



THE SUPREME COURT OF ARIZONA

ADMINISTRATIVE REQUIREMENTS FOR
PUBLIC DEFENDER TRAINING FUND

ADMINISTRATIVE ORDER NO. 90-2

In order to administer funds allocated to the County Public Defender Training Fund, pursuant to A.R.S. § 12-117 (A), and in accordance with A.R.S. § 12-117 (D), which requires that monies received shall be used exclusively for the purpose of county public defender training,

IT IS ORDERED THAT:

1. The attached Administrative Requirements governing the administration of the Public Defender Training Fund (PDTF) are adopted;

2. The attached Administrative Requirements shall become effective on the 10th day of January, 1990, as set forth herein; and,

3. A copy of the Administrative Requirements shall be distributed to the presiding judges of the Superior Court in all counties, the chairmen of the board of supervisors in all counties and the duly appointed county public defenders and duly appointed alternate defenders in each county where such offices have been created in accordance with A.R.S. § 11-581, et seq., no later than seven days after the effective date of this order.

DATED AND ENTERED this 10th day of January, 1990, at the State Capitol in Phoenix, Arizona.

For the Court:

FRANK X. GORDON JR.
Chief Justice

THE SUPREME COURT OF ARIZONA

ADMINISTRATIVE REQUIREMENTS FOR
PUBLIC DEFENDER TRAINING FUND (PDTF)

ADMINISTRATIVE ORDER NO. 90-2

EFFECTIVE JANUARY 10th 1990

I. Purpose

The Public Defender Training Fund (PDTF) provides monies for the exclusive purpose of County Public Defender training. All training offered or attended in connection with this Fund shall be directly related to the practice of criminal law and representation of criminal defendants and/or any other duty prescribed to the Office of Public Defender in A.R.S. § 11-581, et seq. Relevant training in the general practice of law must enhance the recipient's ability to perform his or her specific responsibilities as an agent and/or deputy public defender.

II. Authority

The Public Defender Training Fund was created by statute in Chapter 297, Thirty-Ninth Legislature, First Regular Session 1989 and is provided in A.R.S. § 12-117, as amended.

III. Eligible Recipients

Monies allocated to the PDTF, pursuant to A.R.S. § 12-117 (A) are for the exclusive use of "each County Public Defender's Office." In accordance with this provision and the language in Title 11, Article 11 of the Arizona Revised Statutes, specifically A.R.S. § 11-581 et seq., only those offices created and appointed pursuant to statute as Office of the Public Defender, or where a second office has been established for conflict cases, are eligible for funds. Contract public defenders, court-appointed counsel or other indigent defense counsel not appointed under the provisions of Article 11 are not eligible for funds.

IV. AOC Administrative Responsibility

Paragraph (A) of A.R.S. § 12-117 states that the Supreme Court shall administer the fund (PDTF). The Supreme Court is responsible to continuously allocate and

distribute monies to each public defender and to review annual reports from each Public Defenders Office of all financial receipts and expenditures from the training fund.

The Administrative Office of the Courts (AOC) shall have administrative responsibility for the PETF on behalf of the Supreme Court. An administrative budget shall be established from deposits to the PETF as outlined in paragraph VI and used to support the program. Further, the Administrative Office of the Courts is authorized to inspect, audit or have audited records of any Office of the Public Defender receiving program funds and the Administrative Office of the Courts may adopt other administrative practices and procedures, as may be necessary and expedient for the Supreme Court's administration of the Public Defender's Training Fund.

V. Fund Allocation, Distribution, and Accounting

Allocation of monies collected shall be made to each County Public Defender Office in proportion to the number of felony cases assigned to that office in the last fiscal year. The figure shall represent all initial felony cases in which the Public Defender's Office is appointed and shall not include juvenile cases, appeals, probation revocations, mental health cases, etc. Pro-ration shall be applied to annualize cases assigned for any office of the public defender operating for a period less than the last full fiscal year and the proportion formula shall be updated and revised annually.

Funds disbursed and distributed to individual county public defender offices shall be made quarterly in accordance with written funding agreements. Funds received pursuant to these administrative requirements shall be deposited into a special revenue fund with the county treasurer established pursuant to the procedures provided in Section III, B of the Auditor General's Uniform Accounting Manual for Arizona Counties. Interest on these funds shall be credited to this fund.

VI. Fund Usage

Funds received pursuant to A.R.S. § 12-117 shall be used only for purposes of county public defender training and shall not be used for any other purposes. Funds from this program shall be expended only at the express written direction and approval of the respective Public Defender for training purposes. All receiving, accounting, disbursement, and expenditures of these program funds shall be in compliance with and conform to county rules, regulations or procedures relating to financial

practices. Further, all established county policies relating to travel, per diem or other compensation or reimbursement standards shall apply to these funds.

The Administrative Director is authorized to allocate and spend an amount equal to but not more than four percent of each monthly deposit to the fund up to but not in excess of \$40,000 per annual fiscal year to cover the costs of administering the fund in any given fiscal year. Administrative costs may include, but are not limited to, full- or part-time staff, operating expenses, equipment, training, and travel. These monies may also be used by the Administrative Director to conduct the evaluations and audits authorized herein.

VII. Training Definitions

All training supported by these funds must be directly related to the practice of criminal law or the enhancement of staff's ability to perform their roles and responsibilities as agents of the Public Defender. Nationally recognized training on specialty areas of law or activities relevant to more effective representation, i.e., evidentiary matters, forensic specialists, etc. are appropriate areas for fund utilization.

The following list of activities is not exhaustive, but sets out the parameters for training and related activities. Any time an exception is made to exceed any of the following, the public defender shall file a written notice of exception with the Administrative Office of the Courts:

A.) Attendance at Seminars/Conferences

1. Is limited to the 48 contiguous states.
2. Shall not exceed \$2,500 per person, per event including all registration fees, travel, per diem, and direct expenses per attendee.
3. Shall not exceed \$3,500 per person per annual fiscal year.
4. Must include prior approval for travel and attendance, by both the public defender and County Manager or designated local signatory.
5. Must be specifically related to the duties of the Public Defender.

B.) Sponsoring/Hosting Seminars/Conferences

1. Free attendance to locally sponsored confer-

ences should be limited to public defender staff. Prosecutors or judges may attend at no charge if reciprocal training is available and agreed to. Private attorneys and others shall be required to pay a reasonable, but no less than a proportionate, cost.

2. May include reasonable costs for accommodations, space, and facilities/ materials per contractual agreement.
3. Shall not exceed \$2,500 in total costs per event for local seminar or conference.
4. Shall not exceed payments or honorariums of \$250 for local speakers or \$1,000 for out-of-state speakers, including expenses.
5. Shall not include any non-training costs including social hours, hosted parties or entertainment expenses.

C.) Eligibility of Staff:

1. Funds shall predominately be utilized for training of appointed public defenders and deputy public defenders, however funds may 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 more effectively fulfill their responsibilities.
2. Salaries and related expenses may be expended for training personnel and reasonable support personnel if the exclusive role and duties relate to coordination of training activities in furtherance of the PDTF.

D.) Excluded Activities

Funds may not be used for 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.

VIII. Non-Training/Support Issues (Equipment/Supplies)

- A.) Funds shall be used solely for equipment and/or supplies that are required to support specific

training supported by these funds.

B.) The following are equipment/supply items that may not be purchased or procured utilizing these funds:

1. Standard office equipment not directly related to staff training.
2. Automobiles.
3. Office automation and other computer equipment not related to training.
4. General legal library materials to include statutes, reporters, digests, pocket parts, hornbooks, treaties, legal encyclopedias, and any substantive law source or reference source considered standard to a legal library as provided by local resources.

IX. Reporting Requirements and Auditing

No later than August 15 of each year, every office of the public defender who has received funds during the preceding fiscal year shall file a report on forms provided by the AOC listing the training activities resulting from expenditure of the PDTF monies. Further, the report shall include copies of all financial receipts and expenditures from the training fund as required by law.

The Administrative Office of the Courts may establish and require additional reporting requirements as may be necessary to ensure the effective administration of these funds and/or as may be required to collect data necessary to support the reporting requirements that may be required by the legislature or other lawfully empowered bodies. Further, the Administrative Director may require information deemed necessary to fulfill the role of administrator of this fund and/or to ensure the integrity of the fund is maintained. All records and receipts for expenditures shall be retained for a period of 5 years.

The Administrative Office of the Courts is authorized to audit and inspect any records relating to this fund in a reasonable manner to ensure the accuracy of records and compliance with these regulations, the law and provisions of the funding agreements. Any funding of non-compliance may be deemed grounds for the Administrative Director to require revision in practices to achieve compliance and to withhold future allocations to a respective office of the public defender pending compliance.

X. Supplemental Training Sponsorship Requirements

Each County Public Defender's Office and authorized Alternate Defender's Office receiving training fund monies shall sponsor or co-sponsor relevant, regional training seminars that are open and available at a nominally proportional fee to all appointed criminal counsel in Arizona on a regional format as described herein: As a condition of expenditure of PDTF monies received, six (6) formal training seminars shall be sponsored and presented annually by fund recipients and made available at a nominally proportional fee to all contract or court-appointed indigent defense counsel. Further:

1. Four of these seminars will be sponsored by the Maricopa County Public Defender's Office and other recipients as may be designated by the Administrative Director of the Courts.
2. At least one such seminar will be sponsored by the combined resources of the Cochise County Public Defender, Pima County Public Defender and Pima County Legal Defender, and other recipients as may be designated by the Administrative Director of the Courts as a southern region offering.
3. At least one such seminar will be sponsored by the combined resources of the Coconino County Public Defender, La Paz County Public Defender, Mohave County Public Defender and Navajo County Public Defender, and other recipients as may be designated by the Administrative Director of the Courts as a northern region offering.
4. Each of these seminars will be expressly related to defense techniques or generic to the issues involved in criminal defense practices.
5. Each will be in accordance with the standards of the State Bar of Arizona's proposed MCLE requirements and all training will be certified for purposes of CLE credits.

In addition to the above, each public defender and alternative defender receiving training fund monies will endeavor, where possible, to make available other relevant training and extend a similar invitation to appointed counsel, where feasible.

Approved for Implementation by Administrative Order.

For the Court:

FRANK X. GORDON, JR.
Chief Justice