



## VIEWPOINT ~~ Public Defender issues annual report

*BY Matt Shirk/Fourth Judicial Circuit Public Defender*

With two years of his first term as Fourth Judicial Circuit Public Defender, Matt Shirk says he will continue working hard to ensure that the state agency is fiscally responsible and managed with the utmost efficiency; the clients represented by the office are provided quality and effective advocacy; and that he and his staff offer greater public service through active community outreach and engagement. Several accomplishments and highlights of 2010 supporting Shirk's three-pronged approach to leadership as Public Defender follow in his annual report:

### ~~ 1. Efficient, fiscally responsible management

The office formalized the Resource Recovery Program which complies with Florida Statute 27.52(1). It includes collection of the indigency application fee and additional costs related to a case. In 2010, it collected \$732,239, a 61.9 percent increase from the previous year.

Public Defender Jail Video System was developed by PD Information Technology staff to enable secure video conferencing capability for attorneys and detained clients. It costs less than half of the previously used, proprietary system and is being expanded in both Clay and Duval County jail. PDJVS improves efficiency for attorneys and enhances jail security; it will save an estimated \$125,000 in the Fourth Circuit.

A digital deposition system was implemented to replace live, pre-trial court reporters in many cases. Estimates indicate this will save taxpayers nearly \$200,000 per year in per diem and printing costs.

Benefits of the unique Pro Bono Opportunities program include cost savings per case, better attention to clients and local Bar diversification. Private attorneys are trained and take PD cases at no cost. An estimated 30 local attorneys enlisted in the program, some of whom handled multiple cases.

Se Habla Espanol. To cut costs hiring Spanish translators and still serve multicultural clientele, the office increased the number of bilingual employees by hiring three new attorneys who are fluent in Spanish. Two new assistant public defenders joined the Felony Court Unit and one joined the Juvenile Unit. Investigations and support staff also have bilingual personnel.

Due to legislative cuts to Florida public defenders a 6 percent cut to office vendors was imposed in February and remains in place. No interruption of office functions occurred and only a handful of the hundreds of vendors chose not to continue their association with the office.

At the end of the state fiscal year 2010, the office carried over \$366,452 in surplus funding. The unlikely budget surplus came as unforeseen budget cuts were imposed. In 2009 there had been a 2 percent cut to the general revenue (salaries and benefits) fund for state agencies and in 2010 the state swept 11.2 percent from the due process fund allotted to the Public Defender.

The Shirk administration continued to reduce government waste and in 2010 cut more than \$162,000 from discretionary operating costs.

### ~~ 2. Quality, effective client advocacy

In the courtroom: The office win-percentage at trial has grown from 12 percent in 2008 to 20 percent in 2010. Assistant public defenders won acquittals in 51 of the 257 jury trials in 2010.



Shirk

Motivational, continuing education seminars on innocence were provided to attorneys aimed at enhancing their commitment to public defense. One involved a presentation by William Dillon who was released from a life sentence based on post-conviction DNA evidence. Another was at the Florida Coastal School of Law Alumni Day event where Mr. Shirk moderated a panel of experts on innocence.

Citing substantial cost saving to taxpayers and a proven, significant reduction in recidivism rates of those charged on drug-related incidents, Mr. Shirk became a strong advocate for Duval County Drug Court. He publicly discussed the fiscally and socially responsible benefits of Drug Court as an option for non-violent offenders resulting in greater participation in the program.

An enhanced Investigations Unit in the office has been instrumental in supporting cases. By employing certified law enforcement investigators, public defender clients have the advantage of knowing their attorney has a great knowledge and understanding of sheriff's office operations and procedures. This has enabled unprecedented cooperation between defense attorneys and police as well as led to numerous acquittals.

Juvenile justice issues are handled in the office by nationally recognized reform advocate, Director Rob Mason. In addition to providing young clients with effective advocacy, Mr. Mason assists Mr. Shirk with the management of two unique, diversionary programs offered for juvenile clients. One is a mentorship program; the other is the Vision For Excellence Youth Summer Program. Both are aimed to provide young males with positive direction in their decision making

### -- 3. Active community outreach and engagement

Participated in a series of accountability forums discussing community problems with citizens.

Provided ex-felons with workshops on record sealing/expunction to ease re-entry to society.

Reached out to community/neighborhood leaders to open communication lines.

Developed and presented "Legal Ramifications of the Electronic Age" to numerous groups; it is designed to educate parents and children about the dangers of Internet and other technology.

Supplementing local education, Mr. Shirk and staff spoke at schools about government, the law profession and other issues. The Clay County Office adopted a needy family of a local elementary student and provided gifts/necessities at Christmas.

In partnering with The Blood Alliance, the office offers staff, downtown a blood collection site.

Continued public defender's tradition of providing quarterly meals for homeless; school supply donation.

Conservation at Nassau County Judicial Annex - assistant public defender used personal time/resource to protect Eastern Bluebird species on grounds of new court complex.

Participated in functions at local law school; Mr. Shirk named to Florida Coastal School Law Alumni Board.

Mr. Shirk elected secretary of Florida Public Defender Association Board of Directors; AL Kelly became investigations representative.

"It has been a very busy and productive two years and I am pleased with the hard work our staff has done on behalf of our clients, the local taxpayers and the communities in Northeast Florida," said Mr. Shirk. "We will continue fighting for justice in the courtrooms, incorporating new practices and technologies into the administration and reaching out to the people we are privileged to serve."