

DEPARTMENT OF THE PUBLIC ADVOCATE

SUMMARY BY PROGRAM  
(amounts expressed in thousands)

Orig. & (S)Supple- mental	Year Ending June 30, 1987			Total Available	Expended		1988 Adjusted Approp	Year Ending	
	Reapp. & (R)Rec	Transfers (E) Emer- gencies						June 30, 1989	Recom- mended
1,618	---	336		1,954	1,944	Management and Administration Management and Administrative Services	2,218	2,212	2,212
1,618	---	336		1,954	1,944	<u>Sub-Total</u>	2,218	2,212	2,212
1,785	14	-46		1,753	1,753	Protection of Citizens' Rights	1,909	1,946	1,946
653	---	78		731	731	Mental Health Advocacy	780	810	810
785	16	-14		787	783	Public Interest Advocacy			
						Citizens' Complaints and Dispute Settlement	948	951	951
23,675	524	2,132		26,331	26,279	Trial Services to Indigents and Special Programs	28,630	30,953	30,953
4,362	8	277		4,647	4,646	Appellate Services to Indigents	4,466	6,070	6,070
901	---	22		923	923	Public Defender Administration	982	843	843
---	4,271	---		4,271	4,271	Rate Counsel	4,000	4,106	4,106
527	6	-11		522	522	Advocacy for the Developmentally Disabled	654	643	643
32,688	4,839	2,438		39,965	39,908	<u>Sub-Total</u>	42,369	46,322	46,322
34,306	4,839	2,774		41,919	41,852	Total Appropriation, Department of the Public Advocate	44,587	48,534	48,534

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

OBJECTIVES

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

Program Classification

99. Management and Administrative Services--Develops the policies of the Department. Budgetary policy direction is provided to allocate resources among the priorities. Administrative support is also provided in the areas of personnel, accounting, budgeting, purchasing, lien collection, a central research unit and library, central motor pool control and statistical evaluation capacity for the Department of the Public Advocate and the Office of the Public Defender. The Department operates under CS2:27E-1 et seq.

	Actual FY 1986	Actual FY 1987	Revised FY 1988	Budget Estimate FY 1989
<b>AFFIRMATIVE ACTION DATA</b>				
Male Minority .....	79	92	115	120
Male Minority % .....	8.6	9.9	11.5	12.0
Female Minority .....	156	177	196	201
Female Minority % .....	17.0	19.0	19.5	20.0
Total Minority .....	235	269	311	321
Total Minority % .....	25.6	28.9	31.0	32.0

**POSITION DATA**

	66	70	70	70
Budgeted Positions .....	66	70	70	70
Positions Budgeted in Lump Sum Appropriation .....	---	---	2	2
Total Positions .....	66	70	72	72

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

-----Year Ending June 30, 1987-----					-----Year Ending June 30, 1989-----				
Orig. & (S)Supple- mental	Reapp. & (R)Rec	Transfers (E) Emer- gencies	Total Available	Expended	PROGRAM CLASSIFICATION	Ref Key	1988 Adjusted Approp	Requested	Recom- mended
1,618	---	336	1,954	1,944	Management and Administrative Services	99	2,218	2,212	2,212
1,618	---	336	1,954	1,944	Total Appropriation		2,218	2,212	2,212
<u>Distribution by Object</u>									
1,286	---	282	1,568	1,568	Personal Services-- Salaries and wages		1,775	1,692	1,692
1,286	---	282	1,568	1,568	<u>Total Personal Services</u>		1,775(a)	1,692	1,692
70	---	8	78	78	Materials and Supplies		78	87	87
125	---	46	171	168	Services Other Than Personal		122	183	183
35	---	6	41	41	Maintenance and Fixed Charges		37	42	42
48	---	---	48	48	Special Purpose-- Affirmative action and equal employment opportunity program		52	54	54
54	---	-21	33	32	Microfilming services		54	54	54
---	---	---	---	---	Federal Energy Regulatory Commission hearings		100	100	100
102	---	-21	81	80	<u>Total Special Purpose</u>		206	208	208
---	---	15	15	9	Additions, Improvements and Equipment		---	---	---

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

-----Year Ending June 30, 1987-----					-----Year Ending June 30, 1988-----			
Orig. & (S)Supplemental	Reapp. & (R)Rec	Transfers (E) Emergencies	Total Available	Expended	Ref Key	1988 Adjusted Approp	Requested	Recommended
OTHER RELATED APPROPRIATIONS								
---	6	8	14	14		All Other Funds Management and Administrative Services	---	---
---	6	8	14	14		Total All Other Funds	---	---
1,618	6	344	1,968	1,958		Grand Total	2,218	2,212

(a) The 1988 appropriation has been adjusted for the allocation of the salary program.

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

OBJECTIVES

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

Program Classifications

01. Mental Health Advocacy--Provides representation for indigent individuals who are involuntarily committed to mental hospitals beyond an initial 20-day period. In addition, a class action unit litigates broad issues applicable to large segments of the mentally ill, such as the right to treatment, disposition of properties, availability of alternative placement and the statutory provisions for the placement of individuals in the confinement of a mental institution.
02. Public Interest Advocacy--Serves as an extension of the broad-based ombudsman concept. The public interest is defined as an interest or right arising from the Constitution, decisions of the court, common law, or other laws of the United States or of this State. The Public Advocate has sole discretion to represent, or refrain from representing, the public interest in any proceeding. Prior to making his determination, cases must be investigated to determine where or how citizens' rights are being affected and the participation of the Public Advocate will help to resolve and protect the public interest.
03. Citizens' Complaints and Dispute Settlement--Receives complaints from citizens relating to the administrative action or inaction of State government agencies and forwards these complaints to those agencies for resolution. Should a citizen find the response of a State agency unsatisfactory, the Division is empowered to investigate and to request that the respective State agency to modify its action. Recommends alterations in State statute or regulation where, after investigation, it has determined that administrative action or inaction based on the particular statute or regulation is unreasonable, unfair, oppressive or discriminatory or performed in an inefficient manner. The Dispute Resolution Center provides mediation, conciliation and other third party services in public interest disputes.
04. Trial Services to Indigents and Special Programs--Represents those indigent defendants who have been charged with indictable offenses and those indigent juveniles whose cases have been assigned to the formal calendar. The activity of the attorneys, investigative and clerical staff begins with this assignment. The court assignment is received and reviewed for indigency. The case is opened, interviews scheduled and investigation initiated. The assigned attorney prepares the case, enters into the necessary negotiations, trial and sentencing proceedings.
05. Appellate Services to Indigents--Provides that every adult and juvenile found guilty after trial is permitted a direct appeal from that conviction or adjudication. Most of the referrals to the Appellate section come from trial regions. In addition, direct applications are received for services at the appellate level. The Appellate section files notices of appeal within a court-mandated time period, orders transcripts and assigns an attorney who then reviews the transcript, interviews defendants, files motions and does the research necessary to identify the problems raised in the transcript. Representation is provided in both State and federal courts.
06. Public Defender Administration--Provides the centralized supervision and policy planning for the Office of the Public Defender.
07. Rate Counsel--Represents the public interest before any State department, commission, authority or agency charged with the regulation or control of any business, industry or utility. The statute provides that Rate Counsel funds be obtained from the industry or business seeking a rate increase. Representation affects all citizens of New Jersey in that it presents expert evaluation and argument before regulatory bodies in opposition to applications for increases in the cost of services to the consumer.
08. Advocacy for the Developmentally Disabled--Originally functioning within the Division of Mental Health Advocacy, this program was elevated to divisional status in 1982 (NJSAS2:27E-44.1). This program was established to protect and advocate the rights of the developmentally disabled and citizens with other severe disabilities in the areas of guardianship, habilitation, medical treatment, education, employment, protection from harm, transportation and other civil rights. It provides legal services, and responds to complaints from individuals and their families as well as community groups; it also provides training for handicapped people and their families to assist them to advocate for themselves.

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

	Actual FY 1986(a)	Actual FY 1987	Revised FY 1988	Budget Estimate FY 1989
<b>EVALUATION DATA</b>				
<b>Mental Health Advocacy</b>				
Regional Representation (Civil Commitment)				
Cases Added.....	7,718	10,816	12,816	13,000
Cases Closed.....	7,760	10,676	12,676	12,860
Percentage of dispositions successful.....	75.7	79.4	79.4	79.4
Dispositions per staff attorney.....	691/1	736/1	704/1	704/1
Class Action				
Cases July 1.....	80	59	43	38
Added.....	139	30	30	30
Closed.....	160(b)	46	35	35
Cases June 30.....	59	43	38	33
<b>Public Interest Advocacy</b>				
Cases July 1.....	356	412	432	467
Added.....	167	141	170	170
Closed.....	111	121	135	135
Cases June 30.....	412	432	467	502
Dispositions per staff attorney.....	13.9/1	14.2/1	14.2/1	14.2/1
<b>Citizens' Complaints and Dispute Settlement</b>				
Cases July 1.....	497	598	99	100
Added.....	16,502	15,202	16,402	16,402
Closed.....	16,401	15,701	16,401	16,401
Cases June 30.....	598	99	100	101
Dispositions per representative.....	1,562/1	1,570/1	1,562/1	1,562/1
<b>Trial Services to Indigents and Special Programs</b>				
Cases open (July 1).....	50,619	55,639	58,810	64,121
Added.....	59,881	66,765	73,442	73,442
Closed.....	54,861	63,594	68,131	69,176
Private pool.....	5,604	5,969	6,357	6,357
Staff.....	49,257	57,625	61,774	62,819
Open (June 30).....	55,639	58,810	64,121	68,387
Ratio: Staff attorney/staff closed cases.....	1/221.3	1/243.7	1/261.2	1/261.2
Staff attorneys.....	222.6	236.5	236.5	240.5
Backlog (months).....	11.1	10.6	10.5	11.2
Child abuse				
Cases open (July 1).....	1,876	2,716	3,278	3,562
Added.....	1,421	1,433	1,445	1,456
Closed.....	581	871	1,161	1,420
Open (June 30).....	2,716	3,278	3,562	3,598
Institutional Abuse investigations (DYFS).....	96	102	108	115
<b>Parole Revocation</b>				
Cases Opened				
Adult.....	1,422	1,485	1,544	1,606
Juvenile.....	324	266	266	266
Total.....	1,746	1,751	1,810	1,872
Cases Closed				
Adult.....	1,361	1,367	1,423	1,481
Juvenile.....	298	260	260	260
Total.....	1,659	1,627	1,683	1,741
Hearings Held				
Adult.....	915	936	961	987
Juvenile.....	113	120	124	127
Total.....	1,028	1,056	1,085	1,114
<b>Appellate Services to Indigents</b>				
Cases open (July 1).....	2,544	2,019	1,996	1,996
Added.....	1,810	1,937	2,073	2,073
Closed.....	2,335	1,960	2,073	2,124
Private Pool.....	990	872	859	859
Staff.....	1,345	1,088	1,214	1,265
Open (June 30).....	2,019	1,996	1,996	1,945
Ratio: Staff attorney/staff closed cases.....	1/35.0	1/28.5	1/30.1	1/31.1
Staff attorneys.....	38.4	38.2	40.0	40.0
Backlog (months).....	13.4	12.4	11.6	11.3
Excessive Sentence Program Dispositions.....	992	766	766	766
Briefs filed.....	1,154	1,014	1,127	1,178
Dismissals.....	189	180	180	180
Reversals and modifications.....	152	158	168	172
Percent appeals from adverse trial decisions.....	7.1%	7.1%	7.1%	7.1%

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

	Actual FY 1986(a)	Actual FY 1987	Revised FY 1988	Budget Estimate FY 1989
<b>Rate Counsel</b>				
Cases open (July 1).....	1,212	1,197	1,362	1,316
Added.....	290	259	259	259
Closed.....	305	94	305	94
Cases open (June 30).....	1,197	1,362	1,316	1,481
<b>Advocacy for Developmentally Disabled</b>				
Cases Open (July 1).....	703	1,015	1,439	1,779
Added (c).....	1,791	1,805	1,819	1,833
Closed (c).....	1,479	1,381	1,479	1,479
Cases Open (June 30).....	1,015	1,439	1,779	2,133

(a) Some actual FY1986 evaluation data are changed as a result of a format modification.

(b) 127 cases closed administratively.

(c) Does not include Guardianship caseload estimated at 1,500 case dispositions per year.

**POSITION DATA**

	764	774	844	855
Budgeted Positions.....	764	774	844	855
Mental Health Advocacy.....	41	39	49	49
Public Interest Advocacy.....	18	19	18	19
Citizens' Complaints and Dispute Settlement.....	25	25	28	28
Trial Services to Indigents and Special Programs.....	572	579	596	599
Appellate Services to Indigents.....	76	74	78	88
Public Defender Administration.....	25	21	19	16
Rate Counsel.....	---	---	39	39
Advocacy for the Developmentally Disabled.....	7	17	17	17
Positions Budgeted in Lump Sum Appropriations.....	17	31	24	55
Authorized Positions--Federal.....	17	24	24	24
Total Positions.....	798	829	892	934

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

Orig. & (S) Supplemental	Year Ending June 30, 1987			Total Available	Expended	PROGRAM CLASSIFICATIONS	Ref Key	Year Ending June 30, 1989		
	Reapp. & (R) Rec	Transfers (E) Emergencies						1988 Adjusted Approp	Requested	Recommended
1,785	14	-46		1,753	1,753	Mental Health Advocacy	01	1,909	1,946	1,946
653	---	78		731	731	Public Interest Advocacy	02	780	810	810
785	16	-14		787	783	Citizens' Complaints and Dispute Settlement	03	948	951	951
23,675	524	2,132		26,331	26,279	Trial Services to Indigents and Special Programs	04	28,630	30,953	30,953
4,362	8	277		4,647	4,646	Appellate Services to Indigents	05	4,466	6,070	6,070
901	---	22		923	923	Public Defender Administration	06	982	843	843
---	4,271	---		4,271	4,271	Rate Counsel	07	4,000	4,106	4,106
527	6	-11		522	522	Advocacy for the Developmentally Disabled	08	654	643	643
32,688	4,839	2,438		39,965	39,908	<b>Total Appropriation</b>		42,369	46,322	46,322
<b>Distribution by Object</b>										
<b>Personal Services--</b>										
24,535	---	3,705		28,240	28,238	Salaries and wages		30,301	29,942	29,942
---	---	---		---	---	Positions established from lump sum appropriation		681	---	---
---	---	---		---	---	New positions		---	237	237
24,535	---	3,705		28,240	28,238	<b>Total Personal Services</b>		30,982(a)	30,179	30,179
462	---	227		689	689	Materials and Supplies		488	747	747
6,615	---	3,205		9,820	9,817	Services Other Than Personal		9,498	12,349	12,349
253	---	135		388	388	Maintenance and Fixed Charges		269	430	430

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

-----Year Ending June 30, 1987-----					-----Year Ending June 30, 1988-----				
Orig. & (S)Supplemental	Reapp. & (R)Rec	Transfers (E) Emergencies	Total Available	Expended	Ref Key	1988 Adjusted Approp	Requested	Recommended	
275	---	-275	---	---	Special Purpose--				
70	---	-67	3	---	Monmouth/Ocean County Office	01	---	---	
51	---	-51	---	---	Public dispute resolution center	03	---	---	
191	---	-191	---	---	Parole revocation	04	---	---	
---	---	---	---	---	Juvenile-family crisis	04	---	---	
---	---	---	---	---	Public defender caseload expansion	04	---	350	
---	106 R	-106	---	---	Speedy trial program	04	750	1,472	
131	---	-131	---	---	Paralegals	05	---	---	
72	---	---	72	72	Compensation awards	---	72	---	
---	---	378	378	378	Other special purpose	---	273	368	
---	16 R	-16	---	---	Control-dispute resolution training	03	---	---	
---	{ 65	---	---	---	Control-Trial Services	04	---	---	
---	{ 348 R	-377	36	---	Control-Appellate Services	05	---	---	
---	{ 8 R	-8	---	---	Control-Rate Counsel	07	---	---	
---	4,271 R	-4,271	---	---					
790	4,814	-5,115	489	450	<u>Total Special Purpose</u>	1,095	2,190	2,190	
33	25	281	339	326	Additions, Improvements and Equipment	37	427	427	
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<b>OTHER RELATED APPROPRIATIONS</b>									
<b>Federal Funds</b>									
---	29 R	---	29	29	Mental Health Advocacy	01	255	317	
---	{ 1	---	---	---	Trial Services to Indigents And Special Programs	04	---	---	
---	{ 15 R	427	443	442					
---	{ 9	---	---	---	Advocacy for the Developmentally Disabled	08	624	690	
---	{ 604 R	-1	612	612					
---	658	426	1,084	1,083	<u>Total Federal Funds</u>	879	1,007	1,007	
-----									
<b>All Other Funds</b>									
---	{ 29	---	309	193	Citizens' Complaints and Dispute Settlement	03	224	254	
---	{ 280 R	---	---	---	Trial Services to Indigents And Special Programs	04	---	---	
---	33 R	---	33	33					
---	342	---	342	226	<u>Total All Other Funds</u>	224	254	254	
32,688	5,839	2,864	41,391	41,217	<u>Grand Total</u>	43,472	47,583	47,583	

It is recommended that the unexpended balance as of June 30, 1988 in the Rate Counsel program classification together with any receipts in excess of the amount anticipated be appropriated.

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

It is further recommended that receipts from clients and the unexpended balance as of June 30, 1988 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.

(a) The 1988 appropriation has been adjusted for the allocation of the salary program.

(b) Appropriation of \$50,000 has been distributed to applicable operating accounts.