

Meier, Lisa M.

From: Finck, Travis
Sent: Monday, March 22, 2021 6:20 PM
To: Meier, Lisa M.
Cc: Petrowitz, Aaron L.; Ewell, Todd
Subject: Follow up on our conversation today

Rep. Meier:

Thank you for the phone call today. Here is the information you asked for:

Professional Services consists of the following:

- Legal (this accounts for a majority of professional services) (this would be contracts with attorneys – see below)
- Consultants
- Interpreter fees
- Outside doctor & Hospital services (mental health exams with private provides, records, etc)
- Private investigators
- Professionals not otherwise classified.

Our state statute requires we use private contractors (legal above) on at least 50% of our cases a biennium (NDCC 54-61-02.1). We have monthly contractors who agree to take a set amount of cases for a set rate of compensation, we also have attorneys who serve as conflict contractors who take cases on an hourly basis, and bill us at the conclusion of the case. Thus, it is difficult to know how many hours it will take to defend a client at the outset. We have policies to try and give us some certainty, but it is impossible to forecast.

Also, we not only provide the attorneys, we also need to provide the professional services that are necessary for an adequate defense. This may be a private investigator to investigate an alibi defense, a private evaluation for competency, a forensic pathologist in homicide case, etc.

We took the money out of professional services when asked to enter a reduced budget because that is the only place we can cut. The governor's office restored part of that cut. The Senate restored the original budget from last biennium and added on for cost to continue base payroll changes, this years' benefit package, and Microsoft 365 upgrades. We would be requesting at this point to keep the senate version.

It is important to remember we provide constitutionally required services within this category of professional services. Therefore, if we don't get funded for them now and need them, we end up at the emergency commission requesting the funds. If we have additional funds at the end of biennium, we turn it back. I believe we have estimated we will turn back almost \$600,000 at the end of the current biennium.

Lastly, we have no way of knowing how many professional service dollars we will need. We estimate the best we can and then submit the budget. When we had to cut, the only place we could cut is professional services. That is not an indication we don't need them. We don't know how many cases will be charged out, how many crimes will be committed, or the severity of those crimes.

AS always, if I can provide any more information or assist in anyway, please don't hesitate to call my cell.

Sincerely:

Travis Finck

Executive Director

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