

OFFICE OF THE DEFENDER GENERAL
FY 2023 Budget Needs that were funded/remain unfunded
January 19, 2022

FY 2022 Appropriation	General Fund	\$19,477,154
	Special Fund	<u>589,653</u>
	Total	\$20,066,807

FY 2023 5.3% GF Increase (\$1,024,522)		
FY 2023 Available Appropriation	General Fund	\$20,501,676
	Special Fund	<u>589,653</u>
	Available FY 2023	\$21,091,329

All items already accounted for in 5.3% increase

Increased Salary and Benefit annualization of FY22 Pay Act to FY23		297,674
Increased cost of retirement rate change from .214 to .255		187,549
Increased cost of all other Benefit rate changes		121,820
Increased cost of reclassification of 5 Administrative positions, 1 IT position, 1 HR position		26,225
<i>(Note: This does not include the full reclassification below.)</i>		
Increased cost of New Investigator Position		84,061
PD Contract 2% increase already negotiated		56,808
Internal Service Funds increases (increase for fee for space, worker's comp, insurance, ADS, HR & VISION), change in single audit cost		32,143
Increased funding for Assigned Counsel Contractors		300,000
This level of funding resulted in having to increase Vacancy Savings to \$402,063		<u>(81,758)</u>
Total		\$ 1,024,522

Needs Remaining Unfunded

Additional cost of Rutland office space needs		24,000
Reclassification of ODG Unit positions		
4 Case Aide PG 17 to PG 19	14,211	
4 Administrative Secretary to PG 19 Legal Assistant	15,834	
8 PG 20 Investigators to PG 25	<u>64,412</u>	
Total Reclassification costs		94,457
In-Person Training		30,000
In and Out-of-State Travel		25,770
Additional Case Management Maintenance & Support (above current appropriation)		133,000
Current Public Defense Contract Obligations		309,668
Remaining Assigned Counsel Current Contract Obligations (after additional \$300,000 funding)		64,187
Increase ACC contract 3% for FY2023		132,965
Reduce vacancy savings to more attainable level		<u>181,758</u>

Total Remaining Unfunded Needs

\$ 995,805

General Fund Budget Neutral:

Family Support Project (funding for last 4 years
was included in DCF appropriation) \$150,000

Funding for Human Resources & Program Manager position was moved
from Assigned Counsel (\$-109,728) to Public Defense (\$+109,728).

FY 2023 Need

**General Fund
Special Fund*
Total**

\$21,497,481

589,653

\$22,087,134

Needs Not Yet Addressed And Not Included Above:

Reimbursement for Assigned Counsel Contractors
for travel to court 60,000

***NOTE:** Special fund has consistently underperformed expectations during the past three fiscal years.

ORDER OF PRIORITY FOR ODG / UNFUNDED NEEDS:

Needs Remaining Unfunded

1. Reduce vacancy savings to more attainable level		181,758
2. Remaining Assigned Counsel Current Contract Obligations (after additional \$300,000 funding)		64,187
3. Current Public Defense Contract Obligations		309,668
4. Additional Case Management Maintenance & Support (above current appropriation)		133,000
5. Additional cost of Rutland office space needs		24,000
6. Reclassification of ODG Unit positions		
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8 PG 20 Investigators to PG 25	<u>64,412</u>	
Total Reclassification costs		94,457
7. Increase ACC contract 3% for FY2023		132,965
8. In-Person Training		30,000
9. In and Out-of-State Travel		25,770

Total Remaining Unfunded Needs

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Office of the Defender General

FY 23-25 ESTIMATED ONE-TIME BUDGET NEEDS, COURT REOPENING PLAN

	FY 2022 Actual/Estimated	FY 2023	FY 2024	FY 2025 (Full Year)	Total Cost
PD caseload relief contractors	\$795,144	\$800,000	\$800,000	\$800,000	\$3,195,144
Limited Service IT positions	\$44,491	\$82,178	\$82,903	\$83,769	\$293,341
Limited service Admin Support PD offices	\$68,513	\$76,083	\$76,696	\$77,367	\$298,659
Assigned Counsel Contractors reimbursement to upgrade IT for remote technology	\$3,317 to date	\$15,000	\$15,000	\$10,000	\$43,317
Public Defense IT Hardware/Software additional needs for remote connections	\$13,500 to date	\$15,000	\$15,000	\$10,000	\$53,500
Limited Service positions workspace /operating (furniture, tech, etc.)	\$5,282 to date	\$0	\$0	\$0	\$5,282
Case Management System Replacement NOTE: Assumes budgeting will include: \$117K in base, plus \$241,471 Carry Forward; and \$140K ARPA)	NA	\$381,143	\$381,453	\$316,436	\$1,079,032
RUTLAND ONE-TIME UPFIT COST		\$100,000 (Est.)	\$0	\$0	\$100,000
Discovery & Backup Servers		\$135,000			\$135,000
Totals Budgeted	\$1,393,400	\$1,283,400	\$1,283,400	\$641,700	
ACTUAL EXPENDITURE:	<\$930,247>	<\$1,504,404>	<\$1,371,052>	<1,297,572>	\$5,203,275
CARRY FORWARD DIFFERENCE:	\$463,153	\$242,149	\$154,496	(\$501,376)	

Cost Per Lawyer Equivalent Caseload (LEC)

Public Defense Staff and Public Defense Contract Office Cost Comparison

PD Staff Office	\$195,231
PD Contract Office (all Primary PD Contracts)	\$136,786

PD Staff office analysis includes CY 2020 salaries, benefits, and operating costs. PD Contract Office is based on FY 21 contract payment and operating expense cost. Caseload is pre-COVID FY 2020 ½. PD Contractors must provide professional liability insurance, pay the employer's share of FICA taxes, benefits (i.e., health, dental, life, retirement), and all operating expenses including rent, internet/phone, equipment and supplies. Contractors are required to participate in Public Defense annual training. Case-related third-party costs are paid directly to providers and are not included in this analysis. Contractors provide a 30% savings for the state over staff offices.

Assigned Counsel Contracts and Ad Hoc Counsel Cost Comparison

Cost Per Lawyer Equivalent Caseload (LEC)

Assigned Counsel Contractors	\$120,084
Ad Hoc Counsel	\$255,085

Note: Ad Hoc Counsel per LEC has decreased from \$366,735 approximately two years ago, likely as a result of the more serious cases being diverted to caseload relief contractors.

Assigned Counsel Contractors analysis includes FY21 contract payment and operating expenses FY 2020 1/2 added caseload pre-COVID. Assigned Counsel Contractors must provide professional liability insurance, pay the employer's share of FICA taxes, other insurances, and all operating expenses including rent, internet/phone, equipment and supplies. Contractors receive limited mileage reimbursement. They are required to participate in Public Defense annual training. Case-related third-party costs are paid directly and are not included in this analysis.

Ad Hoc Counsel analysis includes FY21 payments and FY21 added caseload. Ad Hoc Counsel are paid \$50 per hour for services and reimbursed mileage, telephone and postage costs. Case-related third-party costs are paid directly to providers and are not included in this analysis.