

COMMISSION ON INDIGENT DEFENSE

FY 2009-2010 ACCOUNTABILITY REPORT

Section I-Executive Summary:

1. Purpose Mission and Values:

The Commission on Indigent Defense, in cooperation and consultation with state agencies, professional associations and other groups concerning the administration of criminal justice and the improvement and expansion of defender services, establishes and monitors programs and services for the delivery of legal representation to indigent defendants in State courts.

The Office of Indigent Defense establishes criteria used in the determination of indigency and qualifications for services for indigent legal representation and administers the distribution of appropriated funding for indigent defense. Additionally, the office establishes and supervises training programs for the Public Defender offices across the State as well as implementing a central reporting system for the accurate compilation of statistical data pertaining to the delivery of indigent defense services.

The Office of Appellate Defense is responsible for the majority of indigent criminal appeals, including death penalty appeals, before the South Carolina Supreme Court and Court of Appeals. The mission of Appellate Defense is to provide superior representation and legal analysis in a cost-efficient manner.

The Office of Circuit Public Defenders created by the Indigent Defense Act in 2007 provides a statewide public defender system with standards and accountability for representation and assistance of counsel to indigent defendants in a manner that is fair and consistent throughout the state. It replaced a county based system comprised of 39 Chief Public Defenders, employed by eleemosynary corporations, with 16 Circuit Public Defenders employed by the commission. This has resulted in fiscal accountability and consistent standards for the delivery of indigent defense services to the citizens of South Carolina.

The Death Penalty Trial Unit provides a resource for quality, cost effective representation in capital trials on a statewide basis and provides a savings to the state in the cost of representation for indigent defendants in death penalty trials. The Death Penalty Trial Division has significantly reduced the expense of capital litigation, while providing qualified representation from the staff of this division. Capital trials were previously handled almost exclusively by the private bar which resulted in the state paying near "market rates" for legal services. The agency can

now provide legal representation as well as investigation and mitigation services to achieve the desired results.

2. Major Achievements from Past Year:

The agency continues to implement the Indigent Defense Act of 2007. We held periodic meetings with the circuit public defenders throughout the year to discuss many issues addressing implementation of the Act. These included discussion of conflicts issues and the possibility of reducing the number of defendants referred to the private bar; caseload issues including the increasing number of Magistrate cases being assigned to public defenders; 2009-10 budgetary issues including budget reduction and anticipated reductions; briefings on 2010-11 budget proposals and many analyses of county budget impacts under various scenarios. In addition, circuit defenders responded to our requests for information on negative impacts to their operations and personnel based on legislative proposals as they were being worked through the legislative process. Their 100% response became critically important in making the case against a 2010-11 reduction in public defender funding.

The agency conducted a human resources survey as of July 1, 2009 to determine the number of full and part-time public defenders and the number of full and part-time attorneys on contract with public defender offices, as well as further breakdowns of other personnel, including investigators, employed in public defender offices. The survey also addressed salary information for public defenders, and included a section on county funding. This signaled the first time that the agency has been able to obtain completely reliable data on these topics, and the survey results were important throughout the budget process and at other times during the year.

We encouraged circuit defenders to be present at House and Senate budget subcommittee hearings and during floor debate, and the response was overwhelming. Circuit Defenders became thoroughly versed in budget issues and actively contacted their local representatives throughout the process, which had a strong positive impact on our ability to hold on to the 2009-10 level of public defender funding. This achieved one of our on-going objectives of getting circuit defenders and all public defenders in the state more politically aware and better educated on the needs of the state's indigent defense system, and in turn more politically active.

Throughout 2009-10 the agency continued to improve its model technology and data collection system, and we placed heavy emphasis on Circuit Defenders to assure that data was being accurately and fully entered into our system. At their suggestion during one of the circuit defender meetings we sponsored a free one-day

workshop in Columbia for all public defenders and staff which was conducted by Carl Richey of Justice Works (formerly DefenderData) in April, 2010, to thoroughly review existing and recently updated data entry techniques and the importance to everyone that the data be timely entered and accurate. This was attended by more than 80 public defenders and staff from throughout the state. (We were able to accomplish this at minimal cost – plane ticket, one-night hotel charge; we held it at the Blatt Building when the House was on break, so no room charge).

We also placed heavy emphasis on seeking other sources of revenue, and encouraged circuit defenders to apply for direct grants through the US Department of Justice. In furtherance of this, we contracted with a consultant through the National Legal Aid and Defender Association to conduct a workshop on federal grant writing. This was held in Columbia at the USC Law School in May, 2010, and was well attended by about 50 public defenders and staff from all 16 circuits. This was the first exposure that many in attendance had to federal grants as a new source of revenue.

During the year we emphasized to circuit defenders the statutory requirement that in indigent capital trial cases one of the two (2) assigned attorneys must be a public defender. This has reduced the number of privately appointed attorneys which previously have been assigned to capital cases. As of June 30, 2010, public defenders are now representing nine (9) defendants charged with capital crimes. This will have the effect over time of reducing the amount of attorney fees which otherwise would be paid by the agency to private attorneys through the agency's Death Penalty Trial Fund.

Pursuant to a Commission motion to develop standards for public defender caseloads and the creation of a committee by the Chairman to address this issue, the agency has worked with the Chairman to assemble information and materials on caseload standards from as many states as possible throughout the country and has made the materials available to the Chairman and the committee members.

We fully participated in the work of the Sentencing Reform Commission which resulted in passage of the landmark Sentencing Reform legislation, attending virtually every meeting of its Commission and the hearings on the legislation, and kept the circuit defenders up-to-date on its progress. Likewise, we distributed proposed changes in the Criminal Rules to circuit defenders, and encouraged their comments as well as their attendance and participation at the Supreme Court's hearing on the rules changes.

For the fourth year, the agency continued to sponsor its annual Public Defender Best Practices Seminar in partnership with the Charleston School of Law (February 2010), and played a key role in organizing the Fourth Annual Public Defender

Investigators Conference (March 2010). We assisted in securing speakers for the annual Public Defender Association Conference (September 2009), all in furtherance of the professional development mission of the agency. The agency also continued the important summer Rural Extern Program in partnership with the Charleston School of Law. This program received national recognition and was featured in an article in the Spring 2010 issue of the National Legal Aid and Defender Association's publication, *The Cornerstone*.

In July, 2009, at the invitation of the New York University's Brennan Center for Justice, the Director and Deputy Director attended a conference on Community Oriented Defender Networking, which focused on the issues of performance measurements for public defenders, understanding the concept and advantages of community oriented services by public defenders, and an in-depth look at the operation of drug treatment courts, with emphasis on and a visit to the Drug Treatment Court of the Bronx, NY. This conference was particularly educational in identifying issues and methods to raise with our circuit defenders. A front row seat in Drug Court and comprehensive discussion with the Judge afterwards later proved to be extremely helpful in working with our Sentencing Reform Commission on SC drug court issues.

Throughout the summer and fall of 2009, Hugh Ryan, Deputy Director and General Counsel, worked with the SC Department of Social Services, the SC Guardian ad Litem Program, the Children's Law Center, the SC Access to Justice Commission, and the SC Bar pursuant to a 2009-10 Legislative Proviso directive, to address ways to reduce the increasing costs of family court related cases. A detailed report of this collaboration, authored by Hugh and approved by all participating committee members, was issued in the fall of 2009. Simultaneously, we worked with a separate committee of the SC Bar in addressing many of the same issues. This lengthy dual-track process resulted in the Chief Justice issuing an Administrative Order in early 2010, effective July 1, 2010, which no longer makes it mandatory that *guardian ad litem*s be attorneys. In FY 2008-09 the agency paid guardian-attorneys over \$600,000. While the Order is not retroactive to pending cases, we expect to begin realizing a savings from this action in the third quarter FY2010-11 and when the savings is fully realized it is projected to be in the \$400,000-500,000 range.

In addition, the requirement that the agency annually allocate a portion of funds provided for Civil Court Appointments to the SC Guardian ad Litem Program, has been made discretionary by legislative proviso. In the past, these payments were as much as \$365,000. While no funds have been available to allocate for this purpose since 2008, this modification can potentially ease much of the pressure on meeting overall obligations when Civil Appointments funding is hopefully restored in future years.

The agency continued its internal audit of Rule 608 civil and criminal vouchers. Our new technology requires fewer voucher processing personnel and provides time to more carefully review payment requests for substantive issues. Many fees and expenses were called into question, many resolved with the submitting attorney, and many resolved in motion conferences and court hearings with judges. The total pay-out for FY 2009-10 for Civil Appointments vouchers was \$1.9 million, which was significantly lower than the pay-out for the previous fiscal year of \$2.4 million. During the 2009-10 budget process we advised the Legislature that unless it specifically funded Civil Appointments, the agency could rely only on \$1.9 million in carry-forward funds to be available for FY 2009-10. The Legislature chose not to appropriate any additional funds for Civil Appointments. In fact the \$1.9 million ran out on the last day of the fiscal year, June 30, 2010, but fortunately the agency was able to cover all the vouchers which were approved for payment in the fiscal year.

In FY08-09 the agency began encouraging Circuit Defenders to apply for federal grant funds through both the Byrne Grant program of the U.S. Department of Justice and direct grants from DOJ. In years past no public defender grant request had ever been approved by the local screening committee for a Byrne Grant. The agency had been told early in the summer of 2009 not to expect any approvals, as meritorious as the grant applications might be. A strong push to change that tradition was made through meetings with state legislators and Department of Justice personnel. However, the effort was unsuccessful and when Byrne Grant announcements were made last year, no funding was granted for indigent defense.

In late June, 2009, SCCID Commission Chairman Harry Dest and the Executive Director attended a meeting in Washington, DC sponsored by the NLADA and attended by about 50 persons from throughout the country, at which the Attorney General Eric Holder spoke about his and the Obama Administration's commitment to indigent defense throughout the nation. This meeting was also attended by members of his senior staff involved in DOJ grants, many of whom also spoke at the meeting. During the brief question and answer period following the Attorney General's remarks (2 questions allowed), Chairman Dest asked the second question, which became the centerpiece of all discussion for the remainder of the two-day meeting. His question, preceded by a statement as to the treatment that public defender/Byrne grant applications had gotten in SC over the years, was: "Why were public defenders across the nation, and particularly in SC, being shut out of the process and when would the rules change so that the process would open up?" After much applause for the question, the Attorney General gave a direct answer and seemed genuinely concerned about the issue. He said that it would begin opening up immediately. Indeed, in the latest Byrne Grant Request for Proposals there is a specific reference for the first time that public defender grant proposals were to be fully considered along with all others. The agency has applied again for a technology grant to allow interface of our system with those of the Court, and as yet

no word on whether or not it will be funded. Several circuits have also applied for Byrne Grants and for direct DOJ grants and we are optimistic that at least one or two will be funded this year. Meanwhile, the agency has done everything that we could think to do to insist that the SC screening committee take public defender grant applications seriously, rather than not even being scored, as has been the case in past years. At a meeting with Mr. Burke Fitzpatrick who oversees the application process in SC, the agency's executive director and deputy director were told point blank that the agency technology interface application was excellently prepared, covered every issue, and under normal circumstances would definitely be funded, but he could give no assurance as to what the screening committee would do, and not to hold out any hope for funding.

Mr. Adams reiterated the importance of this issue for all public defender operations throughout the United States at the national NLADA conference last November, 2009, and during an NLADA underwritten workshop with the Louisiana Indigent Defense Board in Baton Rouge last fall. Additionally, Mr. Adams was elected to the 12-member NLADA Defender Policy Group, which is the public defender policy arm of NLADA; and in meetings of the Defender Policy Group and in numerous other meetings and conference calls he has participated in, he has insisted that this issue be one of the major objectives of NLADA.

As a member of the NLADA planning group for the DOJ-sponsored National Symposium on Indigent Defense held in February, 2010, in Washington, DC, Mr. Adams insisted that this issue be one of the major focuses of that conference, and much attention was in fact given to the topic during that three-day meeting.

The only success the agency had during the fiscal year in obtaining federal grant funding was a direct DOJ grant awarded jointly to SCCID and the Prosecution Coordination Commission in the spring of 2010. The grant provides for each agency to conduct two (2) seminars over a two (2) year period in prosecuting and defending capital cases. Each agency was awarded \$100,000 over the two-year period (2010-11) to conduct separate seminars, and the 2010 SCCID seminar was held August 12-14, 2010, in Columbia, and well attended. The second seminar will be in held in the spring of 2011.

Another source of revenue which the agency has encouraged is funding from municipalities. At present only two cities provide any direct funding – City of Rock Hill and City of North Charleston. However, the Charleston County public defender's office has been awarded a local government grant in the amount of \$50,000, for FY 2010-11. We have had discussions with the general counsel and the director of the SC Municipal Association as to public defender obligations to represent indigent defendants on municipal charges in city and town municipal court unless funding for doing so is provided by the municipality as they do for

prosecutors, judges, court facilities and other court personnel. This issue is as yet unresolved, and discussions, which began when several public defender operations refused to provide counsel for municipal ordinance violations, were discontinued at the request of the municipal association, and have not yet resumed. However, this is an issue which needs to be carefully addressed in the future and could result in an additional source of revenue for public defender operations as has occurred in North Charleston and Rock Hill.

As previously discussed, the agency again in April, 2010, applied for a Department of Justice Byrne Grant for the express purpose of interfacing our technology with that of the Court Administration and Docket Management. There is no word yet on whether or not the application has been approved or rejected. The identical grant request was made the previous year, April 2009, with no success. The current request pares down the amount and streamlines the procedure for achieving interface, and was accompanied by a strong letter of support from the Chief Justice. In addition, our legislative Commissioners, and other legislators from both houses and both political parties have communicated the importance of this funding to the members of the screening committee who make the decision. Hugh Ryan and Patton Adams have personally visited with Mr. Burke Fitzpatrick, the director of the overseeing agency. Mr. Adams has communicated with any number of people in DOJ and throughout the NLADA network over the importance of not only receiving this funding but also “breaking the ice” on access to Byrne Grants in the future.

While not directly related to Court Administration interface, throughout the year the agency has made a number of major revisions to our technology, all directed toward improving its usefulness for both public defenders and the private bar, as well as agency staff. One of the most significant improvements is the installation of a “Tutorial” which walks a user of the system through each step from registering as an attorney, to registering a case, to the entry of time data and fee and expert information. Here is a complete list of new features in the system during FY 09-10:

SCCID Technology/Website/Database Improvements As of June 1, 2010

About SCCID

- Circuit Public Defenders listed under Public Defender section for easier access.
- Interactive map created under Locations section for quick directions.

Licensed Investigators

- A list of all Investigators that have registered with our office and have a Valid Investigator Licensed issued by SLED.

Tutorials

- Easy to follow Step-by-Step tutorials for Registering new cases and submitting vouchers.

Register for New User Access

- The new registration process allows members to access the SC Vendor Web quickly and easily to verify their Vendor IDs.
- Required fields create better accuracy prior to verifying info with the CG and IRS.
- Registration information can be updated at any time.

Member Sign-In

- Users can now request e-mails containing their lost passwords.

Register New Case

- Registration is now broken into three categories and lists the case types for those categories to aid in preventing incorrect registrations.
- Attorneys can now choose from predefined lists for more accurate reporting such as Case Type, Court Type, and County of Indictment.
- Required fields create better accuracy for registered cases.
- Attorneys can now choose to create Pro Bono cases that allow expenses only.
- Multiple Docket, Warrant, Ticket, and Indictment Numbers added to a predefined format for better accuracy.
- Link added for searching for proper CDR codes.

My Cases

- New search features have been added:
 - Search by Client Name
 - Search by Case Type
 - Search by Case Status
 - Search by Time Span
- Attorneys can now download spreadsheets of the results of their search criteria for internal tracking.
- Attorneys can see the voucher id for faster results when calling staff for assistance.
- New vouchers automatically appear when a case is not disposed.
- Timesheets move to the latest voucher in criminal cases, allowing the Attorneys to track their time throughout a case without submitting the time until the case is disposed.
- Timesheets can be uploaded by using an excel spreadsheet with a specific format or entered manually.
- Attorneys can view a list of all time created for a case.

- Experts defined within the expenses page for better reporting.
- Attorneys can upload documents directly to a voucher, allowing more productivity from staff.

The Database Software

- We switched from MySQL Server to SQL Server 2005 which offers many benefits over MySQL Server including speed, management and security.

The Database Hardware

- We added a new firewall that allows for better defense against unwanted intrusions.
- We are upgrading the server for better performance for all users.
 - More hard drive space added for uploaded documents.
 - More memory added for better performance.
 - More processors added for better performance and allowing reports to be run separate from the live system.
 - Cooling unit added to prevent damage to component from overheating.
 - Back up drives are removable for storage in a safety deposit box.

Our technology continues to be a national model and has been the subject of several seminar presentations around the country. Two separate seminars focused on it at the February 2010 National Indigent Defense Symposium sponsored by the Department of Justice, and during the year the agency had inquiries and/or visits from representatives of state indigent defense organizations in several states, including Maine, Louisiana, Texas and Kentucky.

Throughout the unusually long budget deliberation process the agency staff and the circuit defenders worked tirelessly with the legislative leadership, our legislative Commissioners, and local legislators and remained focused on the agency's message. The Circuit Defenders responded to our calls to attend all budget subcommittee meetings and floor debates. We were fortunate to have legislative Commissioners who made sure that our message resonated in both houses and additional Commissioners who conveyed our message with their personal contacts. This process began with presentation of the SCCID budget proposal to the Governor on September 18, 2009, and concluded with the General Assembly's adjournment on June 24, 2010, a long nine-month time span. We commend all agency personnel for their diligence and ability to make our case for full funding clearly and forcefully, relying entirely on data which our system generated.

One top budget priority for FY10-11 was adequate funding for Civil Appointments. These cases include Abuse and Neglect of minors and vulnerable adults, Termination of Parental Rights, Probate Commitments, Sexually Violent Predator Act and Post Conviction Relief actions. Throughout the lengthy budget deliberations, we constantly pushed for this funding, and stayed in active communication with the SC Bar leadership and its government affairs staff on this issue, as well as with the entire Bar membership through articles in the Bar's *EBlast* (email notifications to all SC Bar members) and *Lawyers Weekly*. Neither legislative body was interested in this funding, even though we reiterated to them that there was no other source in FY10-11 to pay Civil Appointment vouchers. In the end the budget was silent as to any funding for Civil Appointments. This was a big disappointment. We did everything we could to make our case, but in the end it was the Legislature's decision.

A great deal of agency senior staff time during the year was devoted to managing and protecting the agency budget. A detailed balance sheet is generated each Monday morning to assist with ongoing financial decision-making.

A new Chief Appellate Defender, Robert M. Dudek, a twenty-year veteran appellate attorney was appointed this fiscal year. Dudek is appellate counsel in over two hundred and forty (240) published opinions in the Supreme Court and the Court of Appeals. He has been an annual speaker at the statewide Public Defender conference for many years, presenting the yearly case law update, and has also lectured on the death penalty. In addition, he has presented at the Best Practices Seminar for the past two years, which is sponsored by the Commission on Indigent Defense and the Charleston School of Law. Dudek conducts continuing seminars on preserving the trial record for appellate review at the request of the Chief Circuit Public Defenders throughout the state. He was also a member of the committee that carried out the Commission's mandate and produced the Criminal Practice Manual, authored by Judge Ralph King Anderson, Jr. The change has resulted in a number of very positive improvements in how the division is managed.

Hugh Ryan, Bob Dudek, Bill McGuire, Boyd Young and Kathrine Hudgins have all participated in various Continuing Legal Education seminars as invited speakers throughout the year. Also during the year the Director and Deputy Director have been invited to speak to many groups about the work of the agency, including judges, state bar association, magistrates, municipal and county officials.

The Office of Indigent Defense provided \$22,603,105 for the representation of indigent persons in the criminal justice system, of this amount the Agency:

- Distributed over \$13,227,155 to the state's Public Defender offices for operating expenses;

- Processed payments of \$1,919,468 for fees and expenses in capital cases
- Paid \$2,475,106 to appointed counsel for fees and expenses in non capital cases
- Paid \$1,940,410 to appointed counsel for fees and expenses in Family Court and civil appointment cases
- Paid \$371,756 for transcripts in indigent appeals cases
- Disbursed \$1,881,994 to local Legal Aid Services for operating expenses

The Office of Appellate Defense provides quality representation in direct appeals and post conviction relief cases statewide.

- Opened 813 cases and closed 784.
- Had 1,719 cases pending on July 1, 2009, and 1,748 pending on June 30, 2010
- Handled Supreme Court cases consisting of 40 direct appeals, and 670 post conviction relief actions
- Handled Court of Appeals cases consisting of 921 direct appeals and 117 post conviction relief actions
- Participated in 23 arguments in the Supreme Court and 28 arguments in the Court of Appeals; certiorari was granted in PCR's in 22 cases. The division handled 15 direct capital appeals and six (6) capital PCR's during the fiscal year.
- Currently handles a crushing case load of one thousand seven hundred and forty-eight (1,748) cases, including twenty-three (23) death penalty cases, with a staff of eight attorneys. *The present caseload of approximately 220 cases per attorney was labeled by the Spangenberg Group in its report, and Executive Director Patton Adams, as "unconscionable." In an attempt to address this extraordinary appellate caseload, a request for three additional FTE's for attorneys was approved last year by the General Assembly. However, these three attorney positions are not presently funded and the Appellate Division remains at eight staff attorneys.*
- Appellate Defender, Kathrine Hudgins was elected Chairperson of the Criminal Law Section of the South Carolina Bar this year.

- Former Chief Appellate Defender, and present Senior Appellate Defender, Joseph L. Savitz, III, received the Lifetime Service Award presented by the South Carolina Public Defender Association on September 29, 2009.
- Chief Administrative Coordinator, Sharon Graham received the 2009 South Carolina Member of the Year Award presented by SC Public Records Association on October 23, 2009.
- Sharon Graham was also elected to the Board of Directors for the South Carolina Public Records Association this fiscal year.
- Lorie French and Sharon Graham addressed the South Carolina State Court Reporters Annual Convention.
- Administrative Assistant Denise Simons was awarded a Master's Degree in Public Administration from Strayer University.
- Administrative Assistant Lauren Cruse received her Paralegal Certificate in May 2010 from Midlands Technical College.

With the need for a case management system similar to the one utilized by the statewide public defender system necessary, and an overhaul of the Appellate Division's database long overdue, the Appellate Division contracted with Justice Works for a very low installation cost of \$1,000 to install a new database system. The system should be fully operational by the December, 2010 and will allow the appellate attorneys to cross reference prior briefs and certiorari petitions filed with the Supreme Court and the Court of Appeals, thereby diminishing repetitive research. The system has greatly enhanced efficiency in the operation of the Appellate Division.

With individual confidentiality concerns based on identity theft and other privacy considerations spreading nationwide, the Appellate Division purchased very cost efficient redaction software this fiscal year to alleviate these privacy concerns for our state's citizens involved in criminal trials and guilty pleas. This software not only protects these privacy concerns, it replaces the prior physical redaction of documents by staff attorneys and appellate staff that we less than optimum. This system is much more efficient time, appearance, and cost wise.

The Appellate Division was able to procure cost efficient voice recognition software for four (4) senior attorneys which lowered administrative personnel costs and increased overall office efficiency.

The division has experienced stronger supervisory oversight of the work and work product resulting in a substantial reduction in the number of brief extensions being requested from the appellate courts.

The Appellate Division, which is still three staff attorneys short, expects a similarly productive year in FY 2010-2011.

The Death Penalty Trial Division staffed with two attorneys, two mitigation specialists and one paralegal, directs representation of indigent defendants facing death penalty prosecution at the state trial level in South Carolina. The division also provides consulting services to appointed counsel in capital cases.

- Currently involved in the representation of eight defendants facing capital trials and anticipates trial in five of the cases during the next fiscal year.
- 4,500 hours of attorney casework recorded by two trial attorneys for an estimated savings of \$517,500 to the agency by avoiding private bar appointments
- 4,000 hours of mitigation specialist hours for a savings of \$240,000 over private appointed specialists
- Mr. McGuire has been able to recruit both attorneys and mitigation specialist services on a *pro bono* basis. Two attorneys are currently enrolled as counsel of record in a death noticed case on a *pro bono* basis. These attorneys have furnished the services of a mitigation specialist, who has not billed the state for any travel related expense. This case involves a defendant whose entire life was spent in Georgia and Tennessee. As a result, the mitigation investigation has involved substantial out of state travel, resulting in a considerable savings to the state.
- The division has also been successful in recruiting volunteer law clerks from the University Of South Carolina School Of Law and the Charleston School of Law for year-round positions. The division also participates in a public interest law clerk fair to secure additional law clerks for the summer months.
- Paralegal services are difficult to estimate for cost savings projections, but by having the full time support of a paralegal for the division, the attorneys and mitigation investigators are able to dedicate their time and efforts to casework hours.
- A significant cost saving to the state is the reduction of reversal rates in capital defense cases. Approximately 64% of death sentences in South Carolina are reversed. This is comparable to the national rate of 68%. A number of these cases are due to ineffective assistance of counsel. Often, this involves a failure to

properly investigate the case. It is not likely that any of the cases assigned to the division will be overturned in this manner. Fewer reversals obviates the need for expensive retrials. Consultation with attorneys appointed to capital cases will also aid in lowering the reversal rate.

It is important to note that generally, at any give time, three out of four of the defendants that the division represents have offered to plead guilty to all of the pending charges and be sentenced to life without the possibility of parole. It is the prosecutor's rejection of those offers that is resulting in costly and time consuming capital trials.

It is the policy of the division that immediately upon appointment the case is quickly investigated and, where appropriate evidence of guilt is clear, the client is encouraged to offer a plea of life without parole. The plea offers have sometimes occurred within mere weeks from the date of appointment to the case. To achieve these results, the attorneys' case loads must be such to allow them to devote an enormous amount of hours to a case at its inception. Again, it is the State's rejection of such offers to plead the defendant to life without the possibility of parole that is resulting in costly capital trials.

There is a very strong correlation between the amount of attorney and expert time devoted to a capital case and the outcome. In the bottom third of cases regarding the amount of attorney and expert time expended on a capital case, defendants were sentenced to death at a rate of 44%. In the top two thirds of cases regarding attorney and expert time devoted to the case, the defendant had only a 19% chance of being sentenced to death. Given this strong correlation between attorney time devoted to a capital defendant's case and the defendant's likelihood of being sentenced to die at the end of the trial, defense counsel has a compelling moral and ethical obligation to devote the appropriate time to a capital case.

An issue to consider regarding case load is the complete lack of procedure regarding capital trials in South Carolina. There is, unfortunately, a culture in our state where capital cases are considered to merely be a "big murder case." In fact, the division has received orders setting trial dates within nine and even six months of being appointed to the case. (*State v. Broughton* and *State v. Huggins*, respectively). South Carolina law provides that a capital defense lawyer be excused from all other court duties for only ten days prior to the beginning of the capital trial. Because the Solicitor controls the court docket, he can excuse himself from all other court duties for as long before a trial as he deems necessary to prepare.

It should also be noted that the prosecution does not have the obligation to conduct a complete and thorough mitigation/life history investigation as does the

defense. Very often, the State's case in aggravation is merely the defendant's prior record, the inflammatory facts of the murder giving rise to the defendant's arrest, and victim impact statements. While the Solicitor's investigation is often times nearly completed upon arrest, defense counsel's arduous task of completing an independent fact investigation and a thorough mitigation investigation begins at that point.

At the federal level, the median number of attorney hours expended in a death penalty case, that ended with a guilty plea is 1,034 hours. The median number of attorney hours expended in a federal death penalty case that resulted in a trial is 2,726 hours. These figures are taken from federal death penalty cases from the years 1998-2004. *See Update on the Cost, Quality and Availability of Defense Representation in Federal Death Penalty Cases, Judicial Conference Committee on Defender Services, 2008.*

In addition to direct representation of capital defendants, the division has also assumed the responsibility of providing death penalty specific legal education to South Carolina attorneys. This is a need that has been completely neglected the state. If a state's legislative body is to allow a statute proscribing capital punishment then the stat is obligated to train counsel to defend death penalty prosecutions. As set forth in *Archuleta v. Galetka*, (616 Utah Advance Rep. 28, 2008 UT 76), it is the responsibility of the state legislature to provide for adequate defense of capital defendants, including providing sufficient resources to attract, train, compensate and support legal counsel.

Before the creation of the Capital Trial Division, it appears that in the last fourteen years, only two capital defense seminars were held in South Carolina that were presented and sponsored by a South Carolina entity. These were both small one-day seminars sponsored by the SC Association of Criminal Defense Lawyers (SCADL) and by the Center for Capital Litigation, a private, non-profit organization. The division has already sponsored two capital defense Continuing Legal Education programs in South Carolina and has arranged for two more to be held in state within the current fiscal year.

The first CLE seminar offered was a three day training program regarding capital voir dire held in December 2008. Nationally recognized experts in the field lectured at the program. With regard to the attendees, priority was given to attorneys currently appointed to a capital case and all public defenders were given first opportunity to enroll before the program was advertised to the criminal defense bar. The division presented the CLE with no financial assistance from any state entity. Applicants were charged a registration fee, that covered all expenses and no state funds were used.

The division recently obtained a federal grant of \$100,000 to conduct two separate trainings. The first of these was a 3 day seminar that began on August 12, 2010. Another three day training will be held in the spring of 2011. Feedback regarding all of the training that the division has provided has been extremely positive.

The Chief Attorney of the division, William McGuire has arranged for the National Association of Defense Lawyers to hold one of their annual seminars in South Carolina. This CLE seminar "Making the Case for Life" will be held in Charleston, SC on September 29, 2010.

These four capital defense seminars in less than two years has more than doubled what had been previously accomplished in capital defense training over the last twelve years in our state. Despite the requirement for the state to provide funding for capital defense training, all of these programs have been, or will be conducted without expending any state funds.

Also, while attorneys are required to attend Continuing Legal Education programs to maintain their license to practice law, division attorneys have not had to pay any registration fees, as they were able to secure paid registrations in exchange for teaching or lecturing at the events.

The division is also responsible for being a resource for attorneys appointed to capital cases. Because South Carolina has a relatively small number of pending capital cases at any one time, a well organized Capital Defense Bar has not developed in the state. As a result, it is not unusual for attorneys with little or no capital defense training to be appointed to represent capital defendants. The division has been consulting with attorneys and investigators assigned to capital cases in the state, and we have conducted multiple one-day trainings for attorneys with little or no capital experience.

The Capital Trial Division continues to succeed in every aspect of its mission. It has also done so in a manner that saves the state a substantial amount of funds and resources.

Using recorded case work hours, the value of recruited pro bono services, and the value of the training the division has provided, the savings amount to approximately \$857,000 of services to South Carolina over the past fiscal year. The amount of state funds necessary to provide these services is approximately \$450,000. For FY09-10, the Capital Trial Division produced nearly two dollars in services for every one dollar of state funding allocated.

In summary, while it has been one of the most challenging years in state government, the agency was able to meet its program responsibilities and it maintain a level of sponsorship for professional development. While the agency staffing level is well below full strength, the use of technology allows many tasks to be completed with fewer personnel and we have relied on part-time student help to fill the gaps. Among the general public defender workforce, our survey results reflect a decrease of five (5) public defenders in the state over the last year. The severe lack of adequate funding coupled with the unsustainable case loads for public defenders at all levels, and well as for all indigent defense services, has brought the system to the brink of collapse. We are fortunate that the Legislature chose by wide margins to override the Governor's vetoes of significant portions of the public defender budget. If that had not occurred, the public defender workforce would have been reduced by 20% and the system would have become dysfunctional. The state is fortunate to have an extremely professional and dedicated corps of public defenders who are committed to carrying the heavy load for now and they should be recognized and commended for protecting and upholding every American's 6th Amendment rights; but for the future the systemic problems must be addressed, the system must be adequately funded, the number of public defenders increased, and the individual caseload substantially reduced if the system is going to be sustained and succeed as envisioned by the 2007 Indigent Defense Act.

3. Key Strategic Goals For Present and Future Years:

The ultimate goal of the agency is to provide a unified, cost effective and efficient statewide system for the delivery of indigent defense to all eligible citizens of the state.

The mission of the agency also is to provide the resources necessary to appointed counsel, both Public Defenders and private attorneys, to represent those indigent or otherwise appointed clients in the State's criminal, civil and family courts. The lack of standardization in the determination of indigency is one of the key factors in assuring that resources are allocated to those citizens that qualify under federal poverty guidelines and to further ascertain the guidelines and qualifications for a determination of indigency are consistent throughout the state. To achieve this goal, the agency plans to review procedures of other states for determination of indigency and compare procedures used in South Carolina to develop a standard procedure to be implemented statewide. This proposed procedure will be submitted to the Chief Justice for discussion and approval by the Court and revision of South Carolina Appellate Court Rule 602 to incorporate the standardized procedure.

Additionally, the agency collects statistics on the operation of the indigent defense system in the State and provides information and material to interested parties including the Executive, Legislative and Judicial agencies of state government.

4. Key Strategic Challenges (mission, operational, human resource, financial and community related):

The main purpose of this agency is to oversee the state's new unified circuit defender system and the representation of indigents pursuant to SC Appellate Court Rule 608 appointments; to disburse money to the indigent legal system in this State; to represent indigent clients in the appeal process; and to provide direct legal representation to indigent defendants charged with capital offenses. The majority of the funding comes from non-appropriated sources derived from fine surcharges and application fees. This source of funding has not proved sufficient for the criminal defense system and South Carolina currently ranks about 46th in indigent defense spending per capita. Only a portion of the per capita distribution to the Public Defender Offices is appropriated by the General Assembly. Since FY 2000-2001, the agency has not received any recurring appropriated funds for the Conflict Appointment Fund, Civil Appointment Fund, or the Death Penalty Trial Fund.

The major barrier to the successful operation of the agency is adequate appropriated funding. The non-appropriated sources of revenue have peaked, as other agencies have been funded from these same sources, raising the surcharge on fines to 107.5%. This source has not shown significant increases over the past years to meet the growing demands of this agency. While sources such as these may provide a good supplemental base for funding, in order for the source to remain adequate, sufficient appropriated funding is a necessity.

Appellate Defense maintains a constant caseload of over 1500 appeals and post conviction relief actions. The division presently employs eight attorneys, each with a caseload far in excess of recommended ethical and professional standards. The historical lack of sufficient operating revenue, funding and budget cuts and considerable increase in caseload leaves this area severely under funded to accomplish its mission.

5. How This Report is Used To Improve Organizational Performance:

This report provides a guide throughout the year for assessing allocation of resources, adjusting priorities and assessing progress toward goals.

Section II – Organizational Profile

1. Main Products Services and Primary Methods of Delivery:

The Office of Indigent Defense disburses money to provide for the state's share of the maintenance of the local Public Defender Offices and reimburses private attorneys for their time and expenses in representing indigent clients when appointed by the courts. The Office of Appellate Defense provides representation of indigent clients in direct appeals and post conviction relief actions. The Death Penalty Trial Division provides representation of indigent defendants in capital punishment trials.

2. Key Customer Groups and Their Key Requirements/Expectations:

The key customers of this agency are the citizens of the state who require, but cannot afford legal representation in state courts, the public defenders of this state, and attorneys appointed to represent indigent persons in the State Courts.

3. Key Stakeholders Other Than Customers:

The key stakeholders are the citizens of the State of South Carolina, who are provided legal representation as guaranteed by the State and US Constitution.

4. Key Suppliers and Partners:

The General Assembly is the key supplier for the agency, as it provides the funding for the agency to meet the goals of its mission.

5. Operation Locations:

The agency headquarters is located at 1330 Lady Street, Suite 401, Columbia, SC 29201. This location houses the administrative office of the Commission, The Office of Indigent Defense, The Office of Appellate Defense and the Death Penalty Trial Division offices. A Circuit Public Defender Office is located throughout the state in each judicial circuit and a county public defender office is maintained in each of the forty-six counties.

6. Number of Employees:

37 Unclassified FTEs and 30.00 Classified FTEs.

The Commission appoints the Executive Director, who oversees the general operation of the agency. The Executive Director is responsible for the day-to-day operation of the agency.

7. Regulatory Environment:

The agency operates under applicable federal law, state statutes, provisos, rules and regulations, including SC Appellate Court Rules.

8. Performance Improvement System:

The Executive Director and the Commission set performance expectations.

9. Organizational Structure:

The Commission appoints the Executive Director who oversees the general operation of the agency. The executive Director is responsible for the day-to-day operation of the agency. The agency has four divisions, the Office of Indigent Defense, the Division of Appellate Defense, the Death Penalty Trial Division and the Circuit Public Defenders.

10. Expenditures/Appropriations Chart (attached)

11. Major Program Areas Chart (attached) Programs that comprise 80 % of total budget

Section III – Elements of Malcolm Baldrige Award Criteria

Category 1 – Senior Leadership, Governance and Social Responsibility:

1. How do senior leaders set, deploy and ensure two-way communication for:

Short and Long Term Direction: The Commission and the Executive Director establish all policies and procedures. Budget and other matters are proposed by the Executive Director to the Commission which accepts, rejects or modifies the proposal. Major policy decisions, which are likely to be recurring and long term, are decided by the Chairman and the Executive Director and are submitted to the full commission for ratification. The Executive Director is delegated the authority to make emergency policy decisions and to supervise the day-to-day operations of the agency.

Performance Expectations: Determined by the Executive Director.

Organizational Values: Established by the Executive Director and the Commission.

Ethical Behavior: Standards are those expected to be followed by all state employees.

2. How do senior leaders establish and promote a focus on customers and other stakeholders?

The Executive Director has direct contact with the agency's customers. He is available to any person who calls and often gets calls from attorneys, judges, public defenders and other agency personnel. The agency has an open door, open phone policy.

The Chief Appellate Defender is responsible for the division's overall caseload and communicates with clients, their families, the Courts, other lawyers and all other interested parties.

The Chief Attorney for the Death Penalty Trial Division is responsible for the division's caseload, support staff and activities.

The Circuit Public Defenders are selected for a four year term by a panel comprised of elected representatives from each county bar association within the circuit. They are responsible for delivery of indigent defense services in criminal proceedings at the local level.

Civil Appointment Cases are handled by private attorneys appointed under South Carolina Appellate Court Rule 608.

3. How does the organization address the current and potential impact on the public of its programs, services, facilities and operations, including associated risks?

Daily interaction and communication with the courts, public defenders, and appointed counsel representing indigents, provides information and feedback for assessing the impact and risks for the organization.

4. How do senior leaders maintain fiscal, legal and regulator accountability?

The Executive Director is responsible for final accountability. Staff is trained to examine all requests for payment to ensure that all required documentation is provided and that all statutes, policies and procedure are complied with.

5. What performance measures do senior leaders regularly review to inform them on needed actions?

The speed and accuracy of processing payment requests and the resolution of problems are reviewed and acted upon in a timely fashion by staff members and the executive staff. In the Appellate Division, the Chief Appellate Defender monitors the written and in-court performance of his staff to ensure that they exceed professional and ethical standards. The Chief Attorney for the Death Penalty Trial Division monitors the performance of his staff to ensure that they exceed professional and ethical standards. The Circuit Public Defenders are subject to statutory guidelines and performance standards developed by the commission.

6. How do senior leaders use organizational performance review findings and employee feedback to improve their own leadership effectiveness and the

effectiveness of management throughout the organization, including the head of the organization, and the governance board/policy making body? How do their personal actions reflect a commitment to the organizational values?

Staff meetings are used to determine how the agency is functioning. Employees are encouraged to bring up problems and suggest solutions. Informal conversations often result in solving most issues. Suggestions are reviewed and considered based on administrative and fiscal merit.

All staff members work toward achieving maximum effectiveness and cost efficiency in delivering our services.

7. How do senior leaders promote and personally participate in succession planning and the development of future organizational leaders?

Staff is encouraged to engage in educational, training and professional development opportunities that may enhance their career growth.

8. How do senior leaders create an environment for performance improvement and the accomplishment of strategic objectives?

While no formal assessment measures are implemented, close daily interaction between senior staff, supervisors and administrative staff provides effective communication and monitoring of all agency activities.

9. How do senior leaders create an environment for organizational and workforce learning?

Staff members are encouraged and allowed time to participate in relevant community activities, including speaking at professional conferences and other forums that include the legal community that we serve.

10. How do senior leaders communicate with, engage, empower and motivate the entire workforce throughout the organization? How do senior leaders take an active role in reward and recognition processes to reinforce high performance throughout the organization?

Frequent meetings are held with all circuit public defenders; a comprehensive manual of performance standards and guidelines has been developed; periodic agency staff meetings on a division or overall basis occur; employees are encouraged to attend professional development seminars and programs.

11. How do senior leaders actively support and strengthen the communities in which your organization operates? Include how senior leaders determine areas of

emphasis for organizational involvement and support, and how senior leaders, the workforce, and the organization contribute to improving these communities.

Through the agency's Summer Rural Extern Program, law students are placed in rural public defender operations throughout the state; Circuit Public Defender ceremonies were organized by the agency and community leaders were invited to attend; magazine and news articles were written and published to give the citizens a better understanding of the role of public defenders and indigent defense.

Category 2 – Strategic Planning

The Strategic Planning process begins with a review of the previous year's budget and workload by the executive staff to determine needs for the upcoming year. The Commissioners are consulted on budget and operational goals. Suggestions and input is also sought from the Circuit Public Defenders from each judicial circuit, the SC Bar Association, the SC Public Defender Association, the SC Association of Criminal Defense Lawyers and the Chief Justice of the SC Supreme Court. The primary mission of this agency is centered on funding for public defenders and appointed counsel and representation of indigents at the trial level and at the appellate level, and most of the planning concerns budget matters. There is also a desperate need for additional attorneys at the trial and appellate level to adequately represent the ever-increasing caseload and bring the caseload numbers into compliance with standards set by the American Bar Association.

Category 3 – Customer Focus:

1. How do you determine who your customers are and what their key requirements are?

The main mission of the agency is to aid in providing adequate representation of indigent persons in the State's court systems. This is done by providing funding to supply those persons with an attorney and the resources needed for the legal action. The question of client satisfaction is addressed by the courts. Since the attorneys are the ones requesting the reimbursement and resources, they are best suited to determine the effectiveness of the agency. Determination of indigency is through a screening process at the local intake level.

2. How do you keep your listening and learning methods current with changing customer/business needs and expectations?

The open door-open phone policy in the agency allows anyone to voice a concern or discuss an issue with the Executive Director or any other staff member. Conferences and seminars throughout the year provide the opportunity to listen to ideas or suggestions and to develop new approaches to providing services. The agency does not have a policy of "non change". When a concern, criticism or complaint is expressed, the policy or procedure is reviewed and changed if it will increase

efficiency or save time or money. The philosophy of the agency is that everything can be improved upon.

3. What are your key customer access mechanisms, and how do these access mechanisms enable customers to seek information, conduct business, and make complaints?

The agency maintains a website that provides a wealth of information for persons seeking services for indigent representation. There are links to all public defender offices throughout the state, as well direct email to key agency staff members for inquiries. The site also provides links to other judicial agencies and state offices.

4. How do you measure customer/stakeholder satisfaction and dissatisfaction, and use this information to improve?

Seminars, conferences and periodic meetings attended by public defenders, private attorneys and other representatives of the state's judicial system allows agency leadership to interact and exchange information and ideas. Suggestions from appointed attorneys and the legal community are reviewed and implemented if they can provide more efficient and cost-effective methods of delivery of our services.

5. How do you use information and feedback from customers/stakeholders to keep services or programs relevant and provide for continuous improvement?

Communication with the public defender offices, attorneys and other organizations provides input on procedures or policy that may need to be updated. As stated above, when a suggestion is made, the information is reviewed and acted upon to make changes if it provides for more efficient and effective delivery of services.

Part of the customer group is comprised of public defenders and private attorneys appointed to indigent cases. The agency provides information through funding for published seminar materials and appearing at seminars and conferences to explain agency policy and procedures. The Executive Director makes on site visits to the public defender offices, judges, law school administrators and indigent defense programs in neighboring states. The other part is comprised of indigents that are represented by staff attorneys in the Division of Appellate Defense. Success criteria are based on the ability to provide effective representation at a reasonable cost to the citizens of South Carolina.

6. How do you build positive relationships with customers and stakeholders to meet and exceed their expectations? Indicate any key distinctions between different customer groups.

Guidelines and standards of representation of indigent individuals have been published and made available to criminal defense attorneys throughout the state. They specify the proper way to achieve positive relationships with the clientele. In addition, conferences and the agency's annual Best Practices Seminar also achieve this purpose.

Category 4 – Measurement, Analysis and Knowledge Management:

1. How do you decide which operations, processes and systems to measure for tracking financial and operational performance, including progress relative to strategic objectives and actions plans?

The primary operation of the agency is providing cost effective representation, either through staff appellate attorneys, public defenders or private attorneys appointed by the courts. Operational performance is measured by maintaining accurate accounting records and compiling accurate statistical information.

2. How do you select, collect, align and integrate data/information for analysis to provide effective support for decision and innovation throughout your organization?

Information collected and statistics are analyzed to determine trends and make comparisons. This data provides the basis for funding requests and budget analysis.

3. What are your key measures, how do you review them, and how do you keep them current with organizational needs and direction?

The speed and efficiency in processing payments to our customers and the accuracy of the accounting and statistical data collected are measures for the Office of Indigent Defense, while effective representation at a reasonable cost to the state is the measure for the Division of Appellate Defense, the Capital Trial Division and the Circuit Public Defender Division.

4. How do you select and use key comparative data and information to support operational and strategic decision making and innovation?

Information is collected from payment requests concerning case types, using standardized criminal codes and detailed expense information. From this

information, we are able to determine usual and average expenses for various aspects of a case. This information is often provided to judges and attorneys to assist them in determining what is ‘reasonable and necessary’ for representation in court. The agency has published a "bench book" that provides information on all expert witnesses, including fees charged for any expert that has provided services for indigent defense over the past three years. This has proved to be an invaluable tool in determining the "reasonableness" of an experts proposed charges. Information is also collected from Public Defenders on their county funding, caseloads, staffing, etc. for comparison with funding for solicitors.

5. How do you ensure data integrity, reliability, timeliness, accuracy, security and availability for decision-making?

Information collected includes the date the request is received, the date processed and the date mailed to the recipient. Several processes verify financial information and reporting functions and are automated to produce reports for budgeting and financial tracking.

6. How do you translate organizational performance review findings into priorities for continuous improvement?

By observing trends provided by analysis of statistical data, reviewing workload and duties of staff and cross training employees to provide back up staffing when required.

7. How do you collect, transfer and maintain organizational and workforce knowledge (knowledge assets)? How do you identify and share and implement best practices, as appropriate?

Cross training of support staff to perform multiple tasks and function in different areas as needed, information and knowledge is shared continually. The staff is routinely informed about agency projects, activities and goals.

Category 5 – Workforce Focus:

1. How does management organize and measure work to enable your workforce to: 1) develop their full potential, aligned with the organizations objectives, strategies and action plans; and 2) promote cooperation, initiative, empowerment, teamwork innovation and your organizational culture?

When funding permits, employees are encouraged to participate in educational, training and professional development opportunities. Employees are also encouraged to learn and assume additional job duties and responsibilities within the agency. Cross training and sharing of information and work procedures also provide a platform for sharing improvements in the work process.

2. *How do you achieve effective communication and knowledge/skill/best practice sharing across departments, jobs, and locations? Give examples:*

Best Practices Seminar; participatory conferences, including continuing legal education for all attorneys employed by the agency, and other training within each division.

3. *How does management recruit, hire, place, and retain new employees? Describe any barriers that you may encounter.*

Through the State of SC Human Resources processes.

4. *How do you assess your workforce capability and capacity needs, including skills, competencies and staffing levels?*

This is a continual process, based on workload assessments for each division.

5. *How does your workforce performance management system, including feedback to and from individual members of the workforce, support high performance work and contribute to the achievement of your action plans?*

Employees have open access to make suggestions for improvement of our processes and are frequently directly involved in designing and improving our systems.

6. *How does your development and learning system for leaders address the following: a) development of personal leadership attributes; b) development of organizational knowledge; c) ethical practices; d) your core competencies, strategic challenges, and accomplishment of action plans?*

Through attendance at Best Practice seminars, publication of guidelines and standards of representation of indigents; attending CLE Seminars with ethics requirements.

7. *How do you identify and address key development training needs for your workforce, including job skills training, performance excellence training, diversity training, management/leadership development, new employee orientation, and safety training?*

This is based on job functions, evolving systems and experience of employees.

7. How do you encourage on the job use of new knowledge and skills?

Usually the job function will necessitate it.

8. How does employee training contribute to the achievement of your action plans?

A better trained employee produces a better work product more efficiently

9. How do you evaluate the effectiveness of your workforce and leader training and development systems?

Standard yearly review system

10. How do you motivate your workforce to develop and utilize their full potential?

Close daily interaction between senior staff, supervisors and administrative staff provides effective communication and allows supervisors to be continually aware of opportunities for development or utilization of additional skills.

12. What formal and/or informal assessment methods and measures do you use to obtain information on workforce well-being, satisfaction, and motivation? How do you use other measures such as employee retention and grievances? How do you use this information?

Every employee is reminded that they can discuss any problems with their supervisor, as well as the Executive Director, Chief Appellate Attorney or Assistant Directors. Because of the size of the agency, and the daily contact with each other, employees are encouraged to discuss problems and give advice to each other. Again, because of the friendships that have developed over years of working together, co-workers provide a support system for the staff.

13. How do you manage effective career progression and effective succession planning for your entire workforce throughout the organization?

Through good planning and anticipating agency needs.

14. How do you maintain a safe, secure and healthy work environment? (Include your workplace preparedness for emergencies and disasters.)

We are located in a facility that is safe and secure with excellent emergency exits, and in close proximity to emergency care.

The Agency only occupies one suite of offices in an office building in Columbia. Safety and health hazards are examined by almost daily visible observations of work areas and common areas within the building.

Category 6 – Process Management:

1. How do you determine, and what are your organizations' core competencies, and how do they relate to your mission, competitive environment, and action plans?

Implementation of technology initiatives, including electronic processing of payment requests, has reduced redundant processes and greatly increased the speed and efficiency in the work processes resulting in improved customer service.

2. How do you determine and what are your key work processes that produce, create or add value for your customers and your organization and how do they relate to your core competencies? How do you ensure these processes are used?

By ensuring that all employees are informed of changes and obtaining feedback from the staff when new procedures or processes are implemented.

3. How do you incorporate organizational knowledge, new technology, cost controls, and other efficiency and effectiveness factors, such as cycle time, into process design and delivery?

By informing staff of all agency activities and providing a forum for their ideas and implementation of any changes or improvements that may be needed.

4. How does your day-to-day operation of these processes ensure meeting key performance requirements?

Improvements in technology and automation are continually being upgraded to provide faster and more efficient response to our customer's needs.

5. How do you systematically evaluate and improve your key product and service related work processes?

Information technology improvements are the key factor to improving the performance of the agency, as well as the organizations we support and provide services for.

6. What are your key support processes, and how do you evaluate, improve and update these processes to achieve better performance?

Our commission, state judiciary, and national organizations

7. How does your organization determine the resources needed to meet current and projected budget and financial obligations?

Agency funding is primarily dependent on fluctuating fine, fee and surcharge collections through the court system. The agency receives minimal appropriated

funding, making it difficult to project budget and financial stability to meet statutory mandates.

Category 7 – Results

7.1 What are your performance levels and trends for the key measures of mission accomplishment/product and service performance that are important to your customers? How do your results compare to those of comparable organizations?

These are measured by the collection of statistical data on the operation of the indigent defense systems statewide.

7.2 What are your performance levels and trends for your key measures on customer satisfaction and dissatisfaction (a customer is defined as an actual or potential user of your organization's products or services)? How do your results compare to those of comparable organizations?

Payment requests and per capita distribution funding are processed in an efficient and timely fashion. Appellate and capital trial attorneys are closely monitored to assure performance standards are met.

7.3 What are your performance levels for the key measures on financial performance, including measures of cost containment, as appropriate?

The agency's financial performance is controlled by the amount of money appropriated by the General Assembly.

7.4 What are your performance levels and trends for the key measures of workforce engagement, workforce satisfaction, the development of our workforce, including leaders, workforce retention, workforce climate including workplace health, safety and security?

Agency employees are mature, dedicated, and knowledgeable and work well together to get the work done and achieve agency goals.

7.5 What are your performance levels and trends for the key measures of organizational effectiveness/operational efficiency, and work system performance (these could include measures related to the following: product, service, and work system innovation rates and improvement results; improvements to cycle time; supplier and partner performance; and results related to emergency drills or exercises)?

Agency is operated in compliance with all applicable statutes, rules and regulations.

7.6 What are your performance levels and trends for the key measures of regulatory/legal compliance and community support?

Agency personnel are expected to perform in compliance with all applicable statutes, rules and regulations, including professional codes of ethics for professionally licensed employees.

Major Program Areas

Program Number and Title	Major Program Area Purpose (Brief)	FY 08-09 Budget Expenditures		FY 09-10 Budget Expenditures		Key Cross References for Financial Results*
1. Administration	Funding for maintenance and operation of agency and program funding to meet statutory mandates	State:	8,617,890.00	State:	9,451,177.00	7
		Federal:	0.00	Federal:	0.00	
		Other:	13,175,652.00	Other:	13,175,652.00	
		Total:	21,793,542.00	Total:	23,542,813.00	
		% of Total Budget:	100%	% of Total Budget:	100%	
		State:		State:		
		Federal:		Federal:		
		Other:		Other:		
		Total:		Total:		
		% of Total Budget:		% of Total Budget:		
		State:		State:		
		Federal:		Federal:		
		Other:		Other:		
		Total:		Total:		
		% of Total Budget:		% of Total Budget:		
		State:		State:		
		Federal:		Federal:		
		Other:		Other:		
		Total:		Total:		
		% of Total Budget:		% of Total Budget:		
Below: List any programs not included above and show the remainder of expenditures by source of funds.						
	Remainder of Expenditures:	State:		State:		
		Federal:		Federal:		
		Other:		Other:		
		Total:		Total:		
		% of Total Budget:		% of Total Budget:		

* Key Cross-References are a link to the Category 7 - Business Results. These References provide a Chart number that is included in the 7th section of this document.

Accountability Report Appropriations/Expenditures Chart

Base Budget Expenditures and Appropriations

Major Budget Categories	FY 08-09 Actual Expenditures		FY 09-10 Actual Expenditures		FY 10-11 Appropriations Act	
	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Funds
Personal Service	\$ 3,667,909	\$ 1,049,001	\$ 4,112,756	\$ 3,537,540	\$ 4,142,371	\$ 3,537,540
Other Operating	\$ 888,096	\$ -	\$ 804,283	\$ 96,000	\$ 763,800	\$ 96,000
Special Items	\$ 21,407,133	\$ 5,798,040	\$ 17,902,249	\$ 4,154,512	\$ 14,588,733	\$ 3,154,512
Permanent Improvements						
Case Services						
Distributions to Subdivisions						
Fringe Benefits	\$ 1,835,508	\$ -	\$ 1,887,126	\$ 1,663,126	\$ 2,131,926	\$ 1,663,126
Non-recurring					\$ 1,700,000	
Total	\$ 27,798,646	\$ 6,847,041	\$ 24,706,414	\$ 9,451,178	\$ 23,326,830	\$ 8,451,178

Other Expenditures

Sources of Funds	FY 08-09 Actual Expenditures	FY 09-10 Actual Expenditures
Supplemental Bills		
Capital Reserve Funds		
Bonds		