Structure:

Who Does What
Who Makes Choices
Who is Responsible
The Cast:

- County Commissioners
- Judges
- OPD
- OPD Commission
- Legislature
- Clients
County Commissioners

- Choose the Delivery Model
  - (120.13, .23, .33)

- Set the Indigent Defense Budget
  - (120.14)

- Appoint 3 of 5 of County PD Commissioners
  - (120.13)
Judges

• Choose the Lawyer (non-PD)
• Approve and Modify the Pay
• Approve Expert Expenses
Ohio’s 89 Defender Systems
OPD/OPD Commission

- Set Standards of Indigence
- Set Minimum Qualifications of Counsel
- Set Standards for Public Defense Offices
- Set Caseload/Workload Standards
- Reimburse Counties
  - up to 50% if funded to do so
  - standards for reimbursement
  - set ceilings for rates
- Provide Training
Legislature

- Writes 120.01 et seq
- Sets Reimbursement Budget
The Clients

- 70-80% of cases that have potential loss of liberty involve clients who qualify
- 400,000 cases annually
Who Gets a Lawyer

Indigence ≠ Unemployed

125% of federal poverty ($14,850)
187.5% of guidelines – marginally indigent ($22,275)

Minimum Wage: A person employed full-time, working a 40 hour work week, 52 weeks a year with no time off makes $16,848.

The ‘working poor’ is the largest growing population in employment.
## Federal Poverty Guidelines

### 2016 – 125%

<table>
<thead>
<tr>
<th>Number of People</th>
<th>Income Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 person</td>
<td>$14,850</td>
</tr>
<tr>
<td>2 people</td>
<td>$20,025</td>
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<tr>
<td>3 people</td>
<td>$25,200</td>
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<tr>
<td>4 people</td>
<td>$30,375</td>
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<tr>
<td>5 people</td>
<td>$35,550</td>
</tr>
<tr>
<td>6 people</td>
<td>$40,725</td>
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</tbody>
</table>
Voiceless

• RFK – The poor do not have a voice.

• The integrity of the justice system is ours to uphold or ours to destroy.

• How the poor receive justice measures our integrity.
What Do We Have To Do?

• County Commissioners – Choose wisely and fund effectively
• Judges – Pick quality lawyers and approve reasonable requests for experts
• OPD – Assistance and Support of Systems
• Legislature - $$$$ (Fund the system)
The Rates

- 3 counties have the lowest hourly rates
- $35.00/hr in court  $25.00/hr out of court  October 1981
- $40.00/hr  $30.00/hr  August 1990
- $40.00/hr  $30.00/hr  October 2003

- The oldest cap systems in Ohio still in effect – unchanged.
  - April 1981
  - October 1981
  - May 1986
  - August 1986

- And one county established caps in Dec 1976 but the hourly rate raised in 2007  $60 & $50
The Caps

- $1000 for a felony trial
- $100 for Post-Conviction
- $100 for Misdemeanor Case
How Much?

• The 2006 Report and Recommendations on Pro Se & Indigent Litigants found that: “Funding dedicated to indigent criminal defense in Ohio ... totals $128.8 million in fiscal year 2007. The task force believes, based on its understanding of the needs of the system, that $148.7 million is a more appropriate figure.”
$37 million short

• Today, 11 years later, we are $8.7 million below that recommendation without any adjustment.

• Using Bureau of Labor Statistics inflation data, $148.7 million in 2006 is equal to $177.0 million today.
Going Forward

• FY2018-19 Executive Budget Recommendations

• Change Dedicated Fund Split from 87/13 to 83/17
• Revenues have dropped from $3.6 million to 3.15 million
• Executive Budget used $3.3 million???

• Additional $600K and $350K in GRF to reimbursement.
Reimbursement

- 2008 – 25%
- 2016 – 48%
- 2017e – 46% (48% reduced to 44%)
- 2018e – 40-41%
- 2019e – 39-40%

$14 million needed to get to 50% without any system change.
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