

DEPARTMENT OF THE PUBLIC ADVOCATE

Summary of Appropriations by Program
(thousands of dollars)

Year Ending June 30, 1989					Year Ending June 30, 1991		
Orig. & Supplemental ^(S)	Reapp. & Recpts. ^(R)	Transfers & Emergencies ^(E)	Total Available	Expended	1990 Adjusted Approp.	Kean Admin. Request	Recommended
2,212	—	244	2,456	2,451	Management and Administration		
					Management and Administrative Services		
					2,032	2,127	1,834
2,212	—	244	2,456	2,451	2,032	2,127	1,834
					Subtotal		
					Protection of Citizens' Rights		
1,946	—	-14	1,932	1,932	Mental Health Advocacy		
810	—	86	896	895	2,184	2,117	2,031
951	2	-84	869	865	687	706	682
					Citizens' Complaints and Dispute Settlement		
					627	673	—
31,461	721	979	33,161	33,147	Trial Services to Indigents and Special Programs		
					36,968	37,569	35,337
5,933	—	170	6,103	6,093	Appellate Services to Indigents		
843	—	-69	774	774	6,546	6,576	6,164
4,106	—	—	4,106	3,432	Public Defender Management		
643	—	-63	580	578	822	733	633
					Rate Counsel		
					4,159	4,106	4,029
					Advocacy for the Developmentally Disabled		
					720	705	680
46,693	723	1,005	48,421	47,716	52,713	53,185	49,556
48,905	723	1,249	50,877	50,167	54,745	55,312	51,390
					Total Appropriation		

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 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, 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.

EVALUATION DATA

	Actual FY 1988	Actual FY 1989	Revised FY 1990	Budget Estimate FY 1991
PERSONNEL DATA				
Affirmative Action Data				
Male Minority	104	101	119	126
Male Minority %	10.9	10.5	12.0	12.0
Female Minority	191	203	202	214
Female Minority %	20.0	21.2	20.4	20.4
Total Minority	295	304	321	340
Total Minority %	30.8	31.7	32.4	32.4
Position Data				
Budgeted Positions	70	70	70	67
Positions Budgeted in Lump Sum Appropriation	2	2	2	2
Total Positions	72	72	72	69

APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 1989					Year Ending June 30, 1991			
Orig. & (S)Supple- mental	Reapp. & (R)Recpts.	Transfers & (E)Emer- gencies	Total Available	Expended	Prog. Class.	1990 Adjusted Approp.	Kean Admin. Request	Recom- mended
2,212	—	244	2,456	2,451	Distribution by Program			
2,212	—	244	2,456	2,451	99	2,032	2,127	1,834
						2,032	2,127	1,834
					Distribution by Object			
1,692	—	236	1,928	1,927		1,549	1,550	1,343
—	—	—	—	—		—	70	—
1,692	—	236	1,928	1,927		1,549 ^(a)	1,620	1,343
87	—	-10	77	76		75	77	68
183	—	11	194	194		189	180	173
42	—	1	43	43		53	23	23

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

Year Ending June 30, 1989					Year Ending June 30, 1991			
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended	Prog. Class.	1990 Adjusted Approp.	Kean Admin. Request	Recommended
54	—	—	54	54	Special Purpose:			
54	—	2	56	56	99	63	64	64
100	—	—	100	97	99	67	63	63
		1	1	1	99	36	100	100
208	—	3	211	208		166	227	227
		3	3	3				
OTHER RELATED APPROPRIATIONS								
		10	10	10				
		10	10	10				
2,212	—	254	2,466	2,461		2,032	2,127	1,834

Notes: (a) The 1990 appropriation has been adjusted for the allocation of the salary program.

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

- 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.
- 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.

- 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.
- 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.

PUBLIC ADVOCATE

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

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.

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 1988	Actual FY 1989	Revised FY 1990	Budget Estimate FY 1991
PROGRAM DATA				
Mental Health Advocacy				
Regional Representation (Civil Commitment)				
Cases Added	13,902	14,520	14,493	15,601
Cases Closed	13,887	14,506	14,462	15,601
Percentage of dispositions successful	81.3	83.1	83.0	83.0
Dispositions per staff attorney	772/1	853/1	838/1	892/1
Class Action				
Cases July 1	43	47	47	46
Added	29	30	30	29
Closed	25	30	31	30
Cases June 30	47	47	46	45
Public Interest Advocacy				
Cases July 1	432	455	435	440
Added	99	165	137	136
Closed	76	185	132	135
Cases June 30	455	435	440	441
Dispositions per staff attorney	8.0/1	20.6/1	14.7/1	15.0/1
Citizens' Complaints and Dispute Settlement				
Cases July 1	99	264	601	—
Added	15,001	17,387	19,126	—
Closed	14,836	17,050	13,120	—
Cases June 30	264	601	6,607	—
Dispositions per representative	1,349/1	1,705/1	1,874/1	—
Trial Services to Indigents and Special Programs				
Cases open (July 1)	58,810	59,223	66,582	65,801
Added	77,817	82,391	86,073	91,251
Closed	77,404	75,032	86,854	84,636
Private pool	6,957	5,592	8,270	3,500
Staff	70,447	69,440	71,736	71,736
Conflict	—	—	6,848	9,400
Open (June 30)	59,223	66,582	65,801	72,416
Ratio: Staff attorney/staff closed cases	1/292.9	1/285.8	1/285.8	1/285.8
Staff attorneys	240.5	243	251	251
Backlog (months)	9.2	9.7	9.1	9.6
Conflict attorneys	—	—	47	47

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

	Actual FY 1988	Actual FY 1989	Revised FY 1990	Budget Estimate FY 1991
Child abuse				
Cases open (July 1)	3,278	3,920	5,105	6,222
Added	1,461	1,908	1,780	1,894
Closed	819	723	663	670
Open (June 30)	3,920	5,105	6,222	7,446
Institutional Abuse investigations (DYFS)	94	98	98	98
Parole Revocation				
Cases Opened				
Adult	1,423	1,402	1,830	1,952
Juvenile	249	168	227	241
Total	1,672	1,570	2,057	2,193
Cases Closed				
Adult	1,537	1,338	1,772	1,880
Juvenile	264	145	197	209
Total	1,801	1,483	1,969	2,089
Hearings Held				
Adult	939	960	1,078	1,137
Juvenile	166	95	107	112
Total	1,105	1,055	1,185	1,249
Appellate Services to Indigents				
Cases open (July 1)	1,996	2,012	2,211	1,944
Added	2,041	2,121	2,159	2,192
Closed	2,125	1,922	2,426	2,514
Private Pool	851	647	818	847
Staff	1,274	1,275	1,608	1,667
Open (June 30)	1,912	2,211	1,944	1,622
Ratio: Staff attorney/staff closed cases	1/33.1	1/31.1	1/39.2	1/40.7
Staff attorneys	38.5	41	41	41
Backlog (months)	10.8	12.5	10.8	8.9
Excessive Sentence Program Dispositions	917	860	860	894
Briefs filed	1,036	857	866	875
Dismissals	172	205	215	226
Reversals and modifications	158	187	187	187
Percent appeals from adverse trial decisions	7.1%	7.1%	7.1%	7.1%
Rate Counsel				
Cases open (July 1)	1,362	1,898	2,151	2,378
Added	635	316	324	332
Closed	99	63	97	118
Cases open (June 30)	1,898	2,151	2,378	2,592
Advocacy for Developmentally Disabled				
Cases Open (July 1)	1,439	1,627	2,222	2,787
Added	1,353	1,825	1,991	2,124
Closed	1,165	1,230	1,426	1,485
Cases Open (June 30)	1,627	2,222	2,787	3,426
PERSONNEL DATA				
Position Data				
Budgeted Positions	844	844	899	878
Mental Health Advocacy	49	49	49	50
Public Interest Advocacy	18	19	19	16
Citizens' Complaints and Dispute Settlement	28	28	28	—
Trial Services to Indigents and Special Programs	596	595	655	666
Appellate Services to Indigents	78	81	78	78

PUBLIC ADVOCATE

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

Public Defender Administration	19	16	14	12
Rate Counsel	39	39	39	39
Advocacy for the Developmentally Disabled	17	17	17	17
Positions Budgeted in Lump Sum Appropriations	24	55	85	111
Authorized Positions—Federal	24	24	24	24
Total Positions	892	923	1,008	1,013

APPROPRIATIONS DATA (thousands of dollars)

Year Ending June 30, 1989					Year Ending June 30, 1991			
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended	Prog. Class.	1990 Adjusted Approp.	Kean Admin. Request	Recommended
Distribution by Program								
1,946	—	-14	1,932	1,932	01	2,184	2,117	2,031
810	—	86	896	895	02	687	706	682
951	2	-84	869	865	03	627	673	—
31,461	721	979	33,161	33,147	04	36,968	37,569	35,337
5,933	—	170	6,103	6,093	05	6,546	6,576	6,164
843	—	-69	774	774	06	822	733	633
4,106	—	—	4,106	3,432	07	4,159	4,106	4,029
643	—	-63	580	578	08	720	705	680
46,693	723	1,005	48,421	47,716		52,713	53,185	49,556
Distribution by Object								
Personal Services:								
29,942	—	3,229	33,171	32,830		35,939	35,498	33,510
29,942	—	3,229	33,171	32,830		35,939 ^(a)	35,498	33,510
747	—	90	837	826		768	807	721
12,957	—	47	13,004	12,672		14,802	10,037	9,666
430	—	36	466	460		547	573	566
Special Purpose:								
—	2 ^R	-2	—	—	03	—	—	—
350	—	-350	—	—	04	—	1,415	1,214
1,472	—	-1,472	—	—	04	—	—	—
—	—	—	—	—	04	—	1,148	342
—	—	—	—	—	04	—	2,757	2,587
—	—	—	—	—	04	—	49	49
—	—	—	—	—	04	— ^(b)	—	—
—	31	-262	12	—	04	—	—	—
—	420 ^R	-322	98	98	04	—	—	—
—	—	—	—	—	05	—	135	135
368	—	6	374	374		368	368	368
2,190	696	-2,402	484	472		368	5,872	4,695

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

Year Ending June 30, 1989					Year Ending June 30, 1991				
Orig. & (S) Supplemental	Reapp. & (R) Recpts.	Transfers & (E) Emergencies	Total Available	Expended	Prog. Class.	1990 Adjusted Approp.	Kean Admin. Request	Recommended	
427	27	5	459	456					
					Additions, Improvements and Equipment		289	398	398
OTHER RELATED APPROPRIATIONS									
Federal Funds									
—	364 ^R	-1	363	363	01	320	352	352	
—	1	8	9	8	04	—	—	—	
All Other Funds									
—	34								
—	656 ^R	-2	688	656	08	711	782	782	
—	1,055	5	1,060	1,027		1,031	1,134	1,134	
All Other Funds									
—	171								
—	127 ^R	1	299	220	03	269	262	262	
—	5	—	5	5	04	—	—	—	
—	303	1	304	225		269	262	262	
46,693	2,081	1,011	49,785	48,968		54,013	54,581	50,952	

Notes: (a) The 1990 appropriation has been adjusted for the allocation of the salary program.
(b) Appropriation of \$900,000 distributed to applicable operating accounts.

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, 1990 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.

48,905	723	1,249	50,877	50,167	Total Appropriation, Department of the Public Advocate	54,745	55,312	51,390
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