

**OFFICE OF THE STATE PUBLIC DEFENDER  
CONSOLIDATED PUBLIC AND APPELLATE DEFENDER PROGRAMS  
FINANCIAL & OPERATING INFORMATION**

Report Date: June 30, 2012 (DRAFT AND UNAUDITED)

|                              | FY 2007 | FY 2008 | FY 2009 | Actual<br>FY 2010 | FY 2011 | FY 2012 |
|------------------------------|---------|---------|---------|-------------------|---------|---------|
| <b>FTE</b>                   |         |         |         |                   |         |         |
| Authorized                   | 192.50  | 192.50  | 192.50  | 200.50            | 200.50  | 208.50  |
| Modified                     | -       | -       | 8.00    | -                 | -       | 10.00   |
| <b>TOTAL FTE</b>             | 192.50  | 192.50  | 200.50  | 200.50            | 200.50  | 218.50  |
| Number inc - authorized      |         | -       | -       | 8.00              | -       | 18.00   |
| Percent inc - authorized     |         | 0.0%    | 0.0%    | 4.0%              | 0.0%    | 9.0%    |
| <b>FTE by function</b>       |         |         |         |                   |         |         |
| Attorneys providing services | 104.25  | 104.75  | 108.50  | 112.75            | 115.25  | 124.25  |
| Office support staff         | 52.75   | 53.75   | 55.00   | 55.00             | 52.50   | 56.00   |
| Investigators                | 16.00   | 16.00   | 16.00   | 16.00             | 17.50   | 19.50   |
| Central Office               | 19.50   | 18.00   | 21.00   | 16.75             | 15.25   | 18.25   |
| Conflict Coordinator         | -       | -       | -       | -                 | -       | 0.50    |
| Commission Staff             | -       | -       | -       | -                 | -       | -       |
| <b>Totals</b>                | 192.50  | 192.50  | 200.50  | 200.50            | 200.50  | 218.50  |
| Capital Case Project         | -       | -       | -       |                   |         | 4.00    |
| <b>CONTRACT ATTORNEY</b>     | 209     | 217     | 235     | 173               | 199     | 198     |

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|                                    | FY 2007              | FY 2008              | FY 2009              | Actual<br>FY 2010    | FY 2011              | FY 2012              |
|------------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| <b>EXPENDITURES</b>                |                      |                      |                      |                      |                      |                      |
| Personal Services                  | \$ 9,923,786         | \$ 11,077,559        | \$ 11,686,953        | \$ 12,317,714        | \$ 12,955,602        | \$ 13,827,088        |
| Number inc (dec)                   |                      | 1,153,773            | 609,394              | 630,761              | 637,888              | 871,486              |
| Percent Inc (dec)                  |                      | 11.6%                | 5.5%                 | 5.4%                 | 5.2%                 | 6.7%                 |
| Operating Expenses:                |                      |                      |                      |                      |                      |                      |
| Contract Attorney                  | \$ 6,248,111         | \$ 5,604,555         | \$ 5,813,202         | \$ 4,975,313         | \$ 5,286,132         | \$ 5,809,723         |
| Number inc (dec)                   |                      | (643,556)            | 208,647              | (837,889)            | 310,819              | 523,591              |
| Percent Inc (dec)                  |                      | -10.3%               | 3.7%                 | -14.4%               | 6.2%                 | 9.9%                 |
| Contract Services - Other          | \$ 1,141,313         | \$ 873,832           | \$ 872,125           | \$ 734,649           | \$ 813,527           | \$ 972,903           |
| Number inc (dec)                   |                      | (267,481)            | (1,707)              | (137,476)            | 78,878               | 159,376              |
| Percent Inc (dec)                  |                      | -23.4%               | -0.2%                | -15.8%               | 10.7%                | 19.6%                |
| Other (rent/travel/communications) | \$ 1,991,183         | \$ 2,087,513         | \$ 2,090,674         | \$ 2,345,872         | \$ 2,365,895         | \$ 2,754,495         |
| Number inc (dec)                   |                      | 96,330               | 3,161                | 255,198              | 20,023               | 388,600              |
| Percent Inc (dec)                  |                      | 4.8%                 | 0.2%                 | 12.2%                | 0.9%                 | 16.4%                |
| Equipment                          | \$ 137,453           | \$ 123,370           | \$ 65,112            | \$ 21,118            | \$ 25,454            | \$ 45,254            |
| Number inc (dec)                   |                      | (14,083)             | (58,258)             | (43,994)             | 4,336                | 19,800               |
| Percent Inc (dec)                  |                      | -10.2%               | -47.2%               | -67.6%               | 20.5%                | 77.8%                |
| Total Operating Expense            | \$ 9,518,060         | \$ 8,689,270         | \$ 8,841,113         | \$ 8,076,952         | \$ 8,491,008         | \$ 9,582,375         |
| Number inc (dec)                   |                      | (828,790)            | 151,843              | (764,161)            | 414,056              | 1,091,367            |
| Percent Inc (dec)                  |                      | -8.7%                | 1.7%                 | -8.6%                | 5.1%                 | 12.9%                |
| <b>TOTAL EXPENDITURES</b>          | <b>\$ 19,441,846</b> | <b>\$ 19,766,829</b> | <b>\$ 20,528,066</b> | <b>\$ 20,394,666</b> | <b>\$ 21,446,610</b> | <b>\$ 23,409,463</b> |
| Number inc (dec)                   |                      | 324,983              | 761,237              | (133,400)            | 1,051,944            | 1,962,853            |
| Percent Inc (dec)                  |                      | 1.7%                 | 3.9%                 | -0.6%                | 5.2%                 | 9.2%                 |

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|                                   | FY 2007              | FY 2008              | FY 2009              | Actual<br>FY 2010    | FY 2011              | FY 2012              |
|-----------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| <b>FUNDING</b>                    |                      |                      |                      |                      |                      |                      |
| General Fund                      | \$ 14,134,950        | \$ 19,665,386        | \$ 20,076,062        | \$ 19,900,017        | \$ 19,561,806        | \$ 22,780,721        |
| General Fund - Audit              | -                    | 62,103               | 1,525                | 36,809               | 15,954               | 31,051               |
| State Special Revenue             | -                    | 43,455               | 30,000               | 43,418               | 41,762               | 99,958               |
| Federal Funds                     | -                    | -                    | 4,475                | 26,185               | 36,175               | -                    |
| Missoula County Grant             | -                    | -                    | -                    | -                    | -                    | 31,658               |
| Pers Svc. Contingency             | 130,430              | -                    | 132,880              | -                    | 450,996              | -                    |
| Prior Year Carryforward           | -                    | -                    | -                    | -                    | -                    | 9,329                |
| Transfer (to) from another FY     | (185,927)            | -                    | -                    | 389,200              | -                    | 456,747              |
| Transfer (to) from Appellate Def. | -                    | -                    | -                    | -                    | -                    | -                    |
| Supplemental Funding              | 5,363,042            | -                    | 292,000              | -                    | 1,333,002            | -                    |
| <b>TOTAL FUNDING</b>              | <b>\$ 19,442,495</b> | <b>\$ 19,770,944</b> | <b>\$ 20,536,942</b> | <b>\$ 20,395,629</b> | <b>\$ 21,439,695</b> | <b>\$ 23,409,464</b> |
| Number inc                        |                      | 328,449              | 765,998              | (141,313)            | 1,044,066            | 1,969,769            |
| Percent Inc                       |                      | 1.7%                 | 3.9%                 | -0.7%                | 5.1%                 | 9.2%                 |

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|                                    | <b>FY 2012<br/>BUDGET</b> | <b>FY 2012<br/>ACTUALS</b> | <b>VARIANCE<br/>Over/(Under)</b> |
|------------------------------------|---------------------------|----------------------------|----------------------------------|
| <b>EXPENDITURES</b>                |                           |                            |                                  |
| Personal Services                  | \$ 13,908,035             | \$ 13,827,088              | \$ (80,947)                      |
| Contract Attorney                  | 5,248,503                 | 5,809,723                  | 561,220                          |
| Contract Services - Other          | 848,700                   | 972,903                    | 124,203                          |
| Other (rent/travel/communications) | 3,022,658                 | 2,754,495                  | (268,163)                        |
| Equipment                          | 21,118                    | 45,254                     | 24,136                           |
| <b>TOTAL EXPENDITURES</b>          | <b>\$ 23,049,014</b>      | <b>\$ 23,409,463</b>       | <b>360,449</b>                   |
| <b>FUNDING</b>                     |                           |                            |                                  |
| General Fund                       | \$ 22,891,553             | \$ 22,790,049              | (101,504)                        |
| General Fund - Audit               | 57,461                    | 31,051                     | (26,410)                         |
| State Special Revenue              | 100,000                   | 99,958                     | (42)                             |
| Missoula County Grant              |                           | 31,658                     | 31,658                           |
| General Fund Trans from FY 2013    | -                         | 456,747                    | 456,747                          |
| <b>TOTAL FUNDING</b>               | <b>\$ 23,049,014</b>      | <b>\$ 23,409,463</b>       | <b>\$ 360,449</b>                |

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|  | FY 2007 | FY 2008 | FY 2009 | Actual<br>FY 2010 | FY 2011 | FY 2012 |
|--|---------|---------|---------|-------------------|---------|---------|
|--|---------|---------|---------|-------------------|---------|---------|

| <b>NEW CASES Title 47-1-105 (9) (F)</b> |               |               |               |               |               |  |
|---|---------------|---------------|---------------|---------------|---------------|--|
| District Court                          | 10,891        | 9,646         | 10,028        | 9,939         | 9,987         |  |
| Lower Courts                            | <u>14,730</u> | <u>16,910</u> | <u>17,870</u> | <u>17,721</u> | <u>17,677</u> |  |
|   | 25,621        | 26,556        | 27,898        | 27,660        | 27,664        |  |
| District Court - Number inc (dec)       |               | (1,245)       | 382           | (89)          | 48            |  |
| District Court - Percent inc (dec)      |               | -11.4%        | 4.0%          | -0.9%         | 0.5%          |  |
| Lower Court - Number inc (dec)          |               | 2,180         | 960           | (149)         | (44)          |  |
| Lower Court - Percent inc (dec)         |               | 14.8%         | 5.7%          | -0.8%         | -0.2%         |  |
| Total - Number inc (dec)                |               | 935           | 1,342         | (238)         | 4             |  |
| Total - Percent inc (dec)               |               | 3.6%          | 5.1%          | -0.9%         | 0.0%          |  |
| FY2012: TBD                             |               |               |               |               |               |  |

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|--|---------|---------|---------|-------------------|---------|---------|
|--|---------|---------|---------|-------------------|---------|---------|

| <b>PUBLIC DEFENDER CASES OPENED AND CLOSED AND BALANCE BY ACTIVE AND INACTIVE - Title 47-1-201 (9) (A)</b> |  |  |  |  |          |  |
|--|--|--|--|--|----------|--|
| Beginning balance  |  |  |  |  | 18,051   |  |
| Cases Opened   |  |  |  |  | 27,830   |  |
| Cases Closed   |  |  |  |  | (25,098) |  |
| Ending Balance   |  |  |  |  | 20,783   |  |
| Percent Inc (Dec)  |  |  |  |  |          |  |
| Active cases   |  |  |  |  | 17,469   |  |
| Inactive cases   |  |  |  |  | 3,314    |  |
| FY 2012: TBD   |  |  |  |  |          |  |

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|         |         |         | Actual  |         |         |  |
|---------|---------|---------|---------|---------|---------|--|
| FY 2007 | FY 2008 | FY 2009 | FY 2010 | FY 2011 | FY 2012 |  |

| <b>AVERAGE NUMBER OF DAYS OPEN BY CASE TYPE Title 47-1-201 (9) (A)</b> |  |  |     |     |     |  |
|--|--|--|-----|-----|-----|--|
| DC   |  |  | 240 | 242 | 239 |  |
| DG   |  |  | 256 | 220 | 294 |  |
| DI   |  |  | 100 | 89  | 56  |  |
| DJ   |  |  | 239 | 250 | 165 |  |
| DN   |  |  | 411 | 445 | 327 |  |
| LC   |  |  | 164 | 154 | 168 |  |
| *This is annual information FY 2012 information TBD                    |  |  |     |     |     |  |

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|---|-----------|------------|------------|-------------------|------------|------------|
| <b>COURT FEE ASSESSEMENT AND AGENCY COLLECTION REPORT Title 47-1-201 (9) (A)</b>            |           |            |            |                   |            |            |
| Fee Assessments   | \$ 49,229 | \$ 131,814 | \$ 253,292 | \$ 343,887        | \$ 521,937 | \$ 425,819 |
| Number Inc (dec)  |           | 82,585     | 121,478    | 90,595            | 178,050    | (96,118)   |
| Percentage Inc (dec)  |           | 168%       | 92%        | 36%               | 52%        | -18%       |
| Fee Collections   | 8,018     | 34,818     | 32,574     | 60,674            | 123,994    | 191,779    |
| Number Inc (dec)  |           | 26,800     | (2,244)    | 28,100            | 63,320     | 67,785     |
| Percentage Inc (dec)  |           | 334%       | -6%        | 86%               | 104%       | 55%        |
| Clients assessed fees   | 81        | 285        | 488        | 1,189             | 1,922      | 1329       |
| Number Inc (dec)  |           | 204        | 203        | 701               | 733        | (593)      |
| Percentage Inc (dec)  |           | 252%       | 71%        | 144%              | 62%        | -31%       |
| FY 2007 - 2012 Assessment/Client amounts may change as Agency receives updated information. |           |            |            |                   |            |            |

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| <b>APPELLATE CASES</b> |         |         |         |                   |         |         |
| Writ                   |         |         |         |                   |         |         |
| - Carryover            | -       | -       | -       | -                 | 1       | 5       |
| - Opened               | 10      | 17      | 18      | 9                 | 16      | 1       |
| - Closed               | 10      | 17      | 18      | 8                 | 12      | 2       |
| - Ending Balance       | -       | -       | -       | 1                 | 5       | 4       |
| Post Conviction Relief |         |         |         |                   |         |         |
| - Carryover            | -       | 8       | 9       | 15                | 17      | 11      |
| - Opened               | 18      | 11      | 17      | 4                 | 11      | 6       |
| - Closed               | 10      | 10      | 11      | 2                 | 17      | 1       |
| - Ending Balance       | 8       | 9       | 15      | 17                | 11      | 16      |
| Appeals                |         |         |         |                   |         |         |
| - Carryover            | 45      | 45      | 47      | 58                | 161     | 250     |
| - Opened               | 185     | 187     | 197     | 170               | 186     | 218     |
| - Closed               | 185     | 185     | 186     | 67                | 97      | 114     |
| - Ending Balance       | 45      | 47      | 58      | 161               | 250     | 354     |