

**ARKANSAS BUDGET SYSTEM  
AGENCY PROGRAM COMMENTARY  
1997-1999**

**Paralegal Position**

We are requesting one paralegal position for the next biennium. This position is necessary to aid the attorneys in legal research and case preparation. At present, the attorneys must do all of their own research and prepare all of the necessary motions, pretrial and post-trial briefs, and appellate motions and briefs. With five attorneys to cover seventy-five (75) counties, conducting the requisite exhaustive and extensive research and then drafting the appropriate documents is very difficult. During trials far from Little Rock, it is simply impossible and the attorney must rely on untrained, and otherwise occupied, support staff to try and locate necessary caselaw and authorities. This is certainly not an effective use of time or manpower and leaves the attorneys' and their clients in an often untenable position.

Additionally, having a paralegal on staff would enable the Commission to do more outside research for other public defenders, legislators and various judges around Arkansas. Creating this position would enable the Capital, Conflicts and Appellate office to increase its caseload and enable the Commission to expand and expedite its services. Salary and associated matching costs total \$26, 862 for FY98 and \$27,529 for FY99. Capital Outlay, operating expenses, and conference fees and travel costs associated with this position total \$9,800 for FY98 and \$5,000 for FY99.

**Attorney Positions**

We are requesting two (2) attorney positions for the next biennium. These two positions are necessary to enable the CCA office to accept more appointments throughout the State. At present we have only five attorneys available to serve all 75 counties of Arkansas. Generally, because of the nature of the cases to which we are appointed, two attorneys must work on each case. Consequently, when considering the amount of time spent on the road and the complexity of the cases, these five attorneys are spread terribly thin. Two more attorney positions would enable us to accept a greater caseload and to better serve the counties throughout the State. Salary and associated matching costs total \$75,720 for FY98 and \$77,670 for FY99. Capital Outlay, operating expenses and conference fees and travel costs associated with these positions total \$26,800 for FY98 and \$17,200 for FY99.

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**ARKANSAS BUDGET SYSTEM  
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1997-1999**

**Extra-Help Positions**

We are requesting three (3) extra help positions for the next biennium. These positions are so that we may hire law students to work as part-time law clerks during the school year and as full time clerks during the summers. These positions are necessary to assist in research and motion and brief preparation. They would work closely with the paralegal and the attorneys in preparing and completing research projects. These positions are particularly important when the attorneys are in trial in Little Rock or out of town and need research done or issues briefed very quickly. These positions would also benefit the law students by giving them intimate exposure to the criminal justice system. The expenses associated with these positions are: (1) Capital Outlay to set up one office or workstation for FY98 only, \$4,800; (2) General operating expenses for each year of the biennium - \$2,000; (3) Salaries and associated cost of \$12,918 each year.

**Rent for Additional Office Space**

We are requesting an additional \$15,327 in operating expenses for each year of the biennium to pay the rent for additional office space. This amount represents 1,572 square feet at a rate of \$9.75 per square foot. This space will be needed if we get any of the additional positions requested. If we receive all of the positions requested we will be constructing four additional offices and the nature of the space into which we would be expanding does not lend itself to feasible division. Additionally, one of our current employees needs to have a permanent office. This employee is responsible for all of our transcription and appellate abstract and brief typing. At the present time she is in a high-traffic, partitioned area which makes it very difficult for her to hear the tapes she is transcribing. Further, in the next month or so the office will be having a wheel chair lift installed only inches from her work area. This installation will make it nearly impossible for her to carry out her duties in her present location and, unfortunately, we have nowhere else to put her or any other employees. For these reasons the additional amount in character 02 for operating expenses is essential.

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**ARKANSAS BUDGET SYSTEM  
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All of the foregoing priority requests, particularly the requests for new positions, are made with the goal of increasing the availability of the CCA office by greatly increasing the caseload which the office can effectively carry, and also increasing the availability of resources the Commission can provide to attorneys, legislators, court personnel and judges throughout Arkansas. With five attorneys and seventy five counties to cover there is a limit to that which we can do, but with an increase of two attorneys, a paralegal and three extra-help positions, we can increase our caseload and availability by 25 to 30 percent.

**Professional Fees and Services**

We are requesting restoration of the FY97 authorized amount of \$96,000.00 each year for Professional Fees and Services. We were forced to tap into the monies allocated to Professional Fees and Services in order to meet the statutorily required deferment, as well as to have adequate funding to cover unexpected expenses in Capital Outlay and Maintenance and Operation over the preceding biennium. Consequently, of the \$96,000.00 originally appropriated, we now have only \$61,879 remaining as a baseline figure for the forthcoming biennium. Therefore, we are requesting an additional amount of \$34,121 in priority programs to restore the original authorization. This will allow our office to effectively represent our clients by providing expert assistance (i.e. psychological/psychiatric, toxicology, firearms, etc.) as needed and to pay for these same types of services in cases pending in other counties where the CCA office was not appointed.

**Capital Outlay**

We are requesting \$10,000.00 for FY98 and \$7,000.00 for FY99 for Capital Outlay. This money will be needed to upgrade some of our computers which we presently have and to replace some of the monitors which we have that have been problematic. The money will also be used to purchase book shelves for our library and additional file cabinets as needed and a laser printer.

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ARKANSAS PUBLIC DEFENDER COMMISSION  
SUMMARY OF AUDIT FINDINGS AND RECOMMENDATIONS  
FOR THE YEAR ENDED JUNE 30, 1995

Assets					Liabilities			Total Equity	
Cash and Investments	Fixed	Other	Total	Current	Long-Term	Total			
\$ 713,350	\$ 46,826	\$ 19,313	\$ 779,489	\$ 550	\$ 18,762	\$ 19,312	\$ 760,177		

  

Revenues					Expenditures					
Inter-governmental	Federal	Licenses and Fees	Other	Total	Salaries and Matching	Grants and Aid	Capital	Other Operating	Total	Other Source (Uses)
\$ 497,000	\$ 0	\$ 463,945	\$ 19,452	\$ 980,397	\$ 370,657	\$ 0	\$ 7,774	\$ 138,447	\$ 516,878	\$

  

Findings	Recommendations
<p>EXPENDITURE DOCUMENTATION - In two instances, payments for professional services were not supported by invoices or other original evidence of indebtedness. Agency personnel indicated that the original invoices and other supporting documentation were submitted to the Department of Finance and Administration for the issuance of State warrants, and that copies were not retained by the Agency. Additionally, travel expenditures were supported by the carbon copy of the Travel Expense Reimbursement Form (TR-1). Provisions of the General Accounting and Budgetary Procedures Law (Ark. Code Ann. 19-4-1108) provide that original documentation must be retained on file for audit purposes.</p>	<p>Comply with the law.</p>

ARKANSAS BUDGET SYSTEM  
 EMPLOYMENT SUMMARY  
 AS REQUIRED BY ACT 358 OF 1993  
 (A.C.A 19-4-307)

AGENCY TITLE      324 - PUBLIC DEFENDER COMMISSION

	MALE	FEMALE	TOTAL	PERCENTAGE OF TOTAL
WHITE EMPLOYEES	<u>3</u>	<u>7</u>	<u>10</u>	<u>91%</u>
BLACK EMPLOYEES	<u>0</u>	<u>1</u>	<u>1</u>	<u>9%</u>
EMPLOYEES OF OTHER RACIAL MINORITIES	<u>0</u>	<u>0</u>	<u>0</u>	<u>0%</u>
TOTAL EMPLOYED AS OF <u>08/10/96</u> DATE			<u>1</u>	<u>9%</u>
			TOTAL MINORITIES	
			<u>11</u>	<u>100%</u>
			TOTAL EMPLOYEES	

*Dieter H. Sallinger*  
 \_\_\_\_\_  
 AGENCY DIRECTOR

**SUMMARY**

**STATUS OF NEW PROGRAMS/EXPANSIONS AUTHORIZED BY THE 80TH GENERAL ASSEMBLY**

AGENCY: ARKANSAS PUBLIC DEFENDER COMMISSION

PROGRAM AUTHORIZED	# POS. AUTH.	ADDITIONAL AUTHORIZED APPROPRIATION		STATUS
		FY 95-96	FY 96-97	
<b><u>APPROPRIATION: Arkansas Public Defender Commission</u></b>				
A. Regular Salaries	2	\$51,050	\$52,477	The two (2) positions authorized were utilized in FY96 and are budgeted for FY97. Of the increases authorized for Regular Salaries and Personal Services Matching, all was expended in FY96 and all is budgeted in FY97. For Operating Expenses, \$42,716 was expended in FY96 and all of the increase is budgeted in FY97. All of the increases authorized for Conference Fees & Travel was expended in FY96 and is budgeted in FY97. For Professional Fees & Services, none of the increase was expended and \$15,961 of the increase is budgeted in FY97. All of the increase authorized for Capital Outlay was expended and all is budgeted for FY97.
B. Personal Services Matching		\$14,215	\$14,601	
C. Operating Expenses		\$67,625	\$67,625	
D. Conference Fees & Travel		\$4,000	\$4,000	
E. Professional Fees & Services		\$50,082	\$50,082	
F. Capital Outlay		\$13,000	\$3,000	



**ARKANSAS BUDGET SYSTEM  
ANALYSIS OF BUDGET REQUEST  
1997 - 1999**

The Arkansas Public Defender Commission was established in 1993 to address a variety of problems and concerns related to the representation of indigent criminal defendants in the State of Arkansas. The Commission is funded through the State Central Services Fund. Total requests total \$951,318 for FY98 and \$948,814 for FY99. Of these amounts, \$218,348 for FY98 and \$198,765 for FY99 is requested as priorities above Base Level.

A top priority for the Commission is salary and associated matching costs totaling \$26,862 for FY98 and \$27,529 for FY99 for a Grade 19 Paralegal/Legal Assistant. The primary focus of this position would be on researching legal issues on assigned cases and drafting pre-trial and post-trial briefs for review by the attorneys. Associated M & O for support of this position totals \$9,800 for FY98 and \$5,000 for FY99. Two (2) Grade 24 Attorney positions are also requested to meet the demand for additional legal representation for indigent defendants. Salary and matching costs for these positions total \$75,720 for FY98 and \$77,670 for FY99. For support of these positions, M & O support totaling \$26,800 for FY98 and \$17,200 for FY99 is requested. **An additional \$15,327 each year is requested for facility lease costs associated with extra office space only in the event these positions are recommended.** The Commission requests an extraordinary increase of approximately 13% for FY98 and an additional 8% for FY99 in salary and accompanying matching requirements for the Grade 99 Executive Director position.

Three (3) Extra Help positions are requested to permit the Commission to hire law students to work as law clerks and assist with research, motion and brief preparation. Personal services and matching costs total \$12,918 each year. Additional M & O support totaling \$6,800 for FY98 and \$2,000 for FY99 is requested for these Extra Help positions. The Commission further requests \$10,000 for FY98 and \$7,000 for FY99 in Capital Outlay for upgrading of computers/monitors, laser printer, and general office equipment. For Professional Fees & Services, \$34,121 is requested to allow for restoration of the FY97 authorized level for each year of the 1997-99 biennium.

The Executive Recommendation provides for Base Level, which includes appropriation for a 2.8% Cost of Living Allowance for positions on July 1 of each year of the biennium along with accompanying employee matching requirements. The Executive Recommendation does not reflect the extraordinary increases requested for the non-classified position at this time.

AGENCY	APPROPRIATION	TREASURY FUND	ANALYSIS OF BUDGET REQUEST	PAGE
Name: Arkansas Public Defender Commission  Code: 324	Name: State Operations  Code: 337	Name: State Central Services  Code: HSC	BR20	258

CHARACTER TITLE	-----EXPENDITURES-----			-----97-98 FISCAL YEAR-----			-----98-99 FISCAL YEAR-----			-----R E C O M M E N D A T I O N S-----			
	95-96	96-97	96-97	BASE	PRIORITY PROGRAMS	TOTAL REQUEST	BASE	PRIORITY PROGRAMS	TOTAL REQUEST	EXECUTIVE		LEGISLATIVE	
	ACTUAL	BUDGETED	AUTHORIZED APPRO							97-98	98-99	97-98	98-99
REGULAR SALARIES	356,208	384,381	342,017	410,302	78,994	489,296	424,725	81,206	505,931	404,522	415,561		
NUMBER OF POSITIONS	12	12	12	12	3	15	12	3	15	12	12		
EXTRA HELP	0	0	0	0	12,000	12,000	0	12,000	12,000				
NUMBER OF POSITIONS	0	0	0	0	3	3	0	3	3				
PERSONAL SERVICES MATCHIN	93,375	109,218	92,345	111,724	24,506	136,230	114,380	24,911	139,291	110,659	112,692		
OPERATING EXPENSES	112,156	137,065	137,065	137,065	34,527	171,592	137,065	34,527	171,592	137,065	137,065		
CONF FEES AND TRAVEL	14,387	12,000	12,000	12,000	5,000	17,000	12,000	5,000	17,000	12,000	12,000		
PROFESSIONAL FEES AND SER	15,697	61,879	96,000	61,879	34,121	96,000	61,879	34,121	96,000	61,879	61,879		
CAPITAL OUTLAY	14,696	3,000	3,000	0	29,200	29,200	0	7,000	7,000				
<b>TOTAL</b>	<b>606,519</b>	<b>707,543</b>	<b>682,427</b>	<b>732,970</b>	<b>218,348</b>	<b>951,318</b>	<b>750,049</b>	<b>198,765</b>	<b>948,814</b>	<b>726,125</b>	<b>739,197</b>		
PROPOSED FUNDING SOURCES			*****										
FUND BALANCES			*****										
GENERAL REVENUES			*****										
SPECIAL REVENUES			*****										
FEDERAL FUNDS			*****										
STATE CENTRAL SERVICES FUND	606,519	707,543	*****	732,970	218,348	951,318	750,049	198,765	948,814	726,125	739,197		
NON-REVENUE RECEIPTS			*****										
CASH FUNDS			*****										
OTHER			*****										
<b>TOTAL FUNDING</b>	<b>606,519</b>	<b>707,543</b>	<b>*****</b>	<b>732,970</b>	<b>218,348</b>	<b>951,318</b>	<b>750,049</b>	<b>198,765</b>	<b>948,814</b>	<b>726,125</b>	<b>739,197</b>		
EXCESS APPRO/ (FUNDING)			*****										
<b>TOTAL</b>	<b>606,519</b>	<b>707,543</b>	<b>*****</b>	<b>732,970</b>	<b>218,348</b>	<b>951,318</b>	<b>750,049</b>	<b>198,765</b>	<b>948,814</b>	<b>726,125</b>	<b>739,197</b>		

DEPT 009 OTHER BOARDS AND COMMISSIONS  
 AGY 324 ARKANSAS PUBLIC DEFENDER COMMISSION  
 APPRO 337 STATE OPERATIONS  
 FUND HSC STATE CENTRAL SERV-(000)

The FY97 Budgeted amounts in Regular Salaries and/or Personal Services Matching may exceed the Authorized amounts due to the implementation of the pay plan during the 1995-97 biennium.

APPROPRIATION SUMMARY  
 BR 215



ARKANSAS BUDGET SYSTEM  
PROGRAM/SERVICE INFORMATION LIST  
RANK BY APPROPRIATION

01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	
RANK	PROGRAM DESCRIPTION	FUND	ACCOUNTING INFORMATION	D E S	EXPENDITURES		1997 - 99 BIENNIUM REQUESTS				RECOMMENDATIONS								
					ACTUAL	BUDGETED	FY 1997 - 98		FY 1998 - 99		EXECUTIVE		LEGISLATIVE						
					95-96	96-97	REQUEST	REQUEST	1997-98	1998-99	1997-98	1998-99							
000		HSC	324 337	B	606,519 12	707,543 12	732,970 12				750,049 12			726,125 12	739,197 12				
001		HSC	324 337	P01			0 0	36,662 1			32,529 1								
					<p>We are requesting one paralegal position for the next biennium. This position is necessary to aid the attorneys in legal research and case preparation. At present the attorneys must do all their own research and prepare all of the necessary motions, pretrial and post-trial briefs, and appellate motions and briefs. Creating this position would enable the CCA office to increase its caseload and enable the Commission to expand and expedite its services. Salary and associated costs for this position are \$26,862 for FY98 and \$27,529 for FY99. Capital Outlay, operating expenses and conference fees and travel costs associated with this position total \$9,800 for FY98 and \$5,000 for FY99.</p>														
001		HSC	324 337	P02			0 0	102,520 2			94,070 2								
					<p>We are requesting two (2) attorney positions for the next biennium. These two positions are necessary to enable the CCA office to accept more appointments throughout the state. At present we have only five attorneys available to serve all 75 counties of Arkansas. Salary and associated matching costs for these positions total \$75,720 for FY98 and \$77,670 for FY99. Capital Outlay, operating expenses and conference fees and travel costs associated with these positions total \$28,800 for FY98 and \$17,200 for FY99.</p>														

DEPT 009 OTHER BOARDS AND COMMISSIONS  
AGY 324 ARKANSAS PUBLIC DEFENDER COMMISSION  
APPRO 337 STATE OPERATIONS  
FUND HSC STATE CENTRAL SERV-(000)

RANK BY APPROPRIATION  
BR 264

ARKANSAS BUDGET SYSTEM

PROGRAM/SERVICE INFORMATION LIST

RANK BY APPROPRIATION

01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18
RANK	PROGRAM DESCRIPTION	FUND	ACCOUNTING INFORMATION	D E S	EXPENDITURES		1997 - 99 BIENNIAL REQUESTS				RECOMMENDATIONS						
					ACTUAL	BUDGETED	FY 1997 - 98		FY 1998 - 99		EXECUTIVE		LEGISLATIVE				
					95-96	96-97	REQUEST	REQUEST	1997-98	1998-99	1997-98	1998					
001		HSC	324 337	P06		0	15,327	0	15,327	0							
<p>We are requesting an increase in operating expenses in the amount of \$15,327 for each year of the biennium to cover the rent for increased office space. This amount represents the rent for 1,572 square feet at a rate of \$9.75 per square foot. This space will be necessary if we receive any additional positions. We simply have no extra space at this time. Furthermore, the additional space will be used to accommodate one of our present employees who needs to be moved to a more quiet and isolated area. This person does all of the office transcription and appellate typing and is currently in a high-traffic, high noise area.</p>																	
002		HSC	324 337	P03		0	19,718	0	14,918	0							
<p>We are requesting three (3) extra help positions for the next biennium. These positions are so that we may hire law students to work as law clerks. These positions are necessary to assist in research and motion and brief preparation. These positions are particularly important when the attorneys are in trial out of town and need research done or issues briefed very quickly. The expenses associated with these positions are: 1) Capital Outlay to set up one office or workstation for FY98 only, \$4,800; 2) general operating expenses for each year of the biennium - \$2,000; 3) salaries and associated matching costs of \$12,918 for each year.</p>																	
003		HSC	324 337	P04		0	34,121	0	34,121	0							
<p>We are requesting restoration of the FY97 authorized amount of \$96,000 each year for Professional Fees and Services (PF&amp;S). An additional amount of \$34,121 each year will restore the FY97 authorization. The Commission uses PF&amp;S for paying expert witness fees and associated costs for essential assistance and testimony for CCA cases. Additionally, by statute the Commission is authorized to pay various fees and costs associated with representation of indigent defendants by local public defenders and appointed private counsel. This fund has been utilized for payment of these expenses and these requests are now coming in on an increasing basis. For these reasons, we are requesting an additional appropriation of \$34,121 each year of the biennium to restore the FY97 appropriation.</p>																	

DEPT 009 OTHER BOARDS AND COMMISSIONS  
 AGY 324 ARKANSAS PUBLIC DEFENDER COMMISSION  
 APPRO 337 STATE OPERATIONS  
 FUND HSC STATE CENTRAL SERV-(000)

RANK BY APPROPRIATION  
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ARKANSAS BUDGET SYSTEM  
PROGRAM/SERVICE INFORMATION LIST  
RANK BY APPROPRIATION

01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19
RANK	PROGRAM DESCRIPTION	FUND	ACCOUNTING INFORMATION	D E S	-----EXPENDITURES-----				-----1997 - 99 BIENNIIUM REQUESTS-----				-----R E C O M M E N D A T I O N S-----					
					---ACTUAL---		--BUDGETED--		-----FY 1997 - 98-----		-----FY 1998 - 99-----		-----EXECUTIVE-----		-----LEGISLATIVE-----			
					95-96	96-97	REQUEST	REQUEST	1997-98	1998-99	1997-98	1998-99						
004		HSC	324 337	P05		0	10,000	7,000										
						0	0	0										

We are requesting \$10,000 for FY98 and \$7,000 for FY99 for Capital Outlay. This money will be needed to upgrade some of our computers which we presently have and to replace some of the monitors which we have that have been problematic. The money will also be used to purchase book shelves for our library and additional file cabinets as needed and a laser printer.

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APPRO 337 STATE OPERATIONS  
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RANK BY APPROPRIATION

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