

## 2020 Budget Request Form – Douglas County, KS

### Summary and Community Partner Overview

Community Partner:	<b>Douglas County Legal Aid Society, Inc.</b>
2020 Request	<b>\$40,000</b>

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#### **Community Partner Overview:**

##### Summary and Community Partner Overview:

Douglas County Legal Aid Society, Inc. (DCLAS) and the University of Kansas School of Law jointly provide legal assistance for low-income clients in criminal and civil cases through the school's Legal Aid Clinic. This joint venture commenced in 1969. The Legal Aid Clinic serves a dual mission of serving indigent members of the Douglas County community and educating emerging lawyers by giving them the opportunity to practice law in the Municipal Court of Lawrence and the District Court of Douglas County. As detailed below, Douglas County funding allows the Clinic to provide no-cost representation to children charged with crimes in Douglas County.

##### **Our People**

Clinic staff include Director/Clinical Associate Professor Melanie DeRousse, Associate Director/Associate Clinical Professor Meredith Schnug, and Office Manager Barbara Wrigley. Professors DeRousse and Schnug are licensed attorneys who are also full-time law school faculty, and as such are paid by the University rather than through DCLAS funds. Together, they supervise up to 16 advanced law students each semester (recent enrollment ranges from 4-13 students per semester). The students are certified by the Kansas Supreme Court to practice law under faculty supervision.

Through case work and a weekly seminar, law students learn not only about the areas of law in which they will be practicing, but also about the needs of children who are "crossing over" from child welfare into juvenile justice, trauma-centered interviewing and counseling, collaborating with local service providers, and systemic issues affecting populations experiencing poverty. They work through one-on-one supervision with professors to develop and use the skills needed for this incredibly vulnerable population. Law students in the Legal Aid Clinic represent children at all stages of juvenile defense - from arraignment through plea negotiations, trial and sentencing, as well as through hearings on probation or diversion violations. Recently, they have also begun work with area stakeholders – such as Douglas County Youth Services, the Douglas County

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Bar Association, and the Douglas County District Court – to help educate and share best practices for working with the affected populations.

### **Evolution of Juvenile Representation and Douglas County Funding**

Since 1988, DCLAS has been representing children who are unable to retain private counsel to defend them against criminal charges. Our two attorney faculty members, office manager, and team of advanced law students stand ready to provide high-quality representation to all children we are appointed to represent. We have represented over two thousand children since we began this work in 1988. We are one member of the rotating panel of attorneys and law firms receiving appointments to represent juvenile offenders. As such, we accept all appointments from the District Court unless we have a conflict of interest requiring us to decline representation. The actual number of juveniles represented fluctuates from year to year based on the juvenile crime rate, prosecutorial discretion in whether to charge a juvenile with a crime, and the level of eligibility and completion of immediate intervention programs by juveniles in the community.

Nonetheless, the portion of our practice devoted to court-appointed juvenile defense work has remained steady in recent years after a lengthy increase. Juvenile work is our main focus and the Douglas County contract funds the bulk of this work.

As a result of recent changes in juvenile law in Kansas, fewer children are charged with juvenile offenses. Juvenile justice reform legislation requires that all children accused of first-time misdemeanor crimes be offered the chance to participate in “immediate intervention programs” to help divert them from the juvenile justice system. Since this law went into effect in January 2017, we have seen a decrease in the number of children charged with misdemeanor crimes – and therefore a similar decrease in juvenile appointments of defense counsel such as ourselves for simple low-risk misdemeanor juvenile matters. Our case numbers dropped a little as first-time offender cases decreased; however, we have adapted to now receive referrals to represent children who are a little further into the criminal justice system rather than low-risk first-time offenders. In 2018, we worked with Douglas County District Court to expand our practice to accept referrals of lower-level felonies (such as criminal threat or a felony theft) to cover some of the space left by the diverted misdemeanors. The appointments we now receive – consisting of more experienced offenders or offenders charged with more serious crimes – are fewer in number but require greater levels of involvement of resources and time due to the higher stakes involved.

One unexpected and unfortunate area of growth for our practice has been in representing children in need of care (CINC) who are being threatened with placement in the juvenile detention center for violating civil orders in their child welfare cases. Because the child welfare laws were not reformed in lockstep with the reforms to the juvenile offender code, a child in Kansas can still be detained for 60-day periods for violating such a child welfare order (by skipping school or running from a placement) while a juvenile offender with a more serious misdemeanor – such as a battery – can no longer be detained at such length for a misdemeanor criminal transgression. A child can be adjudicated of a battery, a drug crime, or other serious

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misdemeanor and will not face the same long-term loss of liberty as a traumatized, abused, or neglected child who simply runs from a foster care placement or who persists in skipping portions of school. We have recently received several appointments to advocate for such children.

In addition to our County-funded juvenile work, we also engage in other separately funded practice areas such as criminal defense of adults in Lawrence Municipal Court and record expungement for individuals with criminal records that stand in the way of financial stability long after their sentences are complete.

All of our services are provided without any cost to our clients.

### **Use of Douglas County Funds**

We use funds received from Douglas County to pay our general operating expenses related to the provision of high-quality, constitutional representation of children charged with crimes in the Douglas County District Court. The details and volume of representation are set forth above in the Agency Overview section.

Although the professors' salaries and the expenses of educating law students through the accompanying seminar are covered by the School of Law, the various expenses of representation, including a portion of the salary of the Office Manager to coordinate scheduling, court appearances, communication with juvenile justice and other agency personnel, file maintenance, electronic filing, and other paralegal matters, will be covered through the requested funding. The funding is essential to the seamless provision of free legal representation in Douglas County.

We intend to continue to prioritize juvenile defense in our work and to continue to expand our holistic approach as we are called upon to also represent abused and neglected children (Children in Need of Care) in proceedings that could land them in the detention center even without any alleged juvenile offense. We will use the requested County funding to represent children charged with misdemeanor crimes in Douglas County, and, to the extent resources permit, to expand access to legal representation for others in Douglas County.

Douglas County remains our largest and most stable source of funding, and any cut to our Douglas County funding would result in difficulty continuing to provide the legal services we provide.

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### Service Overview - Metrics and/or data that describe the service impact:

In calendar year 2018, we were appointed to represent juvenile clients in a total of 34 new matters. These matters included 26 misdemeanor offenses, seven felony offenses, and one Child in Need of Care matter. These matters are in addition to cases that carried over from 2017, when we were appointed to represent juveniles in 47 new matters, including 45 misdemeanors and 2 Child in Need of Care cases. In calendar year 2018, our students and spent just under 900 hours on juvenile defense work. If this were converted to a basic, entry-level criminal defense rate of \$100/hour, this equates to about \$90,000 in billable hours of the course of 2018. This figure does not count faculty time supervising students or appearing in court alongside students.

While we keep data on the outcomes achieved for our clients, it is difficult to draw conclusions of those outcomes because they are necessarily driven by the legal facts of each individual case. Some cases are resolved by referral to and successful completion of an Immediate Intervention Program through Douglas County Youth Services; others are resolved through plea agreement; and still others are resolved by either an outright dismissal of charges or through a full-blown trial. These remedies are dependent on the individual circumstances of the clients and are thus not appropriate to rely on in assessing our work. In addition, with a limited data set, we are concerned about confidentiality in the data that we reveal.

Our juvenile clients face criminal charges including battery, disorderly conduct, possession of marijuana, felony and misdemeanor theft, criminal damage to property, and other charges. As we accepted our first juvenile felony cases, we were involved in increasing numbers of matters involving guns, and we were required to proceed with great caution to counsel clients about their rights, protect their presumption of innocence, and advocate for appropriate resolution while also keeping in mind the District Attorney's emphasis on community safety. Some children had related school discipline or education cases that we handled free of cost in addition to the initial criminal defense appointments. Other children had family needs for which we sought to connect them with community partners for assistance. Sometimes, parents and other family members were also victims of the conduct our clients were alleged to have committed; these cases required extra care in our approach to resolution.

As our case load shifted from a majority of first-time offenders (who could be eligible for diversion from the juvenile justice system) to children with longer-term involvement with the courts, we encountered a need for more in-depth representation, more frequent hearings, and a higher level of involvement in the children's needs at home, school, and in the community. Our juvenile clients who were Children in Need of Care were often detained for long periods while group home spaces were unavailable; we met with them at detention centers, called them at psychiatric treatment centers, and stayed by their sides as they worked their way through the complicated process of being at once juvenile offenders and wards of the court. Our students rose to the challenge and devoted many hours to exploring options and counseling and advocating for their juvenile clients in a wide variety of circumstances.

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### Alignment to County Focus Areas and Collaboration:

Community Partner:	<b>Douglas County Legal Aid Society, Inc.</b>
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Focus Area:	Human Services
	<p>Our work provides value in the area of human services in that we provide direct legal representation, and often case management and coordination, to students and families in times of crisis. We often encounter children who are not only charge with criminal offenses, but who also suffer from mental health challenges, trauma experiences, and family abuse and neglect. Our clients often cross over between the foster care and juvenile justice systems, and we seek to remain a solid, reliable point of contact as children and their families navigate those systems.</p> <p>We work closely with the staff at Douglas County Youth Services and we have coordinated a training combining the expertise of our agency, the Douglas County District Attorney’s Office, and Youth Services staff to address the needs of low-risk juvenile offenders.</p> <p>We regularly work with staff from KVC, Bert Nash, USD 497 and other child-serving agencies to holistically address our clients’ needs. As a small nonprofit law firm, we do not have formal relationships with any of these entities, but we continuously engage in outreach, networking, and collaboration to formulate solutions.</p>

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Community Partner:	<b>Douglas County Legal Aid Society, Inc.</b>
Focus Area:	<b>Public Safety and Emergency Services</b>
<p>Our work also provides value in the area of Public Safety. Research shows that children who feel they were given a fair process in the juvenile justice system are less likely to recidivate in the future, regardless of the outcome of their cases<sup>1</sup>. This means that how juvenile defenders approach their clients, and their cases, matters quite a bit towards public safety.</p> <p>In practicing a holistic, client-centered juvenile defense, our agency supports public safety. We work to ensure that each client feels heard, participates in decisions about their case, understands the available options, and comes away from the juvenile justice system with a better understanding of the rights and responsibilities of participation in our community. Our presence with our clients at each step of a juvenile justice proceeding assures that any outcome a court delivers – even a guilty one – is the best possible outcome for the child under the facts and circumstances of their case.</p> <p>We regularly collaborate, as appropriate, with the court, the District Attorney’s Office, and Douglas County Youth Services to make sure that all agencies are best meeting the goals of rehabilitation and deterrence set out by the state’s laws. We seek to help our clients to understand that their early juvenile justice interactions do not need to define their futures, and we believe that our client-centered, holistic approach supports juveniles’ reentry into their homes, schools, and communities in a position to make positive contributions.</p>	

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<sup>1</sup> Tamar R. Birckhead, Toward a Theory of Procedural Justice for Juveniles, 57 BUFFALO L. REV. 1447, 1479–83 (2009) (discussing social science research suggesting that when juveniles perceive that they have been treated fairly by police and the courts, a judgment shown not to be dependent upon the outcome of the case, they are less likely to recidivate).

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	2016 Actuals	2017 Actuals	2018 Actuals	2019 Adopted Budget	2019 Current Estimates	2020 Budget Request
<b>Revenues:</b>						
Unrestricted Fund Balance 7/1/xx	51,340	47,420	48,322		52,125	56,999
<b>Douglas County</b>	<b>35,000</b>	<b>40,000</b>	<b>40,000</b>	<b>40,000</b>	<b>40,000</b>	<b>40,000</b>
City of Lawrence	5,760	6,880	8,960	6,500	8,320	6,565
Grants - Douglas County Community Founda	2,000		2,225	2,500		
Contributions - KU LAW	6,001	6,189	5,831	7,000	6,200	7,000
Other: Kansas Legal Services	400	520	0	400	320	0
Other: Rice Foundation	5,000	6,000	6,000	6,000	6,000	6,000
Other: Misc	220	2,960	540	1,000	180	555
Interest	184	181	185	115	115	180
<b>Total Revenues:</b>	<b>54,565</b>	<b>62,730</b>	<b>63,741</b>	<b>63,515</b>	<b>61,135</b>	<b>60,300</b>
<b>Total Revenues and Fund Balance</b>	<b>105,905</b>	<b>110,150</b>	<b>112,063</b>	<b>63,515</b>	<b>113,260</b>	<b>117,299</b>
<b>Expenditures:</b>						
Salaries	55,087	53,626	51,541	54,000	51,854	55,000
Employee Benefits (incl in salary)						
Health Insurance (incl in salary)						
Supplies		836	632	600	600	600
Utilities, Building Maintenance						
Travel & Training						
Office Equipment		2,134	1,815	2,100	2,100	2,100
Debt Payments						
Other: Professional fees	1,125	1,150	1,150	1,150	1,150	1,150
Other: Publications	83	324	92	90	90	100
Other: Telephone, postage, fax	8					
Other: DCCF Grant Spending			2,225	2,500		
Other: misc	2,182	3,758	2,483	3,075	467	1,350
<b>Total Expenditures:</b>	<b>58,485</b>	<b>61,828</b>	<b>59,938</b>	<b>63,515</b>	<b>56,261</b>	<b>60,300</b>
<b>Ending Fund Balance 6/30/xx</b>	<b>47,420</b>	<b>48,322</b>	<b>52,125</b>	<b>0</b>	<b>56,999</b>	<b>56,999</b>

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### Budget Request Analysis

Community Partner: **Douglas County Legal Aid Society, Inc.**

#### Analysis of Revenue Sources:

Our revenue sources have been stable for a number of years, with different revenue sources supporting different areas of our practice. Our Douglas County funding supports the bulk of our agency's work in juvenile defense and related matters for the children we serve. At a flat rate of \$40,000 each year, we accept all juvenile appointments for which we do not have an ethical conflict. As noted above, we have recently increased our capacity to accept low-level felony offenses and Child in Need of Care appointments where the child is facing a loss of liberty.

Separately, we engage in a fee-for-service relationship with the Lawrence Municipal Court, where we are appointed to represent adults charged with misdemeanor crimes. This amount changes slightly from year to year depending on the number of adults charged. Our capacity to take municipal court cases varies based upon our enrollment as well as our engagement in juvenile work. We treat this work as supplemental to our juvenile defense work. In recent years, the amount we have earned for this work has ranged from \$5000 to almost \$9000.

We also receive some funding from the KU School of Law. As noted above, both faculty members' salaries and fringe benefits are covered by the School of Law and not included in our agency's budget. The KU School of Law contribution listed on the budget reflects the school's contributions to our professional liability insurance, accounting fees, office equipment, supplies, storage, and other overhead.

In some years, we receive limited grant funding from Douglas County Community Foundation for a specific project. These lines on past budgets were for a conversion of our interview rooms into trauma-informed spaces and for support of our expungement project with the Lawrence Interdenominational Nutrition Kitchen.

We receive unrestricted grant funding from the Raymond Rice Family Foundation; this supports some of our operational costs for the provision of services to indigent clients in Douglas County. Recently, this has been used to cover general operational expenses that are not covered by other sources. The Rice Foundation increased its contribution by 20% - from \$5000 to \$6000 - in 2017; however, they indicated this year that due to fluctuations in the market, they may not have the resources to continue at this level of funding in future years.

We receive a small fee-for-service payment from Kansas Legal Services when we accept conflict cases from them for work with clients seeking protection from abuse orders. This is a very small portion of our practice and as such, we do not rely on this funding.

We have explored other revenue sources ranging from federal funding to small community funds such as the Rotary Club; however, our mostly operational costs are difficult to "sell" to potential funders. The costs of maintaining and reporting on most federal grants outweigh any monies we could receive. The small grants are wonderful for tangible, short-term projects but generally are not available to support long-term operation. Prior the United Way's reorganization a few years ago, we were recipients of some United Way funding;



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however, we are no longer aligned with their priorities. In addition, the costs involved in the formal audit and the collaboration meeting work would outweigh any benefits of this funding. We have applied to Kansas Bar Association for grant funding in recent years but we have been unsuccessful as their grants are currently focused on civil, rather than criminal, representation.

As such, Douglas County remains our strongest and most stable funding source to support our work. We are grateful for the continued support of the county, and we look forward to discussing ways to continue to adjust our services as our capacity and the needs of juveniles in the community change.

### Analysis of beginning & ending fund balances, and dedicated or restricted cash reserves:

#### The balances of our financial accounts as of 12/31/18 were as follows:

General checking account: \$11,843.45

Money market account: \$11,323.11

Certificate of deposit: \$34,899.12

#### The balances of our financial accounts as of 03/31/19 were as follows:

General checking account: \$17,080.95

Money market account: \$11,231.49

Certificate of deposit: \$34,974.24

There have been no significant changes, modifications, or variances in beginning and ending fund balances from our previous budget. We have not encountered any new funding sources nor have we absorbed any new restricted reserves.

### Analysis of expenditure changes:

Our expenditures have not changed in any significant way from year to year over 2016, 2017, and 2018. Our largest expense – the salary and benefits of our Office Manager – has increased slightly over the years, but other expenses have remained stable. We benefit from KU's procurement contracts and purchasing power for phones, computers, office supplies, and other necessities; we take advantage of low cost professional liability insurance available to nonprofit legal aid organizations.