

THE
PUBLIC
DEFENDER
SERVICE

for the District of Columbia



CHAMPIONS OF LIBERTY

Fiscal Year 2009

Congressional Budget Justification

Avis E. Buchanan, Director

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PUBLIC DEFENDER SERVICE
Fiscal Year 2009 Budget Justification

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LEGAL AUTHORITY AND MISSION

The Public Defender Service for the District of Columbia (PDS) is a federally funded, independent organization governed by an eleven-member Board of Trustees. PDS was created by a federal statute¹ enacted to comply with a constitutional mandate to provide defense counsel to indigent individuals.² The mission of PDS is to provide and promote quality legal representation to indigent adults and children facing a loss of liberty in the District of Columbia justice system and thereby protect society's interest in the fair administration of justice.

A major portion of the work of the organization is devoted to ensuring that no person is ever wrongfully convicted of a crime. Also, PDS provides legal representation to people facing involuntary civil commitment in the mental health system, as well as to many of the indigent children in the most serious delinquency cases, including those who have special education needs due to learning disabilities. PDS attorneys represent indigent clients in the majority of the most serious adult felony cases filed in the Superior Court every year, nearly all D.C. Code offenders facing parole revocation, and all D.C. defendants requiring "stand in" Drug Court representation at sanctions hearings. Also, PDS provides technical assistance to the local criminal justice system, training for panel and *pro bono* attorneys, and additional legal services to indigent clients in accordance with PDS's enabling statute.

In 1997, Congress enacted the National Capital Revitalization and Self-Government Improvement Act of 1997 (the Revitalization Act),³ which relieved the District of Columbia of certain "state-level" financial responsibilities and restructured a number of criminal justice functions, including representation for indigent individuals. The Revitalization Act instituted a process by which PDS submitted its budget to Congress and received its appropriation as an administrative transfer of federal funds through the Court Services and Offender Supervision Agency (CSOSA) appropriation. With the enactment of the FY 2007 Appropriation Act, PDS now receives a direct appropriation from Congress. In accordance with its enabling act, PDS remains a fully independent organization and does not fall under the administrative, program, or budget authority of CSOSA. Rather, due to the constitutional mandate it serves, PDS necessarily maintains a separate and distinct mission from the missions of CSOSA and the Executive Branch.

Since its creation, PDS has maintained a reputation in the District of Columbia criminal justice system for exceptional advocacy. The strength of PDS has always been the quality of the legal services that the organization delivers. Judges and prosecutors alike acknowledge and respect the excellent advocacy of PDS's attorneys, as do public defender agencies and criminal justice bars across the nation.

¹ Pub. L. No. 91-358, Title III, § 301 (1970); *see also* D.C. Code § 2-1601, *et seq.*, 2001 ed.

² *Gideon v. Wainwright*, 372 U.S. 335 (1963).

³ Pub. L. No. 105-33, Title X (1997).

**PUBLIC DEFENDER SERVICE
BUDGET JUSTIFICATION SUMMARY**

FY 2009 Summary of Change

	Permanent Positions	FTE	FY 2009
FY 2008 Budget	235	232	32,710
Adjustments to Base:			
Pay Raises	0	0	992
Non-Recurring Expenses	0	0	0
General Pricing Level	0	0	1,457
Total, Adjustments	0	0	2,449
FY 2009 Base	235	232	35,159
Program Changes:			
Non-Recurring Expense	0	0	500
FY 2009 Request	235	232	35,659

FISCAL YEAR 2009 REQUIREMENTS

The Public Defender Service for the District of Columbia requests a budget of \$35,659,000 for FY 2009. This reflects an increase of \$2,949,000 from FY 2008. The increase would provide for \$500,000 to begin replacing PDS's antiquated case management system, \$500,000 for an expected rent increase for PDS's headquarters, \$700,000 for an anticipated forced relocation of PDS's Mental Health Division, and \$1,249,000 to absorb inflationary increases in compensation and fixed costs.

Case Management System

Overview: In keeping with PDS's mission and goals, PDS requests \$500,000 as a non-recurring increase to base funding for costs related to acquisition, customization, and implementation of a much needed new case management system.

Summary and Justification: PDS strives to achieve its mission through two broad, long-term strategic goals: (1) to be a model public defender office by providing quality representation for PDS clients; and (2) to achieve quality representation for all indigent defendants in the District of Columbia. PDS's long-term goals are set forth in its Strategic Plan for FY 2004-2009, which identifies 27 strategies for accomplishing those two goals. These strategies are intended to

capture the most important outcomes of PDS's advocacy role – trial and sentencing results for clients, achievement of excellence in PDS's advocacy, and improvement of criminal defense practice in the District of Columbia, among others. To this end, PDS continues to develop additional performance measures that more fully reflect its service outcomes. PDS's case management system, however, is the only electronic vehicle through which PDS collects and manages data. Because Atticus was created before PDS developed its strategic plan and began identifying performance measures, Atticus does not have the capacity to track and manage performance data efficiently.

Atticus: PDS's Case Management Prototype: PDS developed its own case management system because no commercially available product designed specifically for a public defender office was available at the time. Since Atticus's initial deployment in October 2001, users have included not only attorneys but also support staff, investigators, social workers, managers, and executives within PDS. Although a limited part of the PDS-wide system is automated, almost all case data must be manually entered, making it difficult to maintain performance data integrity and an effective audit trail across all divisions. Further development and testing of analytical reports that pull data from its source must still be achieved before benchmark performance measures may be considered more reliable and accurate.

Moreover, PDS developed Atticus before PDS and other criminal justice entities, such as the court, prosecutor's office, and police department, began electronically sharing case data.⁴ Atticus therefore does not currently feature an interface with other entities' systems to import vital, primary source, electronic case data. This makes Atticus inefficient as a case management system as well as inadequate as a tool for collecting critical raw data for PDS performance measures. Atticus's current structure will not permit the import of electronic data from another system without a major overhaul of Atticus's existing framework.

Additionally, Atticus does not provide users with the capacity to use advanced tools such as calendaring, emailing, and document management within a single secure environment. The lack of meaningful system integration and document management functionality makes PDS's current case management system impractical and outdated. Finally, the platform upon which Atticus was developed, Visual Basic 6, will have to be converted to .net technology, as support for Visual Basic 6 will eventually be discontinued by Microsoft.

Considering all of these factors (functionality, automation, integration, external interface, and conversion), PDS has determined that the continued development of Atticus will be more expensive than the cost of switching to an off-the-shelf case management system that has already been tailored to meet the needs of a public defender office.

Commercial Off-the-Shelf Case Management Systems: Since the development of Atticus, a number of off-the-shelf commercial products tailored to a public defender office's unique needs have become available. Over the years, these products have steadily improved with newer versions, and have significantly increased in sophistication with deployment in large state-wide

⁴ Recently, the D.C. Superior Court agreed to provide PDS with electronic access to significant case data generated by the court. Earlier, PDS had successfully negotiated with the D.C. Metropolitan Police Department (MPD) similar electronic access to vital arrest information through a direct interface with PDS. Moreover, PDS is part of the District of Columbia Criminal Justice Coordinating Council (CJCC) and has entered the Interagency Agreement on Information Technology created by the CJCC's Information Technology Advisory Committee that establishes system-wide standards for authorized access and transfer of electronic case data.

public defender service offices such as those in Nevada, Tennessee, California, and Washington. Many of these products already have reliable statistical and trend reports that measure the performance of divisions and would enable PDS to demonstrate its performance more effectively. For the reasons outlined above, PDS requests that \$500,000 be provided to PDS to purchase a new case management system and begin the customization and conversion process. Such funding will help PDS continue with the success PDS has achieved over time.

Project Management: PDS has chosen one of its experienced software engineers to manage the project. The engineer has 27 years of experience developing and managing software projects as a government contractor and most recently as a project manager for the federal government. Prior to joining PDS, the software engineer led the successful multi-year effort to develop a web-based case management system for the District of Columbia Pretrial Services Agency (PSA), a District criminal justice agency. The PSA system employs the same technology used in the system under consideration by PDS.

PDS believes that the software engineer meets the Level 2 requirements as set forth for IT Project Managers in the CIO Council's PM Guidance. In addition, PDS anticipates that the software engineer will be certified as a Level 2 - Project Management Professional (PMP®) by Credential Project Management Institute before FY 2009. The engineer currently holds a Master of Business Administration (MBA) and has Microsoft's Certified System Developer (MCS D) credentials.

Office Space

Headquarters

PDS's main office is located at 633 Indiana Avenue, N.W., Washington, D.C. The building is privately owned, and the lease holder for the entire building is the Court Services and Offender Service Agency (CSOSA). CSOSA's lease expires in February 2009. The space that PDS occupies within the building was designed to house 134 employees, but it currently houses 172. To accommodate them, PDS has converted the library and every closet, file room, copier room, and interview room into offices. PDS has single-year appropriation authority, complicating its ability to secure long-term office space. In FY 2007, a District of Columbia authorization bill was enacted, providing the General Services Administration (GSA) with legal authority to extend real estate services to PDS.⁵ During the past several months, PDS has been working closely with GSA officials to plan for PDS space needs after the expiration of the current lease with CSOSA. PDS's long term plan calls for improving efficiency by consolidating PDS operations now scattered at different locations. GSA has advised PDS to assume for FY 2009 budget purposes that PDS's main office will remain at 633 Indiana under a new lease to be negotiated by GSA. GSA's estimated cost of occupancy for FY 2009 is \$2.75 million, an increase of almost \$500,000 from PDS's FY 2008 enacted budget.

Mental Health Division

PDS's Mental Health Division (MHD) is located on the campus of St. Elizabeths Hospital in southeast Washington, D.C. For decades, this division has been housed on the campus at no cost to PDS. As a result of the District's plans for the St. Elizabeths campus, PDS must relocate this division. Therefore, PDS's FY 2009 budget request includes \$700,000 for rental space to house

⁵ Because PDS is neither a Title V agency nor a District of Columbia executive agency, GSA needed express authority specific to PDS in order to provide PDS with these services.

the 13 MHD staff and for corresponding moving expenses per General Services Administration guidelines.

PROGRAM DESCRIPTIONS

Legal Services

PDS and private attorneys, both appointed by the District of Columbia courts pursuant to the Criminal Justice Act (CJA),⁶ provide constitutionally mandated legal representation to indigent people facing a loss of liberty in the District of Columbia. PDS handles a majority of the most difficult, complex, time-consuming, and resource-intensive criminal cases, while private attorneys (CJA lawyers) handle the majority of the less serious felony, misdemeanor, and regulatory offenses. PDS is a model program applying a holistic approach to representation. PDS uses both general litigation skills and specialty practices to provide complete, quality representation in complex cases. While PDS is a single program, PDS divides its attorneys and professionals into specific functions to promote overall representation in individual cases. PDS staff attorneys are divided into seven practice groups: the Trial Division; the Appellate Division; the Mental Health Division; the Special Litigation Division; the Parole Division; the Civil Legal Services Division; and the Community Defender Division. On a day-to-day basis, the attorneys in the various divisions provide advice and training to each other, and they often form small teams to handle particularly complex cases.

Using this team approach, 135 PDS lawyers undertook over 13,000 legal matters in FY 2007. As described below, these matters encompassed a wide range of legal representation including homicide trials, special education proceedings, parole revocation hearings, disciplinary hearings for detained children and adults, class action suits on behalf of children in the custody of the District of Columbia, involuntary civil commitment proceedings, and groundbreaking appellate level representation. The level of performance achieved by PDS staff in FY 2007 was a continuing demonstration of what was reflected in the results from a survey of judges conducted in 2004 pursuant to PDS's Strategic Plan. One hundred percent of those responding agreed that PDS staff "provide and promote quality legal representation to indigent children and adults facing a loss of liberty." One hundred percent of those responding agreed that PDS staff "are current with the latest legal principles," and over ninety seven percent agreed that PDS staff are "skillful in both oral and written advocacy."

Trial Division

Staff attorneys in the Trial Division zealously represent adults in criminal proceedings in the District of Columbia Superior Court or provide zealous legal representation to children in delinquency matters. Attorneys are assigned to specific levels of cases based on experience and performance. As a result of intensive supervision and ongoing training, attorneys generally transition over the course of several years from litigating juvenile delinquency matters to litigating the most serious adult offenses. The most seasoned attorneys in the Trial Division handle the most complex and resource-intensive adult cases. For example, senior PDS attorneys routinely handle cases involving DNA evidence, expert testimony, multiple-count indictments, and novel or complex legal matters. This group of highly trained litigators provides

⁶ D.C. Code § 11-2601, *et seq.*, (2001).

representation in the majority of the most serious adult felony cases filed in the Superior Court each year.⁷

Less senior Trial Division staff attorneys handle the most difficult or resource-intensive delinquency cases (*i.e.*, cases involving children with serious mental illnesses or learning disabilities and/or serious charges) and handle some general felony cases and a limited number of misdemeanor cases. Trial Division staff attorneys also provide representation in a wide range of other legal matters through PDS's Duty Day and the Superior Court's Drug Court programs.

Appellate Division

The attorneys in the Appellate Division are primarily responsible for handling the appellate litigation generated in PDS cases, providing legal advice to CJA attorneys in appellate matters, and responding to requests from the District of Columbia Court of Appeals for briefs in non-PDS cases involving novel or complex legal issues. Another important function of the Appellate Division is to provide a wide range of technical assistance and training to other PDS divisions. The Appellate Division attorneys' knowledge and experience allow them to assist in complex cases without having to perform long hours of original research each time difficult legal issues arise. The reliance on this division by the District of Columbia Court of Appeals is demonstrated in the court's emphatic and repeated requests that PDS expand its staff of appellate specialists to assist the court in reducing its backlog without compromising on quality.

Mental Health Division

Attorneys in the Mental Health Division (MHD), located on the grounds of St. Elizabeths Hospital⁸ in the District of Columbia, handle the majority of the involuntary civil commitment cases that arise in the Superior Court.⁹ PDS is initially appointed when a person is detained in a mental hospital upon allegations that the person is a danger of harm to self or others as a result of mental illness. MHD lawyers also represent persons in post-commitment proceedings, including commitment reviews and outpatient revocation hearings; in involuntary commitment proceedings of persons found incompetent to stand trial because of mental illness or mental retardation; and in matters relating to persons found not guilty by reason of insanity in Superior Court or in United States District Court cases. The lawyers in this division also provide information to the District of Columbia Council on proposed mental health and mental retardation legislation, conduct training sessions on the rights of mentally ill persons involved in civil commitment actions, and provide legal assistance to CJA lawyers appointed by the court to handle involuntary civil commitment cases.

⁷ PDS was assigned to 81% of the Felony One cases and to 57% of the Accelerated Felony Trial Court (AFTC) cases in FY 2007. Felony One cases include all homicides, and AFTC cases include all while armed offenses that carry potential life sentences and are to be tried within 100 days.

⁸ Plans announced by the District of Columbia for development of portions of the St. Elizabeths campus will require PDS to relocate this division. PDS has occupied space at St. Elizabeths at no charge. Currently PDS's main office contains insufficient space for its current staff and cannot accommodate this division. As a result, PDS will be required to acquire new space to house this division. PDS's FY 2009 budget request includes \$700,000 to address this challenge.

⁹ In FY 2007, PDS was appointed to 62% of the involuntary commitment cases filed in the District of Columbia.

Special Litigation Division

The Special Litigation Division (SLD) handles a wide variety of litigation that seeks to vindicate the constitutional rights of PDS clients, to ensure equal justice to all in the D.C. courts, and to change unfair systemic criminal justice practices. An example of such litigation is the *Jerry M.* lawsuit brought on behalf of the children committed to the care of the District of Columbia following delinquency proceedings. SLD attorneys also support PDS trial lawyers in the litigation of systemic criminal justice issues, including eyewitness identification issues, forensic issues, and issues pertaining to the suppression of exculpatory information by the government. SLD attorneys have appeared before all the major courts in the District of Columbia – the Superior Court and the Court of Appeals in the local system, and the District Court for the District of Columbia, the Court of Appeals for the D.C. Circuit, and the U.S. Supreme Court in the federal system.

Parole Division

The Parole Division provides required representation to nearly all D.C. Code offenders facing revocation before the U.S. Parole Commission.¹⁰ In addition, this division provides legal assistance to D.C. inmates housed throughout the country in Federal Bureau of Prisons facilities who write letters requesting counseling regarding parole eligibility matters, sentence miscalculations, and other related issues.

Civil Legal Services Division

The Civil Legal Services Division (CLS) provides wrap-around services to address issues facing children in the delinquency system that often hinder their successful re-integration into the community. CLS has a team of special education attorneys expert in advocacy under the federal Individuals with Disabilities Education Act (IDEA), which mandates special accommodations in public schools for children who cannot be adequately educated in a traditional classroom setting due to learning disabilities or other physical or intellectual challenges. In addition, CLS includes civil legal services attorneys who address other rehabilitative needs of these children and the needs of adult clients by providing representation in civil matters arising out of their criminal charges – civil matters such as those related to public benefits entitlement, housing, child support, and health care services. CLS also provides expert consultation for attorneys with clients in the criminal justice system who face immigration consequences.¹¹

Community Defender Division

The Community Defender Division provides services through four programs: (1) the Juvenile Services Program represents children at institutional disciplinary hearings at the District's youth detention centers and works with community organizations to develop reentry programs that address the special needs of children; (2) the Institutional Services Program serves as the PDS liaison to D.C. Code offenders held in U.S. Bureau of Prisons facilities, to provide information to assist D.C. Code offenders and monitor their conditions of incarceration; (3) the Community Reentry Program responds to the legal and social services needs of newly released individuals, assisting them in making a successful transition back into the community; special consideration

¹⁰ In FY 2007, PDS handled over 95% of parole and supervised release revocations.

¹¹ Defense attorneys have an obligation to advise their clients of the possible immigration consequences of their decisions concerning plea offers. See *Goodall v. United States*, 759 A.2d 1077, 1083 (D.C. 2000).

is given to returning D.C. Code offenders who are not served by the Court Services and Offender Supervision Agency; and (4) the Community Outreach and Education Program educates members of the community about their legal rights and responsibilities in the criminal justice system.

Legal Support Services

Legal Support Services is composed of various professionals within PDS who work closely with attorneys on individual cases. Primary among Legal Support Services are the Investigations Division, the Offender Rehabilitation Division (ORD), and the Defender Services Office (DSO). Investigators ensure that each case is carefully investigated prior to a decision to accept a plea offer or proceed to trial.¹² Program developers in ORD provide pre-sentencing assistance to address mitigation issues and to provide program alternatives for appropriate clients.¹³ Other legal support services include a multi-lingual language specialist to facilitate communication with non-English speaking clients, a librarian to manage PDS's specialized collection and electronic access to research, and two paralegals who work on cases and projects.¹⁴

Investigations Division

The Investigations Division primarily supports the Trial Division as well as other legal divisions of PDS by providing thorough and professional investigative work, which includes locating witnesses, conducting field interviews, taking written statements, serving subpoenas, collecting police reports, copying court and administrative files, and preparing exhibits for trials and other hearings. In addition to producing exceptional investigation in PDS cases, the staff conducts initial and ongoing training to court-certified CJA investigators who provide investigation services to the panel attorneys.

Offender Rehabilitation Division

The Offender Rehabilitation Division (ORD) is composed of experienced program developers who assist in recommending appropriate sentences to the Superior Court. The ORD program developers are skilled and experienced "mitigation specialists" who often directly address the court at sentencing to provide the court with information about viable alternatives to incarceration such as community-based, rehabilitative treatment. Because the ORD staff is well versed in all of the D.C. area rehabilitative programs (*e.g.*, drug treatment, job training, education programs, parenting classes), the staff is frequently asked to provide consultation for judges, CJA lawyers, and others in the criminal justice system. In addition to their invaluable advocacy work, the staff of ORD prepares a comprehensive annual *Directory of Resources for Adults* and a biennial *Directory of Youth Resources* that list a wide range of services available to adults and children in the criminal justice system. These directories, available on the PDS website, are used

¹² See *e.g.*, *Kimmelman v. Morrison*, 477 U.S. 365 (1986) (failure to investigate and present Fourth Amendment claim was constitutionally ineffective assistance of counsel).

¹³ See *Wiggins v. Smith*, 539 U.S. 510 (2003) (decision of counsel not to expand their investigation of petitioner's life history for mitigating evidence beyond presentence investigation report and department of social services records fell short of prevailing professional standards).

¹⁴ As explained above, PDS operates as a single program allowing it to shift resources between specialties as needed. Currently, PDS has 13 program developers, 30 investigators, two paralegals, one translator, one forensic scientist, two contract forensic fellows, and one library technician who support the lawyers in their casework. In addition, there are 12 administrative assistants supporting the 177 lawyers and professional staff who provide client services.

by CSOSA, the Superior Court, and many other agencies and organizations working with clients in the criminal justice system.

Defender Services Office

The Defender Services Office (DSO) supports the court appointment system by determining the eligibility for court-appointed counsel of every child and adult arrested in the District of Columbia, and coordinating the availability of CJA attorneys, law school students, *pro bono* attorneys, and PDS attorneys for appointment to new cases on a daily basis.¹⁵ The DSO operates six days a week, including holidays. PDS attorneys work a similar schedule to be available for client representation and other needs of the court system.

Administrative Support

PDS has a number of very small divisions that provide technical assistance to PDS staff. Though small, these divisions effectively support the overall functioning of PDS using both internal expertise and outside contracts for short-term selective expertise. These divisions include Budget and Finance, Human Resources, Information Technology, and Administrative Services.¹⁶ In concert with individual attorneys and the PDS executive, these divisions provide such services as: procurement of expert services for individual cases; financial accountability;¹⁷ strategies for developing PDS's human capital; development of an electronic case management system; training on technological advances for graphic presentation in court; copying and supply services; and never-ending creative solutions on how to do more within the limited space occupied by PDS.¹⁸

Though PDS is made up of a small number of divisions and legal practice groups, each group and each employee's work are valued for the manner in which they enhance direct client representation. PDS's single program approach allows PDS to manage and adjust its staffing to bring the ideal mix of general skills and specialized expertise to each case according to the client's needs.

PDS ACCOMPLISHMENTS

PDS continues, as it has year-in and year-out, to provide exceptional representation in every case it handles. From the child who is successfully placed in an appropriate education setting to the homicide client whose case is dismissed when evidence, developed and pursued by the defense, demonstrates that the client was not the perpetrator, PDS ensures that outcomes in the criminal justice system are not driven by an individual's ability to pay for an attorney. This overarching achievement has been recognized over time through awards from PDS's peers in the defense community; by requests from defender offices around the country for assistance, pleadings, and other materials developed by our specialty practice groups; by the hundreds of applications PDS

¹⁵ This office is currently staffed with 12 professionals who in FY 2007 conducted eligibility interviews and assisted in the appointment process for over 33,000 cases.

¹⁶ These four divisions are currently staffed with 28 professionals.

¹⁷ While a clean audit is an expectation and not an accomplishment for PDS's Budget and Finance Division, it is worthy of note that PDS continues to receive clean financial audits.

¹⁸ In PDS's current space, PDS has eliminated all the file rooms, interview rooms, copier rooms, closets, and the law library, converting these spaces into offices to accommodate existing staff.

receives each year from talented individuals seeking to become PDS staff attorneys; by a request from the U.S. Supreme Court for a PDS attorney to brief and argue one of its matters; and by the exceptionally high ratings District of Columbia trial and appellate judges gave PDS when surveyed about the quality of legal representation provided by PDS. Most recently, the exceptional quality of the staff at PDS was recognized by the D.C. Bar. In June 2007, the Bar honored the chief of PDS's Appellate Division with its prestigious William J. Brennan Jr. Award. The honor is given only every two years to a member of the bar who has demonstrated "outstanding work toward furthering the public interest and equal justice."

Performance

In FY 2006 and FY 2007, PDS achieved some success in meeting its performance goals. PDS established a baseline for some measures, including conducting PDS's first-ever client survey, and fell short in others. The three performance measures reported on the Office of Management and Budget's ExpectMore.gov website illustrate these results.

Pursuant to its strategic plan, during FY 2007, PDS undertook to survey its clients regarding the quality of PDS's legal services.¹⁹ This survey is the third in a series of three staggered, triennial, stakeholder surveys called for by the plan. The first, a survey of local District of Columbia judges, is due to be repeated in February 2008; the second, a survey of the CJA attorneys' views on the services PDS provides is scheduled to be conducted again in 2009.

The client survey presented the greatest logistical problems, and thus the FY 2007 effort was a pilot study from which PDS received a favorable response and developed a number of possibilities for improving on the survey. Some of the hurdles included locating current addresses and surveying many individuals who are serving long sentences. The feedback was positive with no substantive question receiving less than a 60% positive rating and most receiving 70% or better. The most telling opinion about PDS attorneys came from the comment provided by one client:

"To give you a sense of how satisfied I am with the DC PDS you must understand that I was convicted of three [life offenses]. I will most likely die in prison. ... Had I been a richman, if I'd had an obscene amount of money to pay a [...] firm, ... I COULD NOT HAVE GOTEEN (sic) A BETTER DEFENSE..."

For the other two measures - percentage of cases in which pretrial release was obtained and percentage of clients visited within 48 hours of appointment, PDS was unable to achieve its ambitious targets, but did exceed its baseline in each category. In FY 2007, PDS obtained pretrial release in 71% of its cases; this exceeded the FY 2004 baseline of 70% and reversed a downward trend. Nonetheless PDS has revised the targets for successive years, as those targets were unrealistic given PDS's mission to represent the majority of those individuals charged with the most serious offenses - individuals who are typically held in detention pending trial.

¹⁹ PDS has already received requests to assist other defender offices interested in surveying their own clients.

Percentage of Cases in Which Pretrial Release Was Obtained

	Target	Actual
FY 2004	Established baseline	70%
FY 2005	73%	63%
FY 2006	75%	62%
FY 2007	79%	71%
FY 2008	75%	N/A

In FY 2006, PDS established a baseline for the measure of having client consultation within 48 hours of appointment. PDS was able to achieve this in 88% of the cases. The target for FY 2007 was 92%; PDS achieved the goal in 89% of its cases. The target for FY 2008 is 95%.

As described above, PDS has grappled with internal and external data collection and has developed a proposal for the purchase of a case management system that would allow PDS to develop reliable trends analysis and demonstrate results. With a modern case management system, PDS anticipates providing more reliable data for its performance measures.

Collaborative Work

Although widely known for zealously participating in the adversarial process of the criminal justice system, PDS also works closely with criminal justice agencies and the courts to improve the system and make it function more efficiently and fairly. In addition, PDS is always seeking to engage new partners in programs to increase services to PDS clients.

Expungement of Convictions and Sealing of Arrests Records

In 2006, the District of Columbia Council enacted legislation, the Criminal Record Expungement Act of 2006, proposed by the Council for Court Excellence, overhauling the District laws governing sealing arrest records and old convictions. The law took effect on May 3, 2007. A group was formed to address a myriad of implementation issues relating to the new legislation; the group included representatives from PDS, the Pretrial Services Agency, the Court Supervision and Offender Services Agency, the United States Attorney's Office, the Metropolitan Police Department, and the court. PDS and the United States Attorney's Office worked very closely developing informational materials and model orders, and conducting training for judges and lawyers. PDS, through its Duty Day program, has advised over 2,000 individuals seeking to take advantage of the new law's provisions.

Partnerships to Help Ex-Offenders with Reentry

In FY 2007, PDS held its third "Reentry and Expungement Summit" in the District of Columbia. Passage of the Criminal Record Expungement Act of 2006 dramatically changed the law governing expungement and the sealing of arrest records since PDS's FY 2006 Summit. As a result, for this third Summit, PDS created model pleadings and information materials targeting lay people, and trained over 75 lawyers and law clerks to staff the Summit. The goal of the Summit was twofold: 1) to provide assistance to individuals with old arrest records or minor convictions and; 2) to make available reentry support services for persons not eligible for record sealing under the new law. Realizing that most in attendance would not be eligible for record

sealing and would need additional supports, PDS brought together more than forty service providers for this year's Summit.²⁰ Over 500 individuals participated, receiving assistance with job searches, interview skills, and referrals for reentry assistance, including the Work Opportunity Tax Credit, the Federal Bonding Program, disability benefits, and public housing opportunities. PDS plans to hold a fourth Summit in June 2008.

Fugitive Safe Surrender

Fugitive Safe Surrender is an initiative of the U.S. Marshals Service to encourage those with outstanding arrest or bench warrants – through coordinated media and community outreach efforts – to surrender voluntarily to authorities at faith-based and other neutral settings and, where law and justice allow, proceed to final adjudication the same day. In the fall of 2007, PDS joined many local and federal agencies²¹ to provide and coordinate the delivery of services, including defense services, during a three-day effort to encourage individuals to turn themselves in to authorities in exchange for favorable consideration. PDS provided representation to over 280 defendants.

Development of Legislative History Resource

During the past year, PDS's law librarian has coordinated with the law librarian for the D.C. Superior Court to create an electronic repository of the legislative history of D.C. laws. The court had difficulty tracking and retaining its materials. In exchange for an electronic copy of the court's legislative history materials, PDS agreed to scan the court's collection and provide an electronic copy to the court. Only one other library in the District – that of a major D.C. law firm – has as comprehensive a legislative collection as that now maintained by PDS.

Advancing Criminal Law

Since the District of Columbia court system was created in 1970, the Appellate Division has been at the forefront of appellate litigation in criminal cases. PDS's appellate cases have impacted the District's criminal justice system, as the decisions that result often establish or clarify legal standards in criminal and juvenile delinquency cases.²² Most good appellate cases

²⁰ The service providers included: Jobs Partnership of Greater Washington; A-Men (Anacostia Men's Employment Network); Housing Counseling Services; EXCEL Institute; Neighborhood Legal Services Program (D.C.); D.C. Employment Justice Center; Washington Legal Clinic for the Homeless; the Better Way Program (Pilgrim Rest Baptist Church); Concerned Citizens on Alcohol and Drug Abuse (CCADA); D.C. Department of Employment Services (DOES) (Mobile Van); Samaritan Inns Intensive Recovery Program; D.C. Central Kitchen/Training Program; Healthy Babies Project (Mobile Van); D.C. Chartered Health Plan; Opportunities Industrialization Center for D.C.; Efforts; Court Services and Offender Supervision Agency; YouthBuild PCS; D.C. Prisoners Legal Services Project, Inc.; Children's Law Center; D.C. Law Students in Court; University of the District of Columbia David A. Clarke School of Law; Hannah House; Mundell Community Revitalization; Our Place; Strive ARCH; CVS Pharmacy; Southeastern University; Conquest House; District of Columbia Reentry Center; District of Columbia Fathering Court; D.C. Apprenticeship Program; Marshall Heights Job Development Program; Breaking the Chain Foundation; District of Columbia Rehabilitation Services; D.C. Women Collective; So Others Might Eat; Goodwill Industries; Project Empowerment; and Community Empowerment Training Academy.

²¹ Participants included the District of Columbia Superior Court, the Metropolitan Police Department, the Pretrial Services Agency, the United States Parole Commission, the United States Attorney's Office for the District of Columbia, the Office of the Attorney General for the District of Columbia, and the Court Services and Offender Supervision Agency.

²² PDS's Appellate Division has historically achieved remarkable success both for individual clients and for all defendants through opinions from the District of Columbia Court of Appeals that identify errors made by trial

start with the trial attorney's creation of a carefully preserved record during the trial. The Trial Division and the Appellate Division interact on a regular basis to help trial lawyers "make that record" in anticipation of an adverse trial ruling (or, in a few cases, a challenge from the prosecution).

Enforcing the Rule of Completeness

If the government introduces portions of a statement made by a defendant in its case-in-chief, the rule of completeness requires that the statements selected by the government not be unfairly removed from the context in which they were given. The rule is designed to ensure that the jury has "a complete understanding of the total tenor and effect of the utterances."²³ In *Andrews v. United States*, 922 A.2d 449 (D.C. 2007), the government introduced a portion of the defendant's statement that he possessed the murder weapon, but excluded the portion where he explained that he received the gun from a third party after the murder. On appeal, the government conceded that the rule of completeness had been violated, and the court found that the concession was a "provident one." The court went on to hold that the harm caused by the violation required a new trial.

Protecting *Miranda* Rights

In *Edwards v. United States*, 923 A.2d 840 (D.C. 2007), the Court of Appeals was "compelled to 'sound a warning' to the police of this jurisdiction concerning the 'deliberate failure of the police to inform a criminal suspect promptly of his rights under *Miranda*.'" Through effective trial level and appellate level litigation, PDS demonstrated the harmful impact of a statement obtained by police after they intentionally employed an impermissible two-stage interrogation, first interrogating Mr. Edwards without advising him of his right to counsel and his right to remain silent.

Defending the First Amendment Right of Clients and Their Lawyers to Discuss, Consult, and Otherwise Prepare Their Case for Litigation

In *In re S.M. & R.S.*, 07-FS-679 (July 18, 2007), PDS won summary reversal from a "gag order" precluding the lawyers involved in the case from disseminating any information about the case, and, thus, effectively preventing them from consulting with experts and colleagues, and investigating the case. In issuing a summary reversal, the court held that PDS had "demonstrated that their remedy is proper and the merits of their claim 'so clearly warrant relief as to justify expedited action.'"

judges. Over the past five fiscal years, the Court of Appeals has agreed with PDS's position that the trial court committed error in 43% of the cases in which PDS was involved on appeal.

²³ *Reams v. U.S.*, 895 A.2d 914, 919 (D.C. 2006).

Case Accomplishments²⁴

The core work of PDS is the representation of individual clients facing a loss of liberty. The criminal justice system is adversarial in nature, and PDS has able adversaries in the District's Attorney General's Office and the United States Attorney's Office for the District of Columbia. A fair criminal justice system depends on having all components (judges, prosecution, and defense) fulfill their respective roles. PDS plays a pivotal part in ensuring that all cases, whether they result in plea agreements or trials, involve comprehensive investigation and thorough consultation with the client. For those matters that proceed to trial, PDS litigates each matter to the fullest, ensuring that the trial constitutes a full and fair airing of reliable evidence. As it has every year since its inception, in FY 2007, PDS won many trials, fought a forceful fight in others, and found resolution prior to trial for many clients. Whatever the outcome, PDS's goal for each client was competent, quality representation. The following cases, absent identifying information where required by the ethical rules or confidentiality statutes, are a small sample of how competent, quality representation can change lives.

Incarcerated Children

PDS has litigated the lawsuit challenging the juvenile detention system in the District, *Jerry M., et al. v. District of Columbia, et al.*, for over two decades, and major changes this year have occurred. The lawsuit and the resulting consent decree focus on the conditions of the juvenile detention facilities and on the treatment and rehabilitation provided to youths at the facilities to reduce their chances of re-offending and increase their chances of becoming productive members of the community. Four years ago, PDS's Special Litigation Division (SLD) asked the court to appoint a receiver to oversee the District's Youth Services Administration (now the Department of Youth Rehabilitation Services (DYRS)) until the consent decree's mandates could be met. While the request was pending, the court held the District in contempt for violating several consent decree provisions. The District then agreed to the appointment of a special arbiter to resolve disputes and formulate a new model for juvenile justice in the District of Columbia. SLD and the District have completed a comprehensive work plan to address the systemic issues that have plagued the District's juvenile justice system for years and to implement the many outstanding issues in the consent decree. The plan was approved by Judge Dixon on December 12, 2007. The Work Plan is divided into twelve goals intended to reflect the most essential purposes of the consent decree and the other substantive orders in the case. Progress toward achieving each goal will be measured and tracked by a series of corresponding indicators which are keyed to timelines. Each indicator includes a quantitative and/or qualitative outcome expressed in the Plan as a final performance standard. The final performance standards constitute the criteria for terminating the consent decree. The Work Plan is intended to provide the District with the discretion and flexibility to manage its efforts to meet these goals as it deems appropriate.

PDS's most important achievement in the *Jerry M.* case is the agreement by the city to build a new facility for committed youth, set to open in 2009, and to close down the current Oak Hill

²⁴ These cases and their outcomes are far too varied and numerous to recount here, and the ethical rules that protect all clients' confidences, regardless of their economic circumstances, often preclude PDS from providing detailed examples. Thus, those cases that have not resulted in published decisions are provided without identifying information.

facility. DYRS has recently broken ground in the construction of a \$46 million replacement facility in Laurel, Maryland. Defendants hired an architect who is an expert in juvenile justice facilities to design the new facility, and the facility provides significantly more program space than required by either professional standards or accepted best practices for a facility of this type. The plans call for comprehensive program space, including a theater/assembly auditorium, a full court gymnasium, well-developed education areas, and the variety of outdoor activity spaces that will make this one of the best youth corrections facilities in the country. As an added bonus, through the Civic Justice Corps, which is an apprenticeship program funded by DYRS, a group of committed youth – as paid laborer/trainees – has begun construction of the replacement facility for Oak Hill.

Further, in the last year, as a result of the lawsuit and new leadership in the District of Columbia and at DYRS, several reform efforts have been implemented:

Maya Angelou Public Charter School at Oak Hill: The Maya Angelou Public Charter School (MAPCS) has assumed responsibility for operating the school at Oak Hill. The program for the youth includes a welcome center, where students will be oriented to the school through a multi-faceted orientation process; a core academic curriculum, which is student-centered, standards-based, and technology driven; career and employment training; support and development services; an extended day program, which offers academic remediation and credit recovery options, homework tutoring and study skills support, a variety of extracurricular courses, workshops, clubs, athletic programs and activities including photography, digital music production, drama, chess, and debate; summer school, which is a six-week, multifaceted program that includes academic skill-building and remediation, supervised recreation, artistic and other creative projects, and theme-based classes and workshops; and, finally, a transition center for students to help them prepare to reenter their lives and the real world. Students will be guided by their youth advocate, who will help them to sustain their academic progress, maintain relationships, explore career and employment opportunities, build a community network, engage parents and guardians, and identify a high quality placement back in the community, in school, or in a job training program. This is the first time such an array of resources will be available to the residents at Oak Hill. In addition, a key part of the mission of the MAPCS is to educate youth who have been involved in the criminal justice system, making the choice of MAPCS even more appropriate.

Missouri-Style Model Units at Oak Hill: DYRS has fully implemented its Missouri-based model unit philosophy, and now all the units but one are based on the Missouri model (the other one is the entry unit). These units are completely renovated and staffed with youth correctional officers who are fully trained in the Missouri-style of youth development.

Development of Continuum of Services for Children in DYRS's Custody: One of the strongest elements of this DYRS administration is its commitment to the development of options for youth in the community and programs that will actually help youth build self-esteem at the same time as they learn job skills. For example, DYRS, in partnership with the National Association of Service and Conservation Corps and the Earth Conservation Corps, launched the Gulf Coast Recovery Corps (GCRC) program in December 2006 to help delinquent youth reconnect to communities through civic works. Through the two-month program, seven DYRS youth and eight DYRS staff collectively committed over 4,500 hours of community service in the District and in the Mississippi Gulf Coast region. Throughout December, the GCRC participated in community service projects in the District, feeding the homeless, planting trees, and encouraging

elementary school youth to make positive decisions. In January, the group flew to Hancock County, Mississippi where they spent 30 days helping build almost half a dozen homes and two community playgrounds (one in New Orleans).

DYRS also launched the Family Literacy Program Pilot, designed to promote family literacy and service learning by providing youth the opportunity to create audio books for their children, siblings, or other community children. To date, 15 DYRS boys at Oak Hill have signed up. The youth are being trained on diction and dramatization by the DYRS arts therapy provider, Dramatic Solutions Inc.

Juvenile Detention Alternatives Initiative: One of DYRS's great accomplishments, implemented in 2006, was the DYRS partnership with PDS, the Superior Court, Court Social Services, the Criminal Justice Coordinating Council, the Office of the Attorney General, the Metropolitan Police Department, the Department of Mental Health, and the Child and Family Services Agency in establishing the District as a Juvenile Detention Alternatives Initiatives site. The partners involved in this initiative continue to work collaboratively with the court and Office of the Attorney General to make real differences in case processing and detention practices.

Mental Health: DYRS has taken over all of the mental health services for detained and committed youth and has hired an exceptional individual to head the medical and mental health services for Oak Hill and the Youth Service Center.

Trial

In FY 2007, PDS lawyers in the Trial Division continued to win some cases and lose some cases, and occasionally did what law enforcement failed to do and identified the true perpetrator. In one recent armed robbery case, the PDS defense team tracked down every witness, left no stone unturned, and finally found the true perpetrator. Once they identified the true robber, PDS investigators secured a full written confession. The result was a dismissal of all charges against the PDS client who had been facing a mandatory minimum sentence of five years and a possible life sentence.

For another client, identified after a terribly suggestive show-up procedure as one of two perpetrators in an armed kidnapping and armed robbery, PDS secured a dismissal from a judge avoiding another miscarriage of justice. In this case, both extensive investigation and litigation were required. The case involved a cross-racial identification made under stressful circumstances. After PDS presented the court with a detailed factual presentation on the crime and the show-up procedure used by the police along with scientific research on cross-racial and the impact of stress on memory, the trial judge ordered a line-up. At the line-up, none of the witnesses selected the client as the perpetrator, and the judge promptly dismissed the case. PDS is pursuing additional evidence to identify the true perpetrators in an effort win a motion to seal the client's arrest record so that this flawed arrest does not impact his future employment opportunities

Parole

After 20 years of incarceration, a 59-year-old client was released on parole, without a job or any benefits, into a city where he no longer had any family or friends. Homeless and suffering from dementia, he promptly fell out of contact with his parole officer and was arrested on a warrant

and detained pending a revocation hearing for his failure to maintain contact with his parole officer. Through the combined efforts of his PDS lawyer and a PDS social worker, medical and mental health documentation was gathered, residential housing was secured, and the client was reinstated on parole and released to a facility capable of assisting him.

For other clients who face possible revocation of their release status, PDS plays a critical role in ensuring that the revocation hearings they receive are fair. After fourteen months of litigation on behalf of one client during which an executive hearing examiner repeatedly refused to accept the “no finding” of the initial hearing examiner despite evidence of the client’s innocence, a judge of the United States District Court essentially ordered the client released and stated the following in his opinion.

“Such interference in the process by the executive hearing examiner is not contemplated nor sanctioned in the Commission’s own rules. . . . Moreover, the actions of the Commission, and in particular, [the executive hearing examiner], leave grave doubts as to the fundamental fairness of the petitioner’s parole revocation proceedings. . . . Accordingly, the undersigned finds that the petitioner’s parole revocation proceedings, as a whole, were not fair and impartial. Moreover, the petitioner’s proceedings were not conducted by a neutral and detached hearing body. Therefore, the undersigned finds that the petitioner’s proceedings were fundamentally unfair and violated the petitioner’s due process rights.”

Ensuring Justice by Promoting Advances in Science

Because many of the wrongful convictions across the nation have been traced to faulty eyewitness evidence, in FY 2007, the Special Litigation Division (SLD) continued its focus on making courtroom eyewitness evidence more reliable and its flaws more understandable for jurors.

National Eyewitness Identification Litigation Reform Network: PDS, through SLD, has collaborated with the Innocence Project, the National Association of Criminal Defense Lawyers, and the National Legal Aid and Defender Association to set up a National Eyewitness Identification Litigation Reform Network. The object of the Network is to pool and leverage defender resources to work for reform in this important area. The Network gathers critical information (*e.g.*, litigation strategies, expert recommendations) from designated people in the fifty states and the District of Columbia, and provides information to these individuals to distribute to other defenders in their jurisdictions (*e.g.*, model pleadings and jury instructions, updates on the scientific research).

PDS Research and Scholarship: In the past year, PDS research and scholarship on eyewitness identification issues have been cited by courts around the country. For example, the Supreme Court of Tennessee in *State v. Copeland*, 226 S.W.3d 287, 300 (Tenn. 2007), cited with approval a survey of potential jurors in the District that documented laypersons’ ignorance and/or misunderstanding of factors that have been scientifically proven to have an adverse effect on eyewitness identification accuracy, thus supporting the need for expert testimony on this subject. Likewise, in *State v. Greene*, 2007 WL 1223906, *3 (App. Div. April 27, 2007), a New Jersey appellate court cited a law review article written by PDS’s then-Special Litigation Division Chief and a PDS alumna for the proposition that reliance on faulty eyewitness identification evidence

is a cause for serious concern and the primary cause of wrongful convictions in the United States.

Trial Level Work: In the past year, PDS attorneys, with SLD's assistance, have made great strides in ensuring that, through the admission of expert testimony, jurors are given the tools they need to intelligently analyze eyewitness identification evidence in criminal trials. Only one expert in eyewitness identification has testified in the Superior Court of the District of Columbia in a decade. But in the past year, three different experts, all nationally renowned leaders in the field, have been qualified by judges to testify in jury trials.²⁵

Training

In FY 2007, PDS continued its commitment to advancing quality defense for those who cannot afford to hire their own attorneys. PDS used electronic opportunities and national periodicals targeting defense attorneys as a means of sharing its knowledge. In FY 2007, PDS expanded the forensic science web page hosted by the National Legal Aid and Defender Association; created new electronic networks on specialty issues; and continued to publish articles in law review journals, forensic science journals, and criminal defense magazines.

Consistent with past practices, PDS produced a Summer Series over the course of two months for local attorneys on specialty topics; hosted its fifth Forensic Science Conference, building on PDS's expertise to promote quality science in the courtroom; and produced the 43rd annual Criminal Practice Institute Conference. Annually, PDS provides over 50 hours of training for hundreds of attorneys representing indigent clients in the District of Columbia.²⁶

As part of its strategic planning, PDS commissioned a survey of panel attorneys practicing in Superior Court to determine how PDS could improve its services to those lawyers. The survey validated the quality of the training PDS provides, with 92% of those responding agreeing with the statement that the "training provided by PDS is effective and relevant to defending my clients."

CONCLUSION

PDS staff are consistently effective in pursuing the organization's mission of providing high quality criminal defense representation to individuals in the District of Columbia criminal courts. PDS's excellent reputation is based on PDS's performance, the results PDS achieves, and the variety and depth of resources PDS makes available to clients and to others who have a role in the operation of the criminal justice system. Adequate financial support for PDS's services is essential to assist the District in meeting its constitutional obligation to provide criminal defense representation in the District's courts.

²⁵ Only two cases subsequently proceeded to trial.

²⁶ In addition, PDS staff attorneys are routinely asked to be presenters at training sponsored by the District of Columbia courts, the D.C. Bar, and various defender organizations locally and nationally. Through these programs, PDS provides additional assistance to local counsel and to defender offices around the country, most recently those in New Orleans, Georgia, Los Angeles, and Chicago.

BUDGET DISPLAYS

PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

FY 2009 Summary of Changes

	Perm. Pos.	FTE	Amount (\$ in 000s)
FY 2008 Request.....	235	232.00	32,710
Adjustments to Base:			
Pay Raises.....	-	-	992
Non-Recurring Expenses.....	-	-	-
General Pricing Level Adjustments.....	-	-	1,457
Total, Adjustments.....	-	-	2,449
FY 2009 BASE.....	235	232.00	35,159
PROGRAM CHANGES:			
Non-Recurring Expenses	-	-	500
TOTAL, Program Changes	-	-	500
FY 2009 REQUEST.....	235	232.00	35,659

FY 2009 Salaries and Expenses
Summary of Requirements by Grade and Object Class
(\$ in 000s)

Grades:	2007 Enacted		2008 Enacted		2009 Request	
	Pos	Amount	Pos	Amount	Pos	Amount
ES	3	423	3	450	3	459
AD-15	16	1,940	15	1,778	15	2,015
AD-14	74	7,432	69	7,182	71	7,915
AD-13	25	2,065	26	2,225	27	2,446
AD-12	42	2,615	27	1,912	36	2,502
AD-11	42	1,920	58	3,712	42	2,434
AD-10	-	-	-	-	2	122
AD-09	8	549	7	323	14	648
AD-08	5	227	4	192	6	280
AD-07	12	612	19	777	12	544
AD-06	4	163	5	194	3	125
AD-05	3	92	1	31	3	97
AD-04	1	28	1	30	1	33
Total Appropriated Positions	235	18,066	235	18,806	235	19,620
EX/ES FTE		3		3		3
GS FTE		229		229		229
Average EX/ES Salary		145		150		153
Average AD Salary		83		86		88
Average AD Grade		13		13		13
Object Class						
11.1 Full Time Permanent	235	18,066	235	18,806	235	19,620
11.3 Other Than FT Perm.		-		-		-
11.5 Other Pers.Comp.		297		235		360
11.8 Special Pers. Services		601		794		640
12.0 Benefits		4,955		5,460		5,507
13.0 Unemployment Comp.		-		-		160
Personnel Costs	235	23,919	235	25,295	235	26,287
21.0 Travel & Training		368		308		382
22.0 Transportation of Things		6		20		18
23.1 Rental Payments to GSA		-		-		1,604
23.2 Rental Pmts.to Others, & Misc.		532		658		574
23.3 Comm., Utilities & Misc.		302		323		353
24.0 Printing and Reproduction		125		184		191
25.1 Consulting Services		1,239		900		1,134
25.2 Other Services		771		818		920
25.3 Purch.from Gov't Accts.		2,753		2,906		2,313
25.4 Maintenance of Facilities		87		118		113
25.7 Maint. of Equipment		234		250		231
26.0 Supplies and Materials		462		565		613
31.0 Furniture and Equipment		305		365		426
32.0 Buildout		-		-		-
Non-Personnel Costs		7,184		7,415		8,872
TOTAL	235	31,103	235	32,710	235	35,159
31.1 NonRecurring Expense - PDS Case Management System		-		-		500
Grand Total		31,103		32,710		35,659
OUTLAYS		27,172		29,439		32,093

APPROPRIATION LANGUAGE

Public Defender Service for the District of Columbia

Appropriation Language Fiscal Year 2009

For salaries and expenses of the District of Columbia Public Defender Service, [\$32,710,000] **\$35,659,000**: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

ORGANIZATION CHART

