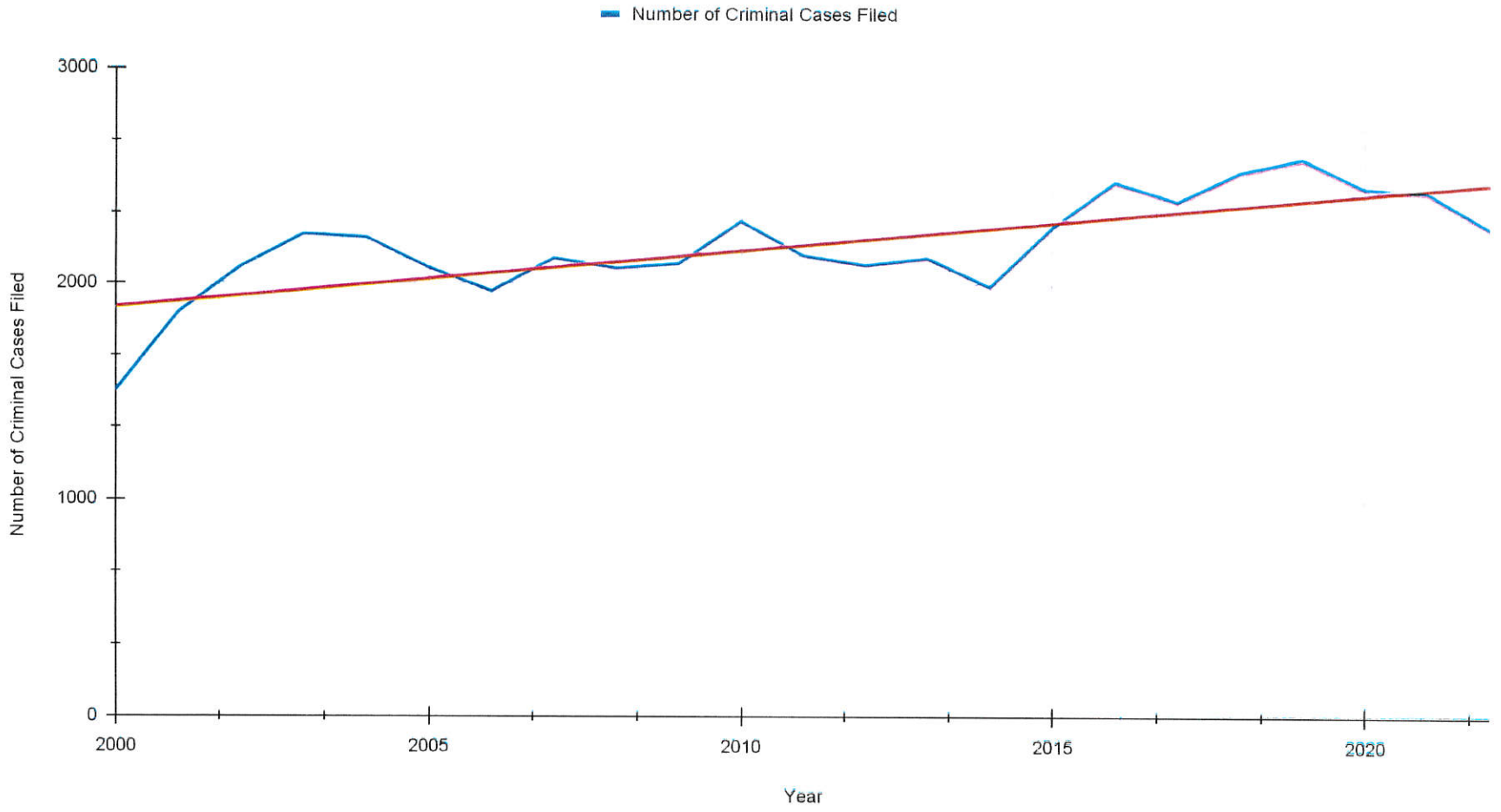
Davis County Legal Defenders

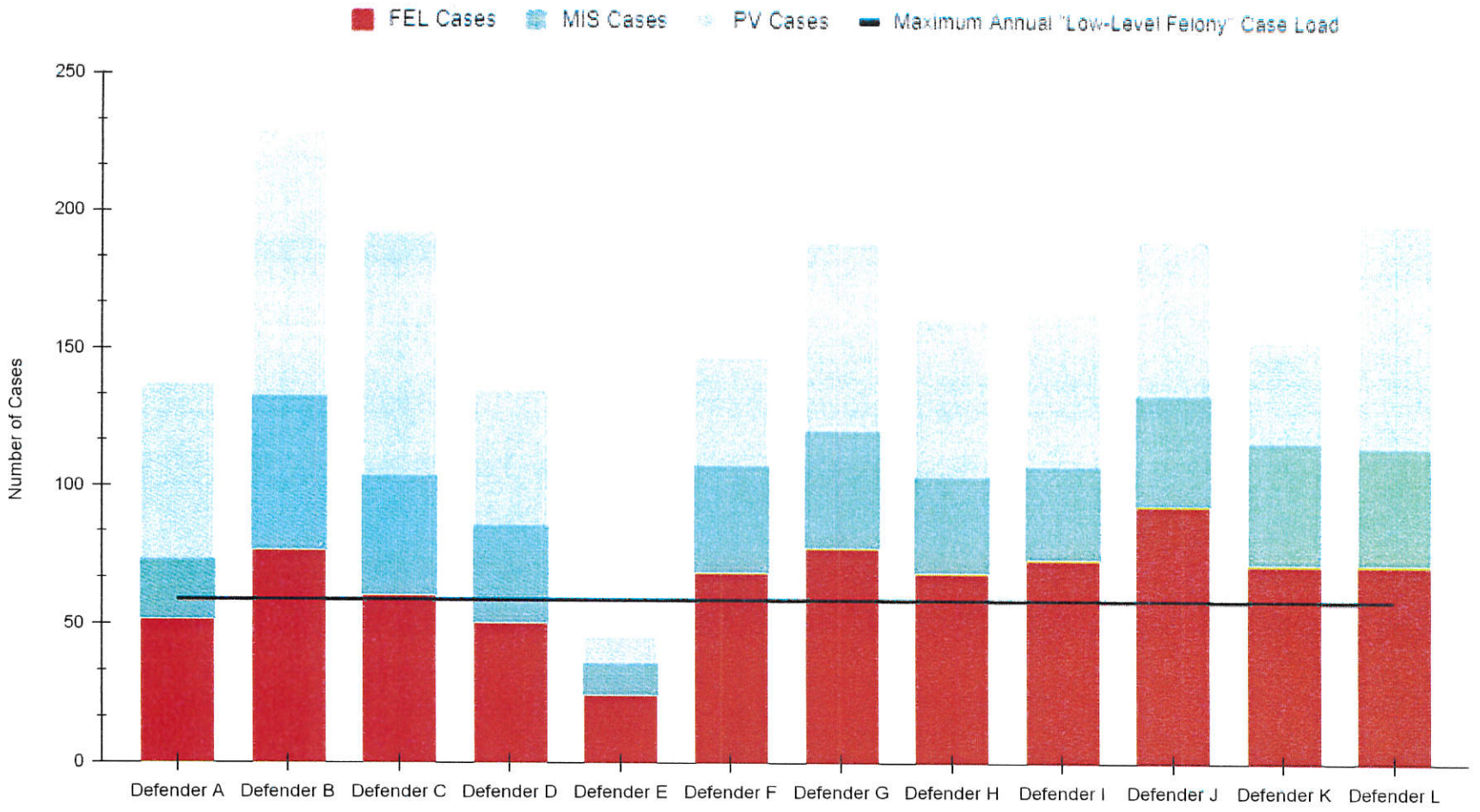
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2024 Budget

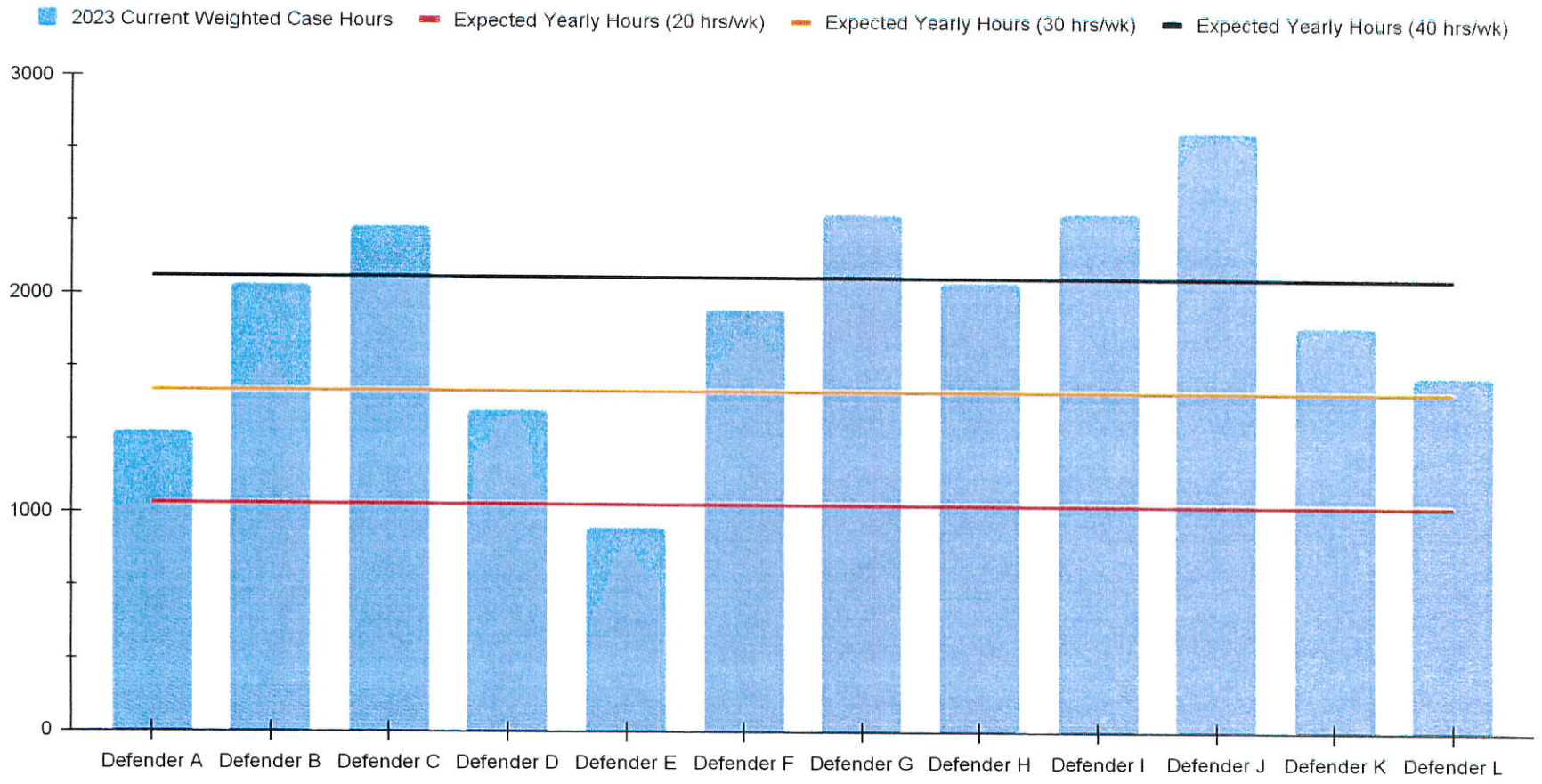
Yearly Number of Criminal Cases Filed in Farmington District Court



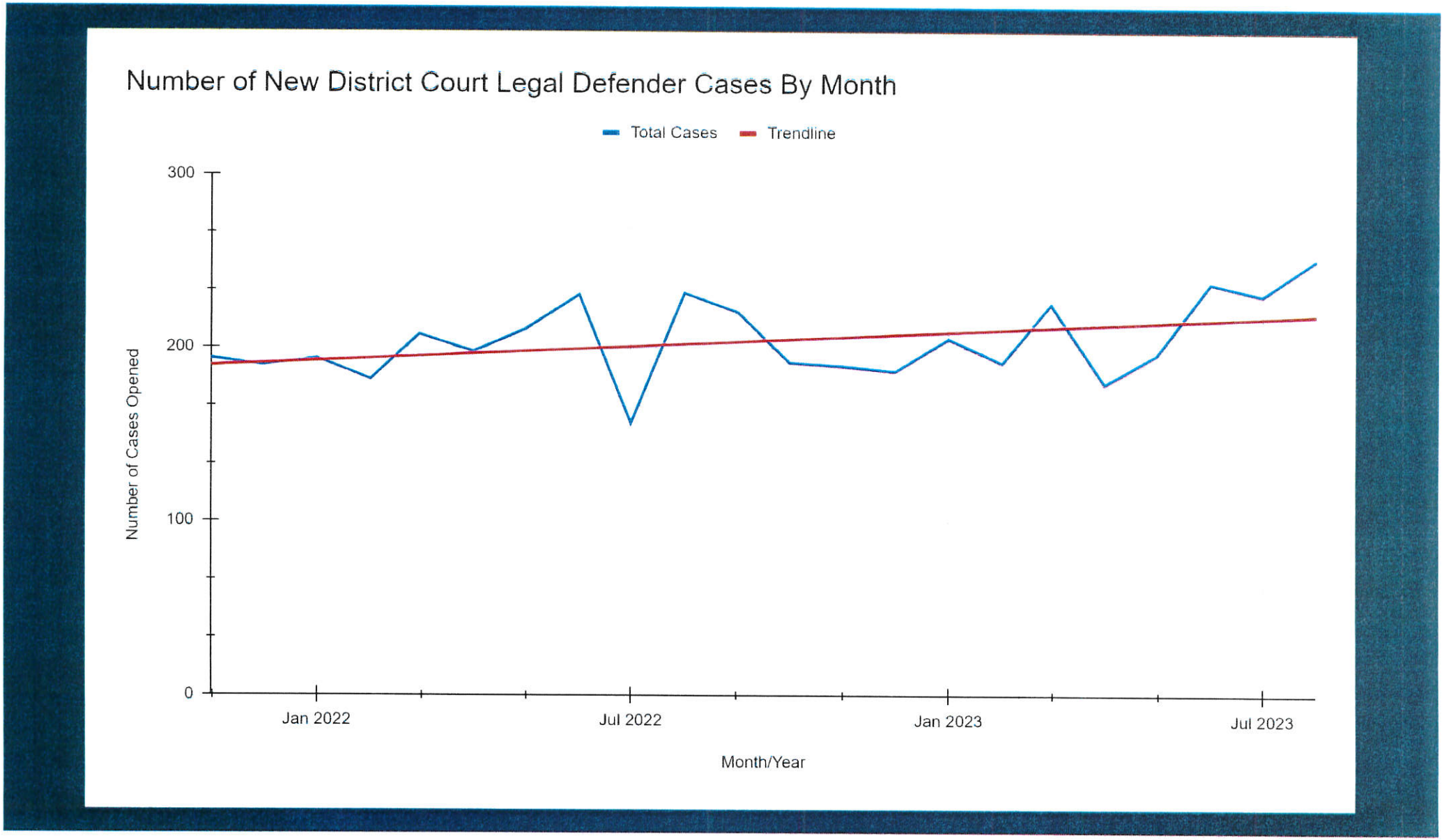
District Court Legal Defender Case Loads January 1, 2023 - September 30, 2023



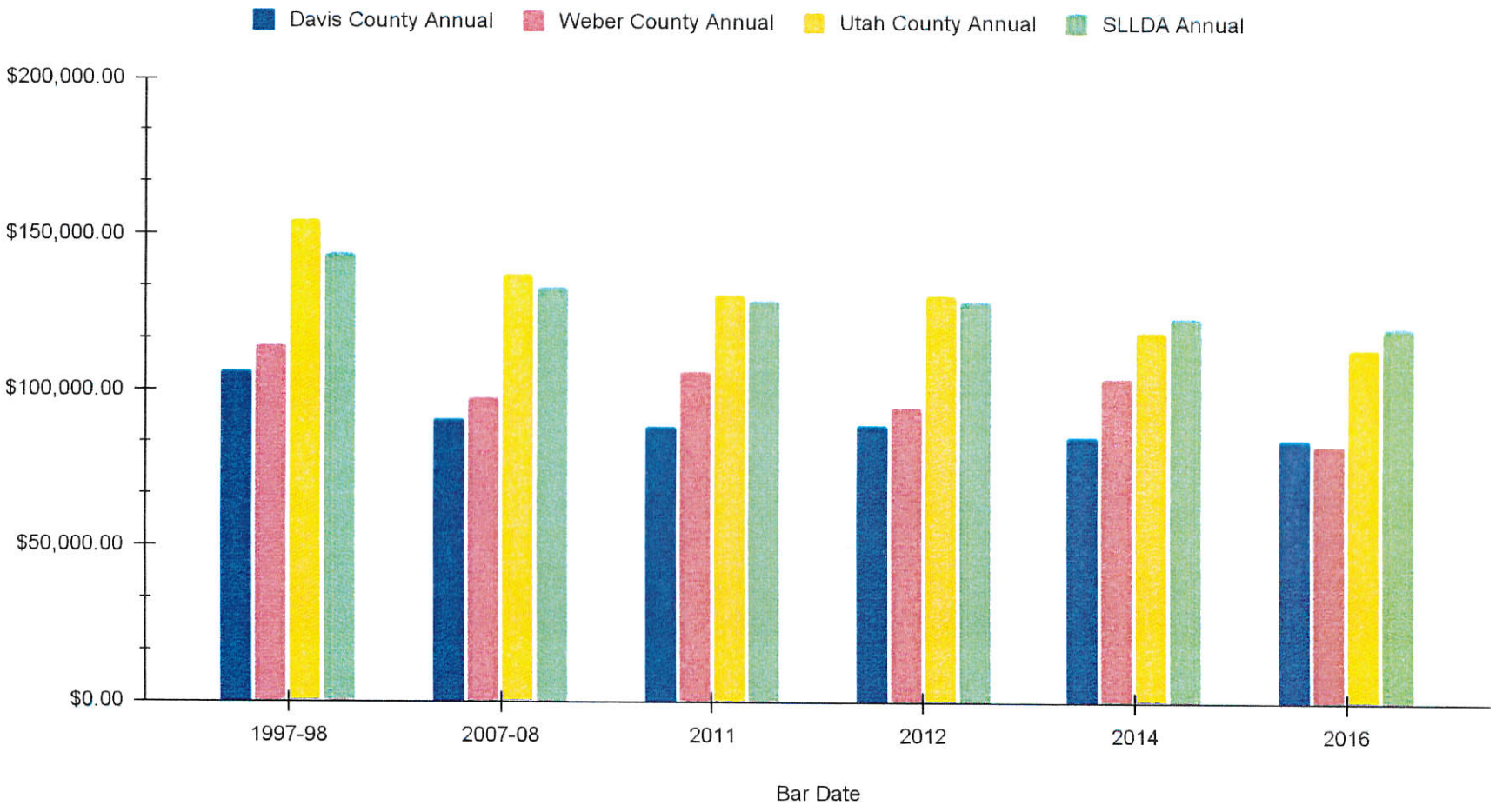
2023 Attorney Weighted Caseload Hours: January 1, 2023 - September 30, 2023



These caseload hours do not include cases that have been reassigned to specialty counsel.


Number of New District Court Legal Defender Cases By Month
Total Cases
Trendline
300
200
100
0
Number of Cases Opened
Jan 2022
Jul 2022
Jan 2023
Jul 2023
Month/Year

Comparative Indigent Defense Attorney Annual Compensation 2023



Legal Defenders

Davis COUNTY

Mission Statement

Zealously advocate for people in the criminal justice system, parental rights cases, or juvenile delinquency proceedings by protecting the rights of our clients and providing superior, client-based services for the betterment of our clients as well as our community.

Prior Year Inputs/Outputs

FTE (2023): 4

- The salaries for two of our full time employees are fully funded by a grant from the Utah Indigent Defense Commission, and the benefits for one of those employees is fully funded by Title IV-E federal funds.

Core Functions & Services

Per constitutional and statutory mandates, the legal defenders:

1. Represent all indigent persons facing criminal charges in the Second Judicial District, Davis County Division, as well as in the Davis County Justice Court. That accounts for approximately 75% of the cases prosecuted by the Davis County Attorney's Office.
2. Represent all parents who are subjects of parental rights/child welfare proceedings and all juveniles facing delinquency allegations unless private counsel is retained – which rarely happens because the defenders are automatically appointed as required by statute.
3. Represent Davis County residents in mental health commitment hearings held within Davis County as well as at the Utah State Hospital in Provo.
4. Provide representation on appeal from adverse judgments entered in the above proceedings.

In all cases, the legal defenders are constitutionally required to provide necessary defense resources (investigators, experts, transcripts, etc.) in addition to providing qualified defense counsel with expertise in the area of representation.

Legal Defenders

Davis COUNTY

Current Year Projected Outcomes

For budget year 2023, the legal defenders again requested county funding for a social worker. Although the county opted not to fund that position, the legal defenders secured a grant from the Utah Indigent Defense Commission ("IDC") to fund the salary of a social worker to provide support in parental rights cases with the benefits for that person funded by Title IV-E federal funds. That social worker has greatly enhanced representation of our clients by facilitating the reunification of children with their parents and preserving families by securing treatment, housing, employment, and other resources.

With the impending December 31, 2024 expiration of SLFRF funding for three of our contract legal defenders, we applied for additional IDC grant funds. That application was denied. The three SLFRF funded contracts will total approximately $270,000.00 for 2024. Davis County should begin the process to transition those contracts to county funding as the legal defenders insisted upon when SLFRF funding was considered and obtained. Failure to provide ongoing county funding for those legal defenders would severely compromise the constitutionally mandated representation of indigent clients facing serious criminal charges as well as damaging Davis County's reputation among critical stakeholders in Utah's indigent defense community as well as the judges in our district.

Finally, the lifting of COVID restrictions for in-person court proceedings resulted in an upsurge of trials in the last half of 2022 that has carried over into 2023. A near crippling upsurge in appeals hit the legal defenders in 2023. Many appeals were unusually complex or had multiple parties such that an increase in the use of additional appellate counsel was unpredictable and unavoidable. The $50,000.00 allocated for such appeals was exceeded by mid-year. An additional $75,000.00 was recently transferred from county contingency funds for a total of $125,000.00 for 2023. Based on various factors, we are requesting funding of $100,000.00 for 2024.

Legal Defenders

Davis COUNTY

Next Year Budget Initiatives

1. In keeping with contractual obligations, a 3% increase in compensation for the contract legal defenders is accounted for in the proposed 2024 budget. An exception to the 3% increase has been requested for the defenders assigned to juvenile court. We are requesting a 10% increase for all juvenile court defenders, which amounts to approximately $65,000.00 more than would be required with the 3% increase. Compensation for juvenile court defenders has lagged behind the district court defenders because juvenile court cases were considered less complicated and less time-consuming than district court cases. In recent years, new statutory mandates, judicial rules and court decisions have dramatically changed how cases in juvenile court must be defended. The gap in compensation levels between juvenile court and district court defenders is no longer justified. The proposed 10% increase will help close that compensation gap. Moreover, Davis County is losing its competitive edge in the recruitment of qualified defenders generally and for juvenile court case in particular. While other counties have significantly increased compensation levels and/or altered the format of their legal defender programs, Davis County has not. Consequently, the number and quality of applicants seeking contracts with Davis County has dropped dramatically. In order to fill recent defender positions, the coordinator had to personally solicit qualified attorneys to apply. Even then, one of the positions could only be filled by allowing two attorneys to split a contract.
2. As noted above, it is imperative that Davis County commit ongoing funding for the three SLFRF funded defender contracts before federal funding expires. Even at current levels, two recent studies indicate Davis County legal defender compensation levels are low and their workloads excessive. Though still in draft form, an in-depth study completed by the Utah IDC indicates that most legal defenders – including those in Davis County – are not being adequately compensated when compared to similarly situated public-sector attorneys. A multi-year workload study completed by the RAND Corporation was released on September 12, 2023. The 186 page report includes data gathered in Utah. Although Davis County appears to fair better than some other parts of Utah and

many other states, the workloads of all of the Davis County legal defenders exceed the maximum levels necessary to comply with constitutionally mandated standards of performance. In 2024, Davis County must evaluate legal defender compensation levels and workloads so that necessary adjustments can be made in 2025, if not sooner.

	Account Description	2023 Budget	Proposed Budget	Variance	%	Notes
Revenue	DEPARTMENT FEES	($500.00)	($500.00)	$0.00	0.00%	
	ATTORNEY RECOUPMENT	($200,000.00)	($200,000.00)	$0.00	0.00%	
	STATE GRANTS	($358,031.00)	($229,967.00)	$128,064.00	-35.77%	State / IDC
	FEDERAL GRANTS	$0.00	$0.00	$0.00	0.00%	
	SALE OF FIXED ASSETS	$0.00	$0.00	$0.00	0.00%	
	SUNDRY REVENUE	$0.00	$0.00	$0.00	0.00%	
	Sub Total	**($558,531.00)**	**($430,467.00)**	**$128,064.00**	**-22.93%**	
Personnel	PAYROLL	$436,465.05	$452,879.39	$16,414.34	3.76%	
	TRAVEL PAY	$2,912.00	$2,912.00	$0.00	0.00%	
	TAXABLE INCENTIVES	$0.00	$0.00	$0.00	0.00%	
	OVERTIME	$0.00	$0.00	$0.00	0.00%	
	BENEFITS	$0.00	$0.00	$0.00	0.00%	
	PAYROLL TAXES	$33,389.57	$34,868.06	$1,478.49	4.43%	
	WORKERS COMP	$5,197.53	$4,293.50	($904.03)	-17.39%	
	INSURANCE	$60,357.27	$40,392.07	($19,965.20)	-33.08%	
	RETIREMENT	$89,119.90	$79,919.42	($9,200.48)	-10.32%	
	Sub Total	**$627,441.32**	**$615,264.44**	**($12,176.88)**	**-1.94%**	
Operations	SUBS & MEMBERSHIPS	$750.00	$750.00	$0.00	0.00%	
	PUBLIC NOTICES	$0.00	$0.00	$0.00	0.00%	
	EMPLOYEE AWARDS	$0.00	$0.00	$0.00	0.00%	
	COMPUTER EQUIP	$4,150.00	$0.00	($4,150.00)	-100.00%	
	EQUIPMENT	$0.00	$3,500.00	$3,500.00	#DIV/0!	Copier
	EXPENSE REDUCTIONS	$0.00	$0.00	$0.00	0.00%	
	OFFICE SUPPLIES	$1,200.00	$1,200.00	$0.00	0.00%	
	TRAVEL/EDUC& TRNG	$0.00	$0.00	$0.00	0.00%	
	MILEAGE/LOCAL TRAVEL	$0.00	$0.00	$0.00	0.00%	
	EDUCATION & TRAINING	$0.00	$0.00	$0.00	0.00%	
	MISC SERVICES	$75,000.00	$75,000.00	$0.00	0.00%	
	SOFTWARE SUBSCRIPTION	$0.00	$0.00	$0.00	0.00%	
	PROF & TECH	$272,000.00	$272,000.00	$0.00	0.00%	
	P&T SANITY HEARINGS	$42,500.00	$42,500.00	$0.00	0.00%	
	P & T CAPITAL HOM	$174,072.00	$180,000.00	$5,928.00	3.41%	New Rate
	INVESTIGATION/WITNESS	$0.00	$0.00	$0.00	0.00%	
	LEGAL DEFENDER #1	$88,387.10	$97,225.81	$8,838.71	10.00%	Juvenile Defenders
	LEGAL DEFENDER #2	$110,856.49	$114,182.18	$3,325.69	3.00%	
	LEGAL DEFENDER #3	$86,520.00	$89,115.60	$2,595.60	3.00%	
	LEGAL DEFENDER #4	$115,360.00	$118,820.80	$3,460.80	3.00%	
	LEGAL DEFENDER #5	$140,173.96	$144,379.17	$4,205.21	3.00%	
	LEGAL DEFENDER #6	$110,136.12	$113,440.20	$3,304.08	3.00%	
	LEGAL DEFENDER #7	$70,835.02	$72,960.07	$2,125.05	3.00%	
	LEGAL DEFENDER #8	$95,481.00	$105,029.10	$9,548.10	10.00%	Juvenile Defenders
	LEGAL DEFENDER #9	$107,245.58	$118,168.13	$10,922.55	10.18%	Juvenile Defenders
	LEGAL DEFENDER #10	$148,107.13	$0.00	($148,107.13)	-100.00%	Defender Switch
	LEGAL DEFENDER #11	$119,425.35	$123,008.11	$3,582.76	3.00%	
	LEGAL DEFENDER #12	$99,769.71	$109,746.68	$9,976.97	10.00%	Juvenile Defenders
	LEGAL DEFENDER #13	$90,640.00	$104,030.00	$13,390.00	14.77%	
	LEGAL DEFENDER #14	$104,030.00	$114,433.90	$10,403.90	10.00%	Juvenile Defenders
	APPELLATE LEGDEF NON-CONTRACT	$125,000.00	$100,000.00	($25,000.00)	-20.00%	Appeals may wane
	LEGAL DEFENDER #16	$82,400.00	$84,872.00	$2,472.00	3.00%	
	LEGAL DEFENDER #19	$89,057.30	$102,415.89	$13,358.59	15.00%	
	LEGAL DEFENDER #21	$92,700.00	$101,970.00	$9,270.00	10.00%	Juvenile Defenders
	LEGAL DEFENDER #22	$44,290.00	$48,719.00	$4,429.00	10.00%	Juvenile Defenders
	LEGAL DEFENDER #23	$0.00	$75,000.00	$75,000.00	#DIV/0!	
	LEGAL DEFENDER #24	$0.00	$75,000.00	$75,000.00	#DIV/0!	
	LEGAL DEFENDER #25	$45,320.00	$49,852.00	$4,532.00	10.00%	Juvenile Defenders
	LEGAL DEFENDER #26	$0.00	$110,210.00	$110,210.00	#DIV/0!	
	TELEPHONE	$0.00	$0.00	$0.00	0.00%	
	Sub Total	**$2,535,406.76**	**$2,747,528.64**	**$212,121.88**	**8.37%**	
Allocations	TELEPHONE ALLOCATION	$1,727.40	$1,593.12	($134.28)	-7.77%	
	EMAIL ALLOCATION	$260.58	$481.44	$220.86	84.76%	
	SECURITY CAMERA ALLOCATION	$268.00	$0.00	($268.00)	-100.00%	
	INSURANCE ALLOCATION	$10,520.00	$6,732.00	($3,788.00)	-36.01%	
	MAINTENANCE ALLOCATION	$46,438.12	$46,779.44	$341.32	0.73%	
	BUDGET ADJUSTMENTS	$0.00	$0.00	$0.00	0.00%	
	Sub Total	**$59,214.10**	**$55,586.00**	**($3,628.10)**	**-6.13%**	
Capital	EQUIPMENT	$0.00	$0.00	$0.00	0.00%	
	COMPUTER EQUIPMENT	$0.00	$7,000.00	$7,000.00	#DIV/0!	
	Sub Total	**$0.00**	**$7,000.00**	**$7,000.00**	**#DIV/0!**	