

February 12, 2014 Memo excerpt

Defender Services.

The final financial plan increases overall funding for this account by \$40.2 million above the interim financial plan. The final plan supports current on-board federal defender organization (FDO) staffing levels and allows for substantial hiring to backfill positions lost due to sequestration as well as fill additional positions needed based on projected weighted caseload. In addition, the final plan provides sufficient funding to pay all fiscal year 2014 panel attorney vouchers without any deferral into fiscal year 2015. It also repeals the temporary reductions (implemented in September 2013) to hourly panel attorney rates and provides, consistent with the one percent Employment Cost Index increase for federal employees effective on January 13, 2014, a cost-of-living adjustment to panel attorney non-capital and capital hourly rates. As a result, for work performed on or after March 1, 2014, panel attorney hourly rates will increase to \$126 for non-capital representations and \$180 for capital representations.

Due to much lower-than-expected on-board FDO staffing levels and lower-than-expected panel attorney payments to date, this account is likely to have a significant carryforward balance at the end of fiscal year 2014. As part of the final financial plan, the Judiciary will seek congressional approval to set aside sufficient fiscal year 2014 funds in this account for use in fiscal years 2014 and 2015 to permit FDO hiring to continue throughout the remainder of fiscal year 2014 and all of fiscal year 2015. It is hoped that the two-year use of funding for FDO staffing will provide FDOs with the necessary confidence to backfill lost positions, particularly in organizations with increasing caseload and workload.

Overall funding for FDOs is approximately \$35.2 million (+6.1 percent) higher than what was included in the interim financial plan. Like the court allotments, final allotments to FDOs are expected to be issued beginning the week of February 18, 2014. The AO's Defender Services Office will provide a more detailed explanation of these final allotments at that time.