

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
ARIZONA CODE OF JUDICIAL)	Administrative Order
ADMINISTRATION § 5-105:)	<u>No. 2006 - 95</u>
PUBLIC DEFENDER TRAINING)	
)	
)	
)	

The above captioned provision having come before the Arizona Judicial Council on October 12, 2006, and having been approved and recommended for adoption,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the above captioned provision, attached hereto, is adopted as a section of the Arizona Code of Judicial Administration.

Dated this 1st day of November, 2006.

RUTH V. MCGREGOR
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 5: Court Operations
Chapter 1: Funding
Section 5-105: Public Defender Training

A. Definitions.

“Fiscal year” means the period of time from July 1 through June 30.

“Felony cases assigned” means those cases specifically assigned to the office of the public defender that were felonies at the time of filing. This does not include cases in process during the same period, which may have been assigned in a preceding time period. This also does not include juvenile cases, appeals, probation revocations, mental health cases or any other non-felony case types.

B. Purpose. Pursuant to A.R.S. § 12-117, the public defender training fund (PDTF) provides monies for the purpose of training county public defenders. The supreme court administers the fund. This section establishes requirements for the administration and distribution of the monies in the fund.

C. Administration.

1. The administrative director shall administer PDTF. The administrative director, or designee, may establish policies, procedures, forms and reports necessary to ensure compliance with these requirements.
2. The administrative director is authorized to use PDTF monies for fund administration. Administrative costs may include, but are not limited to, full or part-time staff, pool costs, operating expenses, publication of an annual report, equipment, training, travel and evaluation or audits.
3. The administrative director shall allocate and distribute monies to each office of the public defender, is authorized to inspect, audit or have audited records of any office of the public defender receiving program funds, and shall provide formats for necessary reporting to all offices of the public defender receiving funds.

D. Fund Allocation, Disbursement and Accounting.

1. Recipients. The administrative director shall allocate funds only to those offices of the public defender and additional offices for conflict cases that were created in accordance with A.R.S. § 11-581 and perform the duties outlined in A.R.S. § 11-585. Funds shall not be allocated to contract public defenders, court-appointed counsel or other defense counsel not appointed under the provisions of A.R.S. § 11-581.
2. Manner of Allocation. The administrative director shall allocate funds to each office of the public defender proportionally, based on the number of felony cases assigned to that office in the preceding fiscal year. Any public defender office operating for a period less than the full preceding fiscal year shall receive a pro-rated portion of the fund based on

the number of annualized cases. The administrative director will annually adjust the formula used for proportional allocation to accurately reflect the cases assigned to each office in the previous fiscal year.

3. Disbursement and Accounting. The administrative director shall disburse funds to individual county offices of the public defender on a quarterly basis in accordance with an annual funding agreement. Funds shall be deposited into a special revenue fund with the county treasurer. Interest collected on the funds shall be credited to the fund.
4. Public defender responsibilities. County offices of the public defender shall be responsible for handling all receiving, accounting, disbursement and expenditures in accordance with county financial policies. County policies relating to travel, per diem or other compensation or reimbursement standards shall apply to these funds.

E. Fund Usage.

1. All training supported by these funds must be directly related to the practice of criminal law, other duties assigned to the public defender by A.R.S. §11-584 or the enhancement of staff's ability to perform their roles and responsibilities as agents of the public defender. Funds may be used for nationally recognized training on specialty areas of law or activities relevant to more effective representation (i.e., evidentiary matters, forensic specialists, etc.).
2. Funds shall be used predominantly for public defender's attorney training, however funds may also be used for training of investigators, support staff and other office personnel when the training is relevant to the responsibilities of the office of the public defender and enhances a recipient's ability to effectively fulfill the responsibilities of the position.
3. Funds may be expended for salaries and related expenses for training and support personnel if the role and duties of the positions directly relate to the coordination of training activities for the office of the public defender.
4. Fund expenditures may include reasonable costs for travel, accommodations, break refreshments, meeting space, facilities and materials related to the training.
5. Fund expenditures for equipment and supplies shall be limited to those required to support specific training and shall not include standard office equipment, vehicles, general legal reference and library material not directly related to education and training.
6. Fund expenditures shall not include any non-training costs including social hours, hosted parties or entertainment expenses.
7. Fund expenditures shall not include general or advanced academic educational pursuits, including general college tuition, conferences, or seminars not related to the duties of the office of the public defender, professional dues or any non-training event.
8. Limits on expenditures. The office of the public defender shall not expend funds beyond the following limits:

- a. Payments for seminar and conference attendance requiring travel shall not exceed \$4,000 per person per event, including all registration fees, travel, per diem and direct expenses per attendee. Seminar and conference attendance requiring travel shall not exceed \$6,000 per person per annual fiscal year.
 - b. Funding for sponsored and hosted seminars and conferences shall not exceed \$10,000 in total costs per event for a local seminar or conference. Payments or honorariums shall not exceed \$500 for local faculty or \$3,000 for out-of-state faculty, including expenses.
9. The administrative director may waive these limits for exceptional circumstances requiring increased funding. Exceptions must be approved in writing at least two weeks prior to the scheduled training.

F. Training and Supplemental Training Provisions.

1. Local seminars and conferences shall be sponsored pursuant to Regulation 104, Regulations for Mandatory Continuing Legal Education, as adopted by the Board of Governors of the State Bar of Arizona.
2. Seminars and conference attendance requiring travel shall be limited to travel in the 48 contiguous states, include authorization for travel and attendance by the public defender and designated county official and specifically relate to the duties of the public defender.
3. Sponsored and hosted seminars and conferences shall be provided at no cost for public defender staff, may include reasonable costs for accommodations, break refreshments, meeting space, facilities and materials per contractual agreement, and shall not include any non-training costs including social hours, hosted parties or entertainment expenses. Prosecutors and judges may attend without cost if a reciprocal training agreement is executed for training that is or will be available. Private attorneys and other interested persons shall be required to pay a reasonable, but no less than proportionate, cost for attendance at PDTF seminars and training events.
4. Supplemental Training Sponsorship Requirements.
 - a. Each office receiving training fund monies shall sponsor or co-sponsor relevant, regional training seminars at a nominally proportional fee to all appointed criminal counsel in Arizona.
 - b. Six formal training seminars shall be sponsored and presented annually, as follows:
 - (1) The Maricopa County Public Defender's Office shall sponsor at least four sessions. The administrative director may designate other recipients.
 - (2) The offices in Yuma, Cochise, Pinal and Pima counties that receive funds shall co-sponsor at least one session. The administrative director may designate other recipients.

- (3) The offices in Yavapai, Coconino, La Paz, Mohave and Navajo counties that receive funds shall co-sponsor at least one session. The administrative director may designate other recipients.
- (4) The offices may satisfy the requirements of subsection (F)(4)(b)(2) and (F)(4)(b)(3) and one of the required sessions in subsection (F)(4)(b)(1) by co-sponsoring one statewide seminar that offers no fewer than twelve hours of continuing legal education.
- (5) At least one session shall include a component expressly related to current developments in capital representation.

G. Reporting Requirements.

1. Each office of the public defender that has received funds during the preceding year shall file an annual report with the administrative office no later than August 15th listing the training activities resulting from the expenditure of PDTF monies during the previous fiscal year. The report shall be provided in a format approved by the administrative director and shall include documentation of all financial receipts and expenditures from the training fund as required by law.
2. Each office of the public defender that has received funds shall retain all records and receipts for revenues and expenditures for a period of five years following the end of the fiscal year to which the records and receipts pertain.

H. Compliance. The administrative director may impose additional requirements and withhold future PDTF allocations to achieve compliance with funding agreements related to this fund.