

**Program Biennium Comparison**

The following table compares the last full fiscal year actuals, previous biennium appropriations by year, and current annual biennium budget request by type of expenditure and source of funding.

Program Biennium Comparison				
Budget Item	Appropriated Budget 20-21	Requested Budget 22-23	Biennium Change	Biennium % Change
Personal Services	3,370,139	3,510,194	140,055	4.16 %
Operating Expenses	1,460,911	1,607,233	146,322	10.02 %
<b>Total Expenditures</b>	<b>\$4,831,050</b>	<b>\$5,117,427</b>	<b>\$286,377</b>	<b>5.93 %</b>
General Fund	4,831,050	5,117,427	286,377	5.93 %
<b>Total Funds</b>	<b>\$4,831,050</b>	<b>\$5,117,427</b>	<b>\$286,377</b>	<b>5.93 %</b>
<b>Total Ongoing</b>	<b>\$4,831,050</b>	<b>\$5,117,427</b>	<b>\$286,377</b>	<b>5.93 %</b>
<b>Total OTO</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>

**Program Description**

The Appellate Defender Division provides appellate services to qualifying clients and practices almost exclusively before the Montana Supreme Court and the United States Supreme Court. Most of the workforce is comprised of attorneys providing legal services. Legal assistants comprise the remaining portion of the workforce.

**Program Highlights**

<b>Appellate Defender Division Major Budget Highlights</b>
<p>The Appellate Defender Division's 2023 biennium budget request is 5.9% or \$286,000 higher than the 2021 biennium budget. Significant changes include:</p> <ul style="list-style-type: none"> <li>• Caseload growth projections drive \$162,000 of the increase</li> <li>• Lease increases for \$71,000 over the biennium</li> </ul>

**Program Actuals and Budget Comparison**

The following table compares FY 2020 actual expenditures to the 2021 biennium appropriated budget and the 2023 biennium budget request by type of expenditure and source of funding.

Program Actuals and Budget Comparison					
Budget Item	Actuals Fiscal 2020	Approp. Fiscal 2020	Approp. Fiscal 2021	Request Fiscal 2022	Request Fiscal 2023
FTE	0.00	17.50	17.50	17.50	17.50
Personal Services	1,618,992	1,618,991	1,751,148	1,752,922	1,757,272
Operating Expenses	704,358	773,847	687,064	801,979	805,254
<b>Total Expenditures</b>	<b>\$2,323,350</b>	<b>\$2,392,838</b>	<b>\$2,438,212</b>	<b>\$2,554,901</b>	<b>\$2,562,526</b>
General Fund	2,323,350	2,392,838	2,438,212	2,554,901	2,562,526
<b>Total Funds</b>	<b>\$2,323,350</b>	<b>\$2,392,838</b>	<b>\$2,438,212</b>	<b>\$2,554,901</b>	<b>\$2,562,526</b>
<b>Total Ongoing</b>	<b>\$2,323,350</b>	<b>\$2,392,838</b>	<b>\$2,438,212</b>	<b>\$2,554,901</b>	<b>\$2,562,526</b>
<b>Total OTO</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Program Discussion -**

*FY 2020 Appropriations Compared to FY 2020 Actual Expenditures*

The Appellate Defender Division was 97.1% or \$2.3 million expended of the program’s \$2.4 million budgeted expenditures. Personal services were 100% expended at \$1.6 million and operating expenses were 91.0% expended at \$704,000 of the \$774,000 budgeted.

*FY 2020 Appropriations Compared to FY 2021 Appropriations*

FY 2020 appropriations differ from FY 2021 mainly due to some present law adjustments and attorney pay ladder adjustments. The percent change from FY 2020 to FY 2021 is 1.9%.

*Executive Request*

The executive is proposing present law adjustments for lease increases at \$71,000 over the biennium and present law increases for caseload growth of \$162,000 over the biennium.

**Program Personal Services**

The Appellate Defender Division's personal services request increases by 4.2% or \$140,000 when compared to the 2021 biennium. Management decisions included a number of reclassified positions as well as negotiated pay scale increases for attorneys.

**Funding**

The following table shows proposed program funding by source of authority.

Office of State Public Defender, 02-Appellate Defender Division Funding by Source of Authority							
Funds	HB2 Ongoing	HB2 OTO	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
01100 General Fund	5,117,427	0	0	0	5,117,427	100.00 %	
<b>State Special Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>	
03291 COVID Relief	0	0	0	0	0	0.00 %	
<b>Federal Special Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>	
<b>Proprietary Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.00 %</b>	
<b>Total All Funds</b>	<b>\$5,117,427</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$5,117,427</b>		

The Appellate Defender Division is funded solely from general fund.

**Program Budget Summary by Category**

The following table summarizes the total budget by base, present law adjustments, and new proposals. For a description of these categories, please see the [glossary](#).

Budget Summary by Category								
Budget Item	-----General Fund-----				-----Total Funds-----			
	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget	Budget Fiscal 2022	Budget Fiscal 2023	Biennium Fiscal 22-23	Percent of Budget
2021 Base Budget	2,438,212	2,438,212	4,876,424	95.29 %	2,438,212	2,438,212	4,876,424	95.29 %
SWPL Adjustments	1,774	6,124	7,898	0.15 %	1,774	6,124	7,898	0.15 %
PL Adjustments	114,915	118,190	233,105	4.56 %	114,915	118,190	233,105	4.56 %
New Proposals	0	0	0	0.00 %	0	0	0	0.00 %
<b>Total Budget</b>	<b>\$2,554,901</b>	<b>\$2,562,526</b>	<b>\$5,117,427</b>		<b>\$2,554,901</b>	<b>\$2,562,526</b>	<b>\$5,117,427</b>	

**Present Law Adjustments**

The "Present Law" Adjustments table shows the changes from the base appropriation to the proposed budget. "Statewide Present Law" adjustments (DP 1, DP 2, DP 3) are standard categories of adjustments made to all agencies. Decisions on these items were applied globally to all agencies.

Present Law Adjustments										
	-----Fiscal 2022-----					-----Fiscal 2023-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Personal Services	0.00	1,774	0	0	1,774	0.00	6,124	0	0	6,124
DP 10 - Lease Increases	0.00	35,116	0	0	35,116	0.00	35,997	0	0	35,997
DP 5 - Caseload Growth	0.00	79,799	0	0	79,799	0.00	82,193	0	0	82,193
<b>Grand Total All Present Law Adjustments</b>	<b>0.00</b>	<b>\$116,689</b>	<b>\$0</b>	<b>\$0</b>	<b>\$116,689</b>	<b>0.00</b>	<b>\$124,314</b>	<b>\$0</b>	<b>\$0</b>	<b>\$124,314</b>

\*\*"Total Funds" amount includes funding from sources other than General Fund, State Special, or Federal Special (i.e. Proprietary).

DP 1 - Personal Services -

The executive requests adjustments to the present law personal services budget. This request has been broken into the following categories, and further detail is shown in the agency summary:

- Expected changes
- Personal services management decisions
- Modifications made to the personal services budget in the 2021 biennium

DP 10- Lease Increases -

The executive requests \$35,116 in FY 2022 and \$35,997 in FY 2023 for office lease increases in the Appellate Defender Division due to contractual 1.5% inflation factors.

DP 5 - Caseload Growth -

The Appellate Defender Division is requesting \$79,799 in FY 2022 and \$82,193 in FY 2023 due to a historical 3.0% caseload growth. This request will fund transcript services and contract attorney services.