<b>Cat. 6: Interest &amp; Investment Income</b>	
Grants - Direct	-	Interest Income	66,567
Grants - Indirect (pass thru State)	-	Other Investment Income - List source(s)	3,716
Non-Profit Organizations	36,250	<b>Cat. 7: Other Reimbursements, State, and Other</b>	
Private Organizations	478,173	Other - List source(s)	82,448
<b>Cat. 2: \$40 Indigent Defense Application Fees [as per 15:175 A (1)(f)]</b>		Other Local Income -List source(s)	1,309,598
\$40 Indigent Defense Application Fees [as per 15:175 A (1)(f)]	903,006	Other Reimbursements	80,449
<b>Cat. 3: Local Appropriations - General &amp; Special and Other</b>		Other State Income -List source(s)	62,989
Appropriations - General	1,513,623	Taxes - Millages, Sales, Special, & Other	-
Appropriations - Special	41,250	<b>Cat. 8: Partial Attorney Fees Reimbursements [as per 15:176]</b>	
<b>Cat. 4: Condition of Probation &amp; DOC</b>		Partial Attorney Fees Reimbursements [as per 15:176]	794,440
Condition of Probation	481,314	Grand Total	#REF!
Department of Corrections	28,197	<b>NOTE: Categories above follow Pie Chart clockwise from top</b>	

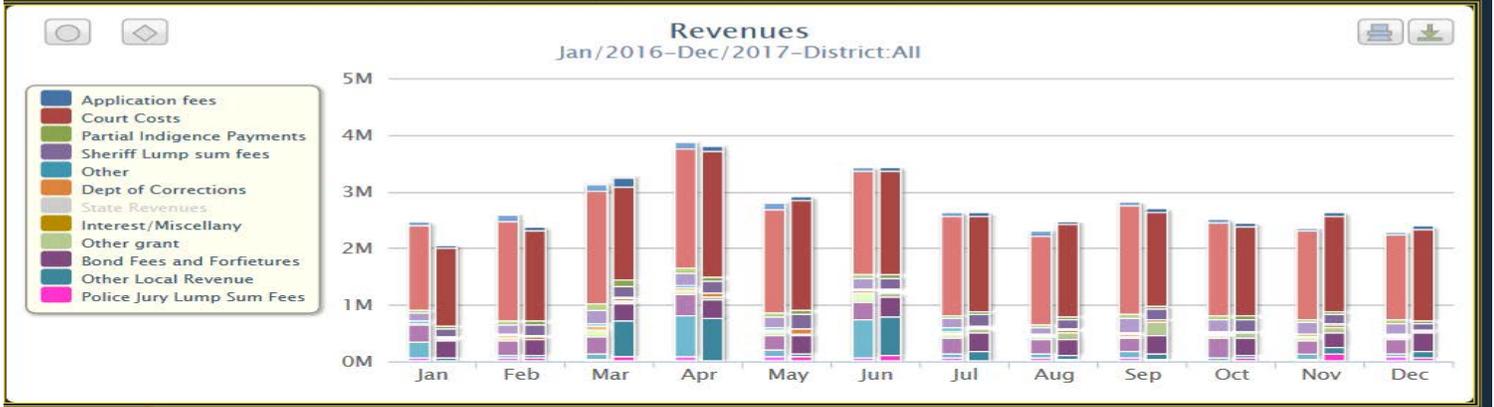
The Bar Chart below from the LPDB Dashboard Reports compares the statewide total local revenue sources per month, side-by-side, for CY16 and CY17 with *2016 on left in pastel colors*. Note that Local funding peaks in the Spring months, likely because people are paying fines and fees from tax refund checks.

# LOUISIANA PUBLIC DEFENDER BOARD

## DISTRICT DASHBOARD REPORT CENTER



Year:  Month:  District:



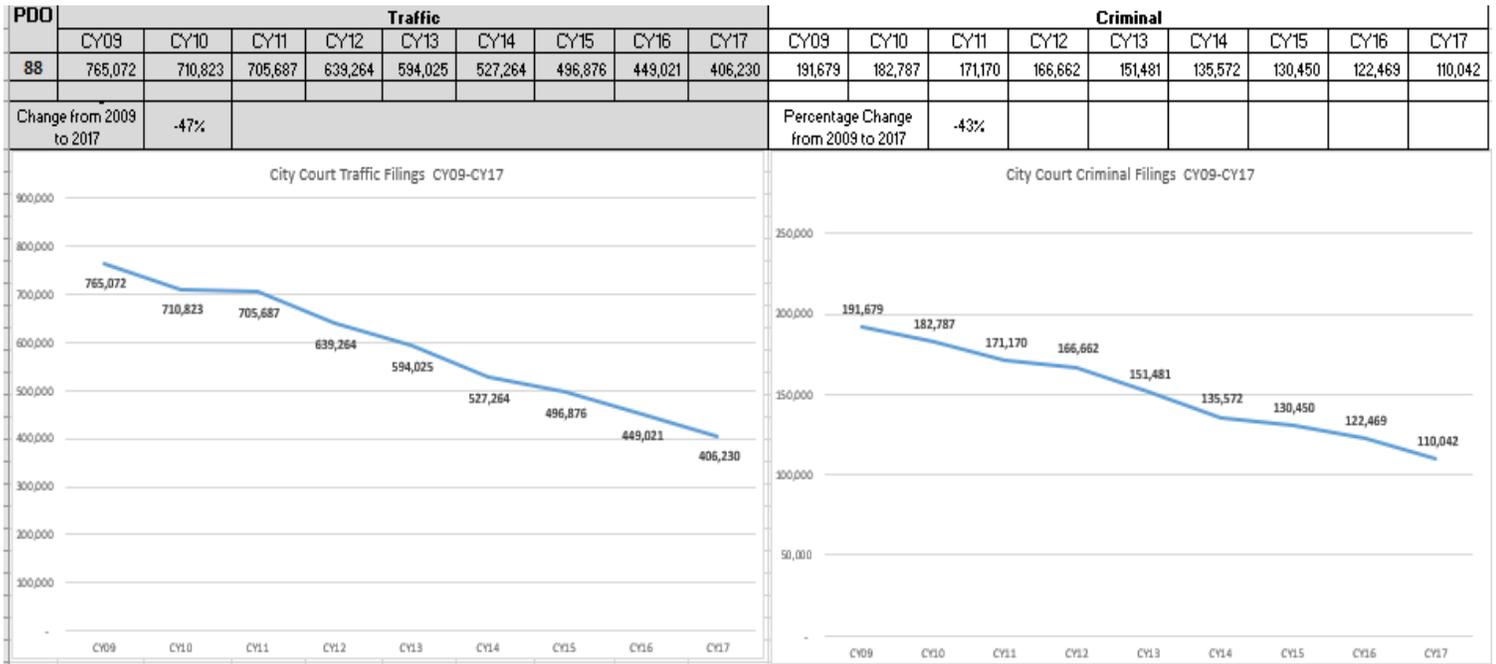
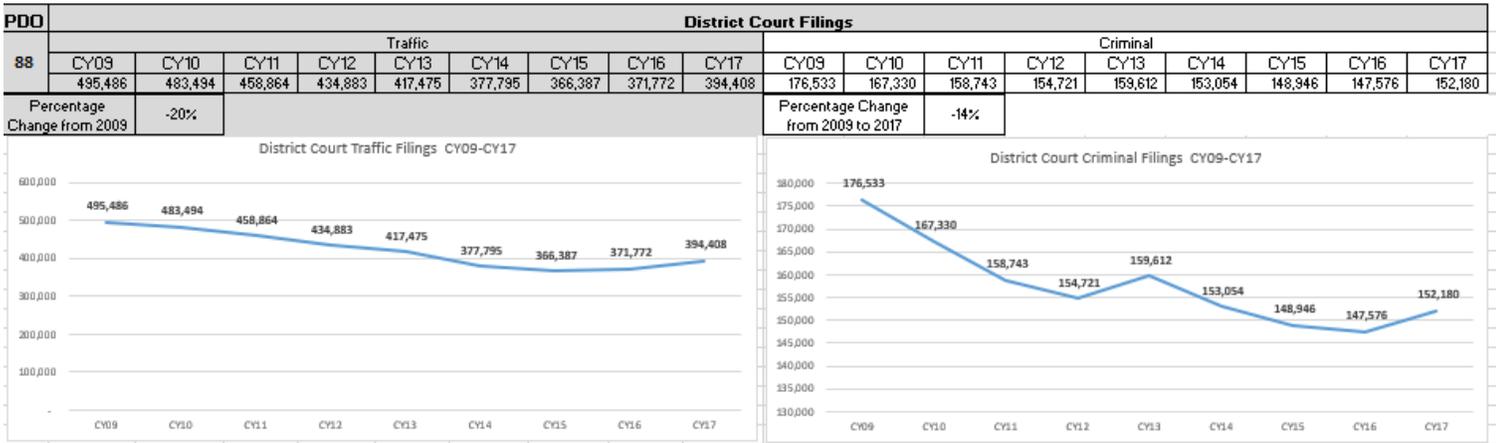
While all the revenues streams are valuable, it is clear that traffic and criminal court costs are the most vital. As shown in the graphs below, these court fees have steadily fallen since at least 2009 causing a loss of millions of dollars per year to the PDOs. Doubtless, a more stable, reliable and sufficient revenue mechanism is needed for the statewide system. It should be noted that aside from the \$40 (waivable) application fees, the PDOs neither assess nor collect any funds, and thus are passive recipients of the local assessment, collection and remitting agencies (typically the Courts or Sheriffs). Appendix B offers several bar charts comparing the districts’ receipts of the main local funding sources (and the “Other” category comprised of bond licensing fees and forfeitures, grants, as well as special and general local government appropriations).

Local Revenues: Falling Court Costs and Filings: Traffic filings, essential to local PDO funding, are in an alarming decline, negating the 2012 funding increase.

The DA charge filings as reported in the LA Supreme Court Annual Reports (LASC Reports) bear a powerful influence on local revenues of the individual Public Defender Offices (PDOs) because these filings create the pool of cases which generate the \$45 “Court Costs” – these are actually labelled in the Public Defender Act as “Special Costs” but generally called “Court Costs.” It should be noted that in July of 2012, through Act 578, the “special costs” were increased from \$35 to \$45 for the PDOs, which held the promise of a roughly 25% increase in local court cost revenues from 2012 to 2013. However, the declining trend in filings produced no such increase. (There is a statewide 35% drop in filings of all criminal and traffic charges in district and city courts combined in CY17 as compared to CY09 for an average of about 4.3% decrease each year.) [The CY18 LASC report should be available by Summer, 2019.]

**CY2009-2017 STATEWIDE DISTRICT COURT FILINGS**

DATA SOURCE-FILING DATA LASC ANNUAL REPORT (CY09-17)



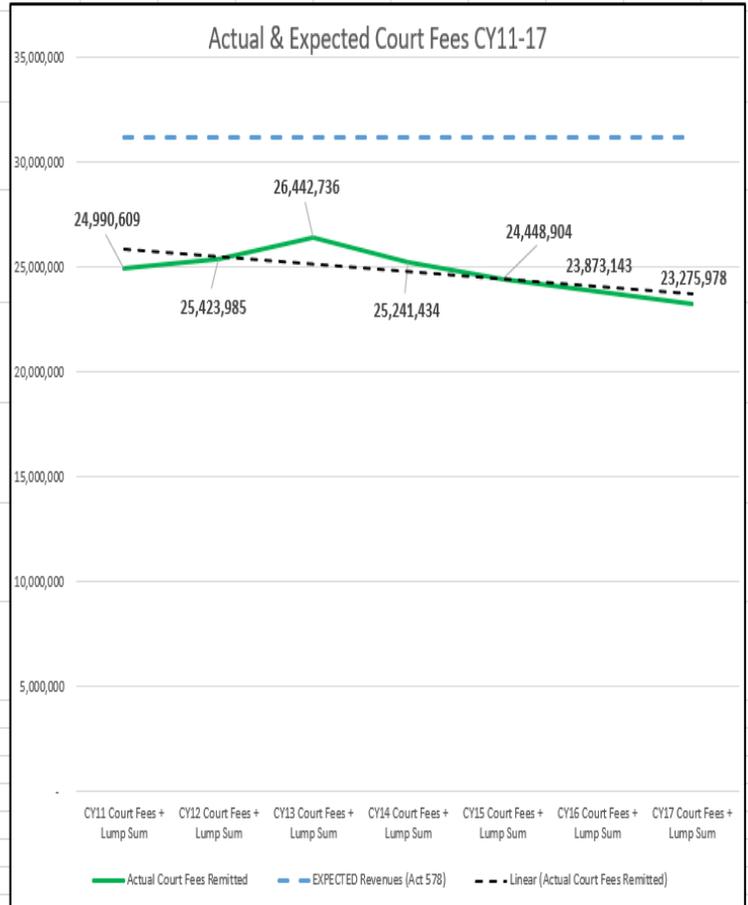
The tables below-left and below-center provide a statewide analysis of the estimated number of filings that ultimately resulted in payment of the court costs fees to the PDO (“*fee-generating charges*”) and also an analysis of the *rates* at which the charges filed in a given year actually produce the Court Costs to the PDOs that year. The number of *fee-generating charges* filed is estimated using the total court costs received by the PDOs in a year divided by the court cost amount (\$35 or \$45) (e.g., CY11: \$24,990,609 ÷ \$35 = 714,017 “*fee-generating charges*”). The rate of fee-generating charges filed is estimated by dividing the total charges filed by the total paying charges filed (e.g., *rate of fee-generating charges*: 1,494,464 total charges filed in CY11 ÷ 714,017 fee-generating charges filed = 47.8% charges filed result in the payment of the court costs to the PDOs. [Note that PDO #88 is the database reference to all PDOs combined statewide.]

PDO	City and District Court Remittances to PDOs							
	CY11 Court Fees + Lump Sum	CY12 Court Fees + Lump Sum	CY13 Court Fees + Lump Sum	CY14 Court Fees + Lump Sum	CY15 Court Fees + Lump Sum	CY16 Court Fees + Lump Sum	CY17 Court Fees + Lump Sum	Expected 25% Increase
88	24,990,609	25,423,985	26,442,736	25,241,434	24,448,904	23,873,143	23,275,978	31,238,261

NON-ITEMIZED LUMP SUM REMITTANCES ARE ASSUMED TO BE ALL COURT FEES -- IF THEY ARE NOT ALL COURT FEES, ACTUAL % ARE

CY11 Apparent Number of Cases resulting in \$35	714,017	CY11 Apparent Rate of Remittance	47.8%
CY12 Apparent Number of Cases resulting in	635,600	CY12 Apparent Rate of Remittance	45.5%
CY13 Apparent Number of Cases resulting in \$45 fees	587,616	CY13 Apparent Rate of Remittance % of Cases	44.4%
CY14 Apparent Number of Cases resulting in \$45	560,921	CY14 Apparent Rate of Remittance	47.0%
CY15 Apparent Number of Cases resulting in \$45	543,309	CY15 Apparent Rate of Remittance	47.5%
CY16 Apparent Number of Cases resulting in \$45	530,514	CY16 Apparent Rate of Remittance	48.6%
CY17 Apparent Number of Cases resulting in \$45	517,244	CY17 Apparent Rate of Remittance	48.7%

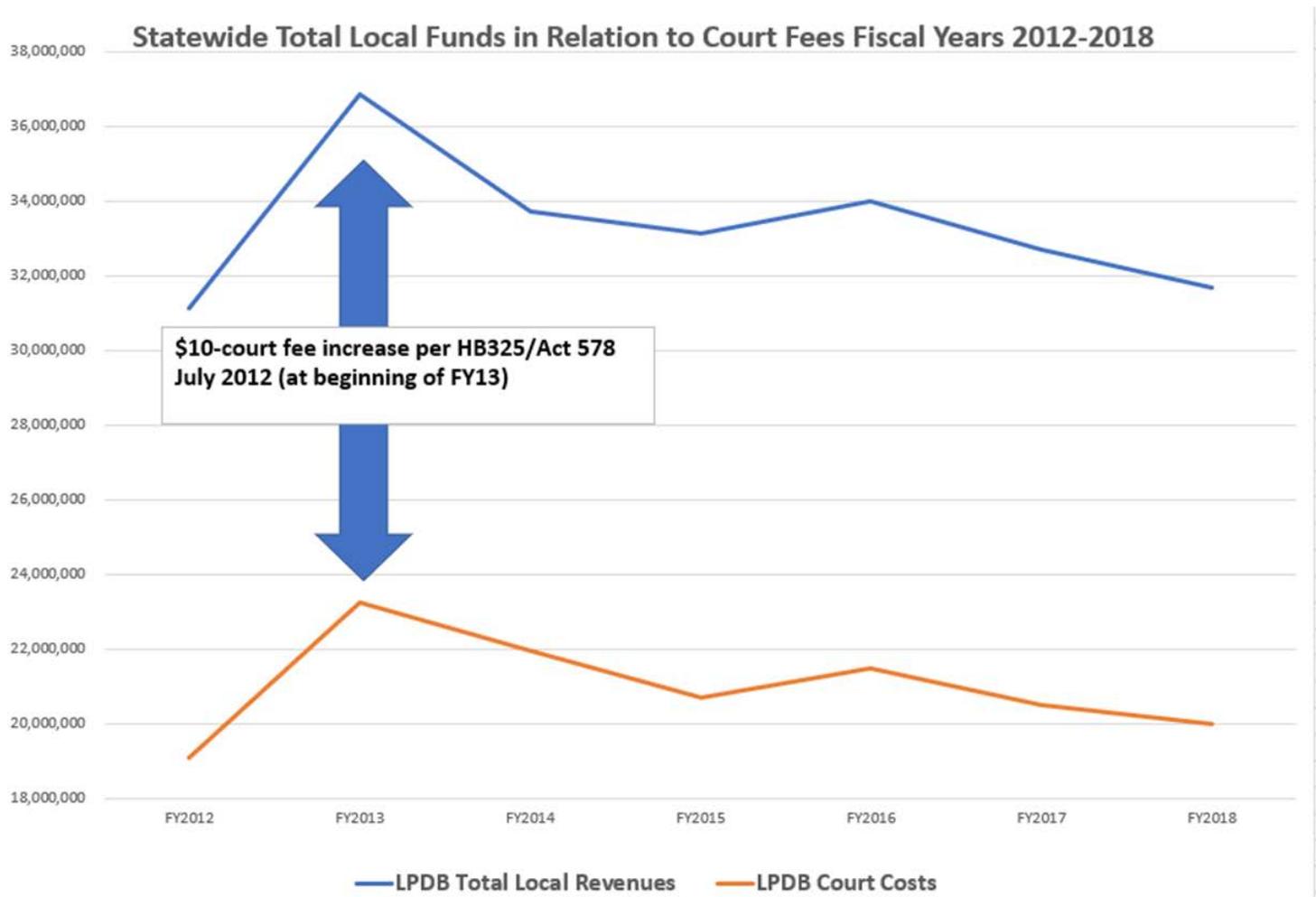
\*ESTIMATED/AVERAGED: FIRST 1/2 CY12 FEE WAS \$35; SECOND 1/2 CY12 FEE WAS \$45, AVERAGE



The line graph above-right shows the actual total statewide Court costs received by the PDOs (solid green line), the general trend of these remittances (dotted black line) and the expected increased totals due to the Court Cost \$10 increase IF CHARGE FILINGS HAD NOT FALLEN since 2012 (dotted blue line). **This amounts to an estimated \$5.8M per year in unrealized gains from the \$10 fee increase of 2012 due to decreased charge filings.**

Note that for the purposes of simplifying this calculus and ease of discussion, lump-sum payments are assumed to be 100% court costs — if they are not 100% court costs, the fee-generating charge totals and rates are even lower and the situation even more bleak. Recent trends suggest that these lump sums are estimated to be comprised of only about 60% court costs.

The graph below shows that in FY13, the first year of the enactment of 2012 HB325 which provides for a \$10 per case increase in court fees for the PDOs, there was a notable increase in court fees and therefore in overall total local revenues (although it was not the 25%-28% court-fee increase expected). However, court fees have declined 11.88% and total local revenues have declined 5.89 % from FY13 to FY17 which fits the general trend depicted in the previous graphs on DA Filings (Page 15, above, presented in Calendar Years per the LASC Reports).

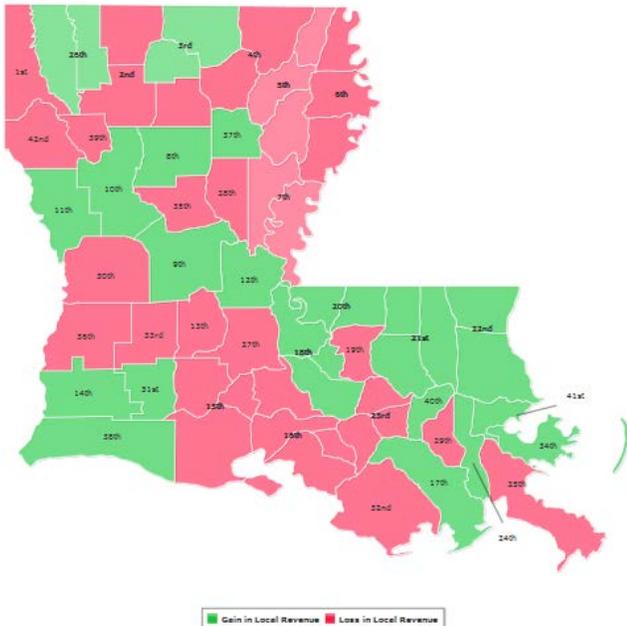


The data table and map below (Page 18) show the changes in local revenue among the districts from December 2016 to November 2018 (November 2018 is most recent data available at the time of this writing). It is important to consider that while overall decreases amount to more than \$1.5M statewide, the decreases among those districts which experienced decrease was far greater, more the -\$2.6M. This is particularly salient when considering that by statute local revenues are prohibited from being shared across district lines. Therefore, any consideration of gains or losses should be considered at the individual district level. Put another way, in the December '17 – November '18 period, the statewide decrease was \$1.25M. While 20 districts experienced varying degrees of increase totaling about \$1M, another 22 districts collectively lost \$2.6M greatly effecting most of them individually. (Although some districts on the map in red lost very minimally after making great gains prior to 2017 for example Districts 2 whose gains prior to 2017 were more than impressive.)

**24-Month Local Revenue Retrospective:  
Dec 2016- Nov 2017 v. Dec 2017 - Nov 2018**

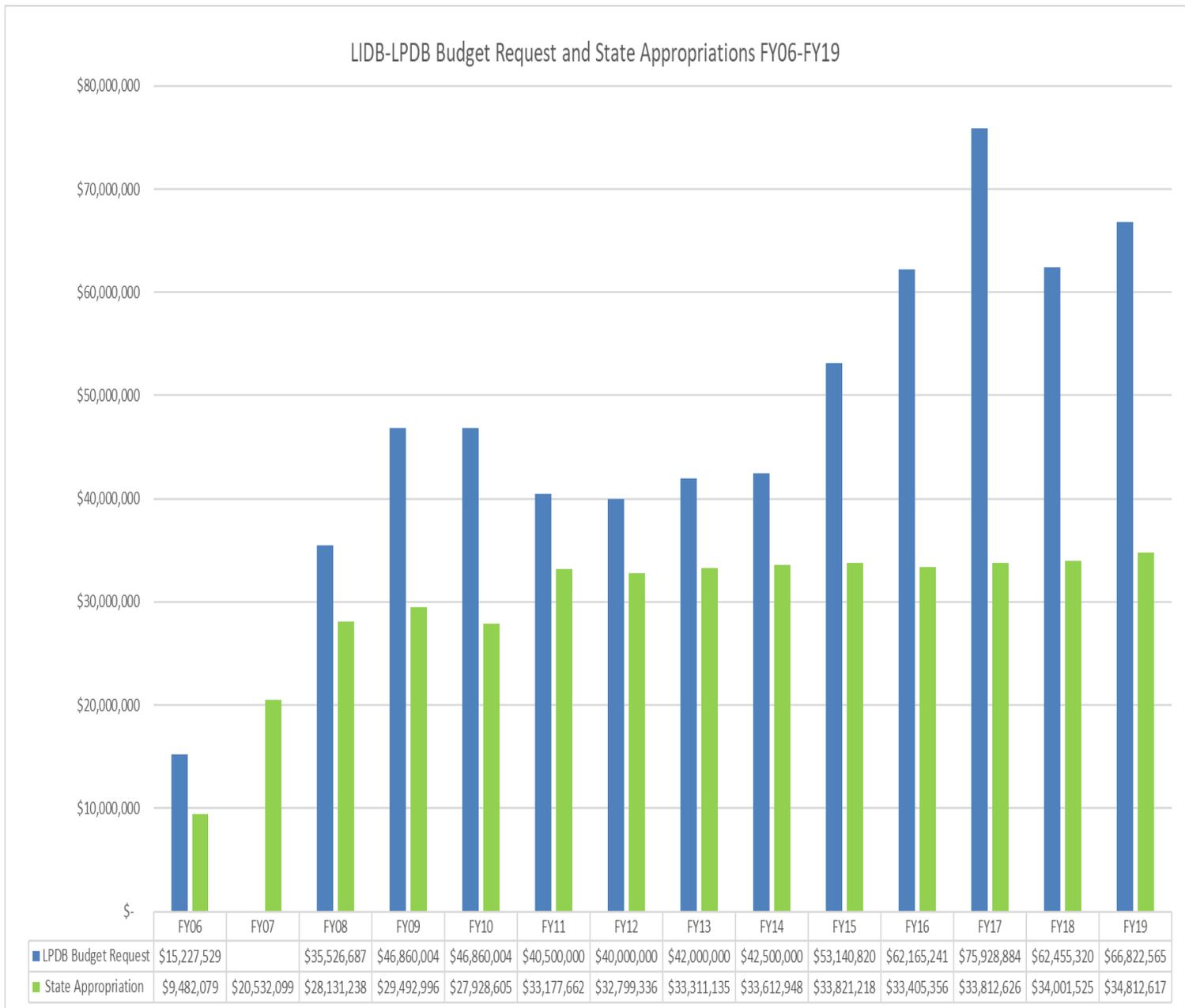
District	Dec 2016 to Nov 2017	Dec 2017 to Nov 2018	Difference from Prior Year	
4	1,475,879	865,329	(610,549)	Incomplete Data
42	627,732	238,938	(388,794)	
19	2,369,421	2,018,190	(351,231)	
32	1,049,375	785,294	(264,081)	
15	2,499,515	2,283,223	(216,292)	
6	582,787	424,744	(158,043)	
16	1,017,105	888,465	(128,641)	
27	667,128	547,409	(119,719)	
1	1,318,621	1,239,644	(78,977)	
2	444,813	369,973	(74,840)	
29	969,906	905,234	(64,672)	
30	578,109	543,322	(34,787)	
23	687,034	653,365	(33,669)	<b>Total decrease in local revenue among those districts with gains as of 1.8.19</b>
36	283,177	253,310	(29,868)	
35	142,440	114,878	(27,562)	
25	174,957	154,690	(20,267)	
13	96,451	76,842	(19,609)	
7	140,486	132,774	(7,712)	
39	42,378	38,459	(3,919)	
5	300,066	297,794	(2,272)	
28	56,176	54,082	(2,093)	
33	212,878	210,819	(2,058)	
37	44,464	47,261	2,796	<b>Total increase in local revenue among those districts with gains as of 1.8.19</b>
8	81,629	86,671	5,042	
11	60,517	66,454	5,937	
34	169,509	179,789	10,281	
12	194,592	206,175	11,582	
3	652,579	664,511	11,931	
9	662,674	675,234	12,560	
22	1,601,669	1,616,702	15,033	
38	91,995	108,218	16,223	
26	768,234	790,219	21,986	
17	485,206	512,336	27,131	<b>Total increase in local revenue among those districts with gains as of 1.8.19</b>
20	242,723	273,946	31,223	
24	2,581,112	2,616,743	35,632	
31	270,121	307,210	37,088	
18	587,559	634,770	47,211	
10	245,638	300,605	54,967	
21	1,693,025	1,764,288	71,264	
14	1,544,093	1,679,744	135,651	
40	609,207	840,393	231,186	
41	4,546,727	4,826,460	279,733	
<b>Total</b>	<b>32,869,709</b>	<b>31,294,508</b>	<b>(1,575,201)</b>	<b>1,064,455</b>
			Overall change Statewide	

Change in Local Revenue  
Source(s): LPDB Database



LPDB State Budget Requests and State Appropriations

The LPDB has long understood the extreme vulnerability of relying on local revenues and has consistently requested notable budget increases from the DoA since 2008 and has consistently been given roughly standstill appropriations. While these were generous appropriations in the context of the slashing of budgets among other state agencies, the funds were still simply insufficient. The chart below shows the LPDB Requested Amounts in blue and the State Appropriations received in green. **It is very important to note that LPDB Budget Requests were NOT based on actual total funds needed but upon estimates of amounts that LPDB believed had a reasonable likelihood of being fulfilled in unfavorable fiscal climates.** According to results from an LPDB needs-based budget survey of districts which was conducted in 2018, the actual amounts known to be needed are nearer to \$166M which is more in line with the prosecution spending amounts.



**Appendix A: Local District Attorney Offices v. Public Defender Offices Spending and Revenues**

DISTRICT ATTORNEY OFFICE CY2014 REVENUES, EXPENDITURES, AND ENDING FUND BALANCES, (Source: Adapted from LLA DA Audit 2016: APPENDIX D.)				Public Defender Office CY2014 Expenditures, Revenues & Ending Fund Balances (Source: LPDB database)			Comparative Statistics (Produced by LPPDB staff)	
Judicial District	Total DA Revenues*	Total DA Expenditures	DA Ending Fund Balance [Dec 2014]	Total PDO Revenues	Total PDO Expenditures	PDO Ending Fund Balance [June]	For every \$1 spent by the PDO, the DA spent at	For every \$1 received by the PDO, the DA received at
1st JDC	\$8,009,512	\$8,241,369	\$2,828,130	3,085,644	3,412,424	(30)	\$2.42	\$2.60
2nd JDC	1,807,767	1,557,202	475,527	366,570	386,792	71,387	\$4.03	\$4.93
3rd JDC	2,174,830	2,101,992	164,071	542,458	564,986	46,749	\$3.72	\$4.01
4th JDC	4,273,318	4,438,479	4,671,894	2,288,757	2,360,967	265,061	\$1.88	\$1.87
5th JDC	757,079	638,945	834,900	448,571	549,476	134,131	\$1.16	\$1.69
6th JDC	980,018	1,104,658	203,968	555,290	507,394	238,308	\$2.18	\$1.76
7th JDC	776,726	709,275	142,889	365,408	324,028	14,230	\$2.19	\$2.13
8th JDC	783,820	708,938	196,710	249,826	229,460	0	\$3.09	\$3.14
9th JDC	4,353,892	4,418,110	760,918	1,031,604	1,058,315	265,537	\$4.17	\$4.22
10th JDC	1,788,055	1,882,198	1,039,059	567,249	480,506	16,476	\$3.92	\$3.15
11th JDC	855,778	1,026,922	1,388,960	277,635	440,659	0	\$2.33	\$3.08
12th JDC	1,713,294	1,613,788	242,331	390,397	387,430	276	\$4.17	\$4.39
13th JDC	972,132	963,781	831,929	256,765	283,912	71,763	\$3.39	\$3.79
14th JDC	3,545,064	3,237,339	5,021,118	1,992,287	2,003,261	358,916	\$1.62	\$1.78
15th JDC	6,656,150	6,971,041	1,716,018	3,650,079	3,876,771	350,805	\$1.80	\$1.82
16th JDC	9,356,355	10,793,552	5,151,511	2,039,905	1,961,512	9,262	\$5.50	\$4.59
17th JDC	3,988,655	4,065,190	2,100,598	881,198	779,881	167,200	\$5.21	\$4.53
18th JDC	3,738,868	3,649,574	819,949	757,910	934,714	420,096	\$3.90	\$4.93
19th JDC	12,602,339	13,345,507	1,364,401	4,990,714	5,385,672	339,843	\$2.48	\$2.53
20th JDC**	1,206,896	1,278,637	348,862	268,676	298,317	69,152	\$4.29	\$4.49
21st JDC	3,500,803	3,567,327	(90,105)	2,999,906	2,950,139	301,082	\$1.21	\$1.17
22nd JDC	3,740,482	3,287,121	1,062,907	2,789,485	2,966,480	430,019	\$1.11	\$1.34
23rd JDC	3,949,580	4,139,752	1,682,673	1,051,671	1,160,105	255,355	\$3.57	\$3.76
24th JDC	21,408,754	22,939,596	5,158,652	3,325,626	3,317,709	478,591	\$6.91	\$6.44
25th JDC	338,284	359,010	1,903,323	223,533	341,793	165,237	\$1.05	\$1.51
26th JDC**	2,354,059	2,354,488	(146,197)	1,496,092	1,702,078	37,247	\$1.38	\$1.57
27th JDC	3,162,938	3,512,869	174,791	802,893	1,089,116	338,964	\$3.23	\$3.94
28th JDC	223,709	235,882	36,489	182,797	206,408	24,960	\$1.14	\$1.22
29th JDC	\$2,806,662	\$2,501,177	\$1,849,639	1,449,844	1,144,282	1,095,737	\$2.19	\$1.94
30th JDC	821,320	734,643	975,539	538,045	618,246	62,306	\$1.19	\$1.53
31st JDC	1,588,289	1,705,885	966,049	415,118	571,082	134,504	\$2.99	\$3.83
32nd JDC	4,234,005	4,607,263	2,053,442	1,318,239	1,462,815	230,103	\$3.15	\$3.21
33rd JDC	1,986,984	1,861,079	629,758	219,957	286,436	58,858	\$6.50	\$9.03
34th JDC	1,174,033	1,146,159	2,696,123	337,918	389,951	16,093	\$2.94	\$3.47
35th JDC	466,723	489,984	342,773	208,324	203,229	6,042	\$2.41	\$2.24
36th JDC	940,880	970,406	354,086	351,468	358,874	76,350	\$2.70	\$2.68
37th JDC	404,720	419,351	104,617	184,185	198,276	(718)	\$2.11	\$2.20
38th JDC	232,507	222,434	84,327	90,642	83,741	144,041	\$2.66	\$2.57
39th JDC	690,372	690,448	178,918	106,020	130,188	24,406	\$5.30	\$6.51
40th JDC	2,367,951	2,149,269	2,678,144	799,637	704,101	290,571	\$3.05	\$2.96
41st JDC	14,058,250	14,770,463	(1,112,649)	6,315,368	6,397,924	882,594	\$2.31	\$2.23
42nd JDC**	1,678,711	1,564,796	1,143,117	539,658	433,824	201,078	\$3.61	\$3.11
<b>Total</b>	<b>\$142,470,564</b>	<b>\$146,975,902</b>	<b>\$53,030,159</b>	<b>\$50,753,367</b>	<b>\$52,943,274</b>	<b>(2,189,907)</b>	<b>N/A</b>	<b>N/A</b>
<b>Maximum</b>	<b>\$21,408,754</b>	<b>\$22,939,596</b>	<b>\$5,158,652</b>	<b>\$50,753,367</b>	<b>\$52,943,274</b>	<b>1,095,737</b>	<b>\$ 6.91</b>	<b>\$ 9.03</b>
<b>Average</b>	<b>\$3,392,156</b>	<b>\$3,499,426</b>	<b>\$1,262,623</b>	<b>\$1,208,413</b>	<b>\$1,260,554</b>	<b>192,681</b>	<b>\$ 3.00</b>	<b>\$ 3.19</b>
<b>Minimum</b>	<b>\$223,709</b>	<b>\$222,434</b>	<b>(\$1,112,649)</b>	<b>\$90,642</b>	<b>\$83,741</b>	<b>(718)</b>	<b>\$ 1.05</b>	<b>\$ 1.17</b>

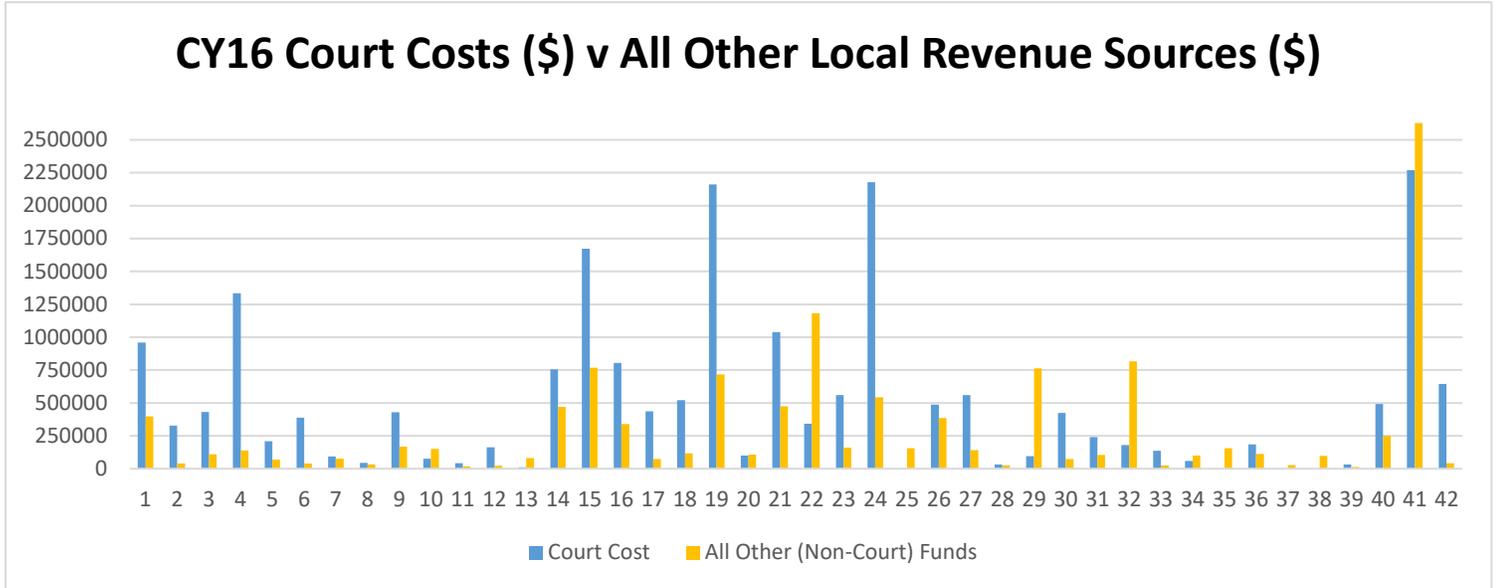
\*DA Revenues column does NOT include the \$12.5 million in state funding that was not reported in financial reports of district attorney offices and may not include all local funding received by district attorney offices.

\*\*These district attorney offices elected NOT to provide a response to verify accuracy of the information and to clarify any questions concerning their 2014 financial reports.

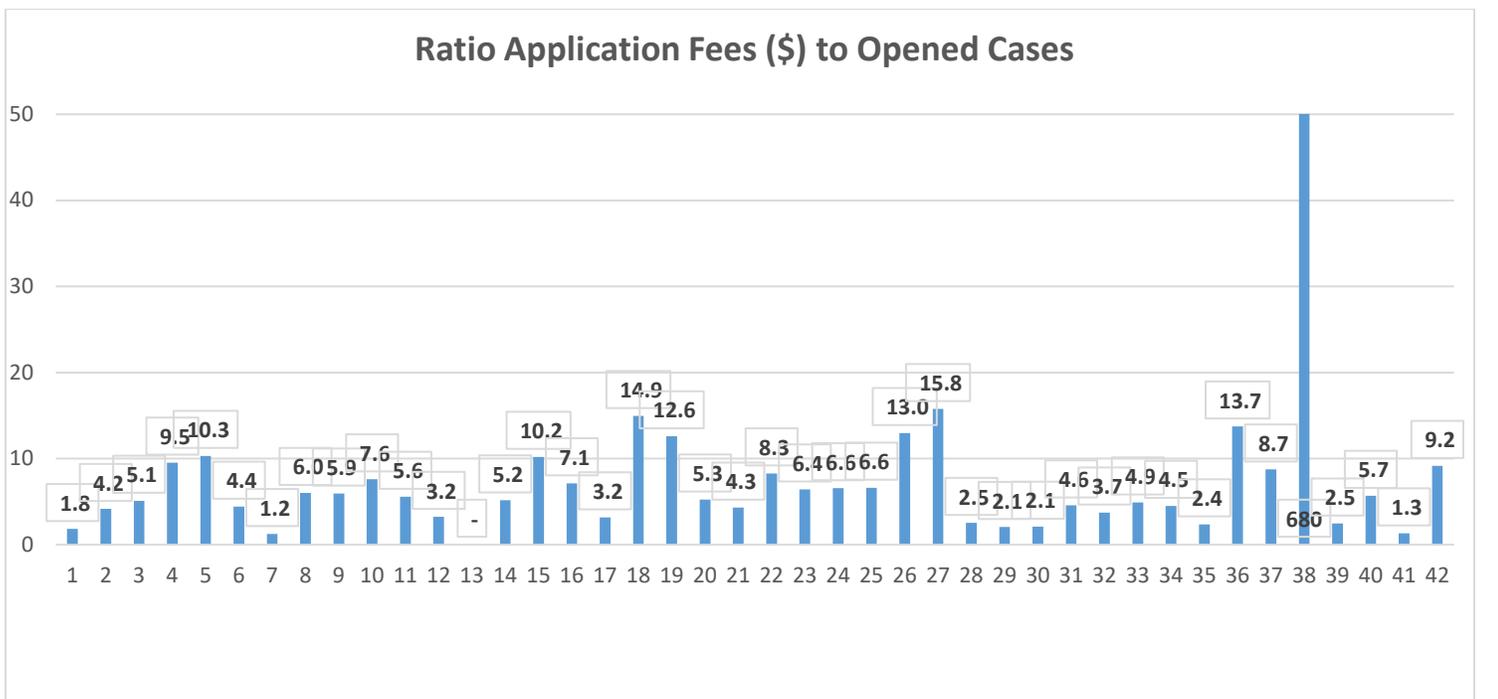
Source: Adapted from the work of the legislative auditor's staff using financial information of district attorney offices for the year ended December 31, 2014. Public Defender Office financial data and comparative statistics produced by LPDB. Note that LPDB finances follow the July-June fiscal year, so fund balances can only be measured on June 30, 2014 for this report.

**Appendix B: Public Defender Office Rates of Remittances by Revenue Source and by District**

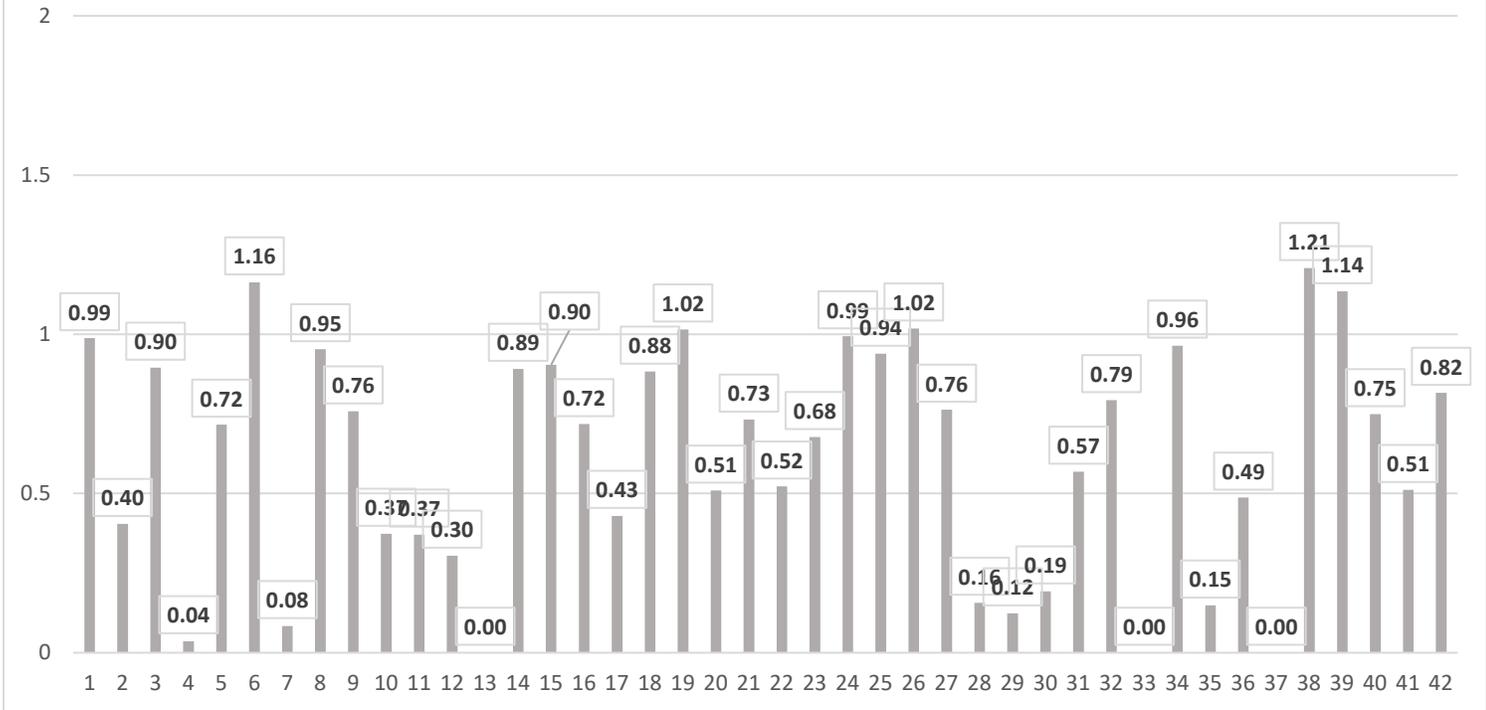
To highlight the heavy reliance on court fees, we compare these to all other revenue sources combined in the first chart. In the subsequent charts below, we created ratios so that a large urban district with relatively high dollar amounts yet low percentages of the expected amounts do not appear to be more successful at receiving remittances than smaller districts with fewer dollars yet higher percentages of the expected amounts.



Because Application Fees are assessed at the outset of the case when newly opened, ratio of application fee dollars to new cases was used to create the ratios for comparisons. (Staff is currently researching the anomaly seen in District 38. It is likely a data entry error. All other data appear to be correct.) The numbers in these ratios represent dollars received per new case.

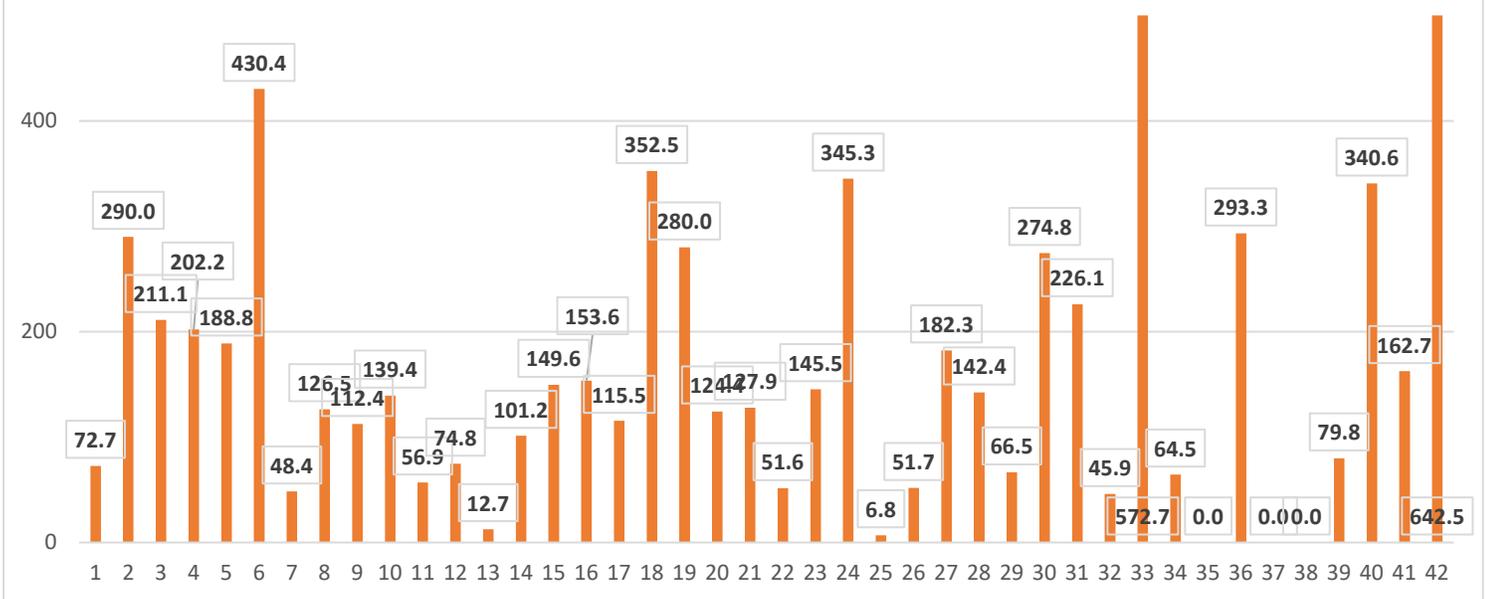


## Ratio Bond Fees and Forfeitures to District Population



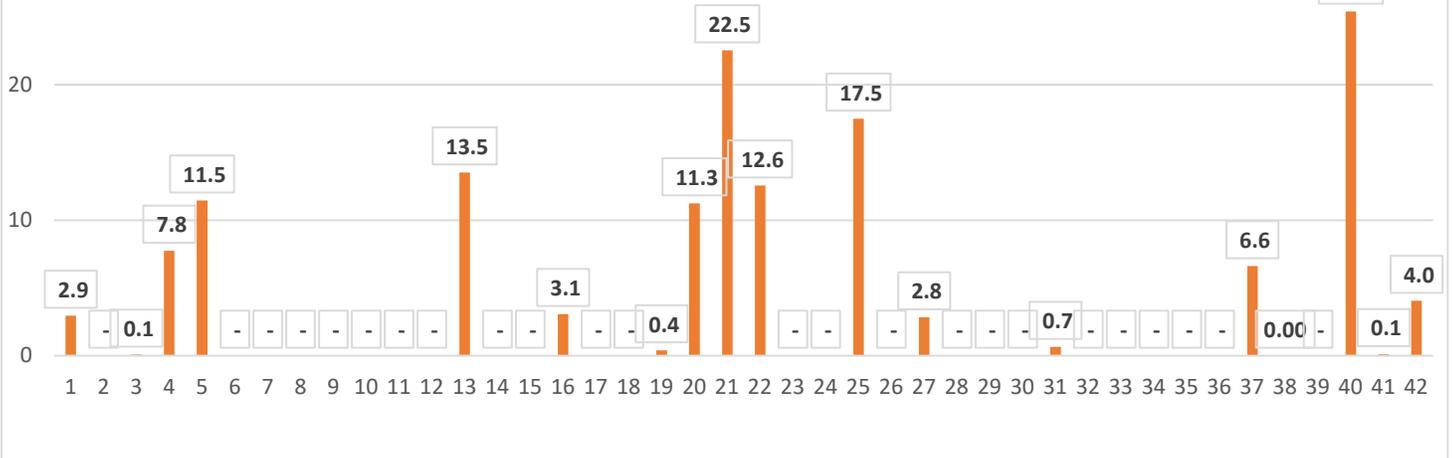
Because bond fees and forfeitures are not perfectly correlated with either opened or closed cases, the general populations of districts were used to generate the ratios in the chart above. Closed cases result in Court Costs (if the case is resolved against the client in some fashion), therefore closed cases were used to generate the ratio of court costs in the chart below. (Note that the lion's share of these funds is from traffic cases for which the PDO did not usually provide representation.)

## Ratio Court Costs (\$) to Closed Cases



Likewise, in the following chart, closed cases were used for the ratio because generally these are fees collected by DoC after a conviction of some sort (probation, guilt, etc).

**Ratio Dept. of Corrections (\$) to Closed Cases**



Lastly, in the chart below, the “Other” revenue category is comprised of local appropriations (special or general) from local government, philanthropic or local government grants, and a few other minor sources such as interest on savings. As these do not generally correlate to either open or closed cases, the population was used to generate the ratio.

**Ratio of All Other Funds (\$) Categories to Population**

