

# Office of the Public Defender

## Citizen-Centric Reporting

FY2019

10/31/19

### **We are the Public Defender's Office**

The government is required by law to create, and sufficiently fund, the Office of the public Defender (PDO). As it is a legal/constitutional requirement, the services of the PDO are "essential" services the CNMI government is obligated to provide, as much as it is obligated to provide for public safety and health of the citizens. Effective assistance of counsel, individual rights and equal justice are guaranteed by the CNMI Constitution and the U.S. Constitution.

### **A. PROGRAM OVERVIEW**

The PDO is created by 1 CMC § 2201. The duties are set forth in 1 CMC 2203.

The PDO Office is charged with the duty to defend indigent defendants in criminal cases before the courts of the Commonwealth and to render legal assistance to people in need of legal counsel who are unable to afford it.

The PDO defends the rights guaranteed to our residents under the Commonwealth Constitution, the U.S. Constitution and the Commonwealth statutes. In addition, such representation must be faithfully executed in accordance with an attorney code of ethics called the Model Rules of Professional Conduct. This code of ethics which every attorney employed here has sworn to uphold demands that we provide zealous and competent representation, have divided loyalty to the clients, keep their confidences, and advocate for them to the best of our abilities.

## **MISSION STATEMENT:**

The Commonwealth Constitution, and the United States Constitution guarantee certain fundamental rights to all people in the commonwealth. These include the right to due process, the right to effective assistance of counsel, the right to a fair, public and speedy trial, and the equal protection of the laws. The Office of the Public Defender ensures that all indigent people receive the protection of these guarantees as required by law. The Public Defender is appointed by the Governor with the advice and consent of the Senate. The Public Defender is assisted by Assistant Public Defenders, investigators and an administrative staff. They strive to provide legal services consistent with professional standards and ethical rules governing the practice of law.

### **How We Are Doing?**

- The PDO is responsible for the defense of indigent persons in criminal cases before both the Superior and Supreme Courts of the Commonwealth and for rendering legal assistance to persons in need of legal counseling who are unable to afford the services of a private lawyer.
- The PDO represents residents in several different categories of case. These are criminal (both felony and Misdemeanor), traffic, juvenile and appeals.
- The PDO provides these services on Saipan, Tinian and Rota.
- To avoid redundancy of services, one assistant handles all matters on Rota, another on Tinian and one is assigned to juvenile cases. One lawyer does most of the appeals. Traffic and criminal cases are divided among all the lawyers
- One (1) position is the Public Defender and four (4) positions are Assistant Public Defenders. There is one (1) legal assistant who directly engages with both attorneys and clients. One (1) office executive assistant who works collaboratively in whatever manner necessary to facilitate smooth and efficient services for attorneys and clients; and one (1) office manager who oversees the daily and monthly routine functions of the office while maintaining the fiscal and budgeting responsibilities.

### **OFFICE PERFORMANCE INDICATORS**

- **This information is based on our outgoing case/data management system. There is a margin of error to be considered for the difference between a fiscal year and a calendar year that we cannot control in the time matter data entry system; therefore, the following reports on data for calendar year 2018.**

- We are currently on our new data entry Prolaw system and still need to calculate between the previous data to get accurate numbers. Our Project Manager has not fully trained us on report generating. Therefore, we need funding to continue training to this end.

<u>Caseload</u>	<u>Totals</u>	<u>Criminal</u>	<u>Traffic</u>	<u>Juvenile</u>	<u>Appeals</u>
<u>Carried or re-opened from previous years</u>	<u>1101</u>	<u>326</u>	<u>1001</u>	<u>43</u>	
<u>Opened in 2016</u>	<u>639</u>	<u>272</u>	<u>347</u>	<u>20</u>	<u>5</u>
<u>Closed in 2016</u>	<u>1094</u>	<u>293</u>	<u>763</u>	<u>37</u>	
<u>Opened in 2017</u>	<u>1390</u>	<u>464</u>	<u>897</u>	<u>23</u>	<u>6</u>

#### **BUDGET ISSUES AND HIGHLIGHTS**

PDO's proposed budget demonstrates the PDO's ongoing attempt to provide the maximum services to the people of the CNMI with the resources available. The following represents our highest priorities.

<u>Operating Recourses</u>	<u>FY 2018</u>	<u>FY 2019</u>
<u>Salaries</u>	<u>\$442,625.</u>	<u>\$441,945.</u>
<u>Operation</u>	<u>\$111,774.</u>	<u>\$110,788.</u>

<u>FY 2020</u>	<u>Salaries</u>	<u>Operation</u>
<u>Requested</u>	<u>\$517,065.</u>	<u>\$213,325</u>
<u>Appropriated</u>	<u>\$456,127.</u>	<u>\$111,777.</u>

### Future Challenges

1. The PDO must maintain the current and absolute minimum staffing level required to provide our essential service to the people of the CNMI, which means maintaining our current staffing.
2. The PDO requires one (1) additional FTE to allow our office to stay open during business hours. Austerity measures going back to 2009 continue to cripple our administrative capacity. We've tried for nearly 9 years now, but we continue to struggle with only three (3) admin staff. While, we are anticipating significant improvements with the full implementation of our new case database management system, one (1) additional legal assistant with a specialization in IT database case management would provide the added insurance and capacity for streamlining our total overall business processes and delivery of services. The new FTE is desperately needed. Also, we are now forced at times to close the office during working hours. It is not unusual for lawyers to be in court with the investigation while the office manager is routing documents and the legal assistant is filing documents. In that situation we are forced to lock the office.
3. The PDO must continue with Westlaw legal research and Prolaw database management, essential subscriptions that cannot be removed. This office is fully reliant on technology. But this will not happen under the current budget. If these products were removed, the office would not be able to access any case files, history, calendaring, conflict information, etc. all essential to meeting constitutional, legal, and judicial obligations.
4. The PDO will be most successful if allowed to continue implementing technology improvements through maintaining and upgrading internal computer networking and business processes. Additional minor hardware upgrades may still be needed to complete our transition. It should be noted that the overall implementation will require continued upkeep and maintenance in future fiscal planning.
5. The PDO desires to improve the ability to efficiently and ethically provide quality legal services to the people of the CNMI through proper training of each one of our staff. Our attempt to improve office efficiency with technology also carries with it the transition of legacy staff to newer business processes and technologies. Moreover, an attorney is required to participate in continuing education as a requisite to their professional licensing. Moreover, it helps them to better serve their clients.