

**BOARD OF COUNTY COMMISSIONERS**  
**SARPY COUNTY, NEBRASKA**  
**RESOLUTION SETTING SALARIES FOR**  
**ASSISTANT PUBLIC DEFENDERS FOR FY2012**

WHEREAS, pursuant to Neb. Rev. Stat §23-3403 (Reissue 2007), “The public defender may appoint as many assistant public defenders, who shall be attorneys licensed to practice law in this state, [...] as are reasonably necessary to permit him or her to effectively and competently represent the clients of the office subject to the approval and consent of the county board which shall fix the compensation of all such persons...”; and,

WHEREAS, the Assistant Public Defender’s salaries were set pursuant to a salary schedule beginning July 1, 2009 and continuing through fiscal year ending June 30, 2011, and

WHEREAS, there is currently no salary schedule as of July 1, 2011 and continuing forward, and

WHEREAS, the Assistant Public Defender’s salaries for payroll periods within FY 2012 need to approved and consented by the County Board, and

WHEREAS, the Public Defender has proposed setting the salary for the following Assistant Public Defenders:

Mandy Gruhlkey	\$59,077.98
John Hascall	\$78,238.58
Tim Krajicek	\$75,641.02
Christopher Lathrop	\$87,238.84
Dennis Marks	\$85,632.30
April O’Loughlin	\$64,903.80
Gary Olson	\$77,000.00

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that the salaries as requested for Assistant Public Defenders is hereby adopted for payroll periods within FY2012 subject to such other terms and conditions of employment as may be applicable to said positions, as contained in the existing policies of Sarpy County and the policies of the Public Defender, as the same may be modified from time to time.

The above and foregoing Resolution was duly approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on this 22<sup>nd</sup> day of May, 2012.

  
\_\_\_\_\_  
Sarpy County Board Chairman



  
\_\_\_\_\_  
Sarpy County Clerk

Approved as to form:

  
\_\_\_\_\_  
Deputy County Attorney

## **I. Resolution Setting the Salaries for Assistant Public Defenders**

Pursuant to Neb. Rev. Stat §23-3403 (Reissue 1997), the County Board is required to approve and consent to the salaries of all Assistant Public Defenders.

It came to my attention that the Public Defender Salary Schedule previously approved and adopted ended on June 30, 2011. Additionally, it was requested that, even in light of an approved Public Defender Salary Schedule, the County Board should consent and approve of all Assistant Public Defender salaries.

This resolution requests that the County Board approve and consent the salaries for the Assistant Public Defenders that they are currently being paid in FY2012, either pursuant to date of hire or due to the previous salary schedule.

All of the salaries requested, with the exception of one, are within the salary ranges of the Public Defender Salary Schedule for FY2011\* plus a 2.5% merit increase. For example, for an Assistant Public Defender who is at the Attorney level on the salary schedule has a salary range of \$56,873.16 - \$74,841.20 for FY2011\*. For purposes of this resolution, I added a 2.5% merit increase for the Attorney level to calculate a projected salary range for FY2012 of \$59,460.89 - \$78,246.49. However, as you will see in a later resolution, I did not request a merit increase of more than 1% for any of the Assistant Public Defenders.

The Assistant Public Defenders work very hard and are very diligent and zealous in their constitutionally ordered duty.

In calendar year 2011, there were 771 felony filings and 8015 misdemeanor filings in the Sarpy County system.\*\* Of those filings, the Sarpy County Public Defender Office was appointed to 18.3% of the misdemeanor filings and was appointed to 63.5% of the felony filings.

National Caseload Standards state that the maximum number of cases per attorney, per year should be (or a proportionate number thereof) \*\*\*:

- Felonies: not more than 150
- Misdemeanors (excluding traffic): not more than 400;
- Juvenile Court: not more than 200
- Mental Health Act: not more than 200;
- Appeals: not more than 25.

Over the past four years, the Attorneys of the Public Defender Office have carried the following caseloads and have exceeded the national standards in all areas except for Mental Health cases.

**SARPY COUNTY PUBLIC DEFENDER**

1256 Golden Gate Drive, Ste. 2  
Papillion, Nebraska 68046  
(402) 593-5933  
FAX (402) 593-5939

Thomas P. Strigenz, Public Defender  
Patrick J. Boylan, Chief Deputy  
Christopher J. Lathrop  
April L. O'Loughlin

Tim Krajcicek  
John P. Hascall  
Dennis P. Marks  
Mandy M. Gruhlkey

**MEMO**

May 18, 2012

TO: Sarpy County Board of Commissioners  
FROM: Thomas P. Strigenz, Sarpy County Public Defender  
RE: Resolutions regarding salaries of Assistant Public Defenders

Please find enclosed three separate Resolutions that I am asking the Board approve at the next scheduled County Board meeting.

The First resolution requests that the Board approve and consent the salaries for all currently employed Assistant Public Defenders for payroll periods within FY2012.

The Second resolution requests that the Board approve and consent to a salary adjustment for Assistant Public Defender April O'Loughlin.

The Third resolution requests that the Board approve and consent to a 2% salary increase for certain Assistant Public Defenders for payroll periods within FY2012.

	2008	2009	2010	2011
Fel Atty I	175	193	164	131
Fel Atty II	172	193	211	177
Fel Atty III	175	193	139	138
Extra Fel Atty			71	44
Vio Prob-Fel	60	59	58	45
Misd Atty I	437	567	500	441
Misd Atty II	513	567	558	443
Misd Atty III	573	567	632	580
Extra Misd Att			102	42
Viol Prob-Misd	121	116	112	104
Juv Ct Atty I	333	303	419	265
Juv Ct Atty II	333	302	358	231
Mental Health			130	100
Appeals	46	40	42	52

Date for 2008 Felony taken from internal Public Defender Statistics Sheet. Total cases averaged out between three attorneys.

Data for 2009 Felony/Misd. taken from Public Defender Workloads and Performance Sheet and averaged.

All of the "extra" cases for Felonies and Misd. are taken by the Public Defender.

\* Public Defender Salary Schedule FY2009-2011 (3.846% between Steps)

\*\* Sarpy County Court new filings information sheet.

\*\*\* National Advisory Commission on Criminal Justice Standards and Goals, Task Force on Courts, 1973, *Courts*. Washington, DC: National Advisory Commission, 186.

-adopted by the American Bar Association, February 2002

-adopted by the National Legal Aid and Defender Association, 1997

-adopted by the American Council of Chief Defenders, August 24, 2007

All of the salaries are reasonable and fair and it is requested that the Board approve and consent to the same.

## **II. Resolution Setting Salary Adjustment for Assistant Public Defender April O'Loughlin**

This resolution adjusts the salary of April O'Loughlin to reflect her experience and knowledge as a Senior Public Defender.

Ms. O'Loughlin was hired on or about 3/21/2011 and is classified as a Senior Attorney. Ms. O'Loughlin has over 12 years experience as an attorney, including 5 years as a Prosecutor with the Sarpy County Attorney's office.

On 3/21/2011, due to the recession and the bear market and in order for the Sarpy County Public Defender to remain fiscally conservative, a salary of below a Senior Lever Public Defender grade on the Public Defender salary schedule was negotiated. It was agreed that within 6-9 months, her salary would be increased to a Senior Level Public Defender. It is requested that her salary be adjusted to \$74,600.19 effective 1/2/12. This salary is within the salary range (\$67,528.54 – \$82,158.80) of a Senior Level Attorney.

If this is approved, no additional sums will need to be allocated to the Other Deputy Salaries line item of the Public Defender FY2012 budget as the Sarpy County Public Defender budget is able to absorb this additional cost.

## **III. Resolution setting salary increases for certain Assistant Public Defenders**

This resolution increases the FY2012 salaries of certain Assistant Public Defenders. The Public Defender is requesting an increase of 2% for four Assistant Public Defenders. This modest increase reflects the Public Defender's office conservative spending yet allows for the hard work and dedication of the Assistant Public Defenders to be recognized.

It is requested that the salaries of John Hascall, Tim Krajicek, Christopher Lathrop, and Dennis Marks all be increased by 2% effective 8/29/11.

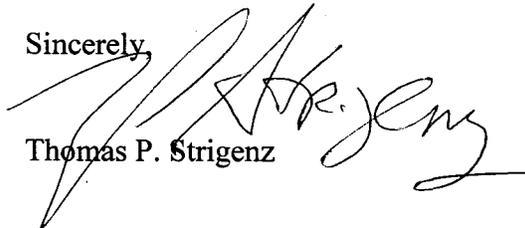
If this is approved, no additional sums will need to be allocated to the Other Deputy Salaries line item of the Public Defender FY2012 budget as the Sarpy County Public Defender budget is able to absorb this additional cost.

## **Conclusion**

As always, I appreciate the support the County Commissioners have shown the Sarpy County Public Defender's Office in the past and I know that the support will continue in the future.

I look forward in addressing the Board at the County Board meeting but you have any questions prior to that time, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Strigenz', written over the typed name.

Thomas P. Strigenz

TPS/dx