

DEPARTMENT OF THE PUBLIC ADVOCATE

SUMMARY BY PROGRAM  
(amounts expressed in thousands)

-----Year Ending June 30, 1988-----						Year Ending -----June 30, 1990-----		
Orig. & (S)Supple- mental	Reapp. & (R)Rec	Transfers (E) Emer- gencies	Total Available	Expended		1989 Adjusted Approp	Requested	Recom- mended
2,106	6	91	2,203	2,203	Management and Administration Management and Administrative Services	2,338	2,553	2,272
2,106	6	91	2,203	2,203	<u>Sub-Total</u>	2,338	2,553	2,272
1,797	---	138	1,935	1,935	Protection of Citizens' Rights	2,054	2,325	2,080
727	---	35	762	762	Mental Health Advocacy	845	907	907
888	3	-76	815	811	Public Interest Advocacy			
26,904	522	1,753	29,179	29,123	Citizens' Complaints and Dispute Settlement	1,005	967	846
4,284	---	684	4,968	4,968	Trial Services to Indigents and Special Programs	33,228	36,271	34,684
910	---	-114	796	796	Appellate Services to Indigents	6,111	6,703	6,380
4,000	400	1	4,401	3,960	Public Defender Administration	878	783	783
606	---	-7	599	599	Rate Counsel	4,106	4,106	4,106
40,116	925	2,414	43,455	42,954	Advocacy for the Developmentally Disabled	678	685	685
42,222	931	2,505	45,658	45,157	<u>Sub-Total</u>	48,905	52,747	50,471
					Total Appropriation, Department of the Public Advocate	51,243	55,300	52,743

70. DEPARTMENT OF THE PUBLIC ADVOCATE  
 70. GOVERNMENT DIRECTION, MANAGEMENT AND CONTROL  
 76. MANAGEMENT AND ADMINISTRATION

**OBJECTIVES**

1. To provide clear policy guidance and execution for the programs of the Public Advocate.
2. To provide support for the service delivery mechanism.

Program Classification

99. Management and Administrative Services--Develops the policies of the Department. Budgetary policy direction is provided to allocate resources among the priorities. Administrative support is also provided in the areas of personnel, accounting, budgeting, purchasing, lien collection, a central research unit and library, central motor pool control and statistical evaluation capacity for the Department of the Public Advocate and the Office of the Public Defender. The Department operates under C52:27E-1 et seq.

	Actual FY 1987	Actual FY 1988	Budgeted FY 1989	Budget Estimate FY 1990
<b>AFFIRMATIVE ACTION DATA</b>				
Male Minority .....	92	104	111	119
Male Minority %.....	9.9	10.9	11.3	12.0
Female Minority .....	177	191	200	202
Female Minority %.....	19.0	20.0	20.4	20.4
Total Minority .....	269	295	311	321
Total Minority %.....	28.9	30.8	31.8	32.4
 <b>POSITION DATA</b>				
Budgeted Positions.....	70	70	70	70
Positions Budgeted in Lump Sum Appropriation.....	---	2	2	2
Total Positions.....	70	72	72	72

**APPROPRIATION DATA (amounts expressed in thousands)**

-----Year Ending June 30, 1988-----					-----Year Ending June 30, 1990-----				
Orig. & (S)Supple- mental	Reapp. & (R)Rec	Transfers (E) Emer- gencies	Total Available	Expended	PROGRAM CLASSIFICATION	Ref Key	1989 Adjusted Approp	Requested	Recom- mended
2,106	6	91	2,203	2,203	Management and Administrative Services	99	2,338	2,553	2,272
2,106	6	91	2,203	2,203	Total Appropriation		2,338	2,553	2,272
<u>Distribution by Object</u>									
Personal Services--									
1,663	---	86	1,749	1,749	Salaries and wages		1,818	1,994	1,789
1,663	---	86	1,749	1,749	Total Personal Services		1,818(a)	1,994	1,789
78	---	-5	73	73	Materials and Supplies		87	75	75
122	---	75	197	197	Services Other Than Personal		183	195	189
37	---	19	56	56	Maintenance and Fixed Charges		42	53	53
Special Purpose--									
52	---	6	58	58	Affirmative action and equal employment opportunity		54	63	63
54	---	7	61	61	Microfilming services		54	67	67
100	---	-100	---	---	Federal Energy Regulatory Commission hearings		100	106	36
206	---	-87	119	119	Total Special Purpose		208	236	166
---	6	3	9	9	Additions, Improvements and Equipment		---	---	---

70. DEPARTMENT OF THE PUBLIC ADVOCATE--Continued  
 70. GOVERNMENT DIRECTION, MANAGEMENT AND CONTROL  
 76. MANAGEMENT AND ADMINISTRATION

-----Year Ending June 30, 1988-----					Year Ending -----June 30, 1990-----			
Orig. & (S)Supple- mental	Reapp. & (R)Rec	Transfers (E) Emer- gencies	Total Available	Expended	Ref Key	1989 Adjusted Approp	Requested	Recom- mended
OTHER RELATED APPROPRIATIONS								
---	---	8	8	8				
					All Other Funds			
					Management and Administrative Services	---	---	---
---	---	8	8	8				
					Total All Other Funds	---	---	---
2,106	6	99	2,211	2,211		2,338	2,553	2,272
					Grand Total			

(a) The 1989 appropriation has been adjusted for the allocation of the salary program.

80. SPECIAL GOVERNMENT SERVICES  
 82. PROTECTION OF CITIZENS' RIGHTS

OBJECTIVES

1. To provide representation for the citizens of New Jersey in their dealings with departments and agencies of State government, other governmental agencies and regulated industries.
2. To provide for the realization of the constitutional guarantees of counsel in criminal cases for indigent defendants (C2A:158A-1 et seq.).

Program Classifications

01. Mental Health Advocacy--Provides representation for indigent individuals who are involuntarily committed to mental hospitals beyond an initial 20-day period. In addition, a class action unit litigates broad issues applicable to large segments of the mentally ill, such as the right to treatment, disposition of properties, availability of alternative placement and the statutory provisions for the placement of individuals in the confinement of a mental institution.
02. Public Interest Advocacy--Serves as an extension of the broad-based ombudsman concept. The public interest is defined as an interest or right arising from the Constitution, decisions of the court, common law, or other laws of the United States or of this State. The Public Advocate has sole discretion to represent, or refrain from representing, the public interest in any proceeding. Prior to making his determination, cases must be investigated to determine where or how citizens' rights are being affected and the participation of the Public Advocate will help to resolve and protect the public interest.
03. Citizens' Complaints and Dispute Settlement--Receives complaints from citizens relating to the administrative action or inaction of State government agencies and forwards these complaints to those agencies for resolution. Should a citizen find the response of a State agency unsatisfactory, the Division is empowered to investigate and to request that the respective State agency to modify its action. Recommends alterations in State statute or regulation where, after investigation, it has determined that administrative action or inaction based on the particular statute or regulation is unreasonable, unfair, oppressive or discriminatory or performed in an inefficient manner. The Dispute Resolution Center provides mediation, conciliation and other third party services in public interest disputes.
04. Trial Services to Indigents and Special Programs--Represents those indigent defendants who have been charged with indictable offenses and those indigent juveniles whose cases have been assigned to the formal calendar. The activity of the attorneys, investigative and clerical staff begins with this assignment. The court assignment is received and after indigency review, the case opened, interviews scheduled and investigation initiated. The assigned attorney prepares the case, enters into the necessary negotiations, trial and sentencing proceedings.
05. Appellate Services to Indigents--Provides that every adult and juvenile found guilty after trial is permitted a direct appeal from that conviction or adjudication. Most of the referrals to the Appellate section come from trial regions. In addition, direct applications are received for services at the appellate level. The Appellate section files notices of appeal within a court-mandated time period, orders transcripts and assigns an attorney who then reviews the transcript, interviews defendants, files motions and does the research necessary to identify the problems raised in the transcript. Representation is provided in both State and federal courts.
06. Public Defender Administration--Provides the centralized supervision and policy planning for the Office of the Public Defender.
07. Rate Counsel--Represents the public interest before any State department, commission, authority or agency charged with the regulation or control of any business, industry or utility. The statute provides that Rate Counsel funds be obtained from the industry or business seeking a rate increase. Representation affects all citizens of New Jersey in that it presents expert evaluation and argument before regulatory bodies in opposition to applications for increases in the cost of services to the consumer.
08. Advocacy for the Developmentally Disabled--Originally functioning within the Division of Mental Health Advocacy, this program was elevated to divisional status in 1982 (N.J.S.A.52:27E-44.1). This program was established to protect and advocate the rights of the developmentally disabled and citizens with other severe disabilities in the areas of guardianship, habilitation, medical treatment, education, employment, protection from harm, transportation and other civil rights. It provides legal services, and responds to complaints from individuals and their families as well as community groups; it also provides training for handicapped people and their families to assist them to advocate for themselves.

70. DEPARTMENT OF THE PUBLIC ADVOCATE--Continued  
 80. SPECIAL GOVERNMENT SERVICES  
 82. PROTECTION OF CITIZENS' RIGHTS

	Actual FY 1987	Actual FY 1988	Revised FY 1989	Budget Estimate FY 1990
<b>EVALUATION DATA</b>				
<b>Mental Health Advocacy</b>				
<b>Regional Representation (Civil Commitment)</b>				
Cases Added.....	10,816	13,902	14,371	17,051
Cases Closed.....	10,676	13,887	14,207	16,880
Percentage of dispositions successful.....	79.4	81.3	81.3	81.3
Dispositions per staff attorney.....	736/1	772/1	789/1	767/1
<b>Class Action</b>				
Cases July 1.....	59	43	47	42
Added.....	30	29	30	35
Closed.....	46	25	35	39
Cases June 30.....	43	47	42	38
<b>Public Interest Advocacy</b>				
Cases July 1.....	412	432	455	463
Added.....	141	99	130	135
Closed.....	121	76	122	125
Cases June 30.....	432	455	463	473
Dispositions per staff attorney.....	14.2/1	8.0/1	12.8/1	13.2/1
<b>Citizens' Complaints and Dispute Settlement</b>				
Cases July 1.....	598	99	264	424
Added.....	15,202	15,001	16,000	16,402
Closed.....	15,701	14,836	15,840	16,500
Cases June 30.....	99	264	424	326
Dispositions per representative.....	1,570/1	1,349/1	1,440/1	1,500/1
<b>Trial Services to Indigents and Special Programs</b>				
Cases open (July 1).....	55,639	58,810	59,223	73,079
Added.....	66,765	77,817	89,490	102,913
Closed.....	63,594	77,404	76,915	77,216
Private pool.....	5,969	6,957	3,836	7,400
Staff.....	57,625	70,447	73,079	73,079
Open (June 30).....	58,810	59,223	71,798	98,776
Ratio: Staff attorney/staff closed cases.....	1/243.7	1/292.9	1/292.9	1/292.9
Staff attorneys.....	236.5	240.5	249.5	249.5
Backlog (months).....	11.1	9.2	11.4	15.4
<b>Child abuse</b>				
Cases open (July 1).....	2,716	3,278	3,920	3,990
Added.....	1,433	1,461	1,490	1,520
Closed.....	871	819	1,420	1,449
Open (June 30).....	3,278	3,920	3,990	4,061
Institutional Abuse investigations (DYFS).....	102	94	96	96
<b>Parole Revocation</b>				
<b>Cases Opened</b>				
Adult.....	1,485	1,423	1,500	1,500
Juvenile.....	266	249	266	266
Total.....	1,751	1,672	1,766	1,766
<b>Cases Closed</b>				
Adult.....	1,367	1,537	1,465	1,465
Juvenile.....	260	264	260	260
Total.....	1,627	1,801	1,725	1,725
<b>Hearings Held</b>				
Adult.....	936	939	948	958
Juvenile.....	120	166	168	170
Total.....	1,056	1,105	1,116	1,128
<b>Appellate Services to Indigents</b>				
Cases open (July 1).....	2,019	1,996	1,912	2,126
Added.....	1,937	2,041	2,168	2,302
Closed.....	1,960	2,125	1,954	2,270
Private Pool.....	872	851	680	1,148
Staff.....	1,088	1,274	1,274	1,274
Open (June 30).....	1,996	1,912	2,126	2,158
Ratio: Staff attorney/staff closed cases.....	1/28.5	1/33.1	1/33.1	1/33.1
Staff attorneys.....	38.2	38.5	38.5	38.5
Backlog (months).....	12.2	10.8	13.1	11.4
Excessive Sentence Program Dispositions.....	766	917	917	917
Briefs filed.....	1,014	1,036	865	1,181
Dismissals.....	180	172	172	172
Reversals and modifications.....	158	158	145	169
Percent appeals from adverse trial decisions.....	7.1%	7.1%	7.1%	7.1%

70. DEPARTMENT OF THE PUBLIC ADVOCATE--Continued  
 80. SPECIAL GOVERNMENT SERVICES  
 82. PROTECTION OF CITIZENS' RIGHTS

	Actual FY 1987	Actual FY 1988	Revised FY 1989	Budget Estimate FY 1990
Rate Counsel				
Cases open (July 1).....	1,197	1,362	1,898	1,857
Added.....	259	635	259	259
Closed.....	94	99	300	300
Cases open (June 30).....	1,362	1,898	1,857	1,816
Advocacy for Developmentally Disabled				
Cases Open (July 1).....	1,015	1,439	1,627	2,023
Added.....	1,805	1,353	1,979	2,155
Closed.....	1,381	1,165	1,583	1,583
Cases Open (June 30).....	1,439	1,627	2,023	2,595

POSITION DATA

	774	844	844	899
Budgeted Positions.....	774	844	844	899
Mental Health Advocacy.....	39	49	49	49
Public Interest Advocacy.....	19	18	19	19
Citizens' Complaints and Dispute Settlement.....	25	28	28	28
Trial Services to Indigents and Special Programs.....	579	596	595	655
Appellate Services to Indigents.....	74	78	81	78
Public Defender Administration.....	21	19	16	14
Rate Counsel.....	---	39	39	39
Advocacy for the Developmentally Disabled.....	17	17	17	17
Positions Budgeted in Lump Sum Appropriations.....	31	24	55	---
Authorized Positions--Federal.....	24	24	24	24
Total Positions.....	829	892	923	923

APPROPRIATION DATA (amounts expressed in thousands)

-----Year Ending June 30, 1988-----					Year Ending -----June 30, 1990-----				
Orig. & (S)Supple- mental	Reapp. & (R)Rec	Transfers (E) Emer- gencies	Total Available	Expended	PROGRAM CLASSIFICATIONS	Ref Key	1989 Adjusted Approp	Requested	Recom- mended
1,797	---	138	1,935	1,935	Mental Health Advocacy	01	2,054	2,325	2,080
727	---	35	762	762	Public Interest Advocacy	02	845	907	907
888	3	-76	815	811	Citizens' Complaints and Dispute Settlement	03	1,005	967	846
26,904	522	1,753	29,179	29,123	Trial Services to Indigents And Special Programs	04	33,228	36,271	34,684
4,284	---	684	4,968	4,968	Appellate Services to Indigents	05	6,111	6,703	6,380
910	---	-114	796	796	Public Defender Administration	06	878	783	783
4,000	400	1	4,401	3,960	Rate Counsel	07	4,106	4,106	4,106
606	---	-7	599	599	Advocacy for the Developmentally Disabled	08	678	685	685
40,116	925	2,414	43,455	42,954	Total Appropriation		48,905	52,747	50,471
<u>Distribution by Object</u>									
<u>Personal Services--</u>									
29,479	---	1,394	30,873	30,553	Salaries and wages		32,154	31,999	31,925
					Positions established from lump sum appropriation		1,822	2,853	1,873
29,479	---	1,394	30,873	30,553	Total Personal Services		33,976(a)	34,852	33,798
488	---	274	762	752	Materials and Supplies		747	786	768
9,448	---	1,171	10,619	10,505	Services Other Than Personal		12,957	15,133	14,802
269	---	199	468	467	Maintenance and Fixed Charges		430	548	547
<u>Special Purpose--</u>									
New mental health commitment law									
50	---	-50	---	---	Public dispute resolution center	01 03	---	201	---
Public defender caseload expansion									
Speedy trial program									
Appellate paralegals									
72	---	-15	57	57	Compensation awards	04 05	---(b) ---(c)	186	---
Control--dispute resolution training									
1 R -1									

70. DEPARTMENT OF THE PUBLIC ADVOCATE--Continued  
 80. SPECIAL GOVERNMENT SERVICES  
 82. PROTECTION OF CITIZENS' RIGHTS

Year Ending June 30, 1988					Year Ending June 30, 1990				
Orig. & (S) Supplemental	Reapp. & (R) Rec	Transfers (E) Emergencies	Total Available	Expended	Ref Key	1989 Adjusted Approp	Requested	Recommended	
---	{ 36 467 R }	-473	30	---	04	---	---	---	
273	400 R	-305	368	368	07	368	368	368	
---	---	---	---	---	---	---	---	---	
395	904	-844	455	425	<u>Total Special Purpose</u>				
---	---	---	---	---	---	368	755	368	
37	21	220	278	252	Additions, Improvements and Equipment				
---	---	---	---	---	---	427	673	188	
<b>OTHER RELATED APPROPRIATIONS</b>									
<b>Federal Funds</b>									
---	234 R	---	234	234	01	317	320	320	
---	1	160	161	160	04	---	---	---	
---	{ 3 634 R }	1	638	601	08	711	711	711	
---	872	161	1,033	995	<u>Total Federal Funds</u>				
---	---	---	---	---	---	1,028	1,031	1,031	
<b>All Other Funds</b>									
---	{ 126 261 R }	2	389	232	03	254	269	269	
---	13	---	13	---	04	---	---	---	
---	14 R	---	14	14	07	---	---	---	
---	414	2	416	246	<u>Total All Other Funds</u>				
---	---	---	---	---	---	254	269	269	
40,116	2,211	2,577	44,904	44,195	<u>Grand Total</u>				
---	---	---	---	---	---	50,187	54,047	51,771	

It is recommended that the unexpended balance as of June 30, 1989 in the Rate Counsel program classification together with any receipts in excess of the amount anticipated be appropriated.

It is further recommended that an amount not to exceed 20% of departmental administrative costs are chargeable to the Rate Counsel program.

It is further recommended that receipts from clients and the unexpended balance as of June 30, 1989 of such receipts be appropriated.

It is further recommended that sums provided for legal and investigative services be available for payment of obligations applicable to prior fiscal years.

It is further recommended that funds appropriated to the Department of The Public Advocate be available for expenses associated with the defense of pool attorneys hired by the Public Advocate for the representation of indigent clients.

It is further recommended that in addition to the amount hereinabove for the operation of the Public Defender's office there are appropriated additional sums as may be required for Trial and Appellate services to indigents, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

- (a) The 1989 appropriation has been adjusted for the allocation of the salary program.
- (b) Appropriation of \$350,000 has been distributed to the applicable operating accounts.
- (c) Appropriation of \$1,472,000 has been distributed to the applicable operating accounts.