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*Office of the Legal Defender*

•Serving Justice since 1995•

~ FY09 ANNUAL REPORT ~

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### OLD Members

The Office of the Legal Defender [OLD] had a total of 112 funded, regular staff positions in FY09.

#### Criminal Division:

Attorneys	40
Support Staff	46
<hr/> CR TOTAL	<hr/> 86

#### Juvenile Dependency/Severance Division:

Attorneys	14
Support Staff	12
<hr/> JD/JS TOTAL	<hr/> 26

In addition to regular staff, the Office also had the assistance of four externs who worked through various semester terms in both the Criminal and Paralegal Divisions. The Office primarily handles externships through its relationship with the College of Law at Arizona State University, but considers appropriate extern applications from any accredited, approved law school or paralegal program.

The Office remains committed to maintaining the extern program as a way of helping to develop future informed participants in the legal system. Our program, which immerses paralegals and law students in actual casework, gives externs the invaluable benefit of hands-on legal experience. At the same time, the Office gains research and case assistance while hearing fresh impressions and ideas from the students. ♦♦♦

### NEW PROGRAM -- Migrating Case Data

In FY09, the Office of the Legal Defender (OLD) faced the unique challenge of migrating its criminal case data into IRIS, a new case-management program created for Maricopa County's indigent representation departments. IRIS was designed to facilitate the exchange of information between county departments, increase the depth of information held on cases, and decrease the incidence of conflict-of-interest cases.

The Office staff successfully handled the transition, dealing expeditiously with any training issues or program snags that arose as a normal part of any new system's incorporation.

Through the utilization of the new program, OLD looks forward to increased Office efficiency and enhanced access to criminal-case information. As IRIS offers many unexplored options, future upgrades are anticipated. ♦♦♦

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## MISSION

THE MISSION OF THE MARICOPA COUNTY OFFICE OF THE LEGAL DEFENDER IS TO PROVIDE QUALITY LEGAL REPRESENTATION TO INDIGENT INDIVIDUALS ASSIGNED TO US BY THE COURT, THUS SAFEGUARDING THE FUNDAMENTAL LEGAL RIGHTS OF EACH MEMBER OF THE COMMUNITY.

## VISION

BY PROVIDING OUR INDIGENT CLIENTS WITH THE HIGHEST QUALITY LEGAL REPRESENTATION, THE COMMUNITY WILL BENEFIT SIGNIFICANTLY FROM OUR WORK, INCLUDING

1. SETTING A LEGAL STANDARD WITH OUR ADHERENCE TO EXCEPTIONAL, INNOVATIVE REPRESENTATION OF CLIENTS' INTERESTS BY ATTORNEYS, INVESTIGATORS, MITIGATION SPECIALISTS, AND OTHER TEAM MEMBERS, ALL WHILE OBSERVING FISCAL RESPONSIBILITIES;
2. PRESERVING THE CONSTITUTIONAL RIGHTS OF ALL CITIZENS WITH OUR DEDICATION TO PROTECTING THE RIGHTS OF THE ACCUSED;
3. ENHANCING THE CITIZENRY'S CONFIDENCE IN OUR LEGAL SYSTEM BY CONSISTENTLY DEMANDING JUST AND EQUITABLE TREATMENT FOR ALL.

## GOALS

- I. DEVELOP AN EFFECTIVE REPRESENTATION FOR EACH CLIENT IN AN ETHICAL FASHION THAT PROTECTS HIS OR HER RIGHTS AND ENSURES EQUAL PROTECTION UNDER THE LAW.
- II. PROVIDE THE COUNTY A COST-EFFECTIVE METHOD OF REPRESENTATION FOR INDIGENT CLIENTS WHO WOULD OTHERWISE BE REPRESENTED BY THE MARICOPA COUNTY OFFICE OF THE PUBLIC DEFENDER, THE OFFICE OF THE LEGAL ADVOCATE, OR THE OFFICE OF PUBLIC DEFENSE SERVICES.
- III. RETAIN AND DEVELOP ATTORNEYS AND STAFF HIGHLY REGARDED FOR THEIR RESPECTIVE SKILLS IN REPRESENTING, INVESTIGATING, OR SUPPORTING THE DEFENSE OF ASSIGNED CLIENTELE.
- IV. CREATE AN ENVIRONMENT IN WHICH PROFESSIONALISM AND RESPECT FOR CLIENTS AND FELLOW EMPLOYEES ARE INHERENT.
- V. ENDORSE MEASURES TO PROVIDE EFFECTIVE ALTERNATIVES TO IMPRISONMENT AND INCARCERATION.
- VI. MAINTAIN WORKLOADS THAT DO NOT JEOPARDIZE ANY CLIENT'S DEFENSE.

### **Our Clients**

The Office of the Legal Defender clientele comes only from assignments by the Superior Court of Arizona. The Office is appointed to represent the following individuals:

1. people charged with serious criminal offenses, witnesses who need representation, or parents in juvenile dependency/juvenile severance actions, AND
2. who the court has determined are unable to afford a private attorney.

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## FY09 Budget

In FY09, the Maricopa County Board of Supervisors provided the Office of the Legal Defender the following funding:

### FY09 <sup>1</sup>

\$7,207,473 for the Criminal Division,  
\$2,083,051 for the Juvenile Division,  
and  
\$ 820,670 for the Admin/IT Division.

<sup>1</sup> This is the final year-end revised budget after the transfer of budget savings (\$400,000) to the Office of Contract Counsel.

These monies served the county in the handling of over 8,000 cases assigned to OLD, as described in the following column.

### CASES <sup>2</sup>:

5,973	Non-Capital Felony Assignments
6	Capital Case Assignments
1,643	Parental Representation Assignments [JD/JS/Grndshp]
990	Dependency Recertifications

<sup>2</sup> Calculated as total cases opened during the time period, minus cases closed during the time period with the following dispositions: no complaint, administrative transfer, and workload withdrawal. The listed categories parallel the county's MfR standards for the FY.

A standard review of the Office at the close of FY09 found that the Office again fulfilled the following aspirations: a respected law firm, a reputation for legal leadership, a fiscally responsible department, and a community asset. ♦♦♦

## Training Tradition

The Office of the Legal Defender (OLD) in FY09 upheld its tradition of co-sponsoring events to help the Arizona legal defense community as it serves indigent clients.

**October, 2008:** OLD staff, in conjunction with the Arizona Capital Representation Project, sponsored "Capital Jury Selection Seminar." Seventy-five attendees filled the Training Room at the Security Building, where one of OLD's lead Capital Attorneys, Richard Miller, was a featured speaker.

**December, 2008:** the Office and other local public defense offices produced the annual "Fight for Life: Death Penalty 2008." The two-day conference, which focused on indigent defense attorneys and mitigation staff for death-penalty cases, was attended by 122 people at the pre-conference and 198 at the conference. OLD's Maria Schaffer, John Napper, Robert McWhirter, and Dawn Sinclair were presenters.

**June, 2009:** OLD staff worked with statewide defense offices on the 7<sup>th</sup> Annual Conference of the Arizona Public Defender Association [APDA]. Assisting with registration, IT, and courses, OLD members contributed to all areas of the indigent defense program. ♦♦♦

## Farewell, Adios, Adieu

*FY09 ended in a poignant manner as Legal Defender Robert S. Briney, who established the Office of the Legal Defender in Maricopa County 14 years ago, retired in May. Bob provided a creative and inspiring approach to the practice of law as well as the operation of a public law office. His original ideas and nurturing management style attracted the experienced people that Bob felt were essential to fulfill his dream for a cutting-edge indigent defense practice. Staff found themselves stimulated and supported by his leadership, and Bob will be missed.* ♦♦♦

## Special Bulletin

The 2009 survey of county employees reconfirmed the Legal Defender Office's established position as a department with exceptional employee satisfaction and morale – a department that each year has consistently ranked among the top of participating county departments. ♦♦♦

## More Service

While remaining devoted to serving indigent clients in the county's legal arena, OLD staff members also enjoy working with other community and legal groups to help people, animals, and the environment. In FY09 our staff increased their involvement with and support for diverse groups such as Access Fund, American Civil Liberties Union; American Diabetes Association; Arizona Attorneys for Criminal Justice; Arizona Capital Representation Project; Arizona Children's Justice Task Force; Arizona Humane Society; Arizona Italian Greyhound Rescue; Arizona Museum of Natural History – Mesa; Arizona Public Defender Association; Arizona Railway Museum – Chandler; Arizona State University, College of Law Alumni Association – Board; Arizona Theatre Company; Arizona Women Lawyers Association – Steering Committee; Audubon Society; AYUSA – hosting foreign exchange students; Center for Biological Diversity; Civil War Preservation Trust; Friends of Animal Care & Control; Glendale Fire Department – Crisis Response; Habitat for Humanity; Homeowners/Neighborhood Associations; Hospice of the Valley; Justice Courts Volunteer Mediator; KAET – of Arizona Board of Regents & Arizona State University; Kyrene School District; Liberty Wildlife; Little League; National Association of Criminal Defense Attorneys; National Association of Legal Assistants; National Defender Investigators Association; National Resources Defense Council; National Trial Institute; National Wildlife Federation; Nature Conservancy; Niños Hospital; Parent-Teacher Associations; Phoenix, Rescue Mission; Phoenix Zoo; Red Cross; Recording for the Blind & Dyslexic – Board member; Salvation Army; Roman Catholic Diocese of Phoenix; Scouts of America - Boy & Girl; Sojourners; Sierra Club; State Bar of Arizona – Criminal Practice and Procedure Committee, Unauthorized Practice of Law Committee, and Juvenile Law Committee; St. Mary's Food Bank; Tempe Judicial Advisory Board; and World Wildlife Fund.

St. Vincent De Paul honored OLD's efforts for its generous Nov-Dec 2008 holiday donations to help provide food to needy families. By constant advocacy in these varied areas, OLD continues to be a vital voice in wide-ranging issues.

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*Dedicated to the Guardians of Freedom*

*wherever they are found.*