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ASSESSMENT OF INDIGENT DEFENSE SERVICES
JACKSON COUNTY, OREGON

August, 1978

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FOREWORD

The National Center for Defense Management was founded in 1974 through a grant to the National Legal Aid and Defender Association from the Law Enforcement Assistance Administration. The primary objective of the Center is to improve the efficiency and professional quality of defense delivery systems through the provision of technical assistance to organizations, communities, states or other agencies responsible for providing criminal defense services to the indigent accused.

The activities of the Center involve the planning, development and organization of new criminal defense delivery systems, at both the state and local level, the evaluation of existing defender and assigned counsel systems, the provision of management assistance to defender offices, the development of management training programs and the publication of monographs and other materials concerning the provision of high quality, cost-effective defense systems.

This project is in furtherance of these goals.

I.

INTRODUCTION

A. Nature of the Technical Assistance.

In 1977, representatives of Jackson County, Oregon, began discussions with NCDM seeking technical assistance in order to conduct a study of the cost and quality of indigent defense services in the County.

The request was originated by Commissioner Tam Moore, on behalf of the Board of Commissioners (the legally constituted governing and financing body of the County) and subsequently approved by Yosef Yacob, Courts Specialist for the Oregon Law Enforcement Council and by Gregory C. Brady, Office of Criminal Justice Programs, Law Enforcement Assistance Administration. Following the chain of authorization, the request was referred to the National Center for Defense Management (the Center) for action.

The Center agreed that it would undertake a study that would advise the Jackson County Board of Commissioners regarding:

- a) the current quality of representation of indigent criminal defense; and
- b) cost-effective options for managing public defense in Jackson County.

B. Methodology.

In order to fulfill the assignment, the Center secured the assistance of three consultants -- Leonard P. Edwards, Paul Ligda, and Paul Pitt -- who, by virtue of their training and experience, were well-qualified to conduct the study.*

Then, at the Center's request, the Board of Commissioners prepared an in-depth profile of the jurisdiction, including information on the operation of the criminal justice system and factors affecting the delivery of defense services in the County.

The consultant team visited Jackson County May 21 - 25, 1978 to perform the field phase of the study. During this period, the team collected data concerning: caseload volume characteristics; the method of case assignments; the experience and background of the local criminal practitioners; and the costs of the current system. The consultants also interviewed key persons in the Jackson County criminal justice system, including judges, private attorneys, prosecutors, correctional and law enforcement personnel.

This Report is the product of the consultants' analysis and field observations.

*See Appendix A for consultant team resumes.

II

SUMMARY OF RECOMMENDATIONS

1. The present assigned counsel system in general provides adequate representation to indigents accused of crimes and misdemeanors. The system can be continued but only with the adoption of recommendations proposed in this Report.
2. The Bar Association of Jackson County should take responsibility for the effective coordination and training of the assigned counsel panel.
3. The County should develop a mechanism for the early entry of assigned counsel. The Bar or court staff should, if necessary, review a daily log of the jail to ascertain whether indigents incarcerated there need or are requesting assigned counsel (a daily log should be developed to record such requests). Alternatively, the request or need can be transmitted to the court by the pre-trial release worker. If the defendant is not incarcerated, counsel should be appointed before the first court appearance. Appointments should be made as soon after arrest as possible.
4. Clear standards of indigency should be developed and promulgated.
5. Repayment of attorney fees as a condition of probation violates national standards and the practice should be discontinued except in those instances in which fraud in obtaining eligibility is shown.
6. The participating attorneys should be instructed in the use and value of investigative services, preliminary hearings, the role of counsel at sentencing and other facets of criminal defense. Emphasis on counsel's role in juvenile and mental illness hearings should be stressed.
7. Assigned counsel should make greater use of preliminary hearings.
8. The fee schedule should be expanded to allow reasonable compensation for preparation of sentence hearings and at all critical stages in the prosecution of a case. Compensation should be based on the number of hours devoted to each case.

III

BACKGROUND

A. Description of Jackson County.

Jackson County has a population of about 117,000 people. Sixty percent live in various cities; the balance are scattered in surrounding suburban and rural areas. The two largest cities are Medford with 35,000 and Ashland with approximately 15,000. The labor force in and around Jackson County is approximately 50,000 with an unemployment rate of about 10%. There is a good deal of migration from California during the seasonal employment periods. The basic economy is in lumber and other woods activities such as logging. The second largest industry is fruit production. The population includes a Hispanic community (most of which is migratory) and a very small Black community (30 to 40 people).

B. The Justice System.

Two courts handle criminal cases in Jackson County. The District Court has jurisdiction of all misdemeanors and preliminary hearings. The Circuit Courts handle all felony cases which are not finally disposed of (as misdemeanors) in the District Court as well as juvenile and mental health matters. There are three circuit judges and three district judges in Jackson County. All of the judges regularly sit in Medford, although one or more of the district judges sit in Ashland on occasion. (For a technical description of the Oregon Judiciary see Appendix B.)

The caseload for the District Court in fiscal 1976-77 included 3,157 misdemeanors and 358 felonies. For the year 1977-78 (projected) the number of misdemeanors will be approximately 3000* and the felonies approximately 369. The caseload for the Circuit Court in 1976-77 was 1,014 felonies filed; for 1977-78 912 felonies are projected.

The total number of cases on which private counsel was appointed, the total cost to the system, and the cost per case are reflected in the following chart:

	<u>Cases</u>	<u>Cost</u>	<u>Cost Per Case</u>
<u>1975 - 1976</u>	1,183	\$139,205.39	\$117.67
<u>1976 - 1977</u>	1,320	\$157,793.53	\$119.54
<u>1977 - 1978 (Projected)</u>	1,321	\$154,665.00	\$117.08
<u>1978 - 1979 (Projected)</u>	1,460	\$220,000.00	\$150.69**

Prosecution of criminal cases is handled by the District Attorney's Office. With a staff of seven attorneys, the office appears in all misdemeanor and felony cases as well as in some juvenile matters. (A copy of the District Attorney's budget is contained in Appendix D.)

The Juvenile Probation Department of Jackson County is primarily responsible for initiating and processing juvenile cases. Although the prosecutor assists the probation department in some cases (24 out of 709 filings in 1977), the probation department represents the state in all such matters. In mental illness cases, the health department represents the State's interests.

*One reason for the drop in misdemeanors is a Supreme Court ruling that for about a year declared that drunk driving was not a misdemeanor. That ruling has been reversed and misdemeanor filings should again increase.

**See also Appendix C for further details.

C. The present system of funding defense services.

In all criminal, juvenile and mental illness cases, the court will appoint counsel if a defendant/juvenile/mental patient is without funds to retain an attorney. The judge makes the indigency finding and appointment based upon his review of an application filled out by the defendant.*

The private bar provides the attorneys in all indigency cases. A small number of the 120 members of the Jackson County Bar Association accept most of the appointments. (Some 17 refuse to participate.) Approximately 90 others prefer not to be appointed on a regular basis. They remain willing to be called upon for a special case or when the court is in need of emergency assistance. Another 18 approximately has indicated to the court that they will take as many appointments as they can. These attorneys are categorized as being on the "special list."

Compensation on criminal/juvenile/mental illness cases is defined by a fee schedule. The schedule provides:

- \$100 for a felony case that is dismissed.
- \$100 for a felony plea.
- \$100 for a preliminary hearing in a felony case.
- \$200 per day not to exceed five days for a felony trial.
- \$50 for a misdemeanor dismissal.
- \$100 a day, not to exceed two days, for a misdemeanor trial.

In juvenile matters the appointed attorney is paid \$25 an hour with a \$50 minimum and a \$200 maximum. In mental illness cases the attorney is paid \$25 per hour.**

An entirely new fee schedule has been negotiated and will include increased fees at every level. (See Appendix F)

*See Appendix E.

**See Appendix F.

Not included in either fee schedule are the amounts paid in so-called "extraordinary cases" (usually homicides). In these cases the county reimburses the appointed attorney at a level comparable to rates paid by privately retained clients. Fees paid during the current and two prior fiscal years were recorded as follows:

<u>Extraordinary Cases</u>	<u>1975 - 1976</u>	<u>1976 - 1977</u>	<u>1977-1978 (3 Quarters)</u>
# of Cases	(4)	(2)	(3)
	\$2,950.00	\$6,846.85	\$1,094.30
	\$1,452.06	\$6,913.32	\$1,155.00
	\$2,822.41		\$5,220.56
	\$1,400.44		

It is clear that these cases can have a significant impact on the County's indigent defense budget.

REPRESENTATION OF INDIGENT PERSONS IN JACKSON COUNTYA. Early Representation.

1. Criteria: The National Advisory Commission (NAC) on Criminal Justice Standards and Goals developed the following standard on the availability of publicly financed representation in criminal cases:

Public representation should be made available to eligible defendants in all criminal cases at their request, or the request of someone acting for them, beginning at the time the individual either is arrested or is requested to participate in an investigation that has focused upon him as a likely suspect. The representation should continue through the exhaustion of all avenues of relief from conviction.*

The American Bar Association's Standards relating to defense services (ABA Standards) require even more attention to this crucial step:

Counsel should be provided to the accused as soon as feasible after he is taken into custody, when he appears before a committing magistrate, or when he is formally charged, whichever occurs earliest. The authorities should have the responsibility to notify the defender or the official responsible for assigning counsel whenever a person is in custody and he requests counsel or he is without counsel.**

A person charged with a crime must have an attorney at the earliest possible moment because of the well-documented abuses of the rights of citizens charged with crime, ranging from police misconduct to instances in which people have

*National Advisory Commission on Criminal Justice Standards and Goals, Task Force Report - Courts, Standard 13.1 (1973).

**ABA Standards Providing Defense Services No. 5.1 (Approved Draft, 1968).

been arrested and detained only to be lost in the system. Those accused need a professional advocate in order to preserve evidence, seek bail, and otherwise represent their interests.

One who has been labeled a defendant by the issuance of a warrant -- even though there has been no determination of guilt -- is confronted by the full resources of the state, including the offices of the prosecuting attorney, law enforcement agencies, and experts whom the state can summon at will. Our adversary system of justice requires that comparable expertise and resources be devoted to providing representation to persons financially unable to retain private counsel of their choice and that such representation, to be effective, begin at an early stage.

2. Findings: Based upon interviews with inmates and with the Release Assistance Officer as well as upon observations of several appointment cases, the consultant team found that under the present system the appointed attorney does not make a sufficiently early entry into a particular case. Some attorneys visit their clients immediately after an appointment; others wait several days. Although judges do appoint an attorney at the first court appearance, there is often an unacceptable delay between the time of the appointment and the time an attorney interviews the client and begins work on his behalf. For example, the consultants observed a Monday morning felony appointment. By Thursday evening of the same week, the assigned attorney still had neither seen the client nor made any appearance on his behalf. The consultants are convinced that prompt, vigorous advocacy would have resulted in a change in custodial status in this case.

B. Eligibility.

1. Criteria: The determination of eligibility for public representation is a perplexing problem throughout the criminal justice system. Surveys have found that eligibility criteria currently being employed do not comport with realistic evaluations of the cost of retaining private counsel and are not being applied equally to all individuals.

The problem is critical in the felony area because of the potential expense of full representation through appeal. It is less obvious, but equally important, in the misdemeanor area where representation at public expense may mean the difference between fair trial and assembly line justice. Recent studies have shown that the Argersinger decision (407 U.S. 25) has been implemented sporadically; defendants are often not advised of their right to counsel .. are actively discouraged from exercising that right.

Therefore, the threshold question is whether the system for public representation reaches all persons who are unable to afford an adequate legal defense. This inquiry involves substantive issues regarding the nature and content of eligibility standards. It also focuses upon procedural aspects regarding who establishes the standards, who applies them and whether adverse eligibility determinations can be appealed.

2. Findings: Eligibility for court appointed counsel is determined by the court before whom a particular defendant appears. A financial declaration (see Appendix E.) is completed by the defendant and thereafter the judge makes the eligibility determination. If the judge finds the defendant ineligible for court appointment, that decision may not be final. If, for instance, the defendant returns to court and informs the judge that he has been unable to secure private counsel, the court may appoint an attorney at that time.

In any case the court may require the convicted person to pay a portion of his attorney fees upon completion of the case. This is often made a condition of probation. Collections for such repayment reached \$19,800.51 in fiscal year 1976-77.* The better thinking is that repayment of counsel fees should not be a condition of probation. See the American Bar Associations Standards Providing Defense Services, Part VI 6.1-6.4 ('968).

The consultants found no abuses in the eligibility system -- clients requiring assistance were receiving it. Several attorneys charged that far too frequently persons who could afford to retain a lawyer had counsel appointed for them. The team found no evidence that an unusual number of defendants waive counsel or are in any way pressured to waive counsel.

C. Conflicts of Interest.

1. Criteria: Related to early representation of criminal defendants is the necessity for early identification of possible conflict-of-interest cases. These arise when the same attorney is assigned to represent co-defendants in a single case.

According to Canon 5 of the Code of Professional Responsibility of the American Bar Association, an attorney must withdraw from a case when he believes that there is a conflict in the representation of multiple clients.

However, as a practical matter, it is often difficult to identify specific conflicts until the date of trial draws near. Withdrawal at that time may violate Canon 4 of the ABA Code, whereby disclosure of confidential information from a client constitutes a gross violation of the attorney's ethical obligations. A late severance of a conflict may reveal such information

*See Appendix F.

(either in open court or simply to the judge); this could well be prejudicial to a particular defendant. Thus, the best practice is a firm rule barring multiple representation "...except in unusual situations when, after careful investigation, it is clear that no conflict is likely to develop and when the several defendants give an informed consent to such multiple representation.*"

The ABA Standards detail the concern over conflict-of-interest cases and specifically state that violation of these guidelines could constitute unprofessional conduct on the part of the attorney. Disregarding these guidelines could result in new trials for defendants who are adversely affected by such violations.

2. Findings: The appointment system draws upon an adequate number of members of the bar association. Consequently, the team detected no instances of an attorney's handling co-defendants or otherwise getting into conflict situations.

D. Investigations.

1. Criteria: It is a responsibility of the defense counsel to ensure a prompt investigation of the circumstances of each case and exploration of all avenues leading to relevant facts.** The investigation should always include efforts to secure information in the possession of the prosecution and law enforcement authorities. The duty to investigate exists regardless of the accused's admissions, of statements to the lawyer or facts constituting guilt, or of a stated desire to plead guilty. Further, the best practice is to have

*ABA Standards Providing Defense Services, No. 3.5 (Approved Draft, 1968).

**Ibid., Standard 4.1.

a basic investigation completed soon after representation begins so that, for example, the defendant's counsel in a preliminary hearing is prepared to probe knowledgeably for weaknesses in the prosecutor's case.

2. Findings: Investigation is not commonly pursued under the present system; indeed, it is rare in misdemeanor cases. The team could not determine if this was because judges screen all requests; because attorneys hesitate to demand investigation assistance; or because attorneys discount investigative needs. Typical was the complaint of one defendant who reported that his court-appointed attorney had refused to make long-distance telephone calls to verify evidence because the cost of the calls would come out of the attorney's pocket. Whatever the cause, few attorneys cited -- let alone complained about -- any difficulty in obtaining investigative support.

The Circuit Court judges assured the team that they grant any reasonable investigation request. The attorney generally submits an affidavit detailing the necessity for such work and approaches the judge for authorization. In the team's experience, some less experienced attorneys are unaware of investigative needs and do not request investigation even when it may be indicated. The consultants found no specific examples of such behavior, however.

E. Discovery.

1. Criteria: One important part of early investigation is pre-trial discovery. This includes finding out from the prosecution all evidence that may be used against the defendant at trial (including names and addresses of witnesses, all statements made by witnesses to be called at trial, results of all examinations and tests, and physical evidence). Pre-trial discovery has

long been the rule in civil cases and is now favored by both the ABA and the National Advisory Commission on Criminal Justice Standards and Goals (NAC)* because it serves the following needs:

1. It promotes expeditious and fair determination of the charges, whether by plea or trial;
2. It provides the defense sufficient information to make an informed plea decision;
3. It permits preparation for trial and minimizes surprises at trial;
4. It avoids unnecessary and repetitious trials by exposing latent procedural constitutional issues and by affording remedies prior;
5. It reduces interruptions and complications of trials by identifying issues collateral to guilt or innocence; and
6. It effects economies in time, money, and judicial and other professional energies while minimizing paperwork, repetitious assertions of issues, and the number of separate hearings.

2. Findings: Defense discovery is not a problem in Jackson County.

This is attributable to the excellent open-file policy of the District Attorney's Office. At the outset of any case, the defense attorney is permitted to examine the entire District Attorney file and make whatever copies he believes are necessary. Open-file discovery serves the best interests of justice. The Team commends the District Attorney's Office for its progressive approach.

*NAC, Courts, Standard 4.9, 1973; ABA, Standards Providing Defense Services No.4.1; ABA Standards Relating to Discovery, Standard 1.4 (Approved Draft, 1970).

F. Bail.

1. Criteria: It has been established throughout the country that requiring a person to post bail in a criminal case does not assure that person's appearance at trial. Studies of pre-trial release programs indicate that persons released on their own recognizance according to pre-set guidelines have a higher return rate to court than those who are simply allowed to post bond.* Furthermore, the requirement of bail ensures unequal treatment of defendants according to their financial resources.

Statistics also reveal that persons in jail at the time of their trial are more likely to be convicted than persons not in jail.** Most often, the accused is in the best position to obtain witnesses on his behalf and to assist in the preparation of his defense. Instead of waiting (possibly months) in jail for a trial, he or she could be contributing to society by working during this period -- a fact which can be cited to the judge and jury, to the client's benefit.

ABA Standards relating to the defense function impose a duty upon defense counsel to take prompt action to see pre-trial release of the accused.***

2. Findings: The consultants found no abuses in bail-setting procedures. Following arrest, a full-time, pre-trial release worker visits the accused in custody and obtains as much personal information as possible in order to accurately report to the judge regarding bail setting. The pre-trial

*ABA Standards Relating to Pretrial Release, Introduction (Approved Draft, 1968).

**Ibid.

***ABA, Defense Function, Standard 3.1.

release person appeared to act promptly and effectively to transmit this information to the judge. Nevertheless, the team was dismayed by the inability of the defense attorney to enter at this stage and present the defendant's position in the most favorable possible light.*

G. Diversion.

1. Criteria: Another responsibility of the attorney is to explore the possibility of an early diversion of the case from the criminal process through the use of other community agencies.** Qualified defendants charged with particular crimes may be diverted from the criminal process and placed on a special type of quasi-probation. This normally requires employment or schooling, restitution to victims, or other rehabilitative programs. Nationally, diversion programs have been quite successful, with much lower rates of recidivism than the normal population, and with savings to the criminal justice system for those cases which no longer need to be processed. A defense bar alert to the opportunities -- and pitfalls -- of a local diversion program can influence the way it is administered, to the benefit of clients and the wider community.

2. Findings: The principal diversion projects in Jackson County are under the direction of Project Misdemeanant. These appear to be heavily utilized, well known to the bench and bar, and strongly supported by the community.

*See Early Representation.

**ABA Defense Function, supra Standard 6.1.

H. Continuity of Representation.

1. Criteria: Vertical representation of a criminal defendant means having the same attorney represent the defendant from the time of assignment through appeal. Horizontal representation involves having one attorney represent all defendants, say, at arraignment, another at preliminary hearing, and still another attorney at trial. Overwhelmingly, the applicable standards and national practice call for vertical representation of the criminal defendant, at least through the trial stage.* The more familiar an attorney is with an individual case (not to mention the defendant and witnesses), the more likely he or she will be effective -- and successful -- in defending that client.

2. Findings: Under the private appointment system, there is a maximum of continuity of representation. An appointment typically continues to the end of a case. Multiple cases with the same defendant are handled by the same attorney.

I. Preliminary Hearings.

1. Criteria: The preliminary hearing is a critical stage of the proceedings against a criminal defendant. The state must document to a neutral judicial officer that there is sufficient evidence against an individual to bind him over for trial on the alleged offense. The hearing is an opportunity for discovery, for weeding out weak cases (thereby saving the court the time and expense of a trial), and for negotiating pleas. It is important that careful preparation precede defense counsel's representation in a preliminary hearing.

*National Legal Aid and Defender Association, Standards for Defender Services, Standard 2.3, (1976); ABA, Standards Relating to Providing Defense Services, Standard 5.2, (Approved Draft, 1968); NAC, Courts, Standard 13.1.

2. Findings: There are few preliminary hearings in Jackson County. Most felonies are filed after Grand Jury indictments. The consultants learned from the District Attorney that he would permit a preliminary hearing in any case the defense attorney requested. The consultants believe that the preliminary examination can be a useful tool for the defense and suggest that the defense bar take the District Attorney at his word. More preliminary examinations (depending, of course, upon the case) should be conducted.

J. Trial Preparation.

1. Criteria: The defense must be totally prepared for trial. This should include proper investigation, pre-trial discovery, identification of applicable points of law, development of trial strategy and where appropriate, exploration of possible disposition by plea. In addition, it requires the preparation and filing of appropriate pre-trial and trial motions and briefs. In order to properly build a court record and to properly preserve issues for appeal it is no longer satisfactory to simply try a case "by the seat of one's pants."

The consequences of poor trial preparation may be the conviction and incarceration of an innocent person. It could also result in a person guilty of one crime being found guilty of a more serious offense.

2. Findings: Based on team observations and interviews with judges, prosecutors and defense attorneys, the consultants found no discernible pattern of lack of trial preparation. Some instances of inadequate preparation were noted, nevertheless. For example, one attorney told his client in a case of alleged rape, "Don't expect too much because I don't get paid much." In this case, despite the belief of the attorney and the probation officer that the defendant was innocent, the defense failed to investigate the victim's background and was thus unprepared to go to trial. The defendant pleaded guilty.

K. Sentencing.

1. Criteria: Section 8.1 of the ABA's Standards Providing Defense Services succinctly states defense counsel's role at sentencing:

(a) The lawyer for the accused should be familiar with the sentencing alternatives available to the court and should endeavor to learn its practices in exercising sentencing discretion. The consequences of the various dispositions available should be explained fully by the lawyer to his client.

(b) Defense counsel should present to the court any ground which will assist in reaching a proper disposition favorable to the accused. If a presentence report or summary is made available to the defense lawyer, he should seek to verify the information contained in it and should be prepared to supplement or challenge it if necessary. If there is no presentence report or if it is not disclosed, he should submit to the court and the prosecutor all favorable information relevant to sentencing and, in an appropriate case, be prepared to suggest a program of rehabilitation based on his exploration of employment, education and other opportunities made available by community services.

(c) Counsel should alert the accused to his right of allocution, if any, and to the possible dangers of making a judicial confession in the course of allocution which might tend to prejudice his appeal.

2. Findings: Court-appointed attorneys are weakest in their representation of defendants at sentencing hearings. Some make energetic and imaginative presentations. However, a sufficient number perform so feebly as to cause some alarm.

The consultants attribute this, at least partly, to the fee schedule which does not compensate time spent preparing for and participation in the sentencing hearing. The Team also observed that some attorneys do not believe that the sentencing stage is as important as other stages in the criminal process.*

*Fortunately some defendants have been able to do their own preparation for sentencing hearings - by telephone. For example in the same rape case mentioned above the defendant was told by his attorney to get character witnesses himself. The defendant did the best he could using the telephone.

Vigorous representation is implicit in the concept of effective representation. Therefore, it must be treated professionally by the practicing bar and compensated fairly by the County Board.

These findings were based upon interviews with clients, attorneys, and members of the state and local probation and parole services.*

L. Appeals.

1. Criteria: The right to an appeal should not be hindered by the Court or the defense attorney. It is essential at trial that the defense attorney protect the record of the case so as to preserve legal objections as the basis for an appeal.

Appeals should be thoroughly researched, cogently written, and the issues forcefully presented to the appellate court. Creative thinking on the part of the attorney preparing the appellate record and brief is to be encouraged rather than mere reliance on arguments previously rejected by the appellate court.**

2. Findings: Appeals in indigent cases are handled by the State Appellate Defender. The consultants found no impediment to the exercise of an indigent's appeal rights.

*For more on sentencing, See Appendix.

**ABA, Standards Relating to Criminal Appeals, Standard 2.2 (Approved Draft, 1970).

M. Client Satisfaction.

1. Criteria: Legal services are personal, professional services, and more than a set of acts, however skillfully performed. Thus it is important for the defense attorney to make clients aware of every stage of the proceedings, of the importance of each phase, and of how that stage may affect the outcome. It is necessary to keep the client informed of all proposals for plea negotiations by the prosecutor and to prepare both the client and witnesses for trial. Regular communication and responsiveness to client needs is vital in order to give the client truly professional services, which one hopes will cause the client, whatever the result, to be satisfied with the representation provided. Client satisfaction is important because a client who is satisfied with his attorney, regardless of the outcome, will have more respect for the criminal justice system, which may in turn affect potential recidivism.

The key to client satisfaction lies in taking time at the various stages of the proceedings to explain to clients what is about to happen or what has just happened, to engage their participation in the defense strategy, and, in these and other dealings with clients, to treat them with respect. At the close of the entire proceedings, it is especially important that the attorney take the time to explain to the defendant the meaning of the conclusion of the trial, its ramifications to the client, and the possible avenues of appeal, where appropriate.

2. Findings: The inmates interviewed were not pleased with the quality of service provided them. They commented on their inability to see their attorney, the time it took the attorney to come to interview them, and the inability or unwillingness of their attorney to spend time on certain aspects of their case such as preparation for sentencing. Understandably,

the inmates are in a particularly unhappy position; nevertheless, several compared their Jackson County attorney unfavorably with attorneys (including public defenders) they had been represented by in other counties and states.

N. Training.

1. Criteria: The National Study Commission on Defense Services has assessed the training needs of assigned counsel as follows:

"If appointments are made on an ad hoc basis, a method hardly conducive to ensuring systematic and adequate representation, then training responsibility would necessarily be vested in the court. However, based on knowledge and past experience, courts are either not aware of or do not have the administrative capabilities to assume this training responsibility. If the assigned counsel system is in fact a "system", then it will have an administrator who should undertake the responsibility to train panel members.

"Training programs for assigned counsel should be 'formal' in the sense that they entail a classroom or seminar type component which offers new and inexperienced attorneys a systematic, supervised training program apart from intern type training. The subject matter of such programs should include 'how to' and 'what the law is' topics and, in addition to lectures and demonstrations, participants should be afforded the opportunity to attempt to demonstrate their skills in a supervised setting.

"In addition to formal training, there are various forms of informal training and resources which should be made available to assigned counsel. In an apprenticeship program, assigned counsel would have the opportunity to work with and 'second chair' more experienced counsel. Prior to being assigned to a case for the first time, the neophyte should receive a package of organized material which might include a copy of the legislation or court rules covering appointment of counsel, the local criminal rules, administrative procedures relating to appointments, a recommended reading list, and so forth. Assigned counsel should also be made aware of the procedures which will be utilized for evaluating his or her performance. The program, whether operated by the defender office or a separate entity, should make a brief and motion bank available which is properly indexed by

topic and should make a basic criminal law library available. A file should be maintained on the availability and proficiency of experts in various fields. A newsletter summarizing recent decisions and offering pragmatic suggestions should be distributed, and assigned counsel should have access to experienced attorneys for advice and to law students for research."

2. Findings: There is no formalized training available to new attorneys or to practicing attorneys. Moreover, the consultants found no state-wide training programs that Jackson County attorneys attended. Apparently, the Oregon State Bar sponsors a continuing legal education program in criminal law. A criminal law bi-monthly newsletter is also available to bar members. The team detected little interest in either, particularly among the younger attorneys.

As a result, except for those attorneys who were formerly deputy district attorneys, the defense bar learned its trade without any training beyond law school. One judge expressed strong concern about untrained attorneys representing indigents and lamented the lack of available alternatives; lawyers learn "on the job." This is a significant deficiency in defense representation in Jackson County. The complacent attitude of many attorneys regarding the need to upgrade their criminal defense skills is disturbing.

0. Funding.

1. Criteria: Inadequate funding is perhaps the single most significant problem facing defense services today. Although there are clearer constitutional standards for providing defense services than for many other governmental programs, defense services throughout the country are constantly battling for funds necessary to meet even minimum constitutional requirements. The source of the funding for defense services, whether federal, state, re-

gional, county or municipal, will often affect the adequacy of funds. Thus, the source of funding is a major concern in structuring defender systems and assigned counsel programs.

The scope of representation that must be provided pursuant to Supreme Court mandates, state constitutions, statutes, and policy considerations, is extensive. Moreover, increasingly, courts are finding that it is not enough simply to provide counsel; representation must be "effective." Some courts are beginning to abandon the "mockery and farce" test to determine effectiveness and demand that counsel perform "at least as well as a lawyer with ordinary training and skill in the criminal law." Yet, the inadequate funding for the provision of defense services and for the training of lawyers who perform defense services for the poor, has been the major cause of the totally inadequate services being delivered today in many, if not most jurisdictions in the United States.

In addition to the sources and adequacy of funding, the handling of funds for defender and assigned counsel programs has a subtle influence upon the stability and independence of defense systems. In assigned counsel jurisdictions, requirements for court approval of vouchers and the lack of a set amount of funds earmarked for defense services impinge upon the independence of lawyers. The absence of set fee structures hinders assigned counsel in performing all of the services needed in a case. In the case of defender systems, the channels through which budgets are submitted and approved and the form and content of the budgets are critical considerations.

The way in which a defender or assigned counsel's funds are channeled to the program has a subtle influence upon the program's independence. If the

funds must be approved by or made a part of the budget of some outside agency, that agency is likely to exert some influence upon the program's policies. Such influence may take the form of promising not to exercise vigorous advocacy, handling a politically embarrassing case, filing time-consuming motions, or taking a large number of cases to trial in return for a promise by the outside agency to assist in increasing the defense system's staff size, to approving certain expenditures or the reallocation of line item costs. Although factors such as these are not visible indicators of the lack of independence as the method of selecting the head of the program or the actual source of funds, the administrative structure by which funds are to be approved and disbursed may be a critical factor in achieving the goal of ensuring an adversary system.

Like the defender system, an assigned counsel program requires a budget from which the administrator may disburse funds for anticipated expenditures. However, the budget should be "open-ended," much like the "sum sufficient" appropriation recommended for defender systems. This is particularly important for assigned counsel programs, as a flat sum may lead to unjust discrimination in the payment of assigned counsel fees when the number of cases has exceeded anticipations. Under those circumstances, a flat amount would result in some attorneys being undercompensated or not compensated at all toward the end of a fiscal year.

If the program were held to a fixed appropriation, it would be necessary to calculate the precise number of cases, or units of work, in order to calculate the program's needs. However, arrest rates and the number of prosecutions in a given year are beyond the control of a defender program.

While a defender office with a fixed staff may utilize projections to estimate manpower needs, it is not unusual for emergency appropriations to be needed in a given fiscal year to augment the service. Where such appropria-

tions are not available, quality must suffer. A fortiori, in an assigned counsel program there is little or no staff to call upon; thus, the funding must be adequate to utilize participants from the private bar in an even-handed manner throughout the fiscal period. This can only be accomplished by an open-ended budget whereby the total amount may be increased in the event of an increase in the number of cases. Fiscal controls can still be employed by developing a formula based upon caseload and the nature and extent of services reasonably rendered. This approach allows for projecting funding needs based upon prior experience, yet is flexible enough to meet actual needs.

2. Findings: The current fee schedule is quite low when compared to the fees charged by private attorneys for similar cases. Nevertheless, the team perceived among the private bar a spirit of public service which resulted in a ready availability of attorneys for appointment. The new fee schedule should compensate more fairly the attorneys on the special list. It might also attract more attorneys to that list. The team proposes an alternative to the fee schedule in Part IV, Section D.

The County seems ready and willing to provide funding for indigent defendants. Thus it is not the source of funding that we found to be a problem, but the manner in which the court appointment system functioned.

P. Law Enforcement Policies.

The team found that the Sheriff's Department had installed a telephone in each of the jail cells in the county jail. A traditional problem for the incarcerated defendant is his inability to communicate with the outside world and especially with the people intimately involved with his defense.

This progressive approach has had salutary results for the indigent accused and has improved morale. The inmates commented that they were able to contact persons necessary for their defense, and particularly those who could contribute something at the sentencing stage of their case. Judges and attorneys complained that they were called too often by certain inmates. The consultants concede this sometimes annoying side-effect; however unfortunate, this complication cannot outweigh the virtue of this commendable policy. Jails across the United States could learn a great deal from Jackson County in this respect.

Q. Other Advantages of the Present System.

1. Many attorneys use the appointments in criminal cases as opportunities to develop their skills and become more experienced advocates. Since the appointments are available to all members of the bar association, many look upon the court appointment as a training ground.
2. Some judges and senior members of the bar look upon the appointment system as an occasion for younger members of the bar to experience and have contact with less advantaged persons.
3. The most frequently mentioned advantage of the present system was the availability of cases for those attorneys who needed income in order to get started in the practice of law. Judges and attorneys cited the numbers of attorneys who, but for the court appointment system, would not have been able to survive the first year of private practice. Of course, one must decide whether this is primarily a lawyer employment program or a service for indigents.

4. Without question the community is receiving legal services at a reasonable rate. Under the current fee schedule the attorney is compensated far less than the rates he/she would receive from paying clients. Even under the proposed schedule, the county will be paying less than a private client would pay.

5. The willingness of bar association attorneys to accept lower compensation is based in part upon their perceived duty towards indigent defendants and towards the justice system. Almost every attorney interviewed talked of the duty the bar association owed and their willingness to sacrifice some of their time to ensure that indigents received adequate representation.

R. Other Disadvantages of the Present System.

1. Not all attorneys are available for regular criminal appointments. While the entire bar used to be a part of the system, the creation of the special list means that most attorneys do not participate in the representation of indigents. The amendments to the fee schedule may increase the number of attorneys on the special list.

2. Many attorneys have left the special list because of financial considerations. The low rates have caused some attorneys to refuse court appointments.

3. Judges and attorneys conceded that there are some attorneys on the special list who are not well qualified yet continue to receive a full share of the appointments.

4. It was alleged that economic pressures may inhibit the court-appointed attorneys' ability or willingness to present a full defense. Most attorneys insisted that they worked just as hard for their court-appointed clients as for their privately retained clients. The judges generally concurred. Nevertheless, the consultants noted that in certain areas there was a tendency not to develop all the defense that might be possible for a particular defendants.

5. The current appointment scheme does not provide for attorneys to be appointed and to assist indigent clients at certain stages. For instance, there is confusion as to how an attorney would be appointed and compensated at pre-indictment/complaint interrogation and line-ups. One judge assured the team that he would appoint an attorney under either of those circumstances, but that the situation had never arisen. Even the willingness of the judiciary to appoint at these stages would present a cumbersome procedure.

6. The consultants also found weak advocacy at the juvenile and mental health hearings where court-appointed attorneys appeared. Many attorneys did not behave as advocates in those hearings, but rather as attendants primarily looking out for the best interests of their clients.

7. The team also found that the attorney's compensation does not reflect the actual work done on each case. The consultants found instances where attorneys were underpaid for the services performed and others (a small minority) where they were overpaid. There is no question that the fee schedule is responsible for these inequities since in criminal cases payment is related to events in the flow of a case and not to productive and significant hours of work.

8. Another detrimental effect of the current fee schedule is that it encourages quick plea bargains and discourages any effort which is not expressly remunerated (i.e. motions, formal sentencing hearings, client contact). Several attorneys conceded that the current system promotes assembly line justice and rapid pleas.

ALTERNATIVES FOR CONSIDERATIONA. Contract with a Firm.

One option for the county is to contract with individual attorneys or groups of attorneys in concert to furnish defense services for indigent . The consultants are familiar with several jurisdictions which have considered the contract system and rejected it. It is not recommended for Jackson County.

The contract defender is in the ethically untenable position of choosing between his civil and criminal practice, to the likely detriment of his clients. No matter how much defender work he does, his public compensation will (until re-negotiated) remain the same. On the other hand, his private civil practice returns compensation directly proportionate to the amount of time he gives to it. Frequently, cases require the immediate attention of the lawyer. Where the attorney's public work and private work compete for attention, the private work usually receives priority because the lawyer's compensation for that work (unlike his public salary) is not secured. This conflict may influence the contract attorney to refrain from the time-consuming effort of taking cases to trial. There is also a status gap between the indigent criminal client and the paying civil client which must, however subtly, work against the indigent's interest.

In addition, contract attorneys tend to be inexperienced. A young defendant may also lack experience, but unlike the contract attorney, his commitment is full-time, his performance is constantly monitored and he is supervised.

Furthermore, while the contract system may be viewed as a simple way to cut costs, the spectacle of law firms underbidding each other to "win" the county's defender business offends professional propriety.

Finally, the consultants believe that neither the bar association nor the bench would be receptive to such an alternative.

B. Public Defender Office.

The primary alternative considered by the consultants was the establishment of a public defender in Jackson County. Much of the consultant time and energy was devoted to a comparison of the advantages and disadvantages of adoption of a defender system.

1. Cost: Based upon a constant caseload, the operation of a defender office would not result in significant savings to Jackson County. The cost of a defender office for the current caseload would be approximately \$170,665 for fiscal 1978 - 1979.* These costs are less than the 1978 budget of the combined Circuit and District Courts. What are not included, however, are overhead costs (building, equipment, insurance) and the cost of providing attorneys for indigent defendants in conflict cases (cases in which one attorney cannot represent more than one defendant because of a conflict of interest). When these amounts are included, the cost of a defender office in Jackson County would exceed the current budget.

Furthermore, it is the consultants' experience that the very existence of a defender office "increases" the indigent caseload projected to be handled by

*Please refer to Appendix G.

the office. The fact is that once an office is created, the tendency is for judges to refer more and more cases to it for service. A 25 percent increase over previous caseload levels is not uncommon.

While it is true that as a caseload climbs, the unit costs per case diminishes, it would appear that Jackson County is small and not growing quickly enough to benefit from those advantages.

2. Quality of Services: There are significant qualitative advantages of a defender office over the present system in Jackson County. First, the defender provides an on-call defense service in all situations, thus covering pre-arrest attorney needs.

A defender office also provides expertise in criminal, juvenile and mental health law. Attorneys in a defender office soon become experts in criminal law, keep abreast of the latest developments in the law, train their associations and introduce new and imaginative approaches to criminal defense techniques in the locality.

The defender office can also provide a degree of quality control unavailable in most other systems. Through supervision, training, and case assignments, the defender office can ensure competent representation for all indigent defendants. Defenders are carefully screened before being hired and can be fired if performance fails to satisfy the direction of the office. Moreover, they are constantly upgrading their skills through daily experience in the criminal court, staff training, and attendance at specialized courses for defense attorneys.

The defender generally uses investigative resources more frequently and more effectively than the private attorney. That is true because the investigator is a staff member of the office and because the defender is trained in the use of the investigator.

3. Commentary: The Team noted several disadvantages to the adoption of a public defender system in Jackson County. First, many attorneys and judges expressed a skepticism about the creation of "another public agency" to handle defense services. Some disparaged defender offices they had observed in other jurisdictions. Other objected to unwanted growth in government and unnecessary bureaucracy. In summary, the critics viewed a defender office as a last resort, to be considered only if the present system were failing seriously.

The other principal disadvantage of instituting a defender program would be the supplanting and eventual disappearance of the many aspects of the current system, discussed above.

C. Modification of the Current System.

The consultants would recommend retention of the current system only if certain modifications are adopted. The deficiencies must be remedied.

1. Fees -- Much of the problem relating to the provision of quality services for indigents can be attributed to the fee schedule. It is at once inequitable and unacceptably low. The new fee schedule should result in more reasonable compensation for the participating attorneys and this may bring back more of the bar association to the representation of indigents. Attorneys should be compensated according to a schedule which reflects their experience and the type of case involved. (See below.)

The consultants recommend that payment for attorneys be based not upon arbitrary events, but upon hours expended on a particular case. While such a system might tend to reward the slower attorney, maximum limits can be set on each type of case. Any extraordinary expenses could be reviewed by a bar committee before funds are expended.

2. Attorney Competence -- The team suggests that attorneys be rated by the proposed coordinator and by the bar association in three categories: level 3, level 2, and level 1. Level three would include all attorneys who could be appointed on the most serious felonies. Level two would be attorneys who had demonstrated an ability to handle misdemeanor and less serious felony cases. Level one attorneys would be available only for misdemeanor appointments.

Organizing the assigned counsel panel by gradations of skill and experience facilitates the appointment of attorneys in accordance with the complexity of the case or the special nature of the proceedings. The bar association can take a prominent role in establishing the amount of experience and training necessary for qualifying at each level. This "promotion" could be related to cases tried or handled, conferences attended or other indicia of increased experience in criminal matters.

3. The county should also consider a new fee structure which reflects hours spent on a particular case rather than particular events (plea, trial, etc.). Such a modification would result in a fairer payment scheme for appointed attorneys. For example, compensating the legal work associated with sentencing hearings, motions, and pre-trial representation would greatly enhance the fairness of the payment scheme. On the other hand, indictments that settle

quickly (an infrequent occurrence) would be rewarded fairly -- for work expended -- and would not result in a windfall for the attorney.

4. In order that the county might provide an on-call service for the indigent accused before charges have been filed, the consultants propose a "duty-day" schedule in addition to the establishment of a staff coordinator. Under the auspices of the bar association, members of the bar could agree to make themselves available on certain days so that law enforcement agencies could call them if the circumstances warranted. If a prior judicial determination of indigency is necessary, a judge could be contacted and then refer to the list for an attorney. Since such pre-indictment assistance is rare, the bar should have no objection to providing such a service.

5. In conjunction with the development of attorney competence standards, a bar association committee (with judicial input) should build up the bar association/county law library to include video tapes of criminal trial/juvenile/mental health experts, as well as specialized legal materials and investigative techniques for the defense. This committee could also set up conferences and seminars involving state and local correctional services workers. Participation in these workshops could be included in the requirements for attorney advancement.

6. Paralleling the institution of an hourly rate for all attorney activities, the bar association should establish a fee review committee to examine any extraordinary fee requests. This committee would have the power to adjust fee requests and to ensure that inefficient or slow attorneys are not rewarded for sluggish or inept performance.

7. The consultants' finding that attorneys are not entering cases quickly enough should be publicized among bar members. If the time it takes an attorney to begin representation cannot be reduced, the county should consider an on-call attorney (again from a pre-established list) each week who would be available for just such quick action. That attorney could retain some or all of the cases he appeared on during the on-call week or could have them assigned to attorneys from of the appointment list. The important consideration is that an attorney be in court with an indigent defendant as soon as possible after charges have been filed.

8. The national standards on advocacy in juvenile and mental health matters should be circulated to the members of the Jackson Bar Association. In that way the members might be reminded of the adversarial nature of these hearings. At the very least, such standards should become a part of the bar association/county library.

CONCLUSION

The current system of appointing bar members to represent indigent defendants is working well. This is due to the overall quality of the bar association, the bench, and the other participants in the criminal justice system. The consultants found weaknesses, however, which must be addressed by the bar and by the bench.

The consultants considered both a contract with a private firm and a public defender as potential alternatives to the present system. The former we reject as being the least preferable. The public defender option should be kept in mind -- especially if several of the important criticisms of the current system prove beyond remedy. However, given the size of the county, the attitudes of the participants in the criminal justice system and the quality of the present system, the team recommends that the current system be retained with some modifications.

APPENDIX A

Consultant Team Resumes

RESUME

NAME: LEONARD PERRY EDWARDS II

ADDRESS: 25031 La Loma Drive, Los Altos, California 94022

PERSONAL DATA: Born May 4, 1941, Grand Rapids, Michigan
Married to Inger J. Sagatun, University teacher
One child, Erik S. Edwards (born June 9, 1975)

BUSINESS ADDRESS: Aguilar & Edwards, 28 North First Street,
San Jose, California 95113

POSITION: Attorney engaged in the general practice of law,
specializing in criminal and juvenile law cases.

EDUCATION: J.D. The Law School, University of Chicago, 1966.
B.A. Wesleyan University, Middletown, Connecticut,
1963.

EMPLOYMENT HISTORY:

1974 - 1976 Deputy Public Defender, Office of the Public
Defender, 70 West Hedding Street, San Jose,
California 95110. In that office held every
attorney assignment. Supervised in Juvenile
Court in 1971-1972 and 1974-1975. The Juvenile
Court legal staff included two to three attorneys,
law students and student volunteers. Tried over
30 jury trials, handled numerous preliminary
examinations, probation hearings, special motions
and court trials.

1972 - 1974 Guest lecturer, Sociology Department, University
of Bergen, Bergen, Norway. Taught criminology
and sociology of law.

1969 - 1972 Deputy Public Defender, Office of the Public
Defender, 70 West Hedding Street, San Jose,
California 95110.

1966 - 1968 United States Peace Corps Volunteer serving
as a secondary school teacher in Lawas, Sarawak,
Malaysia.

Summer 1965 Research Assistant to Professor Herbert L.
Packer at Stanford University Law School, Stanford,
California.

EMPLOYMENT HISTORY (CONTINUED):

Summer 1964 Volunteer Law Student with the Law Students Civil Rights Research Council working in Mississippi on Voter's Rights and Education projects.

Summers of
1963, 1960,
1959 and 1958 Laborer working for Eichler Homes, Inc.,
Palo Alto, California.

PUBLICATIONS:

- (1) "The Rights of Children" Federal Probation, Volume XXXVII, June, 1973, Number 2, pp. 34-41.
- (2) A History of the Lawas District, Borneo Literature Bureau, 1969, Kuching Sarawak, Malaysia. Also in The Sarawak Gazette (Nos. 1333, 1334, 1335), March, April and May of 1969, Kuching Sarawak, Malaysia.
- (3) Program Assessment of Youth Law Office, Seattle-King County Public Defender Association, a Project of the National Legal Aid and Defender Association, Washington, D.C., April, 1976. Co-author with Prescott Eaton, Ronald P. Katz, Esquire, and Rosalind Y. Woodhouse.
- (4) "The Defense Attorney at the Dispositional Hearing: The Need for Social Worker Assistance", a paper presented at the Defender in Juvenile Court, The Second National Conference for Defense Counsel, August 1976. NLADA Briefcase, Volume XXXIV, Number 2, December-January 1976-1977, pp. 48-54.
- (5) "The Case for Abolition of the Fitness Hearing", a paper presented at The Defender in Juvenile Court, The First National Conference for Defense Counsel, Chicago, Illinois, December 1975. Santa Clara Law Review, 1977, Volume 17, Number 3, pp. 595-630.
- (6) "Trying the Juvenile Case", a paper presented at the Annual Convention of the California Public Defender's Association in San Francisco, California, Spring, 1976.
- (7) Also several book reviews in Federal Probation and ACTA Sociologica.
- (8) "A Study of Juvenile Record Sealing Practices in California", Pepperdine Law Review, 1977.

LEGAL ACHIEVEMENTS:

Was the Deputy Public Defender of record in the case of People v. Superior Court, 15 C.3d 271; 124 Cal. Rptr. 47 (1975), which upheld the use of an advisory jury in special juvenile cases in California.

COMMITTEES AND ORGANIZATIONS:

Member of the Juvenile Justice Committee, State Bar of California, 1975-1978.

Member of the Santa Clara County Bar Association Committee on Correctional Reform and Criminal Justice (1974-1978). Chairperson of the Subcommittee on Juvenile Justice. Chairperson of the Committee on Correctional Reform and Criminal Justice, 1977.

Chairperson, Mid-Peninsula Chapter of the American Civil Liberties Union, 1975-1978.

Chairman, State Bar of California Conference Committee on Resolutions 2-6 relating to the detention of minors (1976).

Board of Directors, Association for Effective Grand Juries, 1976-1978.

RESUME

Paul Ligda
Public Defender of Solano County, California

Education:

A.B., San Jose State College, 1956
Political Science

J.D., Golden Gate University, 1961
Cum Laude

Admitted to Practice:

Washington, D.C., 1961
California 1962
U.S. Supreme Court 1962

Application for specialty in criminal law in State of California pending.

Professional Career:

Federal Trade Commission 1962-1963
Deputy District Attorney, Santa Clara County, California 1963-1965

Public Defender of El Dorado County, California 1965-1968

Public Defender of Solano County, California 1968-present

Instructor, Administrative Law, Golden Gate University, 1973

Professional Activities:

NLADA Board of Directors 1967-present
Defender Committee 1967-1971
Executive Committee 1969-present

California Public Defender Association
Assistant Secretary-Treasurer 1968-1970
Secretary-Treasurer 1970-1972
1st Vice President 1972-present

Western Regional Defender Association
Board of Directors 1972-present

California Council on Criminal Justice
Member Regional Planning Unit 1968-1970

PAUL J. PIT
24112 Pandora Lane
El Toro, CA 92630
(714) 586-8207

SENIOR POLICE EXECUTIVE with broad criminal justice experience

SUMMARY OF QUALIFICATIONS

A record of consistent achievement in criminal justice administration in federal, state, regional and local jurisdictions. Accustomed to the highest level of responsibility. Applies innovative management techniques to achieve organizational objectives.

GENERAL MANAGEMENT

Experienced in organizational development, policy and procedure articulation, and managing by objectives. Established a full campus police unit in one year. Reduced crime by 50% for two years in a suburban department, established automated MIS, and statistical methods for resource deployment.

FINANCE

Proven budget administrator experienced with program, performance and line item methods. Accomplished grantsmans, obtained over \$5.2 million in less than 3 years. Solid experience in capital improvements projects, debt management, and capital budgets. Experienced with state and federal audit procedures.

SYSTEMS DEVELOPMENT

Experienced in crime control planning and operations research. Served on governors rural crime task force. Implemented MIS/FIS in suburban department. Reduced vandalism 39%, burglary 49% bike theft 43%, cannabis 47% in one year.

SUPERVISORY

Experienced supervisor of professional, technical, and clerical personnel. Experienced trainer, holds California teaching credential for college instructor in public administration and police science. Experienced in collective bargaining, employee grievance procedures, performance evaluation, benefit administration.

TECHNICAL

Practiced in operations research techniques in police functions, including P.E.R.T., queuing, P.P.B.S., M.B.O., graphic and visual communications, writing and report publication.

EDUCATION

B.S., Loyola University, Chicago. 2/68. Political Science/Urban Affairs.

M.P.A., Roosevelt University Graduate School of Public Administration, Chicago. 3.7 g.p.a.(honors level). Degree 9/77.

Non-credit coursework:

University of Illinois (1964), Police Sciences (6 hrs)
University of Michigan, (1969), Campus Disorder & Law
U.S. Dept. of Justice/Booz-Allen(1970) Crime control planning
Indiana University (1971-72) Crime specific/hi-impact programs
Touche, Ross, Inc.(1975) Indirect cost accounting on grants
College of Lake County (1976) data processing - BASIC

Graduate: ILLINOIS STATE POLICE ACADEMY

Eligible: P.O.S.T. ADVANCED CERTIFICATE

(over)

EMPLOYMENT HISTORY

- 1978 - Present POLICE MANAGEMENT CONSULTANT
Paul J. Pitt & Associates, El Toro, CA
- 1975 - 1978 ASSISTANT CHIEF OF POLICE (Exempt Rank)
Deerfield Police Department, Deerfield, Illinois
- 1971 - 1975 EXECUTIVE DIRECTOR
East Central Illinois Criminal Justice Commission, Danville.
- 1970 - 1971 LAW ENFORCEMENT DIRECTOR
Greater Egypt Regional Planning & Development Commission, O'dale
- 1969 - 1970 POLICE CHIEF
William Rainey Harper College, Palatine, Illinois
- 1965 - 1969 STUDENT -- part time employment to supplement GI Bill
- 1963 - 1965 STATE TROOPER
Illinois State Police, Springfield, Illinois

HONORS & AFFILIATIONS

"Employee of the Year Award," Deerfield Lions Club, May 1977. For services to the Village of Deerfield.

● Executive Assessment: International Assoc. of Chiefs -- Executive II, Nov. '74
Tulare County, California, February, 1978 86.75%

- Assoc. Member International Association of Chiefs of Police
- Assoc. Member American Institute of Planners
- Subscribing International City Managers Assn., newsletter
- Trustee Deerfield Historical Scoeity
- Charter Pres Regional Criminal Justice Directors Assn.

PUBLISHED

Five comprehensive regional plans in Illinois, 1970 - 1975, (125 to 170 pages)
Three annual reports for municipal agencies, with full offset & half tone use

● Three professional journal articles

The Bicentennial History of Deerfield, Illinois. (150 page research)

Graduate Thesis: "The Deerfield Plan -- a Delinquency Control Breakthrough" 1977
Several academic papers presented at professional and scholastic conferences

LICENSES

- California Community College Teaching Credential for Public Administration
FAA Private Pilots License, requirements met for instrument & commercial.

SPECIAL INTERESTS

Fishing, photography, archeology, life sciences, ecology, applied math and probability math models.

APPENDIX B

Oregon Judiciary Chart

LIMITED
JURISDICTION

GENERAL
JURISDICTION

APPELLATE
JURISDICTION

District Court

Circuit Court

Supreme Court

County Court

Tax Court

Court of Appeals

Municipal Court

Justice Court

Oregon has not effected major changes in its court system for some time, although its district courts undergo periodic upgrading, with jurisdictional limits due to be raised to \$3,000 on January 1, 1977, while the court becomes a court of record in July, 1976. The district courts are the only minor courts in the state to have been fully professionalized.

Oregon's county courts exercise limited juvenile and probate jurisdiction; county judges also serve as county administrative officers, so devote only a limited amount of time to judicial duties. The justice courts have been replaced by district courts in a number of counties; where they remain, justices exercise limited civil jurisdiction and may hear misdemeanors carrying a maximum penalty of a \$500 fine or 1 year imprisonment. The municipal courts, which are located throughout the state, hear municipal ordinance violations, traffic offenses and violations of state liquor laws.

OREGON

Citations are to 1971 Oregon Revised Statutes, 1974 Cumulative Supplement.

Information not supported by statutory citation was obtained through the cooperation of the State Court Administrator.

DISTRICT COURT

Authorization: §§46.010 and 46.025.

Number of Courts Statewide: 23. [<§46.010].

Number of Judges Statewide: 48. [<§46.025].

Court of Record: Yes, as of July 1, 1976.

Right to Jury Trial: Yes, to a six-man jury. [§§46.175, .180].

Right of Appeal: To the circuit court (the amount in controversy must exceed \$50 in civil cases). [<§46.250, 157.080].

JURISDICTION

Civil Jurisdiction: Up to \$2,500. [<§46.060].

Small Claims Jurisdiction: Up to \$500. [<§46.405].

Criminal Jurisdiction: Of all misdemeanors triable in the county carrying a penalty of one year imprisonment or \$3,000 fine, or less; issuance of warrants; preliminary hearings; concurrent jurisdiction with municipal court of violations of city ordinances. [<§46.040].

JUDGES

Selection: Elected by district voters. [<§252.070].

Term: 6 years. [<§46.630].

Qualifications: Lawyer-judges must be at least 21 years of age, that being the minimum age for admission to the bar. [<§§9.220; 46.610]. In judicial districts having a population of 500,000 or more, 3 years' residency is required; smaller districts require only one year's residency. [<§46.610].

Judges serve full-time, and may not practice law. [<§46.630].

Compensation and Benefits: Judicial salaries are paid by the state. [<§46.632].

Contributions must be made to the judicial retirement fund for 16 years, with benefits equalling 45 percent of final salary. [§§1.310, et. seq.].

Retirement:

Mandatory Retirement Age: 75. [Const., art. 7 (amend.), §1a].

Service after Retirement: A judge with a minimum of 12 years' experience may be designated a senior judge and assigned to temporary duty by the supreme court, on the court from which the judge retired. [Const., art. 7 (amend.), §1a].

Absence from the Bench: A judge pro tem may be drawn from the circuit court of the county [§46.099], from another district court [§46.638], or from a pool of "qualified persons", including retired judges [§46.642]. A district court judge may be assigned to temporary service on the circuit court of the county or on another district court. [§§3.001, 46.638].

Removal: Judges are removed by the supreme court after investigation and recommendation by the Judicial Fitness Commission. [Const., art. 7 (amend.), §8; §1.430].

Vacancies: Filled by gubernatorial appointment until the next general election. [§46.680; Const., art. 5, §16].

SUPPORT PERSONNEL

Clerk: County clerk is ex officio district court clerk, except in Multnomah county, where a separate court clerk is assigned by the county. Salaries are paid by the county. [§§46.010, 46.720, 46.730].

PROCEDURE

Uniform procedural statutes are found at §§46.100-46.180, but local courts retain the right to regulate transaction of their judicial business as necessary. [§46.280].

FINANCING AND ADMINISTRATION

Court-Generated Revenue: Court costs are paid to the county; fines are distributed to the city, county and state depending upon the violation and place of arrest. [§§46.221, .240].

Financing: The state pays judicial salaries and travel expenses; all other expenses are paid by the county. [§46.290].

Reporting Duty of Court: Caseload statistics are submitted to the state court administrator on a quarterly basis. Special reports (i.e., DUII statistics) are submitted to various agencies upon request.

COUNTY COURT

Authorization: Const., art. 7, §1.

Number of Courts Statewide: 4 handling only juvenile matters, 2 handling only probate and 4 with combined jurisdiction.

Number of Judges Statewide: 10. [§5.010].

Court of Record: Yes. [Const., art. 7 (orig.), §1].

Right to Jury Trial: Yes, to six-man panel. [§5.110].

Right of Appeal: To circuit court. [§5.120].

JURISDICTION

Limited jurisdiction of juvenile and probate cases. [§§5.020, 111.055].

JUDGES

Selection: Elected. [Const., art. 7 (orig.), §11].

Term: 4 years. [Const., art. 7 (orig.), §11].

Qualifications: Judge must be a county elector. [Const., art. 6, §8; art. 7 (orig.), §11].

Judges serve part-time in their judicial capacity, as they are also administrative heads of the counties. They may practice law. [§1.220].

Compensation and Benefits: Compensation is set by the county board and is paid by the county. [§204.131]. County court judges are not covered by the state judicial retirement system. [§1.310].

Retirement:

Mandatory Retirement Age: 75. [Const., art. 7 (amend.), §1a].

Service after Retirement: See District Court.

Absence from the Bench: A circuit judge may serve as judge pro tem of the county court. [§5.090]. The governor is also authorized to appoint a "competent and qualified person" to serve as county judge pro tem. [§204.065].

Removal: Judge may be removed by the supreme court under its constitutional authority. [Const., art. 7 (amend.), §8].

Vacancies: See District Court.

SUPPORT PERSONNEL

A crier, bailiff and court reporter, paid by the county, may be appointed by the judge. [§§8.020, 8.310].

PROCEDURE

The supreme court may promulgate administrative rules for the county courts. [SS1.002, 1.280].

FINANCING AND ADMINISTRATION

Court-Generated Revenue: Revenue is apportioned between the city, county and state according to a complex formula. Basically, the arresting officer and the type of fine imposed determines which governmental unit receives the revenue.

Financing: The county pays the expenses of maintaining the county court. [SS204.101, .401, .601].

Reporting Duty of Court: See Municipal Court.

MUNICIPAL COURT

Authorization: Const., art. 7 (orig.), §1.

Number of Courts Statewide: 167.

Number of Judges Statewide: 167.

Court of Record: No.

Right to Jury Trial: Yes, to six-man panel, which must render a unanimous verdict. [§221.349].

Right of Appeal: To the circuit court. [§221.350].

JURISDICTION

Original and exclusive jurisdiction of violations of municipal ordinances, traffic offenses and state liquor control laws. [SS221.350, 471.990, 484.030].

JUDGES

Selection: Elected during city general election [§221.200] or appointed by the city council [§221.140].

Term: Varies.

Qualifications: Judge must be a city resident, but legal experience is not required. [§221.110].

Judges serve full- or part-time.

Compensation and Benefits: Salaries are paid by the municipality. [§221.140]. Municipal court judges are not covered by the state judicial retirement fund.

Retirement: See Justice Court.

Absence from the Bench: Municipal judges are subject to disqualification for interest if there are at least 2 judges serving on the municipal court [§221.348], in which case another municipal judge hears the case.

Removal: The supreme court has general authority to remove judges [Const., art. 7 (amend.), §8]; under O.R.S. §221.140, the council of an incorporated city may remove a municipal judge.

Vacancies: See Justice Court.

SUPPORT PERSONNEL

The city council may appoint such personnel as are necessary. Salaries are paid by the city. [§221.140].

PROCEDURE

No uniform procedures are employed by the municipal courts.

FINANCING AND ADMINISTRATION

Court-Generated Revenue: See County Court.

Financing: The municipality pays the expense of maintaining its municipal court. [§221.140].

Reporting Duty of Court: The chief justice of the supreme court may require municipal courts to prepare "necessary or appropriate reports" for statistical use. [§1.006].

JUSTICE COURT

Authorization: Const., art. 7, §1.

Number of Courts Statewide: 47; in named counties, justice courts were abolished by §51.030 and replaced by district courts. [§51.020].

Number of Judges Statewide: 47.

Court of Record: No.

Right to Jury Trial: Yes, to a six-man panel. [§54.010].

Right of Appeal: To the circuit court, if the amount in controversy is greater than \$30. [§§53.010, .020].

JURISDICTION

Civil Jurisdiction: Concurrent with the circuit and county courts in cases involving less than \$250. Justice courts also have jurisdiction of suits for recovery of money, personal property or damages up to a limit of \$1,000. [§51.080].

Small Claims Jurisdiction: Up to \$500.

Criminal Jurisdiction: Jurisdiction is dependent upon existence of a district court in the county. In counties having a district court, a justice court has jurisdiction of misdemeanors carrying a maximum penalty of \$100 fine or 3 months' imprisonment. In other counties, jurisdiction is increased to \$500 or 1 year. Removal of a misdemeanor case to the district court is a matter of right in counties having a district court. [§§51.040; .050; .060].

JUDGES

In counties where the justice court was replaced by a district court, the justice may elect to serve as district judge for the remainder of his term, if he is qualified. If not qualified, he may remain in office until his term expires, thus delaying actual establishment of a district court in the county.

Selection: Elected. [§51.210].

Term: 6 years. [§51.210].

Qualifications: Justice must be of voting age [§51.240, inferentially] and must have 6 months' residence in the county [§51.240].

Justices serve part-time, and may practice law before other courts. [§§51.010; 1.220].

Compensation and Benefits: Compensation is set by the county court or board. [§204.10]. Justices of the peace are not members of the state judicial retirement system. [§1.310].

Retirement:

Mandatory Retirement Age: 75.

Service after Retirement: Can be provided by statute.

Absence from the Bench: If the absence is for more than 60 days, the governor may appoint a qualified person to serve as judge pro tem; shorter absences may be filled by a justice appointed by the county court. [§51.260].

Removal: The supreme court may remove a justice in the same manner as other judges may be removed. [Const., art. 7 (amend.), §8].

Vacancies: Filled by gubernatorial appointment. [§51.260].

SUPPORT PERSONNEL

Constable: The county court or county board may appoint a constable, who must be a qualified voter of the county. Constables collect court fees and transmit them to the county treasurer; their salaries are paid by the county. [SS51.440, .450, .540, .550].

PROCEDURE

Chapter 52, O.R.S., prescribes procedures for the justice courts hearing "ordinary actions". Chapters 53 through 55 similarly prescribe procedures upon appeal, for jury trials and for the trial of small claims cases.

FINANCING AND ADMINISTRATION

Court-Generated Revenue: Paid to the county. [§51.310].

Financing: Expenses of maintaining the justice court are paid by the county. [§§204.101; 51.140].

Reporting Duty of Court: Monthly financial reports must be made to the county treasurer (auditor in Multnomah county). [§§51.340, .350].

APPENDIX C

Case/Cost Chart

CRIMINAL JUSTICE SYSTEM EXPENSE FOR JACKSON COUNTY OREGON

ITEM & DESCRIPTION	FY75-76 ACTUAL	FY76-77 ACTUAL	%Chg	FY77-78 BUDGET	%Chg	FY78-79 PROPOSED	%Chg.
<u>Dist. Attorney</u>							
Total Exp.	204,695	283,730	+38.6%	336,577	+11.9%	342,861	+1.9%
State Reimb.	726	924		6,100		6,000	
	<u>205,421</u>	<u>284,654</u>		<u>342,677</u>		<u>348,861</u>	
<u>Sheriff</u>							
Total	1,333,342	2,375,144	+78.1%	3,001,816	+26.4%	3,105,344	+3.4%
RevShar.	268,645	-0-		-0-		-0-	
	<u>1,601,987</u>	<u>2,375,144</u>		<u>3,001,816</u>		<u>3,105,344</u>	
<u>Appointed Counsel</u>							
Indigent	139,205	157,793	+13.4%	154,665	+24.2%	220,000	+42.2%
<u>TOTAL CJS EXPENSE</u>	<u>1,945,613</u>	<u>2,817,591</u>	<u>+44.7%</u>	<u>3,499,158</u>	<u>+24.2%</u>	<u>3,674,205</u>	<u>5%</u>

Jackson County Budget Totals:

12,562,583	44,642,400	56,070,248	45,636,765
		+17.5%	+171.6%
			-18.6%

APPENDIX D

Budget of Jackson County District Attorney

Appendix D

DISTRICT ATTORNEY EXPENSE FOR JACKSON COUNTY, OREGON (selected excerpts -- not full budget)

ITEM & DESCRIPTION	FY75-76 ACTUAL	FY76-77 ACTUAL	%Chg	FY77-78 BUDGET	%Chg	FY78-79 PROPOSED
1. D.A. Salary(Part'l)	5520	5520		7680		9781
2. Chief Dep.DA	18,679	22,485		29,532		31,290
3. Sr.Dep.DA	17,091	26,651		27,564		30,786
4. Dep.DA 1(3)	16,009	19,012		51,005		80,197
5. Dep.DA 2(1½)	35,905	42,037		19,920		24,882
6. Supv.Invest'r	14,705	16,526		17,730		18,612
7. Crim,Inv'r	9,869	12,739		14,170		3,717 (¼)
8. Legal Sec'y(2)	26,919	14,950		15,379		17,090
9. Legal Sec'y 2(2)	5,187	9,677		16,919		8,860
10.Clerk Typist(1)	-0-	-0-		-0-		6,800
11.Clerk Typist 2	-0-	-0-		-0-		9,190
12.Clerk Typist 3	-0-	-0-		-0-		17,560
13.Clerk-steno	-0-	-0-		-0-		8,370
14.Total Benefits	<u>-0-</u>	<u>39,646</u>		<u>51,898</u>		<u>-0-</u>
TOTAL PERSONNEL	185,649	260,624		308,216		304,861
15.Medical/Psych	570	3,551		3,000		3,000
16.Court Reporter	1,335	1,489		2,200		2,200
17.Liquor/Narc.	1,207	1,148		500		700
18.Investigations	1,814	772		1,500		2,000
19.Conventions & Trng	-0-	-0--		1,350		2,100
20.Travel & Accomod'ns	-0-	-0-		4,150		5,300
21. Law Books/Off Equip	<u>4,397</u>	<u>2,104</u>		<u>3,859</u>		<u>8,100</u>
GRAND TOTAL ALL LINES	204,695	283,730		336,577		342,861
(Some items not shown)						

APPENDIX E

Sample Defendant Application for Indigency Status

IN THE DISTRICT COURT OF THE STATE OF OREGON

FOR JACKSON COUNTY

STATE OF OREGON

Plaintiff

VS

Defendant

No. _____

FINANCIAL STATEMENT AND ORDER
APPOINTING ATTORNEY

I request the Court to appoint counsel to represent me in this matter and submit the following financial statement;

I. Employer _____

II. Income

Yours Spouses

Wages, welfare, unemployment (per month net) \$ _____ \$ _____

Other (specify) _____

III. Address _____ Phone _____

IV. Family Assets

\$ _____ Guns \$ _____

Cash on hand

\$ _____ Jewelry \$ _____

Bank account

\$ _____ Tools, equip. \$ _____

Securities: Stocks, bonds

\$ _____ Other \$ _____

Land

\$ _____ Other \$ _____

V. Motor Vehicles (make and year) _____

Value \$ _____

Owed \$ _____

VI. Real Property

Value \$ _____

Owed \$ _____

VII. Number of Dependents

Age _____, Relationship _____

Age _____, Relationship _____

Age _____, Relationship _____

I swear that the foregoing Financial Statement is true. False statements carry maximum penalty of five years imprisonment and/or \$2,500.00 fine. I realize I may be required to repay the County its costs in providing an attorney.

Defendant

SUBSCRIBED AND SWORN to before me this _____ day of
_____, 19 _____.

Deputy Clerk

ORDER

On the basis of the foregoing Financial Statement, _____
_____ is appointed to represent said Defendant in all
proceedings relating to the above charge unless otherwise relieved
by this Court.

19

District Court Judge

Circuit Court Judge

ATTORNEY NOTIFIED: _____

By: _____

APPENDIX F

Attorney Compensation Rates for Criminal, Juvenile, Mental Illness Cases
and Recoupment of Fees Schedule from Indigent Cases

Revised Fee Schedule, 1978

ATTORNEYS FEES

- A. Preliminary Hearings: If the preliminary hearings for one defendant on multiple charges are consolidated into one hearing, there will be one full fee awarded for one charge and 50 percent of the scheduled fee for each additional charge. If, however, the circumstances are such that more than one preliminary hearing is required, for example, if one charge involves other defendants also, a full fee will be awarded for each separate preliminary hearing.
- B. Mental Hearings: The fees will be paid at the rate of \$37.50 per hour for preparation and attendance at the hearing with a minimum of \$75.00 and a maximum of \$150.00, except that in extraordinary circumstances a greater fee may be awarded by the Court. All fees to be subject to Court approval.
- C. Juvenile Hearings: The fees will be paid at the rate of \$37.50 per hour for preparation and attendance at the hearing with a minimum of \$75.00 and a maximum of \$300.00, except that in extraordinary circumstances a greater fee may be awarded by the Court. All fees to be subject to Court approval.
- D. IN MULTIPLE COUNT INDICTMENTS or where multiple charges have been returned by the Grand Jury in separate indictments there will be one full fee awarded for one charge and 50 percent of the scheduled fee for each additional charge.
- E. IN MULTIPLE COUNT INDICTMENTS or where multiple charges have been returned by the Grand Jury in separate indictments where pleas of not guilty are entered, \$300.00 per day for trial shall be allowed except in exceptional cases where the Court may allow up to \$150.00 additional per day.
- F. FUGITIVES: When the accused is before the Court in any fugitive proceeding, \$75.00.
- G. CONTEMPT: When the accused is before the Court in any contempt proceeding, \$75.00

As provided for in ORS 135.055 (1) and effective _____, the Jackson County Board of Commissioners approves the following schedule of fees for counsel appointed by court order pursuant to ORS 135.045, 135.050, or 135.055.

- (a) When the accused is charged with a misdemeanor, and a plea of "guilty" is entered, \$115.00.
- (b) When the accused is charged with a misdemeanor, and a plea of "not guilty" is entered, \$300.00 per day of jury trial, \$175.00 per day of nonjury trial, but not exceeding two days in any one case.
- (c) When the accused is charged with a felony, and a plea of "guilty" is entered, \$150.00.
- (d) When the accused is charged with a felony, and a plea of "not guilty" is entered, \$300.00 per day of jury trial, \$250.00 per day of nonjury trial, but not exceeding five days in any one case.
- (e) When the accused is before the court for any proceedings other than those referred to in paragraphs (a), (b), (c), and (d) of this subsection, \$150.00 per day, not exceeding two days in any one case.

Compensation ordered by the court in any case in accordance with the foregoing schedule shall not require further approval by the Board of Commissioners.

Payment in excess of the schedule hereinabove set forth may, of course, be made in extraordinary circumstances as provided for in ORS 135.055 (1) (f).

Dated this _____ day of _____, 1978.

JACKSON COUNTY BOARD OF COMMISSIONERS

The Honorable James M. Main and
The Honorable L. L. Sawyer
Jackson County Circuit Court

The Honorable Mitchell A. Karaman and
The Honorable L. A. Merryman
Jackson County District Court

Gentlemen:

As provided for in ORS 135.330(l) and effective July 1, 1972, the Jackson County Board of Commissioners approves the following schedule of fees for counsel appointed by court order pursuant to ORS 133.625 or 135.320:

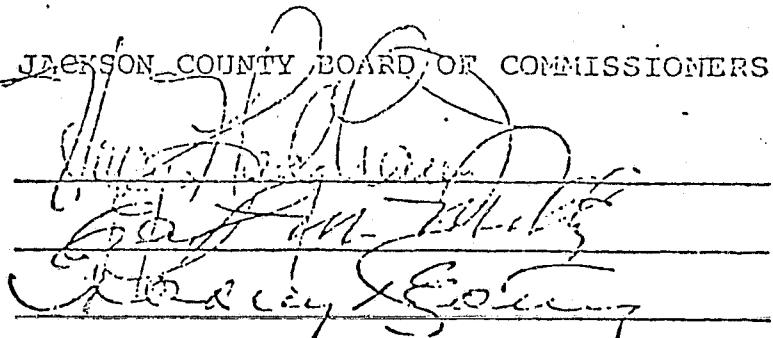
- (a) When the accused is charged with a misdemeanor, and a plea of "guilty" is entered, \$50.00.
- (b) When the accused is charged with a misdemeanor, and a plea of "not guilty" is entered, \$100.00 per day of trial, but not exceeding two days in any one case.
- (c) When the accused is charged with a felony, and a plea of "guilty" is entered, \$100.00.
- (d) When the accused is charged with a felony, and a plea of "not guilty" is entered, \$200.00 per day of trial, but not exceeding five days in any one case.
- (e) When the accused is before the court for any proceedings other than those referred to in paragraphs (a), (b), (c), and (d) of this subsection, \$100.00 per day, not exceeding two days in any one case.

Compensation ordered by the court in any case in accordance with the foregoing schedule shall not require further approval by the Board of Commissioners.

Payment in excess of the schedule hereinabove set forth may, of course, be made in extraordinary circumstances as provided for in ORS 135.330 (1)(f).

Dated June 29, 1972.

JACKSON COUNTY BOARD OF COMMISSIONERS



ATTORNEYS FEES

- A. PRELIMINARY HEARINGS: If the preliminary hearings for one defendant on multiple charges are consolidated into one hearing, there will be one full fee awarded for one charge and 50% of the scheduled fee for each additional charge. If, however, the circumstances are such that more than one preliminary hearing is required, for example, if one charge involves other defendants also, a full fee will be awarded for each separate preliminary hearing.
- B. MENTAL HEARINGS: The fees will be paid at the rate of \$25 per hour for preparation and attendance at the hearing with a minimum of \$50 and a maximum of \$100, except that in extraordinary circumstances a greater fee may be awarded by the Court. All fees to be subject to Court approval.
- C. JUVENILE HEARINGS: The fees will be paid at the rate of \$25 per hour for preparation and attendance at the hearing with a minimum of \$50 and a maximum of \$200, except that in extraordinary circumstances a greater fee may be awarded by the Court. All fees to be subject to Court approval.
- D. IN MULTIPLE COUNT INDICTMENTS or where multiple charges have been returned by the Grand Jury in separate indictments there will be one full fee awarded for one charge and 50% of the scheduled fee for each additional charge.
- E. IN MULTIPLE COUNT INDICTMENTS or where multiple charges have been returned by the Grand Jury in separate indictments where pleas of not guilty are entered \$200 per day for trial shall be allowed except in exceptional cases where the Court may allow up to \$100 additional per day.
- F. FUGITIVES: When the accused is before the Court in any fugitive proceeding \$50.
- G. CONTEMPT: When the accused is before the Court in any contempt proceeding \$50.
- H. FEES FOR PHOTOCOPYING RECORDS: Court-appointed attorneys will not be allowed expenses in excess of \$5.00 for photocopying unless prior Court approval is received.

RECOUPMENT OF FEES FROM INDIGENT CASES -- Jackson County, Oregon

Circuit Court

<u>Month</u>	<u>FY75-76(pmts)</u>	<u>FY76-77(pmts)</u>	<u>FY77-78(pmts)</u>
July	\$ -0- (--)	\$330.00(8)	\$635.00(9)
August	445.00(--)	542.00(17)	771.33(12)
September	150.00(--)	407.00(14)	600.00(12)
October	625.00(--)	519.00(15)	315.00(4)
November	515.00(--)	1275.00(23)	510.00(10)
December	605.00(--)	876.66(17)	465.00(9)
January	277.00(8)	245.00(7)	320.00(9)
February	268.00(9)	845.55(13)	675.50(17)
March	360.00(7)	300.45(11)	727.50(12)
April	875.00(15)	516.02(8)	647.50(17)
May	730.33(18)	405.00(9)	762.00(end 5/23)*
June	<u>250.00(4)</u>	<u>510.00(11)</u>	<u>-0-</u>
TOTAL	\$5,100.33	\$6,821.68	\$6,428.83

District Court

July	\$350.00(5)	\$485.00(13)	\$1498.09(30)
August	1855.00(30)	1317.50(25)	1340.00(24)
September	985.97(21)	1324.50(34)	914.70(23)
October	1160.00(25)	1375.50(30)	530.00(16)
November	570.00(18)	1320.45(22)	764.48(21)
December	920.45(22)	1027.45(26)	931.65(17)
January	904.75(18)	974.20(19)	387.00(15)
February	1478.00(23)	986.25(22)	853.22(17)
March	663.63(21)	957.30(26)	1270.00(24)
April	574.00(18)	1162.80(29)	1163.25(24)
May	765.00(16)	1265.88(27)	1060.00(end 5/23)*
June	<u>1422.05(24)</u>	<u>782.00(19)</u>	<u>-0-</u>
TOTAL	\$11,648.85	\$12,978.83	\$10,712.39

*End date is the day of the survey team visit to Jackson County.

E N D