OFFICE OF LEGISLATIVE SERVICES
ANALYSIS OF THE NEW JERSEY BUDGET
FISCAL YEAR 2010-2011

BUDGET ANSWERS FOR THE OFFICE OF THE PUBLIC DEFENDER

1. For each line item reduction in the department’s or unit’s budget, specify the change, if any, in the nature, breadth or level of service or benefit that will not be provided and identify and quantify the population that may be affected.

Clerical Expenses – Operational Efficiencies – ($2,700,000)

The OPD has eliminated 95 Temporary Service workers who filled a critical void in Office of the Public Defender clerical ranks over the last three fiscal years due to the OPD’s inability to hire permanent staff for the clerical functions. Since 1990 the OPD staffing level was set in conformance with the Belsole/Pashman court staffing formula requiring 2 attorneys, 1 investigator, and 1.25 clericals for each sitting criminal judge. Therefore, as attrition occurred in the clerical ranks, the OPD was forced by a hiring freeze to address its clerical need through the Temporary Service mechanism. The OPD clericals service over 80,000 OPD clients in all 21 counties. Their functions included, but were not limited to the maintenance of the information intensive Case Management Database. This system demands the opening, information input, and the closing/billing of each case processed by the OPD. Additionally, these Temporary Services employees provide all other clerical needs in support of both attorneys and investigators, notwithstanding all other clerical functions, i.e., reception, filing, phone response, and general office administrative tasks. The elimination of this contracted support group must be replaced by permanent clerical staff. It is our hope that this administration’s analysis of the clerical staffing in other Departments may yield staffing reassignments of clericals to the OPD.

Per Diem Attorneys – Operational Efficiencies – ($1,780,000)

The OPD hopes to replace Per Diem Attorneys with permanent staff, thereby achieving operational efficiencies of $1.8 million.

Expert Witnesses – Operational Efficiencies – ($294,000)

The OPD has required each expert witness engaged on behalf of our clients to reduce their fees. The OPD does not anticipate any decline in either the extent of expert usage or the quality of their service.

Equipment – ($74,000)

The OPD has controlled costs by prolonging the life of equipment assets.
Affirmative Action / Equal Employment Opportunity – ($64,000)

The OPD will fund these activities through its salary account.

2. For each line item reduction in the department’s or unit’s budget, please indicate the number of positions (budgeted, funded and filled or unfilled) that will be eliminated and the number of individuals whose employment will be ended. If appropriate distinguish between staffing actions that may occur before and after January 1, 2011.

The Public Defender does not anticipate the loss of any full time positions.

3. Please identify any reductions in the department’s or unit’s budget that constitute one-time savings that are not likely to recur in Fiscal Year 2012.

The Public Defender assumes that all current (FY 2010) year reductions will be carried into each subsequent fiscal year until FY 2012.

4. Please identify each Fiscal Year 2010 mid-year reduction that is recommended for continuation in Fiscal Year 2011.

All Fiscal Year 2010 mid-year reductions will be continued in Fiscal Year 2011.

5. Are any of the appropriations recommended for Fiscal Year 2011 required to compensate for the effects of Fiscal Year 2010 reductions? If so, please identify and explain.

N/A

6. Please list any anticipated increase in fees, fares or co-payments that are reflected in the FY 2011 budget recommendation, including the amount of revenue or cost reduction, and the intended effective date.

N/A

7. If additional revenues were to become available during the budget process, which one or two reductions proposed for the department or unit should be top candidates for restoration? Please justify your selections.

The Governor’s proposed Fiscal year 2011 budget represents the culmination of many tough choices that had to be made in order to balance spending and revenues for next year. The funding proposed for the Office of Public Defender, while reduced, will allow it to meet its core missions and provide vital services to residents and businesses in the State.
In the event that additional revenues become available during the budget process, the OPD would welcome the opportunity to work closely with the Legislature to restore funding for important programs. The OPD believes that any such restorations should be considered in the context of programs and spending needs throughout the State budget, not only those administered by the OPD. The OPD looks forward to consulting with the Legislature to ensure that only the programs of greatest value are restored.

8. Please identify proposed budget reductions which require Federal approvals, waivers or similar actions, and the timetable for seeking and obtaining approvals in order to achieve the projected savings. Please indicate whether approvals/waivers have been previously sought and not obtained, and explain why approvals should be expected in this case. If federal approval is not received, what alternative actions may have to be taken to achieve savings of comparable value? Please also identify proposed budget reductions that may reduce the receipt of federal funds, and the estimated loss of federal funds that would result from such reductions.

N/A

9. Please describe how the department or unit implemented mandatory workforce furloughs in FY 2010, identifying the amount saved and the proportion of the workforce exempt from furloughs, and detailing the impact on individuals or firms served by or regulated by the department.

Other than the furlough days specified and mandated, the OPD provided employees with the discretion to select the furlough days that best suited their work and personal schedules. No portion of the OPD workforce was exempt from furlough. The calculated savings generated from furlough in Fiscal Year 2010 was $2.596 million. Through a coordinated and collaborative effort with the Administrative Office of the Court, employee furloughs did not result in a direct negative impact on our client base.

10. The Budget in Brief references savings to be achieved both through privatization and “insourcing.” Please identify savings in your budget associated with either of these initiatives. Please provide examples of successes or failures of such initiatives in prior years.

The OPD did not outsource or privatize any specific unit or function. As noted above, when the Public Defender was faced with clerical staffing shortages, it was required to meet those demands by engaging the services of Temporary Service agencies on contract with the Purchase Bureau of Treasury to provide this service. It has been our experience that this temporary solution does not result in cost savings, but rather, this staffing band aid is more expensive than permanent full-time staff. Additionally, when the Public Defender is faced with co-defendants and a resulting conflict in representation, we are required to use the “privatization” route by engaging private (pool) attorneys to represent the clients beyond the initial defendant assigned to the Public Defender. The engaging of pool attorneys to represent co-defendants in conflict has been an ongoing practice since the inception of the OPD.