Human Resources - Legal Defenders

Davis COUNTY

Mission Statement

In alignment with Davis County principles, values and vision, it is our mission to support the larger community – the employees of this organization and the citizens of this county - to meet its objectives through its most valuable resource – its PEOPLE. We serve them with respect and integrity by promoting their livelihood, safety, equity, liberty and opportunity.

Prior Year Inputs/Outputs

2021 FTES: 2 *

*The Legal Defenders are in the process of hiring a 3rd FTE with partial grant funding from the Indigent Defense Commission. That hire will likely be completed before the end of 2021 but has not been completed as of the date of this submission.

Core Functions & Services

The Legal Defenders provide effective, compassionate and professional legal advocacy for indigent persons facing criminal charges, juvenile delinquency allegations, the possible termination of parental rights, or mental health commitments in cases filed in Davis County. Per statutory and constitutional mandates, the legal defenders automatically represent all juveniles facing delinquency allegations in juvenile court as well as all parents who are subjects of child welfare/parental rights cases in both juvenile and district court unless they hire private counsel. Once we are appointed, however, people rarely retain counsel. We also represent Davis County residents facing possible civil, mental health commitments with hearings held in courts located within the county as well as at the State Hospital in Provo. Finally, the defenders represent all indigent persons facing criminal charges in district court and in our justice court. That amounts to approximately 80% of the cases prosecuted by the Davis County Attorney's Office.

Human Resources - Legal Defenders

Davis COUNTY

Current Year Projected Outcomes

In 2021, the Legal Defender's Office restarted its Continuing Legal Education program. Prosecutors, judges and other attorneys are often invited to the sessions. All sessions are free, and they meet CLE requirements set by the State Bar. In-person sessions were put on hold during 2020 due to COVID-19, but presentations were restarted this year via ZOOM sessions.

Like all departments, the Legal Defender program had to adapt to COVID-19 restrictions. Davis County courts are conducting jury trials on an extremely limited basis. The backlog of cases awaiting trials continues to grow, as does the overall defender workload. While the reliance on "virtual" hearings has had limited advantages, it is clear that we will face an enormous backlog of cases once COVID-19 restrictions are eased.

In light of the ever growing caseloads faced by our district court legal defenders and recommendations from the Indigent Defense Commission, contracts for four additional district court legal defenders were recently approved. One contract will be funded by a grant from the IDC for one year with possible annual renewals thereafter. The other contracts are being funded, at least initially, by way of COVID-19 relief funding. We expect all contracts will soon be awarded with start dates of November 1, 2021.

As noted above, the IDC has also provided a grant to fund the salary for a fulltime data analyst/administrative support person. Davis County can apply for renewed grant funding for this position on an annual basis. The cost of benefits for this position must, per IDC restrictions, be funded by Davis County. Because this position may not be filled until shortly before the end of 2021 or the beginning of 2022, a more detailed description is provided in paragraph 1 below.

Next Year Budget Initiatives

The four most significant changes between this year's budget and next year's budget are as follow:

1. An additional FTE Data Analyst/Administrative Support person. The salary for this position (up to $68,000.00 annually) is being funded by an IDC grant with the county paying for benefits. (A pro-rated amount of funding was added to the 2021 budget but has yet to be expended.) This person will develop and maintain a case management program ("DefenderData") for the Legal Defenders as required by the IDC. This process will include training for legal defenders and staff as well as periodic audits to assure accurate data is collected and formatted into reports aimed at various audiences. This person will be a

critical liaison between the County and the IDC to assure compliance with grant requirements with an overall goal of strengthening the County's already strong legal defender program. In conjunction with IS, this person will also develop and maintain a Legal Defender link to the County website to provide information about the Legal Defender Program to the public.

2. As noted above, we are in the process of contracting with four additional attorneys to serve as legal defenders in district court criminal cases. Although funding for these positions has already been approved and incorporated into the 2021 budget by amendment, those additional contracts are noted here because the new defenders will not start with the County until November 1, 2021. Accordingly, increased funding for these positions will have the greatest impact beginning in 2022.
3. In keeping with past practices, a 3% increase in compensation for the contract legal defenders is accounted for in the proposed 2022 budget. Note that the current three-year defender contracts expire at the end of this calendar year. We are in the process of drafting new, three-year agreements for each legal defender that will, among other things, include a specific requirement that each defender utilize the DefenderData case management program and complete specific CLE programs as required by the IDC.
4. An increase of higher than 3% is requested for two legal defenders because their compensation levels are low compared to defenders of comparable experience and workloads. With the 3% increase, the 2022 contract amount for LD#13 would be $86,941.84. An increase to $88,000.00 is requested to bring that defender's compensation into alignment with other defenders. With the 3% increase, the 2022 contract amount for LD#14 would be $88,644.28. An increase to $95,000.00 is requested because that level of compensation is about $1,500.00 low compared to that of defenders with comparable experience and workloads. More importantly, this defender is also responsible for the monthly CLE programs. That requires recruitment of presenters, creation and submission of documentation to obtain CLE credit, maintenance of attendance records per State Bar requirements, and promotion to assure attendance by defenders, prosecutors, judges and others as may be appropriate. This is a significant undertaking each month that benefits numerous county employees. The programs are free of charge for attendees and have always been provided at Zero cost to the County. Four years into the program, its success is attributable to LD#14. Compensation for this work in addition to standard legal defender responsibilities is appropriate.

Human Resources - Legal Defenders

Davis COUNTY

Possible Additional Budget Issue

On September 27, 2021, we were informally told that the Administrative Office of the Courts plans to move a juvenile court judge from Weber County to Davis County to preside over parental rights/child welfare cases within the near future. Approximately 44% of such cases are now heard in Davis County compared to 56% in Weber County. Yet, Weber County has twice as many judges for those cases as does Davis County. The judges (and defenders) in Davis County therefore have disproportionately high caseloads and a growing backlog of cases. If another judge is moved to Davis County, that judge will hold separate court sessions and trial dates each week. Due to statutory and constitutional mandates, the County will likely need to hire at least two additional legal defenders to provide required representation. As soon as more definitive information is available, we will update the Budget Committee.