

## **ACLU: Dawson County's public defender's office understaffed**

Written by Deb Egenberger  
Thursday, 04 April 2013 14:57 -

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### **Commissioners working to fix attorney issues**

LEXINGTON—Dawson County commissioners have known for awhile that there are staffing issues in the public defender's office.

They didn't need the American Civil Liberties Union making a big, public deal out of it.

"If they had just called and asked, we could have told them that we've been working on it," said commissioner Bill Stewart of Lexington during Monday's regular bimonthly board meeting.

As it was, though, the ACLU wrote a letter to the county board, dated March 21, stating that records indicate the county has not adequately met the staffing standards set by the American Bar Association.

The letter, signed by attorney Amy Miller of the ACLU, outlines the maximum caseload standard as well as the Constitution's guarantee of adequate representation.

"From my review of available public records, it appears that Dawson County has not been in compliance with these requirements," Miller's letter states.

Last year, Miller wrote, Dawson County's public defender was a part-time attorney with a private practice, assisted by another part-time deputy.

While the recommended number of annual cases is 150 per full-time attorney, more than 250 felonies were filed in the county in 2012.

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"That means that, even with occasional private counsel or conflict attorney appointments, the Dawson County public defender's office was far understaffed to meet the caseload," she wrote.

The issue was brought to light within the ACLU when public defender Derek Mitchell submitted his resignation in January, effective on April 1, and the county began the process of finding his replacement.

Mitchell, who had been the Dawson County public defender for 14 years, gave no reason for his leaving.

While the ACLU is not taking legal action right now, county attorney Liz Waterman advised the board that time is of an essence.

"We need to get things rolling as quickly as possible," she said.

The first thing the commissioners need to do is appoint a policy board of three members to help select a qualified public defender from the four applications received.

The policy board consists of two attorneys and one lay member.

Board chairman PJ Jacobson appointed county clerk Karla Zlatkovsky to the policy board and said he will work with Stewart to find two willing attorneys.

After consideration of the applicants, the three-person board will then make a recommendation to the commissioners for appointment as well as salary.

Commissioners said there has not been a timetable set for the replacement process.

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"We are already in the process of doing what the ACLU has asked," Stewart said.

The board will not issue a response to the ACLU letter.

In other county business, commissioners awarded a bid for \$120,232 to Paulsen Inc. for parking lot improvements at the Dawson County Historical Museum.

The cost is covered by a grant which passes through the county's general fund.

Higher bids for the concrete resurfacing were received from TL Sund Constructors Inc. of Lexington, \$129,491, and GD Concrete Construction of Overton, \$131,017.

In other business, the county board:

awarded gravel bids to both Overton Sand & Gravel and Paulsen Inc., split between the two with lowest costs awarded by range and township.

approved a grant application for personnel expenses in the victim witness program. Becky Boryca, program director, said the grant request for \$37,520 would fully cover her salary while the county provides the 20% match requirement of \$9,380 for benefits.

authorized an addendum to the SCALES contract to include the Cozad Police Department. South Central Area Law Enforcement Services includes 12 cooperating law enforcement agencies between Aurora and Cozad.

agreed to lease the Community Economic Development's former grocery store building for \$100

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per month so remodeling work can begin while the U.S. Department of Agriculture does further investigation on the transfer of a grant from the CED to the county.

Commissioners thought they would be closing on the purchase of the building in March but the grant transfer is slowing the process.