



STATE OF ARKANSAS
**Department of Finance
and Administration**

OFFICE OF PERSONNEL MANAGEMENT
Administrator's Office
1509 West Seventh Street, Suite 201
Post Office Box 3278
Little Rock, Arkansas 72203-3278
Phone: (501) 682-1823
<http://www.state.ar.us/dfa>

April 16, 2014

Representative Andrea Lea, Co-Chairperson
Senator Uvalde Lindsey, Co-Chairperson
Uniform Personnel Classification and Compensation
Plan Subcommittee
Arkansas Legislative Council
State Capitol Building, Room 315
Little Rock, Arkansas 72201

Dear Co-Chairs:

The Office of Personnel Management submits a request from the Arkansas Public Defender Commission (APDC) for your review.

The Arkansas Public Defender Commission has requested to obtain one (1) position from the position pool established by Arkansas Code 21-5-225 (a) (1). The classifications requested along with the position being surrendered are listed below:

<u>POSITION SURRENDERED</u>	<u>TITLE</u>	<u>CLASS CODE</u>	<u>GRADE</u>
22142771	Public Defender I	G025N	N901

CLASSIFICATION REQUESTED

Public Defender III	G012N	N905
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JUSTIFICATION

The Arkansas Public Defender Commission currently has 37 authorized and filled Public Defender III positions. Of those, two positions are designated to handle dependent/neglect appeals. By law, these positions are required to maintain specific accreditation beyond practicing attorneys in order to prepare and file these appeals. The Commission needs an additional Public Defender III position to maintain equity for positions with appellate requirements. Approval of this request would allow the Commission to properly utilize their positions as intended, as well as prevent seeking costly external counsel to perform these duties. The Commission has also estimated an annual cost savings with the addition of the requested position.

Representative Andrea Lea, Co-Chairperson
Senator Uvalde Lindsey, Co-Chairperson
April 16, 2014
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The Office of Personnel Management has reviewed this request from the Arkansas Public Defender Commission and **recommends** approval of one pool position classified as Public Defender III, G012N, grade N905.

Your approval of this request is greatly appreciated.

Sincerely,



Kay B. Terry
State Personnel Administrator



Chief Fiscal Officer of the State

MAR 26 2014

Date

KBT/AS:1-2

Arkansas Public Defender Commission

Capital, Conflicts Attorneys

Teri L. Chambers
Jacqueline R. Wright
Katherine S. Streett
M.P. "Pat" Aydelott, III
Christopher Nebben
Amy Jackson Kell
Joseph Tobler
Lloyd Warford
Deborah A. Czuba
Andrea C. Stokes
T. Scott Brisendine

Executive Director

Gregg Parrish

Appellate Attorneys

Didi H. Sallings
Janice Vaughn

Dependency Neglect

Appellate Attorneys

Leah Lanford
Suzanne R. Lumpkin

Juvenile Defender Specialist

Dorey K. Corbin

RECEIVED

MAR 19 2014

**OFFICE OF PERSONNEL MGMT
CLASS & COMP**

March 6, 2014

Ms. Kay B. Terry
State Personnel Administrator
Office of Personnel Management
Department of Finance and Administration
1509 West Seventh Street
Suite 201
Little Rock, AR 72203

RE: Pool Position

Dear Kay:

In furtherance of our conversation a few weeks ago, I am attempting to reclassify one (1) position in the Arkansas Public Defender Commission (APDC) – Dependent/Neglect Appeals. I will explain in detail the positions and the reasons for making this request.

At present, APDC has authorized titles of Public Defender III (G021N, N905), II (G022N, N902), and I (G025N, N901). Public Defender I and II are primarily responsible for providing legal defense representation to clients in criminal cases. The criteria for the I level is a Juris Doctorate and two years of experience practicing law in the defense or prosecution of criminal cases, licensed to practice law in the State of Arkansas, and certification to try up to B felonies; the II level requires the same education, licensure, and certification, with three years of same experience. The criteria for the III level is much more stringent, requiring the same education and licensure, with seven years of experience practicing law in the defense of criminal cases or trial work and Y certification or attainment of Y qualifications within one year of employment.

APDC has 37 authorized and filled Public Defender III positions. Of those, two (2) positions are designated to handle criminal appeals. APDC also has two (2) positions designated to handle Dependent/Neglect appeals, both of which are authorized as Public Defender I.

Kay B. Terry
March 6, 2014
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One of these positions is in charge of the Dependent/Neglect division of our office, and oversees the annual handling of over 100 appeals to the Arkansas Court of Appeals and the Arkansas Supreme Court. The other position has been recently filled to assist with the appeals caseload.

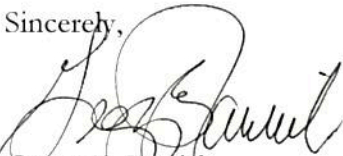
These appeals are governed by specific laws and rules uncommon to regular civil and criminal appellate work. By law, these positions are required to maintain specific accreditation beyond that required of practicing attorneys in order to prepare and file the appeals. The deadlines are much shorter, and often require finalization of work on nights and weekends. As soon as one appeal is finalized, two (2) more will always be due within a few weeks. In other words, this work is never ending.

The responsibilities of this position are comparable to the work performed by the two (2) other appellate attorneys working for this office who handle criminal appeals, and which are classified as Public Defender III. If APDC were to lose the services of Leah Lanford, the incumbent, I would be placed in a position, based upon the requirements of law, to associate outside counsel on an hourly basis to perform these duties. That cost would be astronomical compared to bringing the position in line with other appellate attorneys in this office.

I do not make this request without much thought and comparison of duties and responsibilities. Therefore, I respectfully request to surrender position 22142771, G025N, Public Defender I, grade N901, for a pool position to be classified as G021N, Public Defender III, grade N905. Going forward, I will look closely at all classifications within APDC and request changes I consider essential to the operations of the Commission during the biennial budget process.

Thank you for your assistance in this matter. Please contact me should you have any questions.

Sincerely,



Gregg E. Parrish

GEP