



Office of the

Alternate Defense



ounsel

FISCAL YEAR 2020-2021

SUPPLEMENTAL BUDGET REQUEST

Lindy Frolich, Director

Schedule 13
Funding Request for the 2020-21 Budget Cycle

Department: Office of the Alternate Defense Counsel

Request Title: Caseload Decrease

Priority Number: R-1

Dept. Approval Date: 1/1/2021

- Decision Item FY 2021-22
 Base Reduction Item FY 2021-22
 Supplemental FY 2020-21
 Budget Amendment FY 2020-21

Line Item Information		FY 2020-21		FY 2021-22		FY 2022-23
		1	2	3	4	5
		Appropriation FY 2020-21	Supplemental Request FY 2020-21	Base Request FY 2021-22	Funding Change Request FY 2021-22	Continuation Amount FY 2022-23
	Fund					
Total of All Line Items	Total	49,679,221	(4,520,835)	45,158,386	-	45,158,386
	FTE	-	-	-	-	-
	GF	49,679,221	(4,520,835)	45,158,386	-	45,158,386
Conflicts-of-Interest Contracts	Total	46,493,770	(4,230,957)	42,262,813	-	42,262,813
	FTE	-	-	-	-	-
	GF	46,493,770	(4,230,957)	42,262,813	-	42,262,813
Mandated Costs	Total	3,185,451	(289,878)	2,895,573	-	2,895,573
	FTE	-	-	-	-	-
	GF	3,185,451	(289,878)	2,895,573	-	2,895,573

Letternote Text Revision Required? Yes: No: If yes, describe the Letternote Text Revision:

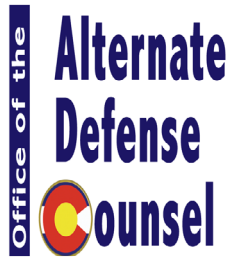
Cash or Federal Fund Name and CORE Fund

Reappropriated Funds Source, by Department and Line Item

Approval by OIT? Yes: No: Not Required:

Schedule 13s from Affected Departments:

Other Information:



FY 2020-21 Funding Request Decision Item R-1

Agency Priority: Decision Item R - 1				
Caseload Decrease				
Summary of Funding/ FTE Change for FY21	Total Funds	General Funds	Cash Funds	FTE
Caseload Decrease FY21 <i>Conflicts-of-interest Contracts</i>	(\$ 4,230,957)	(\$ 4,230,957)	\$ 00.0	0.00
Caseload Decrease FY21 <i>Mandated Costs</i>	(\$ 289,878)	(\$ 289,878)	\$ 00.0	0.00
Total Request	(\$ 4,520,835)	(\$ 4,520,835)	\$ 0.00	0.00

Request Summary:

The Office of the Alternate Defense Counsel (OADC) requests a \$4,230,957 GF **decrease** for its Conflicts-of interest Contracts Long Bill Line Item (LBLI) and a \$289,878 GF **decrease** for its Mandated Costs LBLI, totaling a \$4,520,835 GF **decrease** to adjust for the Agency’s projected caseload for FY21.

The Problem and Opportunity:

Due to COVID-19, the OADC has experienced a decrease in cases rather than the anticipated increase in cases that occurs annually. In the FY22 budget request submitted to the JBC on November 1, 2020, the OADC requested a base building reduction to its Conflicts-of-Interest Contracts and Mandated Costs lines by a total of \$4,520,835. This supplemental requests that reduction occur in the current fiscal year and then carry on into FY22. However, as mentioned in question #3, page 2 of the Agency’s FY22 Common Questions, once the state court system has returned to a level of ‘normalcy’ it is likely that a sharp surge in courtroom and case activity will begin. It is unlikely that this will significantly affect the FY21 budget, but the Agency could see a significant rise in FY22, necessitating a midyear supplemental budget increase request. This surge carries with it a level of uncertainty of how much additional budget will be needed to accommodate that sudden increase.

Brief Background:

The OADC is mandated to provide indigent individuals (adults and juveniles) charged with crimes the best legal representation possible when the Office of the State Public Defender (OSPD) has an ethical conflict. Unlike the OSPD, who has full-time employees, the OADC pays for every 1/10th of an hour worked on every case by its independent contractors. The Agency has no

ability to accurately predict or control its caseload and corresponding expenditures. Due to this inability to predict caseload increases (and decreases) the OADC may need to request additional funds during the supplemental and/or add-on process for FY22.

Proposed Solution:

Decrease the Agency’s base building budget for FY20-21 by a total of \$4,520,835 to its Conflicts-of-interest Contracts and Mandated Costs LBLI to adjust revised caseload estimates.

Alternatives:

Allow the OADC to retain the LBLI amounts for FY21 and revert any unused funds to the State’s General Fund pool at FY21 year-end.

Anticipated Outcomes:

The Agency has no control over the number of cases it is mandated to handle. The anticipated outcome is that the Agency will continue to pay its contractors for work performed.

Assumptions for Calculations:

This calculation multiplies the proposed **-9.10%** adjustment from the current FY21 LBLI to a revised FY21 base building estimate and subtracts it from the current FY21 LBLIs of Conflicts-of-Interest and Mandated Costs.

	FY21 Current LBLI	Estimated % Change	FY21 Revised Estimate
Conflicts-of-Interest Contracts	\$ 46,493,770	-9.10%	\$ 42,262,813
Mandated Costs	\$ 3,185,451	-9.10%	\$ 2,895,573
	\$ 49,679,221		\$ 45,158,386

FY21 Conflicts-of-Interest Contracts LBLI	\$ 46,493,770
Estimated FY21 Conflicts-of-Interest Contracts Expenditures	\$ 42,262,813
FY21 DI#1 Conflicts-of-Interest LBLI Decrease	\$ (4,230,957)
Estimated FY21 Mandated Costs LBLI	\$ 3,185,451
Estimated FY21 Mandated Costs Expenditures	\$ 2,895,573
FY21 DI#1 Mandated Costs LBLI Decrease	\$ (289,878)
FY21 DI#1 Supplemental Caseload Decrease	\$ (4,520,835)