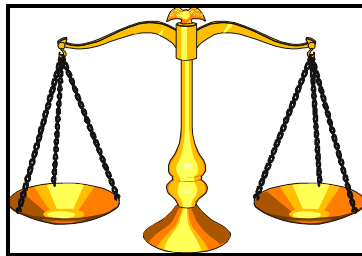


"The legitimacy of our justice system
depends on our efforts
to ensure the fairness of the system
for everyone, regardless of wealth."

**United States Attorney General Janet Reno
August 2, 1997
San Francisco, California**



**The 1998 Annual Report of the
Lancaster County Public Defender**

Dennis R. Keefe, Public Defender

**Lancaster County
Public Defender's Office
1998 Annual Report**



**Dennis R. Keefe
Public Defender**

Over the past 18 months, I have had the honor of representing the American Bar Association's Standing Committee on Legal Aid and Indigent Defense in a series of meetings with the Attorney General of the United States, Janet Reno, and national representatives of the indigent defense community. The purpose of these meetings was to discuss the state of indigent defense nationally, and to offer suggestions on ways in which the U.S. Department of Justice could help improve the situation. The impetus for these meetings was Janet Reno's personal commitment to equal justice and fairness in our criminal justice systems.

It was not particularly surprising to learn that the problems we face in Lancaster County in providing quality legal services to the poor are problems experienced by many providers of indigent defense services across the country. We are certainly not in as serious of a predicament as many, but we struggle with problems of rising caseloads, more serious crime, an imbalance in the distribution of criminal justice resources, and a political climate that creates more criminal offenses and harsher penalties while attempting to shrink the available funding for the criminal justice pie.

Despite all of this, the Lancaster County Public Defender's Office remains committed to its mission - to provide high quality legal services for the indigent and to advocate zealously on behalf of each individual client. The staff of the Lancaster County Public Defender's Office is a dedicated group of professionals who remain committed to the goal of equal justice for all.

1998 brought many changes to our office and our local criminal justice system. In January, our offices relocated to the new County-City Building, on the second floor. Our Juvenile Division, which had relocated to Trabert Hall in October of 1997 rejoined us in the summer of 1998. New faces also appeared in the office. Naomi Martins, a legal secretary with our office for many years, left us to return with her husband to Minnesota following his retirement. We welcomed Michelle Scamehorn and Mayme Shannon to our legal secretarial staff and Julie Hansen and Reggie Ryder as new Juvenile Division attorneys. Timothy Sopinski took over the part-time misdemeanor attorney position at the end of 1998. In the summer, Andrea Snowden joined the office as a law clerk.

There were other noteworthy changes in personalities within our local criminal justice system during the year. A new Chief Justice was appointed (John Hendry replacing C. Thomas White who retired), a new City Prosecutor was appointed (John McQuinn replacing Norm Langamach) and 2 new County Commissioners were selected (Bernie Heier was appointed to replace Darlene Tussing who resigned and Bob Workman

was elected to a four year term in November). The Lancaster County Indigent Defense Advisory Committee received a new member with the appointment of Andrew Strotman to replace Jim Bausch, whose term expired. Finally, Dave Jones, a long time Juvenile Court probation officer and a strong advocate for youth, retired in the summer of 1998.

The Public Defenders Office also completed the technology upgrade that we began 3 years ago. All staff now have a Pentium computer with Windows 95 and WordPerfect 8.0. Four of our new Pentium computers are laptops, purchased for some of the felony attorneys, in anticipation of the high tech courtrooms that we will experience next year with the completion of the remodeling of the Hall of Justice.

The budget process brought expansion, much of it related to the Juvenile Court. Two new contracts for the Abuse/Neglect cases were authorized and an additional staff attorney position in the Public Defender's Office was approved. The new staff attorney position in the Juvenile Division of our Office was necessitated because of the huge increase in filings of law violation cases. Without the addition of this attorney, our ability to accept appointments in new Abuse/Neglect cases would have been seriously hampered. A new felony paralegal position was approved but the position had not been filled by the end of the year.

One of our major cases, involving charges of First Degree Murder, was dismissed by the prosecution after a key piece of evidence was determined not to have come from our client as earlier scientific testing had indicated. Scott Helvie, the Chief Deputy, was primarily responsible for this result, delving into the facts and the science of the case in his typical thorough and analytical manner. He was of course assisted by a team of individuals from the office, including other attorneys, our investigator, our felony paralegal, a law clerk and the clerical support staff.

Finally, in 1998, I was elected to my sixth term as Lancaster County Public Defender. I am proud of the staff of this office and the quality of their work. Regardless of the challenge, the people who make up the Lancaster County Public Defender's Office will always put the client first. I look forward to working with them for another four years.

Dennis R. Keefe



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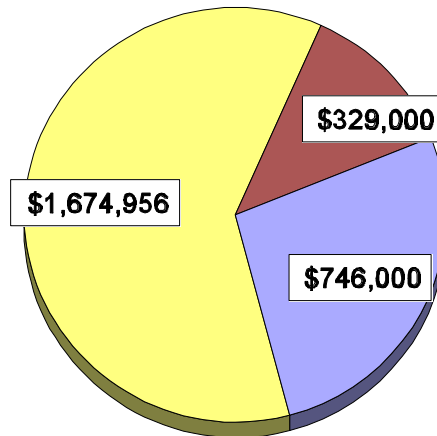
The Indigent Defense System in Lancaster County

The Lancaster County Public Defender's Office is only one component of the indigent defense system in Lancaster County. We have two other components. In the assigned counsel system, the various courts in Lancaster County appoint private attorneys from lists in felony, misdemeanor, juvenile, and some miscellaneous civil matters. More recently, we have seen the development of contract attorneys in the juvenile court. In this system, the county contracts with a private attorney or law firm to represent certain indigents. In 1998, there were two such contracts in existence. The first was with Legal Services of Southeast Nebraska (LSSN) for representation in all of the various juvenile cases, including representation of youth in law violation cases when the Public Defender had a conflict (These contracts are carried in the Budget of the Separate Juvenile Court of Lancaster County, Nebraska). The county also had a contract with the law firm of Orton, Thomas and Peterson (contained in the Public Defender's Budget) for representation in abuse/neglect cases.

The pie charts below compares expenditure for the three types of systems (public defender, assigned counsel, and contracts). The amounts representing the contracts in both the Juvenile Court budget and the Public Defender budget are shown as "Contract" expenditures, and the budgeted amounts for those offices are reduced accordingly. The amounts shown are budgeted amounts for FY99, with adjustments through December 31, 1998, included.

Lancaster County Indigent Defense Costs

FY99 Budgeted



-  All Assigned Counsel
-  All Contracts
-  Public Defender

1998 Review of the Lancaster County Public Defender's Office



1998 produced a record number of new opened cases for the Lancaster County Public Defender's Office. Overall the number of new opened cases rose 17% over the 1997 figures, with significant increases in all major casetypes. The open/active caseload pending at the end of the year was also a record of 1531 cases, representing a 21% increase over the figure at the end of 1997.

Casetype	Pending Start 98	Opened 98	Closed 98	Pending End 98	% Change in New Open From 1997
Major Felony	9	16	19	7	78%
Other Felonies	304	962	903	363	15%
Misdemeanors	561	3148	3059	623	11%
Juvenile	319	1484	1355	455	15%
Mental	1	379	380	4	17%
All Appeals	43	58	61	45	-18%
Miscellaneous	28	151	144	34	29%
Totals	1265	6198	5921	1531	17%

Major Felonies and Other Felonies

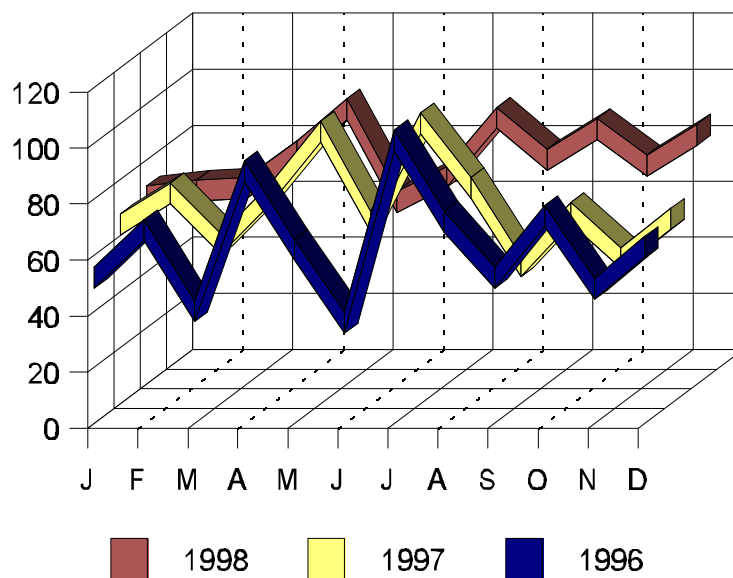
The State Court Administrator's Office reports that there were 1289 felony cases filed in Lancaster County Court during 1998. This represents a 7% increase over the 1997 figure of 1205 felonies. The Indigency Rate for all felonies (the percentage of felonies filed that required appointed counsel) rose from 70% in 1997 to 76% in 1998.

The felony caseload for the Public Defender's Office increased significantly in 1998. We opened 962 new felony cases in 1998, compared to 840 cases in 1997. This represents a 15% increase and that follows a 9% increase in new opened felonies from 1996 to 1997. Much of the increase came in the last five months of 1998, thus increasing the number of pending cases at the end of the year. The office had 363 felony cases pending at the end of 1998 compared to 304 cases at the close of 1997 (a 19% increase).

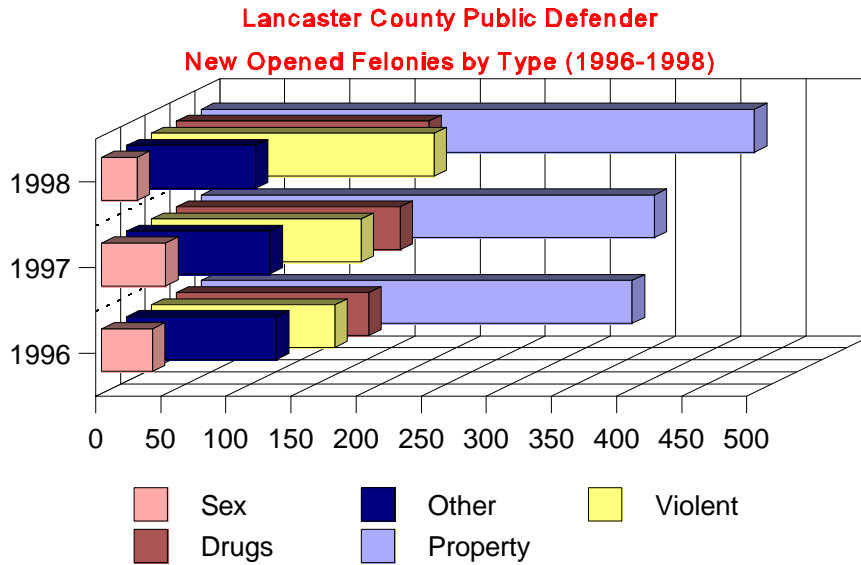
Major felonies also increased in 1998. Major felonies include any charges involving any degree of homicide (including conspiracies and attempts) plus other serious felonies such as kidnaping and sexual assault. The very nature of these cases makes any increase significant because they consume so much of the available attorney time in the office. We opened 16 new major felony cases in 1998 compared with 9 such cases the year before. Fortunately, we closed 19 of the major felony cases, leaving 7 cases pending at the end of the year, compared with 9 at the end of 1997.

The average amount of attorney time required for each felony case also increased by 14% in 1998. Since there were fewer trials and more dismissals and pleas to misdemeanors, the most likely cause for this increase in average time is due to the increased travel time required because of the location of the courtrooms at Old Fed and the jail. The disposition of the felonies, including Major Felonies, in 1998, consumed 48% of all of the available attorney time in the office. This figure does not include the amount of attorney time required for the appeals of the felony cases.

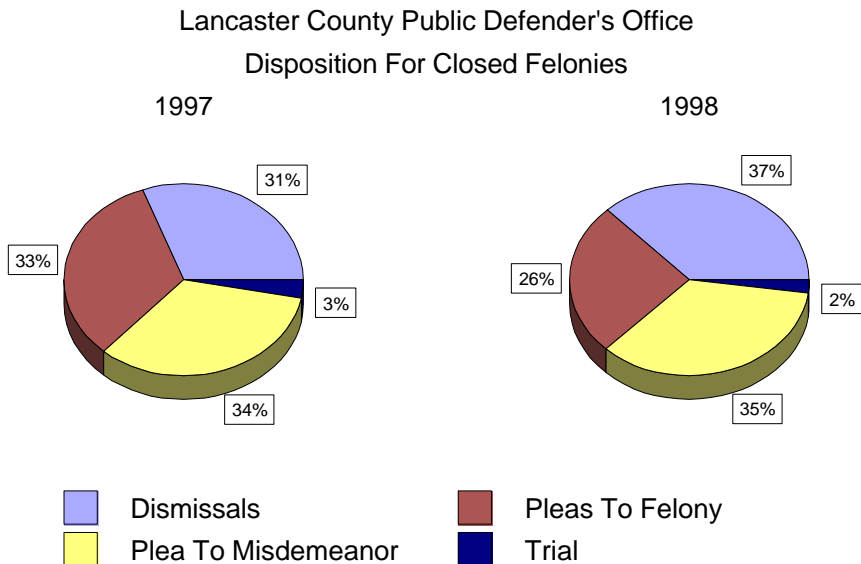
**Lancaster County Public Defender's Office
New Opened Felonies by Month (Jan. 1996-Dec. 1998)**



Upon closer examination of the "Other Felonies" category, it appears that the largest increase in the number of new open cases came in the subcategory of "Violent Felony" (35% increase) followed by "Property Felony" (22% increase) and "Drug Felony" (13% increase).

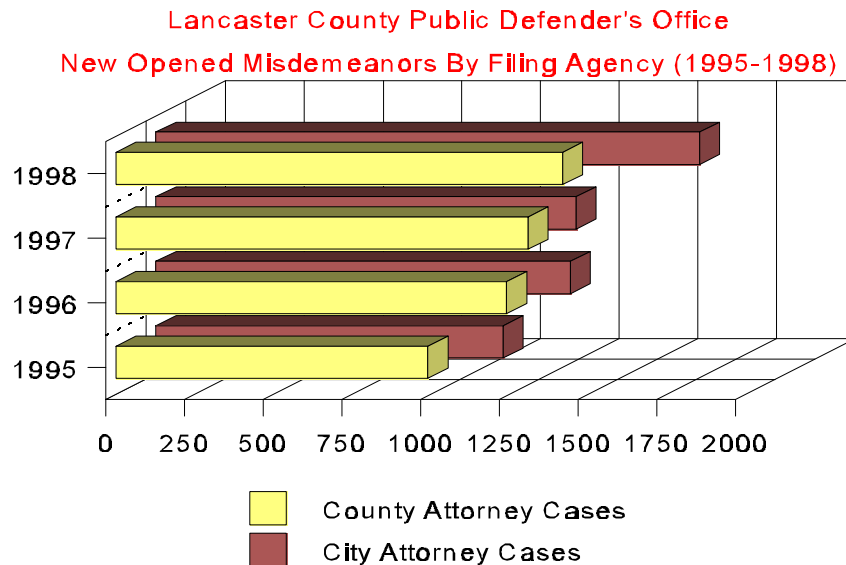


Dispositions For Felonies

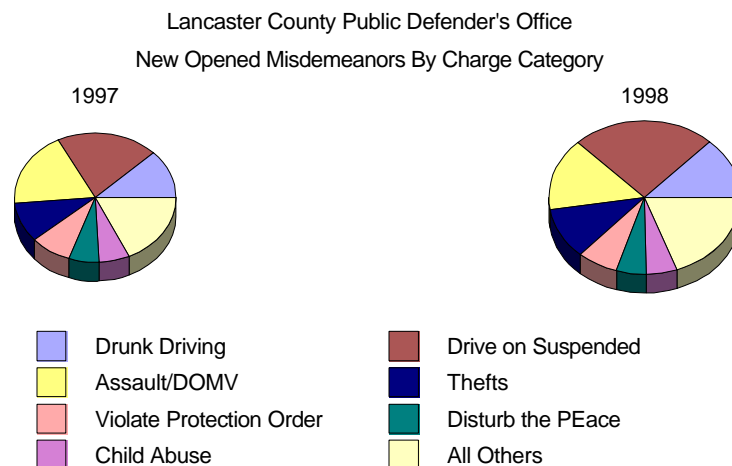


Misdemeanor Cases

The Public Defender's Office is appointed to represent clients in misdemeanor cases filed by both the City Attorney's Office (under the Lincoln Municipal Code) and the County Attorney's Office (under state statute). Both categories of cases showed significant increases in 1998, following a four year upward trend. In 1998, County Attorney filed Misdemeanors increased 8% over the number of new opened cases in 1997, and City Attorney filed Misdemeanors increased 29%, for an overall increase of 18%.



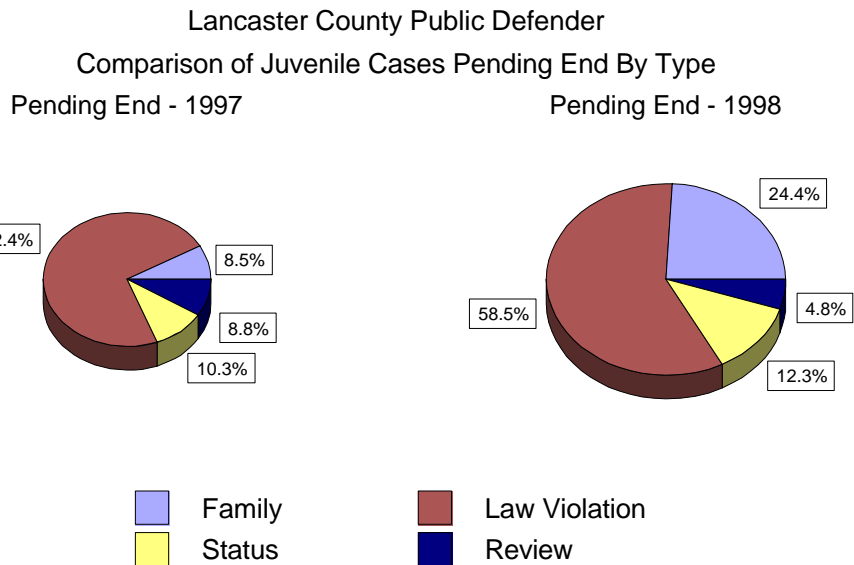
Whether or not the Public Defender's Office is appointed to represent an individual in a misdemeanor case, depends upon two questions. First, whether the individual is determined to be indigent according to whatever standard the judge might use. Second, is the question of whether the judge determines that the offense might carry a jail sentence if the defendant is convicted. In 1998, more cases of driving on a suspended license resulted in jail sentences than in previous years, and therefore, our office was appointed in more cases (41% more cases than in 1997). Several other charge categories also showed significant increases over the number of cases opened in 1997: Drunk Driving charges increased 26%; Child Abuse Charges increased 29%; Theft cases increased 27%; Disturbing the Peace cases increased 25%.



Juvenile Cases

Overall, the number of new opened Juvenile cases in our office increased by 15%, from 1288 cases in 1997 to 1484 cases in 1998. It didn't surprise us that the number of new Juvenile Family cases (Abuse/Neglect) increased because we have specifically added 2 staff attorneys, one in 1997 and another in 1998 so that we could begin accepting these cases. However, what has surprised us is the increase in the number of new Juvenile Law Violation cases opened, from 860 cases in 1997 to 976 cases in 1998 (a 13% increase). This follows a 33% increase in the number of these cases opened from 1996 to 1997. In fact, the Juvenile Law Violation cases have doubled in 5 short years (from 480 new cases in 1993 to 976 cases in 1998). The category of Juvenile Status cases also increased in 1998 - by 44% (from 97 cases in 1997 to 140 cases in 1998). This is almost a 400% increase in 5 years (from 29 cases in 1993 to 140 cases in 1998). These extraordinary increases in Law Violation and Status cases has limited our ability to accept new Juvenile Family cases, which was the reason for adding staff in the first place. While we have not yet had to reject appointments in the Family cases, the numbers that we anticipated accepting when staff was originally added will be adversely affected by these increases in other Juvenile case types.

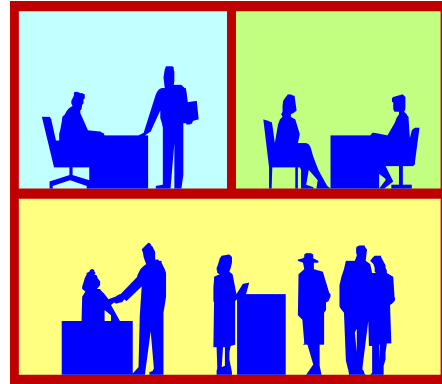
The large increase in filings in Juvenile Court the past five years, particularly the past two years, also affects our strategy to contain the cost of legal services in Juvenile Court. In the FY99 budget, Lancaster County provided money for two additional contracts to begin in January of 1999. Upon recommendation of the Indigent Defense Advisory Committee, the Lancaster County Board awarded two new contracts to Thomas Lamb and Amy Martinez and Rich Bollerup and Jennifer Huxoll. However, because of the number of new filings, we will barely be keeping our heads above water in terms of legal service costs in Juvenile Court. The only good news from 1998 in the Juvenile arena was the fact that the "crisis" which was anticipated from the passage of LB 1041 (mandating termination of parental rights in a broader category of cases), never developed. Not as many Petitions were filed in 1998 as anticipated and there were not as many contested proceedings in those cases that were filed.



Key Budget Impact issues for the Up-coming Year

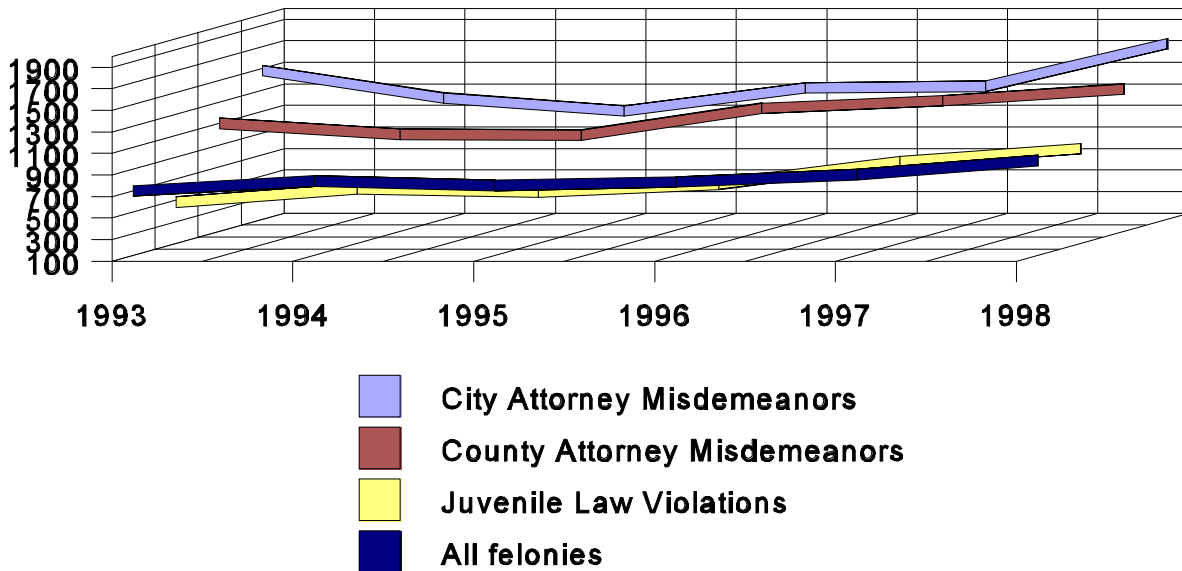
Public Defender Caseload/Workload & Staffing

Given the significant increases in the number of new opened Major Felonies and Other Felonies in the past two years, as well as the number of such cases that are open and active at the current time, the staffing level of the Public Defender's Office Felony Division will require serious examination. While the increases have come in all categories of felonies, Drug Felonies and Violent Felonies have led the way. We don't anticipate a decrease any time soon. In addition, legislation passed in 1997 which created new felonies of Violation of Protection Orders and 4th Offense DUI will certainly continue to increase the number of felonies into the future. The misdemeanor caseload has also experienced significant increases. Policy decisions on plea bargaining within the City and County Attorney Offices (as well as more significant jail time imposed by judges) relating to Driving on Suspended License cases, have been a significant factor. It appears that the part-time attorney position in the Misdemeanor Division will have to be maintained. The Juvenile Division is in fairly good shape in terms of the current workload. However, the significant increase in Law Violation filings will affect our ability to accept as many Family cases (Abuse/Neglect) as we originally anticipated when staff was added.



Lancaster County Public Defender's Office

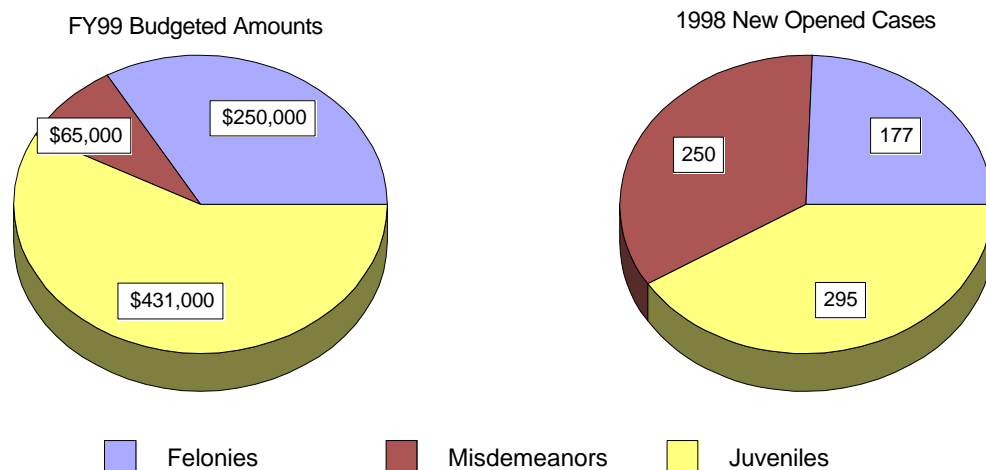
New Opened Felonies, Misdemeanors, & Juvenile Law Violations (1993-1998)



Assigned Counsel Costs and Cases

We anticipate that overall costs for assigned counsel will increase in the next fiscal year in each of the three courts, District (felony), County (misdemeanor) and Juvenile. In the felony and misdemeanor area, the more cases filed by the county and city attorneys which are assigned to the Public Defender, the more cases involving conflict of interest, requiring appointment of assigned counsel (In 1998, the Public Defender declared a conflict in 8 Major Felonies, 169 Other Felonies, and 250 Misdemeanor cases). Also, felony cases usually have a longer life than misdemeanor cases so that the cases assigned to private counsel in FY99 may be paid out of the FY2000 budget. While the District and County courts have been very good about using the Nebraska Commission on Public Advocacy in certain felony matters, that agency can only accept certain cases, and there is a limit. In the Juvenile area, the costs of assigned counsel will continue to rise, even with the new contracts, because the number of filings by the City and County Attorneys have been increasing dramatically in recent years. The contracts with Legal Services of Southeast Nebraska (LSSN), Orton, Thomas, Peterson & O'Connell, Glynn & Bollerup, and Anderson Creager, & Wittstruck have helped contain the costs, which would be much greater if all of these cases required individual assigned counsel.

Lancaster County Assigned Counsel Expenditures and Cases

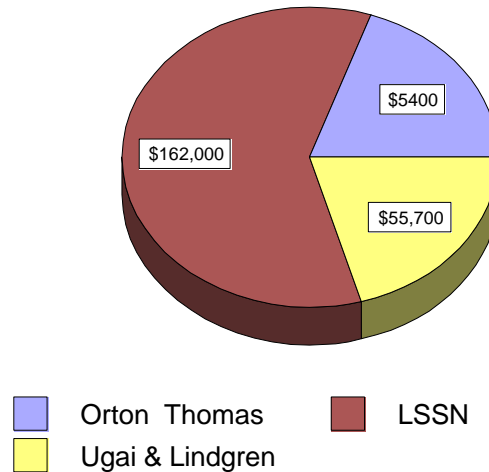


Contracts

The county currently has 6 contracts for indigent defense services, 5 in Juvenile Court and 1 for the Child Support/Paternity caseload. 2 of the Juvenile Court contracts are with LSSN and both are up for renewal in FY2000. 1 of the LSSN contracts requires LSSN to represent youth in Law Violation cases when the Public Defender's Office has declared a conflict, up to a maximum of 70 cases (In 1998, the Public Defender's Office declared conflicts in 152 Juvenile cases of all types). The second contract with LSSN is for representation of individuals in Abuse/Neglect cases (unlimited) and up to 20 GAL appointment in Status cases. The other three contracts in Juvenile Court are with the private law firms noted above and require representation in Abuse/Neglect cases, not exceeding 50 new cases per contract year nor more than 120 open/active pending at any time during the contract.. The contracts are all for a period of 3 years, with increases in the cost each year as the number of cases increase. The 3 new contracts have a term of 3 years, commencing on January 1, 1999. The Orton/Thomas contract expires on December 31, 1999 and will have to be renewed for FY2000.

The only other contract for indigent defense services is the contract with the firm of Ugai & Lindgren, for representation of individuals in Child Support Enforcement and Paternity cases. This contract expires on June 30, 1999. It requires representation in up to 350 new Child Support cases and 100 Paternity cases per contract year. It also provides payment per case for any cases which exceed these numbers. The number of appointments has been increasing this past year.

Lancaster County Indigent Defense Costs
FY99 Budget as Amended



Referrals to the Commission on Public Advocacy

The Nebraska Commission on Public Advocacy was established by the Legislature in 1996 to assist the counties with the cost of defense in First Degree Murder cases. In addition, the Commission on Public Advocacy has received a grant of federal Byrne Funds (Drug and Violent Crime Funds) to allow the hiring of an additional attorney to work on these cases. If a "Grant Attorney" is used in a drug or violent crime case, it costs the county nothing. If a "Commission Attorney" is used in a First Degree Murder case, the county pays 1/3 of the costs of representation, based upon the Commission's costs. In Lancaster County, the judges have requested the Commission's assistance in every qualifying case when the Public Defender has a conflict of interest. Based upon the number of hours spent by their attorneys in 1998, Lancaster County was saved \$60,000 in 1998 in "Commission Attorney" cases (based upon the figure of \$100 that has been paid to private attorneys assigned to similar cases) and \$55,000 in "Grant Attorney" cases (based upon \$65 per hour that Lancaster County would have paid private attorneys), for a total savings for Lancaster County of \$115,000 in 1998.

Public Defender Staff / Credentials

Public Defender

Dennis R. Keefe

Graduate of University of Nebraska College of Law, 1972
Elected to Office of Public Defender, November, 1978

Chief Deputy Public Defender

Scott P. Helvie

Graduate of University of Nebraska College of Law, 1976
Public Defender: 1976 - 1981, Lincoln County, Nebraska
1981 to present, Lancaster County, Nebraska
Primary area of practice: Felonies

Public Defenders

Michael D. Gooch

Graduated University of Nebraska College of Law, 1976
Deputy Public Defender, 1980 to present, Lancaster County
Primary area of practice: Felonies

Robert G. Hays

Graduated Antioch Law School, 1977
Deputy Public Defender, 1984 to present, Lancaster County
Primary area of practice: Felonies

Joseph D. Nigro

Graduated University of Nebraska College of Law, 1983
Deputy Public Defender, 1983 to present, Lancaster County
Primary area of practice: Felonies & Mental Health
Commitments

Webb E. Bancroft

Graduated University of Nebraska College of Law, 1983
Deputy Public Defender, 1989 to present, Lancaster County,
Primary area of practice: Felonies

Susan R. Tast

Graduated University of Nebraska College of Law, 1986
Deputy Public Defender, 1989 to present, Lancaster County
Primary area of practice: Misdemeanors

Margene M. Timm

Graduated University of Nebraska College of Law, 1983
Deputy Public Defender, 1989 to present, Lancaster County
Primary area of practice: Juvenile Division Supervisor

Kristi Egger Brown

Graduated University of Nebraska College of Law, 1988
Deputy Public Defender, 1990 to present, Lancaster County
Primary area of practice: Felonies

Felony Division

***Scott P. Helvie
Michael D. Gooch
Robert G. Hays
Joseph D. Nigro
Webb E. Bancroft
Paul Cooney
Kristi Egger Brown***

***Misdemeanor
Division***

***Susan R. Tast
Shawn D. Elliott
Julie B. Hansen***

Shawn D. Elliott

Graduated University of Nebraska College of Law, 1989
Deputy Public Defender, 1996 to present, Lancaster County
Primary area of practice: Misdemeanors

Paul E. Cooney

Graduated University of Nebraska College of Law, 1993
Deputy Public Defender, 1996 to present, Lancaster County
Primary area of practice: Felonies

Jenny Witt

Graduated University of Nebraska College of Law, 1996
Deputy Public Defender, 1997 to present, Lancaster County
Primary area of practice: Juvenile law

Reggie Ryder

Graduated University of Nebraska College of Law, 1997
Deputy Public Defender, 1998 to present, Lancaster County
Primary area of practice: Juvenile law

Julie B. Hansen

Graduated University of Nebraska College of Law, 1993
Part-time Deputy Public Defender, 1998 to present, Lancaster County
Primary area of practice: Juvenile law and misdemeanors

Juvenile Division
Margene M. Timm,
Supervisor,
Jenny Witt
Reggie Ryder
Julie Hansen

Support Staff

Office Manager

Mary Gehr, 1980 to present

Paralegals

Monica Socha, 1976 to present
Donna Garwood, 1982 to present
Jed Rojewski, 1996 to present
Bob O'Connor, 1997 to present
Angelia Onuoha, 1997 to present

Legal Secretaries

Lori McGerr, 1983 to present
Angela Owens, 1992 to present
Michelle Scamehorn, 1997 to present

Law Clerks

Tim Tuttle
Matt Catlett
Andrea Snowden
John Gustafson
Chaka Heinze

Clerk II

Mayme Shannon, 1997 to present

**LANCASTER COUNTY PUBLIC DEFENDER'S OFFICE
HISTORICAL COMPARISON OF CASES OPENED SINCE 1990**

Casetype	1990	1991	1992	1993	1994	1995	1996	1997	1998	Chg 97-98
Appeals	60	68	67	71	57	81	46	71	58	-18%
Felonies	721	746	689	686	779	741	774	840	962	15%
Juveniles	559	605	636	695	819	792	931	1288	1484	15%
Major Cases	7	8	8	9	10	6	6	9	16	78%
Mental Commitment	352	298	266	75	254	322	270	324	379	17%
Miscellaneous	127	137	188	145	120	109	115	117	151	29%
Misdemeanors	2549	2755	2133	2579	2225	2096	2560	2646	3148	19%
Totals	4375	4617	3987	4260	4264	4147	4702	5295	6198	17%

REPORT ID: B117

LANCASTER COUNTY
EXPENSE BUDGET ADOPTED

**** FUND: GENERAL FUND 011
**** AGENCY: PUBLIC DEFENDER 625
**** MGR: DENNIS KEEFE

OBJECT	DESCRIPTION	ACTUAL EXPENDITURE		BUDGET		ACTUAL	PROPOSED 1998-1999	ADOPTED 1998-1999
		1995 TO 1996	1996 TO 1997	1997 TO 1998	1997 TO 1998			
1051	OFFICIAL'S SALARY	73,062	75,712	77,322	77,295		81,186	81,186
1052	DEPUTY'S SALARY	78,415	79,629	81,600	81,607		81,985	81,985
1053	REGULAR SALARIES	732,949	724,579	860,170	868,606		1,001,082	1,001,082
1101	FICA CONTRIBUTIONS	64,326	64,595	75,359	75,451		86,983	86,983
1102	RETIREMENT CONTRIBUTIONS	62,219	55,834	68,107	66,375		77,842	77,842
1103	GROUP INSURANCE	43,100	43,907	69,949	73,098		87,025	87,025
1106	OTHER EMPLOYEE BENEFITS	159	151	113	128		150	150
1107	GROUP DENTAL INSURANCE	2,156	2,429	3,543	3,517		4,287	4,287
1108	LONG TERM DISABILITY	4,324	2,821	4,426	5,180		5,126	5,126
OBJECT CATEGORY: 10 PERS SERV		1,060,710	1,049,657	1,240,589	1,251,257		1,425,666	1,425,666
2051	OFFICE SUPPLIES	10,392	13,505	15,000	13,651		15,000	15,000
OBJECT CATEGORY: 20 SUPPLIES		10,392	13,505	15,000	13,651		15,000	15,000
3053	DATA PROCESSING SERVICE	35,873	47,562	39,837	49,009		45,000	45,000
3057	CONSULTING SERVICES	19,471	16,990	35,000	37,661		40,000	40,000
3062	EQUIP MAINTENANCE AGREEMENTS	2,201	2,904	3,000	3,196		3,000	3,000
3201	MEALS	555	405	1,000	856		1,000	1,000
3202	LDDGING	1,262	1,348	2,250	3,604		2,250	2,250
3203	FARES	2,920	4,211	3,000	2,684		3,000	3,000
3204	MILEAGE	2,819	2,296	2,750	2,666		2,750	2,750
3206	VEHICLE RENTAL	0	0	500	171		500	500
3251	POSTAGE	2,987	3,204	3,500	3,202		3,500	3,500
3252	TELEPHONE LOCAL	10,988	10,788	13,750	14,663		15,874	15,874

REPORT ID: B117

LANCASTER COUNTY
EXPENSE BUDGET ADOPTED

**** FUND: GENERAL FUND 011
**** AGENCY: PUBLIC DEFENDFR 625
**** MGR: DENNIS KEEFE

OBJECT	DESCRIPTION	ACTUAL EXPENDITURE		BUDGET		ACTUAL	PROPOSED 1998-1999	ADOPTED 1998-1999
		1995 TO 1996	1996 TO 1997	1997 TO 1998	1997 TO 1998			
3253	TELEPHONE - LONG DISTANCE	1,135	1,238	1,800	1,422		1,800	1,800
3301	PRINTING	20,254	22,993	30,000	24,142		30,000	30,000
3304	ADVERTISING	221	0	0	431		0	0
3306	LEGAL PUBLISHING	1,187	1,176	5,000	2,599		4,000	4,000
3402	WITNESS FEES	540	319	750	280		500	500
3403	COURT COSTS	346	230	750	97		500	500
3404	MEMBERSHIPS & DUES	6,558	6,419	7,005	7,162		7,439	7,439
3405	BOOKS & SUBSCRIPTIONS	11,013	10,522	11,200	11,156		8,500	8,500
3406	ENROLLMENT FEES & TUITION	3,250	3,829	3,000	4,459		3,000	3,000
3408	OTHER FEES & SERVICES	77,490	103,530	115,000	93,500		142,000	142,000
3452	LIABILITY INSURANCE	6,782	6,108	6,663	6,058		6,675	6,675
3455	OFFICIAL'S BONDS	570	410	1,100	320		500	500
3553	OFFICE EQUIPMENT R & M	647	574	1,000	390		500	500
3604	RENT BUILDINGS	26,553	28,429	42,665	44,081		51,508	51,508
OBJECT CATEGORY: 30 OTH SER CHAR		235,622	275,485	330,520	313,809		373,796	373,796
4202	OFFICE EQUIPMENT	3,195	26,146	2,100	10,084		2,494	2,494
4212	COMMUNICATION EQUIPMENT	0	0	1,500	834		0	0
OBJECT CATEGORY: 40 CPTL OUTLAY		3,195	26,146	3,600	10,918		2,494	2,494
5052	INTEREST & SERVICE CHARGES	114	0	0	0		0	0
OBJECT CATEGORY: 50 DEBT SERV		114	0	0	0		0	0
TOTAL FOR AGENCY: 625		1,310,033	1,364,793	1,589,709	1,589,635		1,816,956	1,816,956

Appendix C - Constitutional & Statutory Background for Office of the Public Defender

In all criminal prosecutions, the accused shall enjoy the right . . . to have the assistance of counsel for his defense.

Sixth Amendment
Constitution of the United States

In all criminal prosecutions the accused shall have the right to appear and defend in person or by counsel ...

Article 1, Section 11
Constitution of the State of Nebraska

Neb. Rev. Stat. 23-3401 (Reissue 1991)

Public Defender in certain counties; election; There is hereby created in counties that now have or that shall hereafter attain a population in excess of one hundred thousand inhabitants, and in other counties upon approval by the county board, the office of public defender, who, in counties having a population in excess of one hundred thousand inhabitants which have not elected a public defender prior to July 10, 1984, shall be elected at the next general election following July 10, 1984, or the year in which the county attain a population of one hundred thousand inhabitants, and who, in other counties, shall be elected at the first general election of county officers following approval by the county board and every four year thereafter.

The public defender shall be a lawyer licensed to practice law in this state. He or she shall take office after election and qualification at the same time that other county officers take office, except that upon the creation of such office in any county, a qualified person may be appointed by the county board to serve as public defender until such office can be filled by an election in accordance with the provisions of this section.

In counties having a population of more than one hundred seventy thousand inhabitants, the public defender shall devote his or her full time to the legal work of the office of the public defender and shall not engage in the private practice of law. All assistant public defenders in such counties shall devote their full time to the legal work of such office of the public defender and shall not engage in the private practice of law so long as each assistant

public defender shall receive the same annual salary as each deputy county attorney of comparable ability and experience shall receive in such counties.

No public defender or assistant public defender shall solicit or accept any fee for representing a criminal defendant in a prosecution in which the public defender or assistant is already acting as the defendant's court-appointed counsel.

A public defender elected after November 1986 need not be a resident of the county when he or she files for election as public defender, but a public defender shall reside in the county in which he or she holds office except that in counties with a population of one hundred thousand or less inhabitants, the public defender shall not be required to reside in the county in which he or she holds office.

Neb. Rev. Stat. §23-3402 (Reissue 1991)
Public defender duties; appointment; prohibitions.

- (1) It shall be the duty of the public defender to represent all indigent felony defendants within the county he or she serves. The public defender shall represent indigent felony defendants at all critical stages of felony proceedings against them through the stage of sentencing. Sentencing shall include hearings on charges of violation of felony probation. Following the sentencing of any indigent defendant represented by him or her, the public defender may take any direct, collateral, or post conviction appeals to state or federal courts which he or she considers to be meritorious and in the interest of justice and shall file a notice of appeal and proceed with one direct appeal to the Court of Appeals or the Supreme Court of Nebraska upon a timely request after sentencing from any such convicted felony defendant subject to the public defender's right to apply to the court to withdraw from representation in any appeal which he or she deems to be wholly frivolous.
- (1) It shall also be the duty of the public defender to represent all indigent persons against whom a petition has been filed with a mental health board as provided in Sections 83-1049 to 83-1051.
- (1) It shall be the duty of the public defender to represent all indigent persons charged with misdemeanor offenses punishable by imprisonment, when appointed by the court.
- (1) Appointment of a public defender shall be by the court in accordance with sections 29-3902 and 29-3903. A public defender shall not represent an indigent person prior to appointment by the court, except that a public defender may represent a person under arrest for investigation or on suspicion. A public defender shall not

inquire into a defendant's financial condition for purposes of indigency determination except to make an initial determination of indigency of a person under arrest for investigation or on suspicion. A public defender shall not make a determination of a defendant's indigency, except an initial determination of indigency of a person under arrest for investigation or on suspicion, not recommend to a court that a defendant be determined or not determined an indigent.

Neb. Rev. Stat. §23-3403 (Reissue 1991)

Public defender; assistants, personnel; compensation; office space, fixtures and supplies; county furnish.

The public defender may appoint as many assistant public defenders, who shall be attorney licensed to practice law in this state, secretaries, law clerks, investigators, and other employees as are reasonably necessary to permit him or her to effectively and competently represent the clients of his office, subject to the approval and consent of the county board, which shall fix the compensation of all such persons, as well as the budget for office space, furniture, furnishings, fixtures, supplies, law books, court costs, brief-printing, investigative, expert, travel and other miscellaneous expenses reasonably necessary to enable the public defender to effectively and competently represent the clients of his office.

Neb. Rev. Stat. §29-3901(3) (Reissue 1995)

Indigent shall mean the inability to retain legal counsel without prejudicing one's financial ability to provide economic necessities for one's self or one's family. Before a felony defendant's initial court appearance, the determination of his or her indigency shall be made by the public defender but thereafter it shall be made by the court.