

DEPARTMENT OF THE PUBLIC ADVOCATE

Summary of Appropriations by Program
(thousands of dollars)

Year Ending June 30, 1991					Year Ending June 30, 1993		
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	1992 Adjusted Approp.	Requested	Recom- mended
1,834	—	447	2,281	2,267	Management and Administration		
					Management and Administrative Services		
					1,667	1,834	1,667
1,834	—	447	2,281	2,267	1,667	1,834	1,667
					<i>Subtotal</i>		
					Protection of Citizens' Rights		
2,031	—	79	2,110	2,091	Mental Health Advocacy		
682	—	-93	589	574	Public Interest Advocacy		
600	—	89	689	687	Citizens' Complaints and Dispute Settlement		
					565	900	565
36,337	339	509	37,185	37,018	Trial Services to Indigents and Special Programs		
					34,977	38,823	36,591
6,164	—	-713	5,451	5,402	Appellate Services to Indigents		
633	—	361	994	990	Public Defender Management		
4,029	40	-2	4,067	3,541	Rate Counsel		
680	—	-153	527	522	Advocacy for the Developmentally Disabled		
					497	900	497
—	—	—	—	—	Child Advocacy		
					—	337	—
51,156	379	77	51,612	50,825	48,548	54,586	50,162
52,990	379	524	53,893	53,092	<i>Total Appropriation</i>		
					50,215	56,420	51,829

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 CLASSIFICATIONS

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, 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.

EVALUATION DATA

	Actual FY 1990	Actual FY 1991	Revised FY 1992	Budget Estimate FY 1993
PERSONNEL DATA				
Affirmative Action Data				
Male Minority	119	100	103	109
Male Minority %	12.0	9.6	9.9	10.9
Female Minority	202	240	240	240
Female Minority %	20.4	23.1	23.1	23.1
Total Minority	321	340	343	340
Total Minority %	32.4	32.7	33.0	34.0
Position Data				
Budgeted Positions	70	67	52	49
Positions Budgeted in Lump Sum Appropriation	2	2	2	2
Total Positions	72	69	54	51

APPROPRIATIONS DATA
(thousands of dollars)

Year Ending June 30, 1991					Year Ending June 30, 1993			
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended	Prog. Class.	1992 Adjusted Approp.	Requested	Recommended
1,834	—	447	2,281	2,267	Distribution by Program			
1,834	—	447	2,281	2,267	99	1,667	1,834	1,667
						1,667	1,834	1,667
					Distribution by Object			
					Personal Services:			
1,343	—	548	1,891	1,891		1,295	1,394	1,342
1,343	—	548	1,891	1,891		1,295 ^(a)	1,394	1,342
68	—	-12	56	48		68	55	55
173	—	-39	134	128		171	137	137
23	—	-6	17	17		23	23	23
					Special Purpose:			
64	—	—	64	64	99	64	64	64
63	—	-24	39	39	99	—	63	—
100	—	-21	79	79	99	46	98	46
227	—	-45	182	182		110	225	110

70. GOVERNMENT DIRECTION, MANAGEMENT AND CONTROL
76. MANAGEMENT AND ADMINISTRATION

Year Ending June 30, 1991					Year Ending June 30, 1993			
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended	Prog. Class.	1992 Adjusted Approp.	Requested	Recommended
—	—	1	1	1	Additions, Improvements and Equipment	—	—	—
OTHER RELATED APPROPRIATIONS								
—	1	25	26	—	All Other Funds Management and Administrative Services	99	—	—
—	1	25	26	—	Total All Other Funds	—	—	—
1,834	1	472	2,307	2,267	GRAND TOTAL	1,667	1,834	1,667

Notes: (a) The fiscal year 1992 appropriation has been adjusted for the allocation of the salary program and has been reduced to reflect the transfer of funds to the Social Security account.

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

OBJECTIVES

- 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.
- 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.
- 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 Management.** 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.

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

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.

EVALUATION DATA

	Actual FY 1990	Actual FY 1991	Revised FY 1992	Budget Estimate FY 1993
PROGRAM DATA				
Mental Health Advocacy				
Regional Representation (Civil Commitment)				
Cases Added	15,262	17,434	16,500	16,700
Cases Closed	14,707	17,353	16,976	17,626
Percentage of dispositions successful	84.1	84.1	84.1	84.1
Dispositions per staff attorney	865	910	943	979
Class Action				
Cases July 1	47	60	62	64
Added	40	17	17	17
Closed	27	15	15	15
Cases June 30	60	62	64	66
Public Interest Advocacy				
Cases July 1	435	409	456	531
Added	177	140	160	160
Closed	203	93	85	79
Cases June 30	409	456	531	612
Dispositions per staff attorney	22.6	13.3	12.1	11.2
Citizens' Complaints and Dispute Settlement				
Cases July 1	601	96	195	452
Added	12,498	9,342	9,500	12,825
Closed	13,003	9,243	9,243	7,861
Cases June 30	96	195	452	5,416
Dispositions per representative	1,858	1,320	1,320	1,123
Trial Services to Indigents and Special Programs				
Cases open (July 1)	66,582	71,987	56,494	46,336
Added	82,353	78,434	79,000	85,320
Closed	76,948	93,927	89,158	96,291
Private pool	6,505	7,639	5,228	5,646
Staff	69,803	82,889	79,610	85,979
Conflict	640	3,399	4,320	4,666
Open (June 30)	71,987	56,494	46,336	35,365
Closed cases per staff attorney	278	290	278	337
Staff attorneys	251	286	286	286
Backlog (months)	10.5	8.6	7.0	5.0
Conflict attorneys	47	47	47	47
Child abuse				
Cases open (July 1)	5,105	5,684	5,785	5,919
Added	1,184	1,293	1,293	1,343
Closed	605	1,192	1,159	1,109
Open (June 30)	5,684	5,785	5,919	6,153
Institutional Abuse investigations (DYFS)	110	92	89	—

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

	Actual FY 1990	Actual FY 1991	Revised FY 1992	Budget Estimate FY 1993
Parole Revocation				
Cases Opened				
Adult	1,530	1,244	280	—
Juvenile	119	307	70	—
Total	1,649	1,551	350	—
Cases Closed				
Adult	1,760	1,249	280	—
Juvenile	141	472	70	—
Total	1,901	1,721	350	—
Hearings Held				
Adult	1,049	793	320	—
Juvenile	89	249	30	—
Total	1,138	1,042	350	—
Appellate Services to Indigents				
Cases open (July 1)	2,211	2,444	1,864	1,511
Added	2,255	1,936	2,000	2,076
Closed	2,022	2,516	2,353	2,443
Private Pool	735	1,003	938	974
Staff	1,287	1,513	1,415	1,469
Open (June 30)	2,444	1,864	1,511	1,144
Closed cases per staff attorney	31.4	36.9	34.5	35.8
Staff attorneys	41	41	41	41
Backlog (months)	13.0	11.6	9.1	6.6
Excessive Sentence Program Dispositions	710	912	853	885
Briefs filed	1,119	1,424	1,332	1,383
Dismissals	193	199	186	207
Reversals and modifications	214	160	150	156
Percent appeals from adverse trial decisions	7.1%	7.1%	7.1%	7.1%
Rate Counsel				
Cases open (July 1)	2,151	2,399	2,166	1,910
Added	327	413	332	332
Closed	79	646	588	588
Cases open (June 30)	2,399	2,166	1,910	1,654
Advocacy for the Developmentally Disabled				
Cases open (July 1)	2,222	3,182	2,920	3,652
Added	2,047	1,808	2,333	3,196
Closed	1,087	2,070	1,601	1,210
Cases Open (June 30)	3,182	2,920	3,652	5,638
PERSONNEL DATA				
Position Data				
Budgeted Positions	899	902	899	902
Mental Health Advocacy	49	50	49	49
Public Interest Advocacy	19	16	15	14
Citizens' Complaints and Dispute Settlement	28	24	18	18
Trial Services to Indigents and Special Program	655	666	674	680
Appellate Services to Indigents	78	78	79	78
Public Defender Administration	14	12	13	12
Rate Counsel	39	39	35	35
Advocacy for the Developmentally Disabled	17	17	16	16
Positions Budgeted in Lump Sum Appropriations	85	109	109	109
Authorized Positions—Federal	24	68	68	68
Authorized Positions—All Other	—	2	2	2
Total Positions	1,008	1,081	1,078	1,081

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

APPROPRIATIONS DATA
(thousands of dollars)

Year Ending June 30, 1991					Year Ending June 30, 1993				
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended	Prog. Class.	1992 Adjusted Approp.	Requested	Recommended	
Distribution by Program									
2,031	—	79	2,110	2,091	01	1,876	2,064	1,876	
682	—	-93	589	574	02	591	900	591	
600	—	89	689	687	03	565	900	565	
36,337	339	509	37,185	37,018	04	34,977	38,823	36,591	
6,164	—	-713	5,451	5,402	05	5,442	5,986	5,442	
633	—	361	994	990	06	764	840	764	
4,029	40	-2	4,067	3,541	07	3,836	3,836	3,836	
680	—	-153	527	522	08	497	900	497	
—	—	—	—	—	09	—	337	—	
51,156	379	77	51,612	50,825		48,548	54,586	50,162	
Distribution by Object									
Personal Services:									
35,471	—	513	35,984	35,984		33,902	37,065	35,526	
35,471	—	513	35,984	35,984		33,902 ^(a)	37,065	35,526	
732	—	122	854	779		704	852	704	
9,690	—	—	—	—		8,549	—	—	
1,000 ^S	—	-166	10,524	10,410		1,563 ^S	11,773	10,102	
568	—	-55	513	394		537	588	537	
Special Purpose:									
—	—	—	—	—	04	—	569	—	
342	1	-50	293	272	04	—	—	—	
2,587	—	30	2,617	2,617	04	2,587	2,637	2,587	
—	9	—	—	—		—	—	—	
—	328 ^R	-320	17	6	04	—	—	—	
—	—	—	—	—	09	—	337	—	
368	—	—	368	—		368	368	368	
3,297	338	-340	3,295	2,895		2,955	3,911	2,955	
398	41	3	442	363		338	397	338	

OTHER RELATED APPROPRIATIONS

Federal Funds

—	12	—	372	372	01	450	473	473
—	360 ^R	—	372	372		—	—	—
—	1	829	830	829	04	2,345	2,442	2,442

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

Year Ending June 30, 1991					Year Ending June 30, 1992				
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended	Prog. Class.	1992 Adjusted Approp.	Requested	Recommended	
—	7 705 ^R	-3	709	682	08	693	693	693	
—	1,085	826	1,911	1,883	Total Federal Funds				
					All Other Funds				
—	77 209 ^R	-1	285	148	03	256	256	256	
—	286	-1	285	148	Total All Other Funds				
51,156	1,750	902	53,808	52,856	GRAND TOTAL				
						52,292	58,450	54,026	

Notes: (a) The fiscal year 1992 appropriation has been adjusted for the allocation of the salary program and has been reduced to reflect the transfer of funds to the Social Security account.

LANGUAGE PROVISIONS

It is recommended that the amount hereinabove for the Rate Counsel shall be provided from receipts of the Rate Counsel. If receipts are less than anticipated, the appropriation shall be reduced accordingly. If billings exceed the expenses of the Rate Counsel, the excess, not to exceed \$368,000, may be used to defray departmental administrative costs.

It is further recommended that receipts from clients and the unexpended balance as of June 30, 1992 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.

It is further recommended that notwithstanding any provision of section 2 of P.L. 1974, c. 33 (C. 2A:158A-5.1), or any other provision of law, or any other provision of this appropriations act, no State funds are appropriated to fund the expenses associated with the legal representation of persons before the State Parole Board or the Parole Bureau.

52,990	379	524	53,893	53,092	Total Appropriation, Department of the Public Advocate	50,215	56,420	51,829
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