

**PUBLIC DEFENDER CORPORATION
FOR THE FIFTH JUDICIAL CIRCUIT**

**FINANCIAL STATEMENTS
WITH ADDITIONAL INFORMATION
FOR THE YEARS ENDED JUNE 30, 2007 AND 2006
WITH
INDEPENDENT AUDITORS' REPORT**

**PUBLIC DEFENDER CORPORATION
FOR THE FIFTH JUDICIAL CIRCUIT
FOR THE YEARS ENDED JUNE 30, 2007 AND 2006**

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MANAGEMENT DISCUSSION & ANALYSIS

This discussion and analysis of the Public Defender Corporation of the Fifth Judicial Circuit of the State of West Virginia financial performance provides an overview of the Corporation's financial activities for the fiscal years ended June 30, 2007 and 2006 and identifies changes in the Corporation's financial position.

Overview of Basic Financial Statements

These statements are in two parts - *management's discussion and analysis* (this section) and the *basic financial statements*. The Corporation's financial statements are prepared on the accrual basis of accounting and are reported in accordance with generally accepted accounting principles. These statements include the *statement of financial position*, the *statement of activities*, the *statement of cash flows* and notes to the financial statements.

The *statement of financial position* presents the Corporation's assets, liabilities and net assets as of the financial statements date. Through this presentation one can decipher the health of the Corporation by taking the difference between the assets and liabilities. An increase or decrease in the Corporation's net assets from one year to the next is an indicator of whether its financial health is improving or deteriorating.

The *statement of activities* reports revenues and expenses when earned or obligated. This means that all of the current year's revenues and expenses are included regardless of when cash is paid or received, thus providing a view of financial position that is similar to that presented by most private-sector companies. This statement summarizes the cost of providing legal defense services to those individuals charged with a violation of the law but who cannot afford an attorney to defend themselves or to represent indigent persons or juveniles and mental hygiene cases as appointed by the court.

Financial Analysis of the Corporation

Total assets of the Corporation on June 30, 2007 and 2006 were \$151,020 and \$113,867, while liabilities were \$24,768 and \$22,247 resulting in a net asset balance of \$126,252 and \$91,620. \$13,634 and \$20,210 of the Corporation's net assets are invested in capital assets. The Corporation had no outstanding debt. Unrestricted net assets are \$126,252 and \$91,620.

The Corporation revenues are derived from funding from the West Virginia Public Defender Services and accordingly 100% of the Corporation's revenues were derived from this funding for the years ended June 30, 2007 and 2006. Total revenues were \$567,288 and \$495,593. The expenses of the Corporation were \$532,656 and \$526,534. As a result of the excess of revenue over expenditures the Corporation's total net assets increased by \$34,632, from \$91,620 to \$126,252 for the year ended June 30, 2007. For the year ended June 30, 2006, the excess of expenditures over revenue caused the Corporation's total net assets to decrease by \$30,941, from \$122,561 to \$91,620.

The Corporation's revenues and expenditures are all considered operating. The Corporation did not have any special or extraordinary items.

Detailed Financial Analysis of the Corporation

Cash in the Corporation increased by \$43,531 due to revenue exceeding expenditures as a result of an increase in funding of \$71,695. All other assets and liabilities stayed within reason between the two periods.

Operating expenses for the fiscal year increased by \$6,122. This increase is attributable to an increase of \$11,928 in the personal services line as a result of increased wages and staffing and a decrease of \$8,866 in support services and administrative support. All other expenses were within reason to the prior fiscal year.

Capital Asset and Debt Activity

As of June 30, 2007 and 2006, the Corporation had capital assets amounting to \$13,634 and \$20,210, respectively. The Corporation's capital assets include furniture and fixtures and computer equipment. The assets are being depreciated over useful lives between three and ten years. The accumulated depreciation on the assets amounted to \$54,687 and \$48,111, respectively. The Corporation purchased fixed assets amounting to \$-0- and \$10,400 for the years ended June 30, 2007 and 2006, respectively.

The Corporation has no short or long-term debt.

Cash Management

The Corporation's funds are deposited into a checking account at a national banking institution. The account does not earn interest. Additionally, throughout the year ended June 30, 2007 the Corporation had deposits exceeding \$100,000 which were not properly collateralized.

Economic Factors and Next Year's Budget

The State of West Virginia, Public Defender Services looked at various factors when approving the budget for the year ending June 30, 2008. Such factors considered include: the Corporation's case load in comparison to the number of professional and non-professional staff, the type, amount and rate of employee benefits, the anticipation of large or unusual cases which require additional resources, capital needs, as well as, the operating environment and its operational needs.

For the year ending June 30, 2008 the Corporation has an approved budget of \$595,190. This represents a budget increase of \$27,902 from the prior year, mainly attributable to an increase of \$20,802 in the personal services and employee benefits category line items due to full staffing and an increase in the costs of the benefits as well as an increase of \$5,400 in the office expenses line item. All other budgeted line items are within a reasonable amount to the prior year.

Conclusion

This financial report is designed to provide the users with the general overview of the Corporation's finances and to demonstrate the Corporation's accountability for the money it receives.

**PUBLIC DEFENDER CORPORATION
FOR THE FIFTH JUDICIAL CIRCUIT
BOARD OFFICIALS
JUNE 30, 2007**

<u>Office</u>	<u>Name</u>
Board Chairman:	Jeanette Atkinson
Board Officials:	James L. Bennett
	Michael Spiker, Esq.
	John D. Gunther
	Dennis Curry, Esq.
	Charles White
	Kevin W. Postalwait, Esq.
Managing Public Defender:	D. W. Bostic, Esq.

INDEPENDENT AUDITORS' REPORT

Honorable Members of the Board
Public Defender Corporation
for the Fifth Judicial Circuit
Ripley, West Virginia

We have audited the accompanying statements of financial position of the Public Defender Corporation for the Fifth Judicial Circuit, (the Corporation) as of June 30, 2007 and 2006, and the related statements of activities and cash flows for the years then ended. These financial statements are the responsibility of the Corporation's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Corporation as of June 30, 2007 and 2006 and the changes in its net assets and its cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated August 28, 2007 on our consideration of the Corporation's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audit.

Management's Discussion and Analysis (MD&A) on pages 1 through 2 is not a required part of the basic financial statements but is supplementary information required by accounting principles generally accepted in the United States of America. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of measurement and presentation of the required supplementary information. However, we did not audit the information and express no opinion on it.



Huntington, West Virginia
August 28, 2007

**PUBLIC DEFENDER CORPORATION
FOR THE FIFTH JUDICIAL CIRCUIT
STATEMENTS OF FINANCIAL POSITION
JUNE 30, 2007 AND 2006**

ASSETS

	<u>2007</u>	<u>2006</u>
CURRENT ASSETS		
Cash	\$ 136,818	\$ 93,287
Other assets	<u>568</u>	<u>370</u>
TOTAL CURRENT ASSETS	<u>137,386</u>	<u>93,657</u>
PROPERTY AND EQUIPMENT		
Furniture and fixtures	39,946	39,946
Computer equipment	<u>28,375</u>	<u>28,375</u>
	68,321	68,321
Less: Accumulated depreciation	<u>(54,687)</u>	<u>(48,111)</u>
PROPERTY AND EQUIPMENT, NET	<u>13,634</u>	<u>20,210</u>
TOTAL ASSETS	<u>\$ 151,020</u>	<u>\$ 113,867</u>

LIABILITIES AND NET ASSETS

CURRENT LIABILITIES		
Accrued expenses	\$ 6,037	\$ 5,265
Compensated absences	<u>18,731</u>	<u>16,982</u>
TOTAL CURRENT LIABILITIES	<u>24,768</u>	<u>22,247</u>
NET ASSETS		
Unrestricted (See Note 8)	<u>126,252</u>	<u>91,620</u>
TOTAL LIABILITIES AND NET ASSETS	<u>\$ 151,020</u>	<u>\$ 113,867</u>

THE ACCOMPANYING NOTES ARE AN INTEGRAL PART OF THE FINANCIAL STATEMENTS

**PUBLIC DEFENDER CORPORATION
FOR THE FIFTH JUDICIAL CIRCUIT
STATEMENTS OF ACTIVITIES
FOR THE YEARS ENDED JUNE 30, 2007 AND 2006**

	<u>2007</u>	<u>2006</u>
REVENUE AND SUPPORT		
West Virginia Public Defender		
Services Grant Revenue	<u>\$ 567,288</u>	<u>\$ 495,593</u>
TOTAL REVENUE AND SUPPORT	<u>567,288</u>	<u>495,593</u>
EXPENSES		
Personal services	355,171	343,243
Employee benefits	103,915	102,736
Support services	4,950	8,864
Administrative support	10,697	15,649
Office	43,096	43,197
Other	2,185	1,756
Acquisition	6,066	4,879
Depreciation	<u>6,576</u>	<u>6,210</u>
TOTAL EXPENSES	<u>532,656</u>	<u>526,534</u>
CHANGE IN UNRESTRICTED NET ASSETS	34,632	(30,941)
NET ASSETS		
Unrestricted - Beginning of year	<u>91,620</u>	<u>122,561</u>
Unrestricted - End of year	<u>\$ 126,252</u>	<u>\$ 91,620</u>

THE ACCOMPANYING NOTES ARE AN INTEGRAL PART OF THE FINANCIAL STATEMENTS

**PUBLIC DEFENDER CORPORATION
FOR THE FIFTH JUDICIAL CIRCUIT
STATEMENTS OF CASH FLOWS
FOR THE YEARS ENDED JUNE 30, 2007 AND 2006**

	<u>2007</u>	<u>2006</u>
CASH FLOWS FROM OPERATING ACTIVITIES		
Cash received from grants	\$ 567,288	\$ 495,593
Cash paid for expenses	<u>(523,757)</u>	<u>(521,739)</u>
NET CASH PROVIDED BY (USED IN) OPERATING ACTIVITIES	<u>43,531</u>	<u>(26,146)</u>
CASH FLOWS FROM INVESTING ACTIVITIES		
Cash purchases of property and equipment	<u>- 0 -</u>	<u>(10,400)</u>
NET CASH (USED IN) INVESTING ACTIVITIES	<u>- 0 -</u>	<u>(10,400)</u>
NET INCREASE (DECREASE) IN CASH	43,531	(36,546)
Cash balance - Beginning of year	<u>93,287</u>	<u>129,833</u>
Cash balance - End of year	<u>\$ 136,818</u>	<u>\$ 93,287</u>
RECONCILIATION OF CHANGE IN UNRESTRICTED NET ASSETS TO NET CASH PROVIDED BY (USED IN) OPERATING ACTIVITIES:		
Change in net assets	<u>\$ 34,632</u>	<u>\$ (30,941)</u>
Adjustments:		
Depreciation	6,576	6,210
(Increase) decrease in operating assets:		
Other assets	(198)	308
Increase (decrease) in operating liabilities:		
Accrued expenses	772	(194)
Compensated absences	<u>1,749</u>	<u>(1,529)</u>
TOTAL ADJUSTMENTS	<u>8,899</u>	<u>4,795</u>
NET CASH PROVIDED BY (USED IN) OPERATING ACTIVITIES	<u>\$ 43,531</u>	<u>\$ (26,146)</u>

THE ACCOMPANYING NOTES ARE AN INTEGRAL PART OF THE FINANCIAL STATEMENTS

**PUBLIC DEFENDER CORPORATION
FOR THE FIFTH JUDICIAL CIRCUIT
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2007 AND 2006**

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Nature of Operations

The Public Defender Corporation for the Fifth Judicial Circuit (the Corporation) is a not-for-profit Corporation created under authority of Article 21, Chapter 29 of the West Virginia Code. The Corporation is a component unit of the State of West Virginia and is funded by the West Virginia Public Defender Services. The purpose of the Corporation is to provide high quality legal assistance to indigent persons, at no cost, who would be otherwise unable to afford adequate legal counsel.

Approximately 86% of the Corporations revenues are utilized for program related purposes and 14% are for management and general purposes.

Basis of Accounting

The accompanying financial statements have been prepared on the accrual basis of accounting and in accordance with generally accepted accounting principles whereby revenues are recognized when earned and expenses when incurred and accordingly, reflect all significant assets, receivables, payables and other liabilities.

Basis of Presentation

Financial statement presentation follows the recommendations of the Financial Accounting Standards Board in its Statement of Financial Accounting Standards (SFAS) No. 117, Financial Statements of Not-For-Profit Organizations. Under SFAS No. 117, the Corporation is required to report information regarding its financial position and activities according to three classes of net assets: unrestricted, temporarily and permanently restricted. At June 30, 2007 and 2006 the Corporation did not have any temporarily or permanently restricted net assets.

Property and Equipment

Property and equipment with a cost in excess of \$1,000 is capitalized at cost. Depreciation is computed using the straight-line basis over the estimated useful lives of the respective assets, ranging from five to ten years. Depreciation expense for the years ended June 30, 2007 and 2006 was \$6,576 and \$6,210, respectively.

Cash and Cash Equivalents

For purposes of the statement of cash flows, the Corporation considers all unrestricted highly liquid investments with an initial maturity of three months or less to be cash equivalents. The Corporation had no cash equivalents for the years ended June 30, 2007 and 2006.

Income Taxes

The Corporation is exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code. The Corporation is classified by the Internal Revenue Service as an other than a private foundation.

**PUBLIC DEFENDER CORPORATION
FOR THE FIFTH JUDICIAL CIRCUIT
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2007 AND 2006**

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Unrestricted Net Assets

Unrestricted net assets are comprised of funds whose use is limited only to the extent that the Corporation's enabling legislation and bylaws limit the activities of the Corporation. Currently all of the Corporation's assets and activities are considered unrestricted.

Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Compensated Absences

Accrued Annual Leave

Estimated obligations arise for vacation leave at the current rate of employee pay. Employees vest in a maximum of 35 days of unused vacation leave which is paid at the time of separation from employment.

Sick Leave

The Corporation grants sick leave based on time worked. The Corporation does not accrue any liability for sick leave because no amount is paid at the time of separation of employment.

Reclassifications

Certain accounts in the prior year financial statements have been reclassified for comparative purposes to conform to the presentation in the current year financial statements.

NOTE 2 - DEFINED CONTRIBUTION RETIREMENT PLAN

The Corporation participates in the State of West Virginia Public Employee Retirement System (the Plan) which covers all eligible employees who agree to participate in the Plan. The Corporation is required to make contributions to the Plan equal to 10.5% of the participants' compensation. For the years ended June 30, 2007 and 2006, total Plan costs were \$36,816 and \$35,618, respectively.

**PUBLIC DEFENDER CORPORATION
FOR THE FIFTH JUDICIAL CIRCUIT
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2007 AND 2006**

NOTE 2 - DEFINED CONTRIBUTION RETIREMENT PLAN (CONTINUED)

Under the Plan guidelines, if an employee is hired by the Corporation and joins the Plan after they have been previously employed by another state agency, this employee has the ability to make a retroactive purchase of prior service time or "buy-back." Under the current contract with the Public Defender Services office of the State of West Virginia, the Corporation will only fund the employer portion of such buy-backs on a case by case scenario after consideration by the Public Defender Services. Public Defender Services expressly declines to purchase retroactive service credit. For the years ended June 30, 2007 and 2006, the Corporation did not authorize the employer portion of any buy-backs for Plan participants.

NOTE 3 - OPERATING LEASES

The Corporation leases two office spaces at a rate of \$800 and \$1,005 per month. The first lease agreement is in effect until May 31, 2008 while the second lease agreement is in effect until April 30, 2008. The lease agreements are voidable with 30 days notice if funding from West Virginia Public Defender Services ceases. Total future minimum lease payments are as follows:

<u>Year ending June 30,</u>	<u>Amount</u>
2008	\$ <u>18,850</u>
Total future minimum lease payments	\$ <u>18,850</u>

NOTE 4 - CONCENTRATIONS

The Corporation maintains its account balances in an account at a local financial institution. This account is insured by the Federal Deposit Insurance Corporation up to \$100,000. The Corporation had unreconciled bank balances at June 30, 2007 and 2006 of \$148,073 and \$98,988, respectively. The difference between the unreconciled balance and the reconciled balance is due to outstanding checks. Therefore, approximately \$48,073 and \$-0- was uncollateralized at June 30, 2007 and 2006, respectively. However, management believes the financial institution is financially sound and there is little credit risk associated with the deposit.

The Corporation receives approximately all of its funding from West Virginia Public Defender Services. A significant reduction in this level of support would have a significant adverse effect on the Corporation.

**PUBLIC DEFENDER CORPORATION
FOR THE FIFTH JUDICIAL CIRCUIT
NOTES TO THE FINANCIAL STATEMENTS
JUNE 30, 2007 AND 2006**

NOTE 5 - CONTINGENCY

The Corporation is on a reimbursement plan with the State of West Virginia, Bureau of Employment Programs, Unemployment Compensation Division, whereby they no longer pay quarterly premiums. When a liability arises regarding the payment of unemployment, the Corporation will be assessed 100% of the awarded claim filed and payment to the Bureau would be made at that time. Any liability arising from the dismissal of employment is uncertain at this time.

NOTE 6 - CONTINGENT LIABILITIES

The Corporation's programs are funded from state sources, principal of which are programs of the State of West Virginia, Public Defender Services. State grants received for specific purposes are subject to audit and review by grantor agencies. Such audits and reviews could result in request for reimbursements to grantor agencies for expenditures disallowed under the terms of the grants. The amount, if any, of expenditures which may be disallowed by grantor agencies cannot be determined at this time, although management believes such amounts, if any, to be immaterial.

NOTE 7 - RISK MANAGEMENT

The Corporation is exposed to various risks of loss related to torts; theft of, damage to, or destruction of assets; errors and omissions; injuries to employees; employees' health and life; and natural disasters. The Corporation manages these risks of loss through the purchase of various insurance policies.

NOTE 8 - CASH HELD AT FISCAL YEAR END

At June 30, 2007, the Corporation held cash and cash equivalents of \$136,818 consisting of unexpended 2006/2007 Public Defender Corporation grant funds. Public Defender Services considered this amount in determining the appropriate level of disbursements in the succeeding fiscal year necessary to fund the Corporation's normal operating activities.

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED
ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH
GOVERNMENT AUDITING STANDARDS**

Honorable Members of the Board
Public Defender Corporation
for the Fifth Judicial Circuit
Ripley, West Virginia

We have audited the financial statements of the Public Defender Corporation for the Fifth Judicial Circuit (a non-profit Corporation), as of and for the year ended June 30, 2007, and have issued our report thereon dated August 28, 2007. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Public Defender Corporation for the Fifth Judicial Circuit's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements and not to provide an opinion on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control that might be material weaknesses. A material weakness is a reportable condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements caused by error or fraud in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Public Defender Corporation for the Fifth Judicial Circuit's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

We noted other matters involving the internal control over financial reporting, which we have reported to management of the Public Defender Corporation for the Fifth Judicial Circuit in a separate letter dated October 1, 2007.

This report is intended solely for the information and use of the Board, management, and grantor or regulatory agencies and is not intended to be and should not be used by anyone other than these specified parties.

A handwritten signature in cursive script that reads "Francis Wright Paterno".

Huntington, West Virginia
August 28, 2007

ADDITIONAL INFORMATION

**INDEPENDENT AUDITORS' REPORT
ON ADDITIONAL INFORMATION**

**Honorable Members of the Board
Public Defender Corporation
for the Fifth Judicial Circuit
Ripley, West Virginia**

Our report on our audit of the basic financial statements of the Public Defender Corporation for the Fifth Judicial Circuit for the years ended June 30, 2007 and 2006 appears on page 4. That audit was conducted for the purpose of forming an opinion on the basic financial statements taken as a whole. The schedule of budget to actual - expenses - cash basis is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.



**Huntington, West Virginia
August 28, 2007**

**PUBLIC DEFENDER CORPORATION
FOR THE FIFTH JUDICIAL CIRCUIT
BUDGET TO ACTUAL - EXPENSES - CASH BASIS
FOR THE YEAR ENDED JUNE 30, 2007**

	<u>Budget</u>	<u>Actual</u>	Under/(Over) Budget to <u>Actual</u>
Personal services	\$ 362,405	\$ 353,422	\$ 8,983
Employee benefits	107,153	103,143	4,010
Support services	13,500	4,950	8,550
Administrative services	17,130	10,697	6,433
Office	55,200	43,096	12,104
Other	4,700	2,383	2,317
Acquisitions	<u>7,200</u>	<u>6,066</u>	<u>1,134</u>
 TOTAL	 <u>\$ 567,288</u>	 <u>\$ 523,757</u>	 <u>\$ 43,531</u>