

Seattle Model City Program

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Seattle King County Public Defender Association Evaluation Project

Final Report

March, 1975

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Evaluation

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Seattle Model City Program

Seattle-King County Public
Defender Association
Evaluation Project

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555 CAPITOL MALL
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Mr. Curtis Green
Director
Seattle Model City Program
2103 Pacific Building
Seattle, Washington 98104

Dear Mr. Green:

We are pleased to present this final report on the evaluation of the Seattle King County Public Defender Association. The attached final report consists of five parts, an introduction, a description of the present operations of the Defender Association, a brief description of the other Public Defender offices surveyed during the project, an evaluation of the Defender Association, and recommendations for the Defender Association. A statement of the methodology used in evaluating the Defender Association and a brief summary of our evaluation and recommendations are contained in the introductory section.

We have received excellent cooperation from all persons whom we contacted and interviewed during the study. Particularly, we thank Mr. Phillip H. Ginsberg, Ms. Sue Carlsen, Ms. Beth Page, and the rest of the staff of the Defender Association, Mr. Gene Beauregard, management consultant to the Defender Association, and Mr. Bruce Wilson, Director of the Office of Public Defense for all time and assistance that they have provided us during the project. Without their help much of the information gathered during the study would not have been attainable.

Mr. Curtis Green

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March 10, 1975

Additionally, we are very grateful to Mr. Jim Hennings, Director of Metropolitan Public Defender of Portland, Oregon and Mr. Stanley Conant, Director of Defenders Program of San Diego, for their time in providing us information concerning their operations.

We appreciate the opportunity to have worked with the Seattle Model City Program on this challenging project. We will be pleased to discuss any aspects of this report with you.

Very truly yours,

Arthur Young & Company

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I. INTRODUCTION

I. INTRODUCTION

This report constitutes our evaluation of the Seattle King County Public Defender Association (hereinafter referred to as the Defender Association). The report, which consists of five sections, describes the present operations of the Defender Association (Section II), discusses the operations of three other Public Defender offices visited during the study (Section III), presents our evaluation of the Defender Association (Section IV) and contains our recommendations for improvements in the daily operations of the Defender Association (Section V).

In this introductory section we will describe our project activities and the methodology used in our evaluation, and present a summary of the findings and recommendations of this study.

A. PROJECT ACTIVITIES AND EVALUATION METHODOLOGY

The major thrust of our project activities was to determine whether the Defender Association was providing quality legal services to its clients and whether the corporation was performing this function in a cost effective manner.

To ascertain whether the Defender Association provided quality legal services, we interviewed judges, attorneys, clients and Seattle area governmental personnel who were familiar with operations of the Association. Additionally, we observed staff attorneys while conducting trial and other court proceedings and where possible, gathered case disposition data on the Defender Association and other Public Defender offices surveyed. It became apparent during the study that detailed statistical data on court dispositions for Defender Association and the other offices surveyed was either not available or was unreliable; therefore,

although we present statistics related to quality (i.e., percentage of acquittals and dismissals), we have not based our evaluation on the quality of legal service offered by the Defender Association on a statistical analysis.

To determine whether the Defender Association provided quality services in a cost effective manner, we examined the internal operations of the office and gathered statistical data on the cost of legal services offered by Defender Association and other Public Defender offices surveyed. Our analysis concerning cost effectiveness is a blend of both our review of internal operations of the Defender Association and a comparison of operations and cost data with other Defender offices visited during the project.

To provide a complete evaluation of the Defender Association, we examined the Pre-Sentence Counseling Unit and the law reform activities of the association. We will present our findings in these areas and their relationship to quality and cost of services offered by the Association. Additionally, we will present a detailed analysis of office operations with respect to case processing, management information, employee supervision, and personnel and financial administration.

We have also provided our opinion concerning the overall system of public defense provided by the Seattle King County governmental units, particularly with respect to the Defender Association as a corporate entity existing within the structure, and an evaluation of the present method used by the City of Seattle in screening indigent defendants.

Throughout our evaluation we have attempted to view the Defender Association with respect to the goals and objectives which the corporation has established for itself. We have not attempted to evaluate the subsidiary goals and objectives with

respect to their applicability to the Defender Association operation. Wherever it appeared that a subsidiary goal of the corporation may have affected its performance in a certain area, we have noted this relationship.

In the last section of this report, we have provided recommendations to the Defender Association in areas in which we feel that improvement is needed. These recommendations are based on our evaluative review of the organization, our survey of other Public Defender offices and upon our knowledge of proper office management procedures. The recommendations are not meant to be exhaustive in scope or to provide the only solution to a problem, but are presented as suggestions to the Defender Association for improving their effectiveness. Since the Defender Association will be unable to implement all the recommendations simultaneously, we have prioritized into four groups.

B. SUMMARY OF EVALUATION AND RECOMMENDATIONS

The Defender Association is providing legal services to indigent defendants that is as good or better than is presently provided by the private bar. The Association attorneys although young, and in many cases, inexperienced show good potential and a level of motivation and desire consistent with developing a high degree of professionalism.

The level of service which is presently being offered by the Association can be improved. The use of attorney performance standards, formal and informal training programs and attorney performance monitoring will result in improved quality of service. The Association is currently developing programs in these areas.

Through the establishment of the Pre-Sentence Counseling program and the involvement in law reform activities, the Defender Association has been able to provide legal services to indigent

defendants generally not available in most Public Defender Offices. These activities have been helpful in improving the attorney-client relationship and attracting competent legal talent.

The Defender Association has taken steps toward improving its internal operation. Continued progress in this direction will result in a more efficient and business-like organization. A review of office operations revealed the potential for improvement in the areas of clerical support, administrative support systems and supervision and control. The Association lacks an effective, uniform case processing system which can be applied in all case areas, and as a result, they do not have the complete amount of information necessary to effectively manage the office. At the time of this evaluation, there was no on-going structured system for personnel evaluation nor any on-going structured training program for attorneys or non-attorneys. These problems have affected the quality and cost of services.

The recommendations for improvement of the Defender Association operations have been divided in four priority groups. The recommendations contained in Priority Level #1 should begin immediately. The recommendations in level #2 should begin after implementation of the level #1 recommendations. Recommendations in level #3 and #4 should follow the installation of level #2 recommendations. Our recommendations for the Defender Association are:

Priority Level #1

- (1) Development of written standards for employee performance
- (2) Development and establishment of a centralized case docketing and status system.
- (3) Development of a formal training program for office attorneys.

Priority Level #2

- (4) Development of a performance evaluation mechanism for all office employees.

- (5) Conducting of an attorney time analysis study
- (6) Development of standardized methods for computing attorney case backlog.

Priority Level #3

- (7) Tabulation of disposition statistics on a monthly basis
- (8) Establishment of a case file control system
- (9) Examination of the feasibility of using trial assistants.

Priority Level #4

- (10) Establishment of financial reporting goals and objectives.
- (11) Adoption of a comprehensive wage and salary administration program.
- (12) Rotation of experienced attorneys back into the Misdemeanor Section.

While there were many problems perceived with the Defender Association's present operation, the Association has exhibited receptivity to change. Efforts are presently being undertaken to rectify the problems in all areas. The Association has begun to implement recommendations #1, 3, 4, 6, and 12. These improvements should allow the Defender Association to improve the quality of services offered and to provide such services in a more efficient manner.

II. DESCRIPTION OF THE DEFENDER ASSOCIATION

II. DESCRIPTION OF THE DEFENDER ASSOCIATION

The Defender Association is a private non-profit corporation organized under the Corporate Laws of the State of Washington. Its basic objective is to provide quality legal services to indigent defendants. The Defender Association handles King County felony, mental illness, juvenile and probation revocation cases, City of Seattle misdemeanor cases, and the State of Washington parole revocation cases. To support its legal defense work, the Organization provides pre-sentence counseling to its clients, and legal research and assistance to its attorneys and clients.

In this section we will describe the history, goals and objectives, organizational structure and the workload of the Defender Association. Additionally, we will present cost, caseload and dispositional data for the organization.

A. HISTORY

The history of the Defender Association has been marked by rapid growth. The office was founded in October 1969 under the auspices of the Seattle Model City Program. The original organization consisted of a staff of five persons with an annual budget of \$235,000. Initially, the office handled only City of Seattle misdemeanors. In October, 1970, the Association signed their initial contract with the Office of Public Defense of King County. The contract provided for the Defender Association to handle approximately seventy-five percent (75%) of all felony and all juvenile and mental illness cases involving indigent defendants in King County. With the gradual phaseout of the Seattle Model City Program during the past three years, the Defender Association has contracted with the City of Seattle to continue to represent

however, has continued to pursue a vigorous minority hiring policy consistent with the original Model City objective.

C. ORGANIZATION STRUCTURE

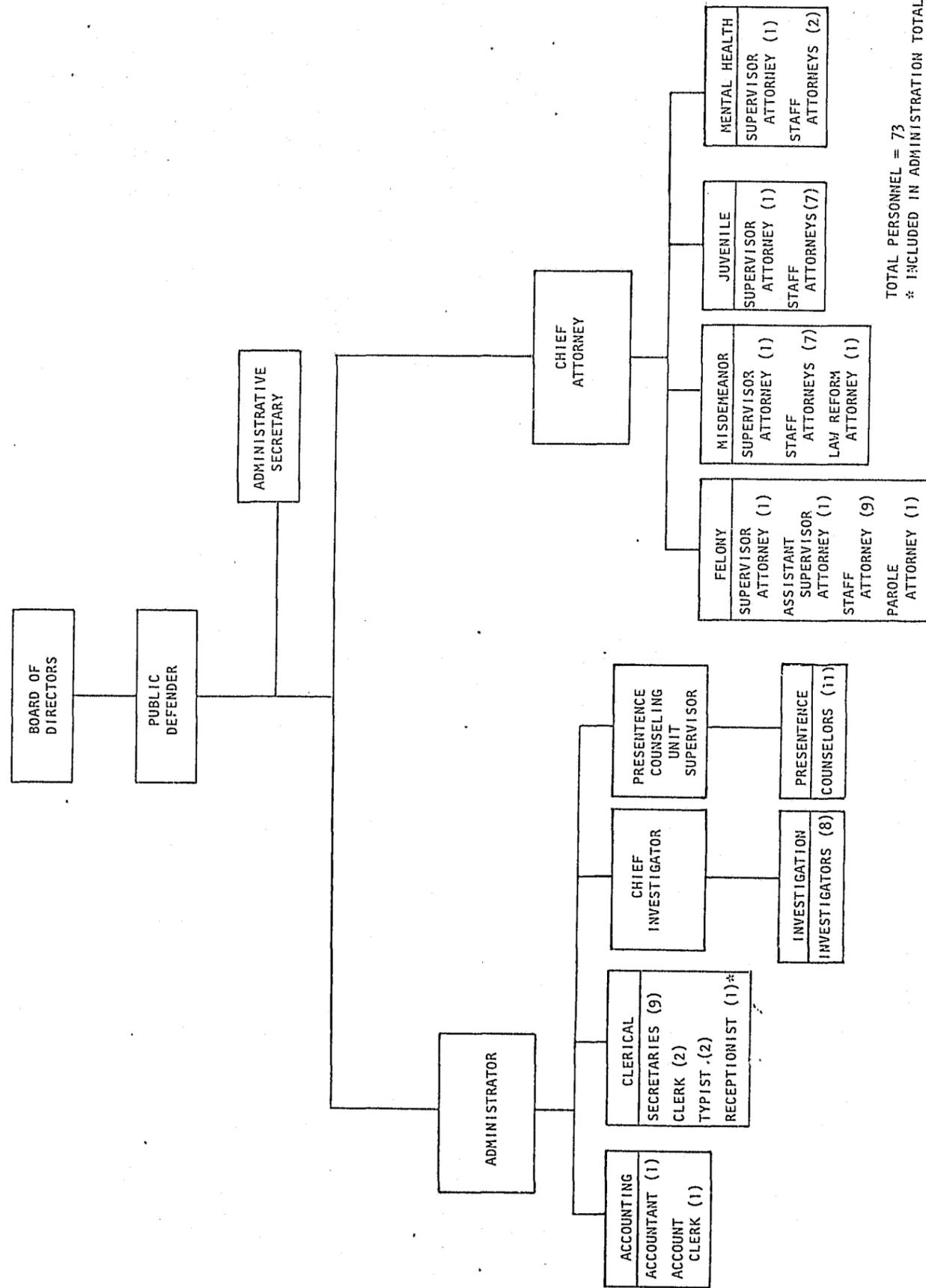
The Defender Association is organized in functional units. Exhibit I, following this page, depicts the Association's organizational structure for 1975.

The organization is headed by a Board of Directors who are responsible for the overall direction and policy of the Association. The Board consists of twelve members, four persons appointed from and by the Seattle King County Bar Association, four persons appointed from the community at-large by the Board of Directors, two persons appointed by the Mayor of the City of Seattle and two persons appointed by the County Executive of King County. Board meetings are held monthly and are presided over by the Corporation's President, who is annually elected from and by the Board of Directors.

To carry out the daily operations of the Association, the Board of Directors appoints a Public Defender. Mr. Phillip H. Ginsberg, the present Public Defender, was appointed by the Board in January 1974. The heads of the two major functional divisions within the office, Administrative and Trial, report directly to him.

The Trial Division, which is divided into four major sections, and headed by the Chief Attorney, handles all legal matters with regard to cases in which the Association has been appointed counsel. The Felony Section, consisting of twelve attorneys is responsible for all felony, parole, and probation revocation cases and appeals associated with these matters. The Mental Illness Section, consisting of three attorneys, represents individuals in cases brought under the Washington State Civil Commitment Statute and also handles a small number of felony cases.

SEATTLE KING COUNTY PUBLIC DEFENDER ASSOCIATION
PERSONNEL ORGANIZATION CHART (1975)



Representation of indigents accused of misdemeanor violations under the local ordinances of the City of Seattle is the major function of the Misdemeanor Section. The unit also prosecutes all Superior Court appeals associated with misdemeanor cases. The legal research and reform activities of the Association are carried out by one attorney, who is a member of this section.

The Juvenile Section, which is located several miles from the main Defender Association office handles all matters involving juveniles. The unit, which consists of eight attorneys, has experienced the largest increase in caseload within the office in the past year.

The Administrative Division consists of four sections: Investigation, Pre-Sentence Counseling, Clerical and Accounting. To support and assist the attorneys in preparation for trial, the Association has a staff of nine investigators organized within the Investigation Section under the leadership of a Chief Investigator. Although the Chief Investigator controls the appointment of investigators to cases, once an investigator is assigned to a case he is directly responsible to the trial attorney for orders and direction. The general responsibilities of the investigator are to assist the attorney in gathering pertinent facts about the case, to determine key witnesses and to assure their appearance in court. Additionally, the unit acts as an information source for clients and performs the initial data gathering interview with non-incarcerated misdemeanor defendants.

The Pre-Sentence Counseling Unit, consisting of twelve full time employees funded partially by a Law Enforcement Assistance Administration (LEAA) grant and partially through positions provided by the Comprehensive Emergency Training Act (CETA) and the Program for Local Services (PLS), assists felony and juvenile trial attorneys in providing the court with sentencing alternatives for their clients. The Unit will only participate in a case upon

request by a trial attorney. Upon receipt of a pre-sentence counseling request, a counselor will be appointed by the unit's supervisor to work upon the case. After conducting conferences with both the attorney and client, the counselors will attempt to find a proper alternative to incarceration for the defendant. Upon completion of his work, the counselor will provide the attorney with a written report containing his recommendations. These recommendations serve as a basis for a sentence report submitted by the Attorney to the court.

The services of the unit have also been made available to private court-appointed counsel and have been used occasionally by them. Additionally the unit provides job counseling services for clients and ex-offenders. In some cases these services are paid for by the Department of Social Health Services, Division of Vocational Rehabilitation.

The Clerical Section recently reorganized and currently under the direction of a law office management consultant, is responsible for handling all typing, correspondence, case docketing and case record keeping within the office. Although legal secretaries have been assigned to specific trial sections, such assignment does not preclude their receipt of work from other trial sections which may be overloaded.

The Accounting Section under direction of the Administrator handles all financial matters and gathers and maintains all statistical data for the corporation.

D. CASES PROCESSED

The bulk of workload handled by the Defender Association consists of felony, misdemeanor, juvenile delinquency and mental illness civil commitment cases. In this sub-section we will describe the four case processes to provide a general description of the work performed by the trial attorneys and office personnel

with respect to a case. Although there are many variations which a case may take, the descriptions attempt to provide a typical case process. Appendix A also provides flow charts of the court case process for the four areas.

1. FELONY

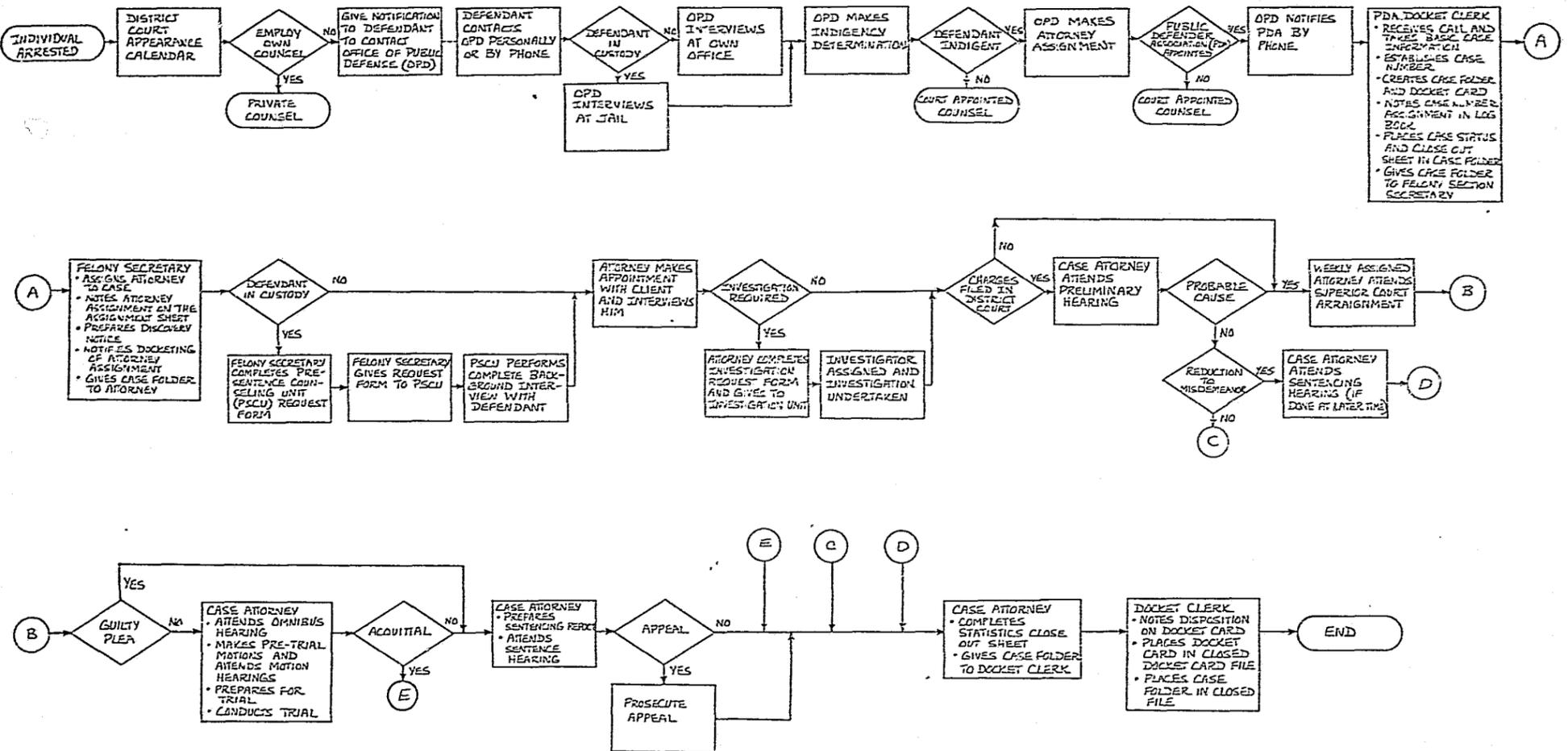
Exhibit II, following this page, presents a schematic diagram of the felony case process. Exhibit III, following Exhibit II, describes each hearing within the process and the Defender Association participation within that hearing.

If a suspected felon is taken into custody at the time of his arrest he will be brought before a magistrate of the District Court within twenty-four (24) hours of the arrest for a bail setting or a personal recognizance determination. Unless the Defender Association has already performed some pre-charging service (i.e., line-up counseling) for a defendant, they will not be appointed prior to this hearing. The Defender Association, however, provides an attorney to counsel defendants at this initial appearance calendar.

At the initial court appearance the defendant is advised of his right to counsel and asked if he intends to hire his own attorney. If the defendant indicates that he does not intend to employ his own attorney, a representative of the Office of Public Defense (OPD) gives him an instruction sheet which tells him to contact OPD if he desires a court-appointed attorney.

When a defendant contacts OPD either in person if he is not in custody or by phone if he is in jail, he will be interviewed by OPD. If it is determined that the defendant is indigent, OPD will either appoint the Defender Association or private counsel. Generally, OPD will attempt to limit appointment of the Defender Association to approximately

FELONY CASE PROCESS



FELONY CASE HEARING DESCRIPTIONS

HEARING TYPE	DESCRIPTION	PUBLIC DEFENDER REPRESENTATION
APPEARANCE CALENDAR	All in-custody defendants must be brought before a magistrate (i.e., District Court Judge) within 24 hours of arrest. At this hearing defendant is informed of charges against him and his right to counsel and bail is set or personal recognizance granted.	The attorney of the week attends this daily hearing calendar. The Defender Association will usually not be appointed until after this hearing.
PRELIMINARY HEARING	If the District Attorney decides to file the charges in the District Court, this hearing will be conducted. Generally, this proceeding combines an arraignment and an evidentiary hearing to determine whether there is probable cause that the defendant committed the crime.	Individual defender assigned to the case attends this hearing.
SUPERIOR COURT ARRAIGNMENT	Court appearance to enter a formal plea. Usually a trial date and an omnibus hearing date will be set if the defendant pleads not guilty or a sentence date will be set if he pleads guilty.	One attorney is assigned weekly to handle all arraignments. The case attorney will only attend this hearing if the defendant pleads guilty.
OMNIBUS HEARING	Court appearance to determine if there are any pre-trial motions, to set a date for hearing any such motions, to insure all discovery has been made, to narrow trial issues by stipulations where possible and to confirm the trial date setting.	Individual defender assigned to the case attends this hearing.
PRE-TRIAL MOTION HEARING	A hearing to determine the merits of a pre-trial motion.	Individual defender assigned to the case attends this hearing.
TRIAL	An evidentiary court proceeding to determine the guilt or innocence of the defendant.	Individual defender assigned to the case attends this hearing.
SENTENCING	If there is either a finding of guilt at trial or a plea of guilty entered prior to or during trial, this hearing determines punishment.	Individual defender assigned to the case attends this hearing.

seventy-five percent (75%) of the cases and limit their caseload to thirty (30) cases per week. These goals, however, are subject to case volume constraints (i.e., in 1974 the Defender Association handled only sixty percent (60%) of the King County indigent felony case volume). If a defendant was represented in the past by a particular court-appointed attorney or by the Defender Association or was represented by either a court-appointed attorney or Defender Association in some pre-charging services associated with the case, OPD will attempt to reappoint the same attorney or the Defender Association to his case.

When OPD appoints the Defender Association to a case, they will contact them by telephone. Upon receipt of a telephone call from OPD, the docket clerk within the Defender Association creates a case folder and docket card and assigns a case number. The case is then given to the Felony Section Secretary for attorney assignment. The secretary will make all attorney assignments except for serious felony cases (i.e., homicide). Attorney assignments in murder cases are made by the Supervising Attorney of the Felony Section. Generally, an attempt is made to assign three (3) cases per week to each felony attorney. If a defendant is in jail at the time of case assignment, the secretary notifies the Pre-Sentence Counseling Unit.

After an attorney assignment is made, the case folder is given to the attorney and he is responsible for coordination of the remaining activities in the case. Initially, he must interview the client, determine whether investigation services are required and decide whether pre-sentence counseling assistance is required, if they have not already been called into the case. If the charges have been filed in the District Court, he must attend the preliminary hearing.

If the case is not dismissed or downgraded at the preliminary hearing in the District Court or the case is filed directly in the Superior Court, the next step in the court process is the Superior Court arraignment. Superior Court arraignments are usually handled by one attorney assigned the duty on a rotating basis. The case attorney will usually not attend the arraignment unless a guilty plea will be entered.

If a not guilty plea is entered at arraignment the attorney begins his trial preparation. During this period the attorney will gather facts about the case, attend an omnibus hearing (see Exhibit III for description), make and argue pre-trial motions, if required, and carry on plea negotiations, if it is in the best interest of his client. If the defendant pleads guilty or is found guilty at trial, the attorney will prepare a sentence report which will be presented to the court prior to sentencing. He will receive written input from the Pre-Sentence Counseling Unit concerning their recommendation. After the sentence hearing, the case will be closed unless an appeal is taken or post conviction relief is applied for.

Case closing consists of a completion of a disposition statistics sheet and return of the case folder to the docket clerk. The docket clerk notes the disposition on the docket card and places it in a closed file and also puts the case folder in a closed case file.

2. MISDEMEANOR

Exhibit IV, following this page, presents a schematic diagram of the misdemeanor case process. Exhibit V, following Exhibit IV, describes each hearing within the process and the Defender Association participation within that hearing. The misdemeanor case process has undergone significant

changes in recent weeks and will continue to evolve as this report is being written. The description presented in this section depicts the process as it existed at the end of January, 1975.

If a defendant is in custody at the time that he is charged, he will be interviewed as soon as possible by the Municipal Probation Services (MPS). If, after an initial interview, MPS determines that the defendant is eligible for court-appointed counsel they will contact the Defender Association by telephone. Upon receipt of the call by the Misdemeanor Section Secretary, a case file will be initiated (see Exhibit IV). If the defendant has not been arraigned, the Misdemeanor Section Secretary will notify the attorney responsible for covering the daily arraignment calendar on the defendant's arraignment date that he will be representing the defendant at the arraignment. If, however, the arraignment has taken place the misdemeanor secretary will assign a trial attorney. The current method of case assignment requires knowledge of the attorneys' caseload and schedule and the trial date. The trial date is assigned by the court at arraignment, therefore a trial assignment cannot be made until arraignment has taken place.

When the daily arraignment calendar attorney is informed of the case assignment prior to the defendant's arraignment he will attempt to interview the client before arraignment. He is also responsible for informing the Misdemeanor Section Secretary of the defendant's trial date after arraignment has taken place. In cases in which the Defender Association is not appointed until after arraignment, the arraignment calendar attorney will be present at the arraignment calendar to counsel any defendants requiring such help.

If defendant is not in custody at the time at which he is charged, MPS will not interview the client for eligibility

until after his arraignment. Since a Defender Association attorney attends the daily arraignment calendar he is available to provide counsel to any out-of-custody defendant.

If an out-of-custody defendant is eligible for a court appointed counsel he will be given an eligibility slip and told to visit the Defender Association's office. MPS will then notify the Defender Association of the case assignment.

If an individual does not appear at the Defender Association for an interview within several days of appointment, MPS will send him a reminder letter.

When the defendant appears for an interview at the Association's office he will initially be questioned by an investigator, and a client information sheet will be completed. This sheet will be given to the docket clerk who will perform the necessary steps required to initiate the case. After case initiation process is completed the Misdemeanor Section Secretary will make an attorney assignment and establish a client interview date for the attorney.

After a trial attorney has been assigned to either an in or out of custody case, it is his responsibility to assure that the client is interviewed and receives the proper representation at trial. If assistance is required from the Investigation Unit to prepare for trial he will prepare an investigation request and obtain an investigator to work on the case. He will conduct the trial and be present at any separate sentence hearings.

If the defendant is found guilty, and the defense attorney feels that there is an appealable issue, he may file a notice of appeal and will be entitled to trial de novo in the Superior Court. Approximately ten percent (10%) of all misdemeanor cases are appealed. Upon completion of

trial or the appellate process, the case will be closed. The attorney will return the case folder to the docket clerk who perform case closing functions (see Exhibit V).

In addition to representing all indigent defendants who will go through the misdemeanor guilt adjudication process, the Defender Association provides counseling to indigent defendants who are eligible for the Municipal Court Pre-Trial Diversion Program. MPS will make a determination at the initial interview concerning an individual's eligibility for this program. The opportunity to discuss the program and its implications are provided to the individual through consultation with a staff attorney in the Defender Association.

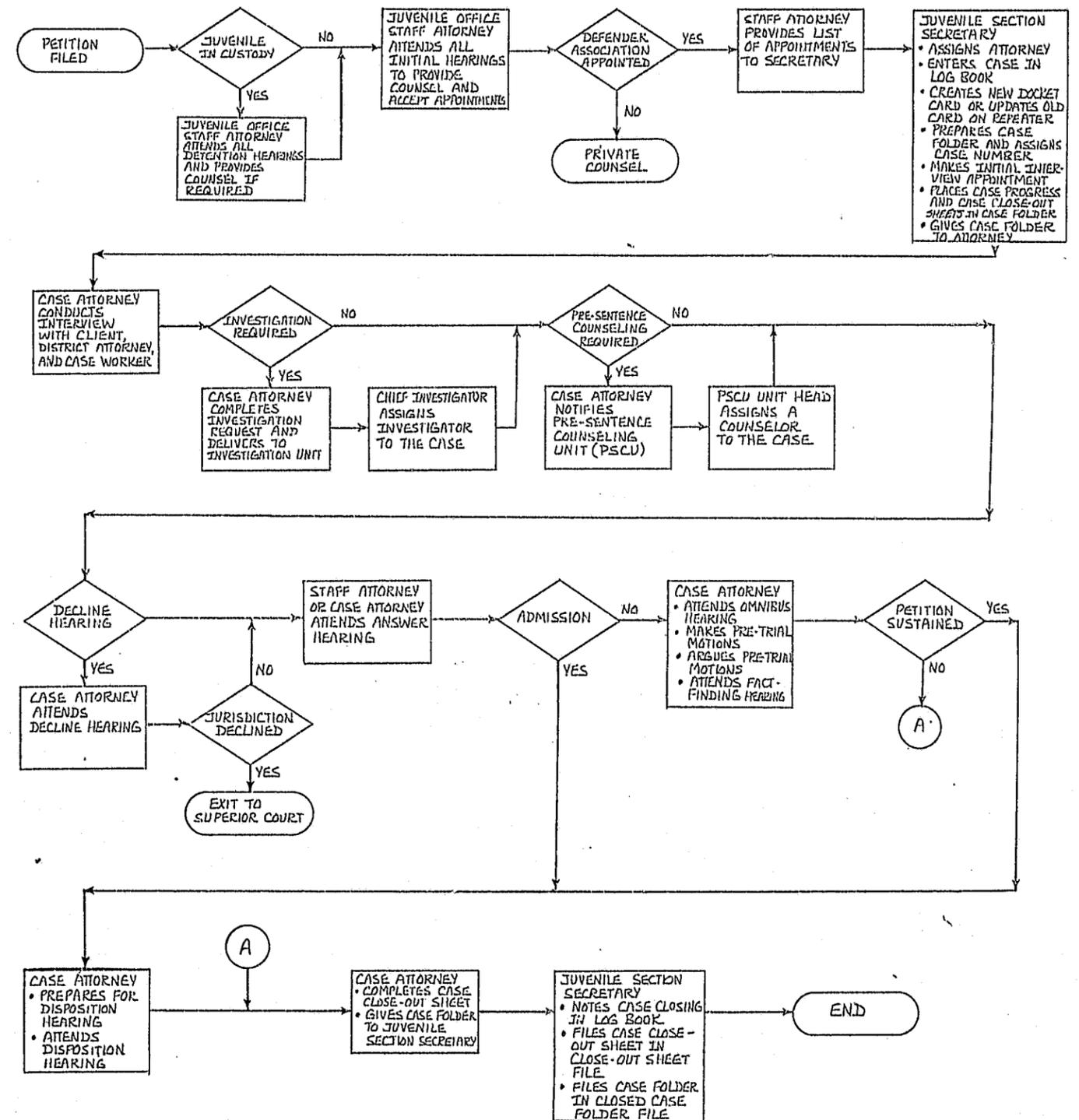
3. JUVENILE

A schematic diagram of the juvenile case process is presented in Exhibit VI, following this page. A description of each hearing shown in the flow chart is found in Exhibit VII, following Exhibit VI.

The Defender Association is usually appointed to represent juveniles at the time of the initial hearing. No determination of indigency is made and the Defender Association will be appointed unless the juvenile brings his own attorney to the hearing. An attorney from the Juvenile Section of the Defender Association will be present to attend the daily initial hearing calendar to assure proper representation and to accept appointments.

After completion of the initial hearing, the attorney provides the Juvenile Section Secretary with a list of appointments. The secretary is responsible for case initiation (see Exhibit VI) and attorney case assignment. Before making an attorney assignment, the secretary

JUVENILE CASE PROCESS



JUVENILE CASE HEARING DESCRIPTIONS

HEARING TYPE	DESCRIPTION	PUBLIC DEFENDER REPRESENTATION
DETENTION HEARING	A court appearance by the juvenile for the purpose of determining whether he will remain in-custody or be released to his parents pending further proceedings.	An attorney is assigned on a rotational basis to monitor this hearing.
INITIAL HEARING	An initial hearing to set a date for the answer hearing, to appoint counsel and to make an initial determination of the court's jurisdiction.	An attorney is assigned on a rotational basis to monitor this hearing.
DECLINE HEARING	A court evidentiary hearing to determine whether the juvenile should be tried as an adult (i.e., whether the court should decline jurisdiction). This hearing must occur within 7 days of filing a petition and will only occur if there is a question concerning the court's jurisdiction over the matter.	Individual defender assigned to the case attends this hearing.
ANSWER HEARING	A court hearing for the purpose of allowing the juvenile to deny or admit the allegations in the petition and for setting the fact finding and omnibus hearing dates.	An attorney is assigned on a rotational basis to monitor this hearing. The same attorney is assigned to the initial hearing will also be assigned to this hearing. A case attorney will attend this hearing if the juvenile is in detention or if a dismissal or disposition will occur at the hearing.

EXHIBIT VII
Page 1 of 2

JUVENILE CASE HEARING DESCRIPTIONS

HEARING TYPE	DESCRIPTION	PUBLIC DEFENDER REPRESENTATION
OMNIBUS HEARING	A court appearance to determine what pre-fact finding hearing motions will be made, to set a date for such motions made, to narrow issues for the fact finding hearing by stipulations, to confirm the fact finding hearing date and to insure completion of the discovery process.	Individual defender assigned to the case attends this hearing.
FACT FINDING HEARING	An evidentiary hearing to determine the merits of the petition. A determination is made by the court concerning whether the petition should be sustained or dismissed.	Individual defender assigned to the case attends this hearing.
DISPOSITION HEARING	A hearing to determine the alternative treatments for a juvenile if a petition has been sustained.	Individual defender assigned to the case attends this hearing.
REVIEW OF	This hearing results from the filing of a petition to review any order made by the court during the juvenile case process. A review of the order will take place and modifications or changes will be made, if required.	Individual defender assigned to the case attends this hearing.

EXHIBIT VII
Page 2 of 2

will check to see if the juvenile is a repeater. If he is a repeater the case will be assigned to his former attorney if he is still a member of the juvenile section staff. If the individual is not a repeater, the case will be assigned to the attorney with the lowest caseload.

Upon receipt of a case, the attorney will meet with his client, the District Attorney and a King County case worker. After these meetings he will be in a position to assess the case and determine whether he will need the assistance of the Investigation and/or Pre-Sentence Counseling Units. If either or both units are required, he will make a request for assistance. If it is determined at the initial hearing that there is a question concerning the Juvenile Court's jurisdiction over the person (i.e., juvenile has reached his eighteenth birthday) a decline of jurisdiction hearing will be held. The case attorney will represent the juvenile at this hearing.

If a decline hearing is not held or jurisdiction is retained by the court after a hearing, an answer hearing will be held. The answer hearing, which is conducted primarily for a formal entry of an admission or denial of the petition, is usually attended by a staff attorney assigned upon a rotational basis. The case attorney will attend this proceeding in cases in which the juvenile is being detained or in which a disposition will be attempted at the answer hearing.

If a non-admission plea is entered to the petition, the case attorney will prepare for the fact finding hearing. Preparation for the fact finding hearing includes, but is not limited to, attendance at an omnibus hearing, preparation and argument of pre-trial motions and interviews with key witnesses.

If the petition is sustained at the fact finding hearing or the juvenile admits to the allegations of the petition, a disposition hearing will be held. The case attorney will work closely with the Pre-Sentence Counseling Unit to provide the court with proper treatment alternatives and in some cases placement in a foster home. After the disposition hearing, the case is usually closed. The attorney completes a case close-out sheet indicating the disposition of the case and returns it to the section's secretary. The secretary will note the case closing in the log book and file the case folder in a closed file.

Although it is not shown on the juvenile case process flow chart the rules of court allow the defense attorney to file a petition for review of any order made by the Juvenile Court. This petition may be filed at any time during the case process. The juvenile defense attorneys coordinate the scheduling of this hearing with the clerks office of the Juvenile Division of the Superior Court. A filing of a petition to review an order will stop the normal flow of a case through the system and may change the entire course of the case process.

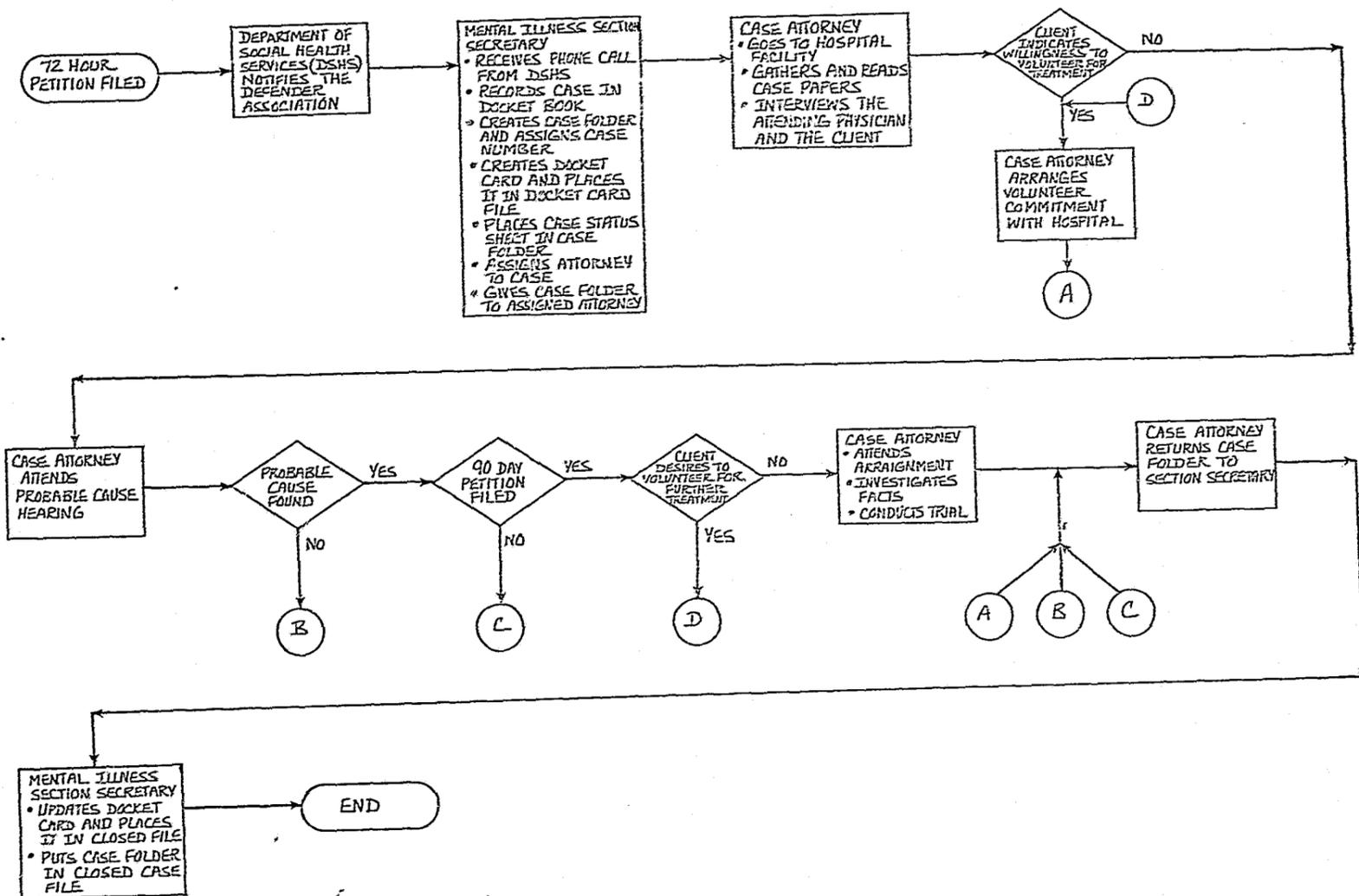
In addition to representing the juvenile at all hearings after appointment is made, an office attorney monitors the initial detention hearing to assure that the juvenile receives counseling if needed at this time.

4. MENTAL ILLNESS

Exhibit VIII, following this page, describes the Mental Illness case process. A description of each hearing in the process is found in Exhibit IX, following Exhibit VIII.

The basic purposes of the new civil commitment statute enacted in 1974 are to provide the individual with due

MENTAL ILLNESS CASE PROCESS



MENTAL ILLNESS CASE HEARING DESCRIPTIONS

HEARING TYPE	DESCRIPTION	PUBLIC DEFENDER REPRESENTATION
PROBABLE CAUSE HEARING	An evidentiary court hearing to determine whether there is probable cause to find that an individual is suffering from a mental disorder. This hearing must be held within 72 hours, exclusive of Sunday and holidays, of initial detention. If probable cause is found that the individual is suffering from a mental disorder, he may be held for 14 days.	Individual attorney assigned to the case attends this hearing.
ARRAIGNMENT	A court hearing to inform the individual that a 90-day commitment petition has been filed against him, to establish a trial date and to enter a demand for a jury trial.	Individual attorney assigned to the case attends this hearing.
TRIAL	An evidentiary court proceeding to determine whether the individual is mentally disordered and should be detained for a ninety-day period. The normal rules of evidence prevail and the individual is entitled to a jury trial.	Individual attorney assigned to the case attends this hearing.

Process safeguards and to prevent an inordinately long commitment without judicial review.

A person may initially be held for seventy-two (72) hours by the Department of Social Health Services (DSHS). If DSHS desires to hold the individual for a longer period of time and the individual does not volunteer for additional treatment, they must file a petition for a fourteen (14) day commitment. When DSHS decides to file a petition for involuntary commitment, they will notify the Defender Association. The Defender Association will be appointed automatically in all cases unless the individual threatened with commitment provides his own attorney.

After receipt of a telephone call from DSHS notifying the Defender Association of their appointment, the Mental Illness Section Secretary will initiate the case (see Exhibit VIII) and assign an attorney. Since the mental illness case process is an extremely rapid procedure, (i.e., all proceedings usually completed within thirty (30) days of petition filing), the case will be assigned to the first available attorney. The secretary will usually query each attorney in the office and the attorney with the best schedule fit will be assigned to the case.

Upon receipt of the case, the attorney will usually visit the hospital where the individual is being detained to pick up the case papers and discuss the case with the client and the attending physician. If client indicates that he would like to volunteer for treatment the attorney will arrange for a voluntary commitment. Individuals may volunteer for a maximum of one year. If the client does not desire to volunteer, the case attorney will attend the probable cause hearing, which must be held within seventy-two (72) hours exclusive of Sundays and holidays, of the initial detention.

An individual will be detained for fourteen (14) days if probable cause is found that he is suffering from a mental disorder.

To obtain further involuntary commitment, DSHS must file a ninety (90) day commitment petition. When the petition is filed the individual will be arraigned. The case attorney will attend the arraignment and counsel the individual. After the arraignment a trial will be held to determine whether the individual is suffering from a mental disorder. The case attorney will prepare for trial, personally perform investigation and conduct the trial.

Upon completion of trial or after an individual volunteers or is released, the case attorney returns the case folder to the section's secretary. The secretary will update the docket card, place it in a closed file and file the case folder in a closed case file. Generally, however, office involvement with the individual does not terminate at this time, except if he is released. The maximum involuntary commitment period under the statute is six (6) months and the maximum voluntary commitment is for one year. Thus, case attorneys may become reinvolved with the individual on a periodic basis either defending him at trial or counseling him with regard to further voluntary treatment.

E. STATISTICAL DATA

In this sub-section we will present the statistical data concerning the Defender Association's source of revenue, cost per case, attorney caseload, non-attorney/attorney ratio and case disposition statistics. Some comments will be made concerning the statistics, however, they will be analyzed more fully in the Evaluation Section of this report.

Exhibit X, following this page, presents the 1975 predicted sources of revenue and the revenue by source for 1973 and 1974 for the Defender Association. The data indicates that the expected revenue for this year will exceed the 1973 figures by thirty percent (30%). The percentage increase of the combined contribution of annual contracts with King County and the City of Seattle have however increased ninety-two percent (92%) during the comparable period. Approximately ninety three percent (93%) of the expected revenue for the Defender Office in 1975 will come from annual contracts with the latter two sources.

Exhibit XI, following this page, presents the Association's cost per case for 1973 and 1974 both with and without pre-sentence counseling services. The overall cost per case with pre-sentence counseling services increased very slightly over the two years (i.e., approximately six percent (6%)). However, in the felony case area the cost per case with pre-sentence counseling services increased by nineteen percent (19%). Since the number of felony cases per attorney did not significantly decrease for the two year period (see Exhibit XII), the increase may be attributed to increased salary and overhead expenses.

Exhibit XII, following Exhibit XI, provides statistics on the attorney caseload for the past two years. The data shows that the overall caseload per attorney has increased by more than ten percent (10%) between 1973 and 1974. Additionally, these caseloads with the exception of misdemeanor and appeal cases, are within range of the National Advisory Commission on Criminal Justice (NACCJ) standards and goals for Public Defender caseloads. In the misdemeanor area, the discrepancy can be explained by the fact that one attorney spends approximately fifty percent (50%) of his time in law reform activities.

Exhibit XIII, following Exhibit XII, presents manpower statistics and the non-attorney/attorney ratio for the office in 1973 and 1974 and the data in these areas for 1975 based upon budgeted

SEATTLE KING COUNTY PUBLIC DEFENDER ASSOCIATION
SOURCES OF REVENUE

SOURCE	YEARS		
	ESTIMATED 1975	1974	1973
City of Seattle	\$ 363,298	\$ 230,000	\$ 65,000
Seattle Model Cities Program	0	101,883	220,217
King County	782,000	604,150	529,758
Department of Social Health Services	2,798	14,578	0
Law Enforcement Assistance Administration (LEAA)	33,456	90,219	61,599
Washington State Board of Prison Terms and Paroles	35,000	1,081	0
Supreme Court of the State of Washington	2/	4,177	2,752
Other ^{1/}	8,400 ^{3/}	34,064	57,290
Total	\$1,224,952	\$1,080,152	\$ 936,616

1/ Includes all funds in-kind support received from CETA, PLS, Work Study Programs, Emergency Employment Act (EEA) and Peoples Employment Program (PEP).

2/ The Association has applied to the Supreme Court of Washington for a grant to prosecute all appeals arising from Defender Association cases.

3/ The Association has applied to the County for ten CETA positions to continue the Presentence Counseling Unit when LEAA funding runs out in May.

SEATTLE KING COUNTY PUBLIC DEFENDER ASSOCIATION
COST PER CASE

CASE TYPE	1974						1973					
	CASES FILED	CASES DISPOSED	CASELOAD ^{1/}	EXPENSES	COST PER CASE	COST PER CASE EXCLUSIVE OF PRE-SENTENCE UNIT EXPENSES ^{2/}	CASES FILED	CASES DISPOSED	CASELOAD ^{1/}	EXPENSES	COST PER CASE	COST PER CASE EXCLUSIVE OF PRE-SENTENCE UNIT EXPENSES ^{3/}
Felony	1,493	1,160	1,326.5	\$ 405,994	\$306	\$231	1,455	1,345	1,400	\$349,253	\$249	\$201
City Misdemeanor	3,235	2,726	2,980.5	346,374	116	116	2,901	2,528	2,714.5	297,455	110	108
Juvenile	1,702	1,660	1,681	206,175	123	109	1,290	1,132	1,211	180,291	149	136
Mental Illness ^{3/}	627	627	627	74,349	119	119	194	194	194	22,820	118	118
Parole Revocation	184	38	111	5,538	50	50	28 ^{4/}	76 ^{4/}	52	2,321	45	45
Felony Appeals	22	12	17	7,351	432	432	7	13	10	3,869	387	387
Probation Revocation	153	139	146	16,672	114	114	37 ^{4/}	99 ^{4/}	68	6,948	102	102
County Misdemeanors	0	210	105	5,727	55	55	881	611	746	62,119	83	83
TOTALS	7,416	6,572	6,984	\$1,068,180	\$153	\$136	6,793	5,998	6,395.5	\$925,076	\$145	\$131

- 1/ The caseload value is determined by computing the average of the number of cases filed and the number of cases disposed during a year.
- 2/ The costs associated with running the Pre-Sentencing Counseling Unit, (\$122,202), which were allocated to felony and juvenile cases, were deleted in making this calculation.
- 3/ Mental illness cases do not terminate and closing statistics are not kept.
- 4/ 1973 parole and probation case totals were combined in one statistic. Allocation to each category was made on the basis of the 1974 ratio of caseload between both categories.
- 5/ The costs associated with running the Pre-Sentencing Counseling Unit, (\$88,430), which were allocated to felony, juvenile and misdemeanor cases, were deleted in making this calculation.

SEATTLE KING COUNTY PUBLIC DEFENDER ASSOCIATION
CASES PER ATTORNEY

CASE TYPE	1974			1973			NATIONAL ADVISORY COMMISSION STANDARD
	CASELOAD ^{1/}	ATTORNEYS ^{2/}	CASES/ ATTORNEY	CASELOAD ^{1/}	ATTORNEYS ^{2/}	CASES/ ATTORNEY	
Felony	1326.5	8.99	148	1400	9.32	150	150
City Misdemeanor	2985.5	8.75	341	2714.5	8.50	319	400
Juvenile	1681	7.14	235	1211	7.16	169	200
Mental Illness	627	3.08	204	194	1.06	182	200
Parole Revocation	111	0.16	694	52	0.08	650	-
Felony Appeals	17	0.22	77	10	0.13	77	25
Probation Revocation	146	0.49	298	68	0.23	296	-
County Misdemeanor	105	0.17	618	746	3.02	248	-
TOTAL	6999	29	241	6395.5	29.50	217	

1/ See Note 1/ in Exhibit XI.

2/ Number of attorneys in each area was computed by allocating the Public Defender and Chief Attorney among the various case categories and by breaking out attorney time spent in other case areas.

SEATTLE KING COUNTY PUBLIC DEFENDER ASSOCIATION
EMPLOYEES BY TYPE

FUNCTIONAL AREA	YEARS		
	AUTHORIZED 1975	1974	1973
Trial Section - Attorneys			
Felony	12 ^{2/}	9	9
Misdemeanor	9 ^{3/}	8	10.5 ^{5/}
Juvenile	8	7	7
Mental Illness	3	3	1
Chief Attorney	1	1	1
Support Staff			
Investigation	9	8	8.5 ^{6/}
Presentence Counseling	12 ^{4/}	12	8
Clerical	13	11	10
Administration ^{1/}	6	6	6
Total Employees	72	65	61
Total Attorneys	34	29	29.5
Total Non-Attorneys	39	36	32.5
Non-Attorney/Attorney Ratio	1.15:1	1.24:1	1.10:1

- 1/ Includes Public Defender.
- 2/ Includes one parole attorney.
- 3/ Includes one law reform attorney.
- 4/ Includes present staff supported by LEAA, CETA and PLS.
- 5/ Includes three attorneys assigned to county misdemeanors and one-half of an attorney funded by PEP.
- 6/ Includes 1.5 investigators funded by EEA.

EXHIBIT XIII

personnel requirements. Over the three year period the number of personnel has increased by twenty-two percent (22%) while the non-attorney/attorney ratio has remained relatively constant.

Exhibit XIV, following this page, provides disposition statistics for felony and misdemeanor cases. The statistics are based upon charges and reflect a decrease in the number of acquittals and dismissals in the felony case area over the two year period. The disposition data for misdemeanor cases has remained relatively constant.

SEATTLE KING COUNTY PUBLIC DEFENDER ASSOCIATION
DISPOSITION STATISTICS

CASE TYPE	ITEM	1974		1973	
		NUMBER	PERCENT	NUMBER	PERCENT
FELONY	Charges Disposed by: ^{1/}				
	Acquittal or Dismissal	162	15.4	242	27.9
	Reduction to Misdemeanor	114	10.8	86	10.0
	Found or Plead Guilty to Felony	<u>781</u>	<u>73.8</u>	<u>538</u>	<u>63.1</u>
	Total Charges Disposed	1,057	100.0	866	100.0
	Trials				
	Acquittals	19	22.6	18	23.0
	Convictions	<u>65</u>	<u>77.4</u>	<u>60</u>	<u>77.0</u>
Total Trials	84	100.0	78	100.0	
MISDEMEANOR	Charges Disposed by: ^{1/}				
	Acquittal and Dismissal	1,609	34.5	1,404	31.1
	Found or Plead Guilty	<u>3,050</u>	<u>65.5</u>	<u>3,112</u>	<u>68.9</u>
	Total Charges Disposed	4,659	100.0	4,516	100.0

^{1/} Excludes all cases in which the defendant retained his own counsel or failed to appear or were disposed through probation or parole hearings.

EXHIBIT XIV

III. DESCRIPTION OF OTHER PUBLIC DEFENDER OFFICES

III. DESCRIPTION OF OTHER PUBLIC DEFENDER OFFICES

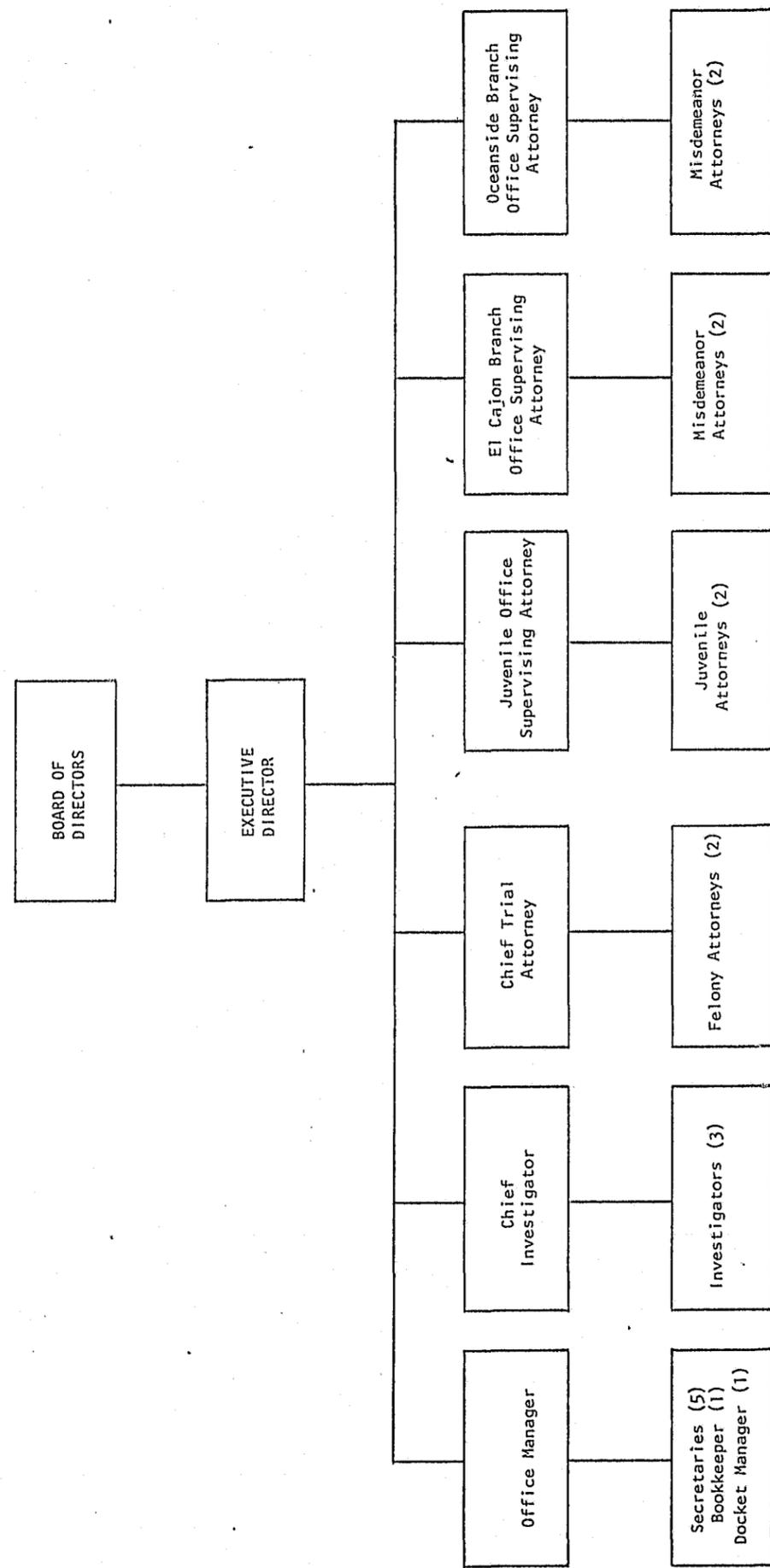
In this section we will provide a brief narrative description of and statistical data gathered upon other Public Defender offices visited during the project. Additionally, we will describe briefly the King County system for court-appointed counsel in felony cases and provide some statistical data on court-appointed counsel.

A. DEFENDERS PROGRAM OF SAN DIEGO

Defenders Program of San Diego, is a private non-profit corporation organized under the corporation laws of the State of California and engaged in the process of defending indigents in San Diego County. The organization, which was started in 1968 with a \$68,000 Ford Foundation grant, is governed by a Board of Directors consisting of eleven attorneys nominated by the San Diego County Bar Association and two local law school representatives. The major goal of the corporation is to provide quality legal representation to indigent defendants. Presently the organization handles approximately thirty percent (30%) of all felony cases, forty-five percent (45%) of all juvenile cases and a large number of mental health cases for indigent defendants in San Diego County. Additionally, the office represents approximately fifty percent (50%) of all indigents committing misdemeanors within the jurisdiction of the Oceanside and El Cajon Municipal Courts. Office attorneys are also present to provide counsel at all initial felony arraignments held at San Diego, El Cajon and Oceanside Municipal Courts and misdemeanor arraignments held in Oceanside and El Cajon Municipal Courts.

Exhibit XV, following this page, depicts the corporation's present organization structure. The four trial groups are located in separate offices near the courts which they serve. The main

DEFENDERS PROGRAM OF SAN DIEGO
PERSONNEL ORGANIZATION CHART (1975)



Total Personnel = 35

office, located in downtown San Diego near the Superior Court, contains the offices of the felony group, the investigation staff, most of the clerical staff and the Executive Director.

One of the major differences between the Defenders Program of San Diego and the Seattle King County Public Defender Association is their method of receiving revenue. While the Seattle organization receives its income based upon pre-determined negotiated annual contract amounts, the San Diego organization is compensated on a case by case appearance basis. After each court appearance by an attorney from the Defenders Program, he will assign his claim for compensation for that appearance to the corporation. The corporation will then make a claim to the County for reimbursement for that appearance. The County will pay the Defenders Program for all its appearances based upon a standard appearance fee schedule on a monthly basis.

Exhibit XVI, following this page, provides the estimated 1973 cost per case and attorney caseload for the corporation. The exact number of cases processed in all areas except felony cases were unknown and a best estimate has been provided by the Executive Director. In the felony case area, the 1,003 cases represent the number of disposed cases. Since the number of felony cases filed is unknown, an assumption was made that its value approximately equals the number of disposed cases.

The exact costs for each case area were not tabulated by the corporation, however, an allocation has been made based upon the number of attorneys in each case area. An assumption was made that approximately one felony attorney handled all mental health cases. The exhibit shows that the overall cost per case was \$68 and the average attorney caseload was 309 cases for 1973.

DEFENDERS PROGRAM OF SAN DIEGO
COST PER CASE AND ATTORNEY
CASELOAD (1973)

CASE CATEGORY	ESTIMATED CASELOAD	EXPENSES	COST PER CASE	ATTORNEYS ^{1/}	CASES/ ATTORNEY
Felony	1003	\$263,454	\$263	12.54	80
Misdemeanor	4500	131,727	29	6.27	718
Juvenile	1400	65,969	47	3.14	446
Mental Health	200	22,060	110	1.05	190
Totals	7103	\$483,210 ^{2/}	\$ 68	23	309

^{1/} Executive Director was allocated among the four case areas according to attorney manpower in the section.

^{2/} Includes \$18,000 implicit cost for rent saved by use of county facilities in the San Diego County Courthouse for the felony section for 10 months at 1,500 per month and for county facilities in the San Diego County Juvenile Hall for the juvenile staff at a rate of \$250 per month for 12 months.

Exhibit XVII, following this page, presents 1974 personnel by employee type and the non-attorney/attorney ratio. Exhibit XVIII, following Exhibit XVII, provides case disposition statistics for felony cases for 1973 and 1972. Disposition statistics were not available for misdemeanor cases.

B. METROPOLITAN PUBLIC DEFENDER PORTLAND, OREGON

The Metropolitan Public Defender is a private non-profit corporation organized under the Laws of the State of Oregon and engaged in the process of legal representation of indigent defendants and indigent persons facing involuntary civil commitment. The corporation, which was started in January, 1971 with a LEAA grant, is governed presently by a five-man Board of Trustees, all of whom are attorneys. Multnomah County, Washington County, the Oregon Bar Association and the Federal District Court for the State of Oregon each have the authority to select one board member, who serves a two year term. The fifth board member, who serves a one year term, is selected by the other four members. The major goal of the corporation is to provide the best legal services available for indigent defendants.

Through contract with Multnomah County, the office handles approximately seventy-five percent (75%) of all indigent defendant felony cases, sixty-five percent (65%) of all indigent defendant non-traffic misdemeanor cases and all mental health cases involving indigents arising in the County. The office also contracts with Washington County to handle approximately eight percent (8%) of its indigent defendant felony cases, ninety percent (90%) of its indigent non-traffic misdemeanor cases and all of its mental health cases involving indigents. Additionally, the office represents all juveniles without attorneys in Juvenile Court proceedings in Washington County. Beginning this past fiscal year the organization received a Criminal Justice Act designation as the community defender for the Federal District Court for State of Oregon. Under this designation it handles by

DEFENDERS PROGRAM OF SAN DIEGO
EMPLOYEE BY TYPE (1974)

TYPE OF EMPLOYEE	NUMBER
Attorneys	
Felony	13 ^{1/}
Misdemeanor	6
Juvenile	3
Administration	1
Non Attorneys	
Clerical	8
Investigation	4
Total Employees	35
Total Attorneys	23
Total Non-Attorneys	12
Non-Attorney/Attorney Ratio	0.52:1

^{1/} Includes mental health cases

DEFENDERS PROGRAM OF SAN DIEGO
FELONY CASE DISPOSITION STATISTICS

ITEM	YEARS			
	1973		1972	
	NUMBER	PERCENT	NUMBER	PERCENT
<u>Cases Disposed^{1/} by</u>				
Acquittal or Dismissals	180	26.9	235	22.3
Reduction to Misdemeanor	155	23.1	457	43.5
Pled or Found Guilty	335	50.0	359	34.2
Total Cases	670	100.0	1051	100.0
<u>Trials</u>				
Acquittal or Hung Jury	24 ^{2/}	42.9	28 ^{3/}	50.9
Conviction	32	57.1	27	49.1
Total Trials	56	100.0	55	100.0

1/ Excludes all cases which the defendant retained a private attorney after appointment, all cases which were disposed by other hearings (i.e., extradition, habeus corpus, sanity, etc.), and all cases whose disposition is unknown.

2/ Includes six hung juries.

3/ Includes five hung juries.

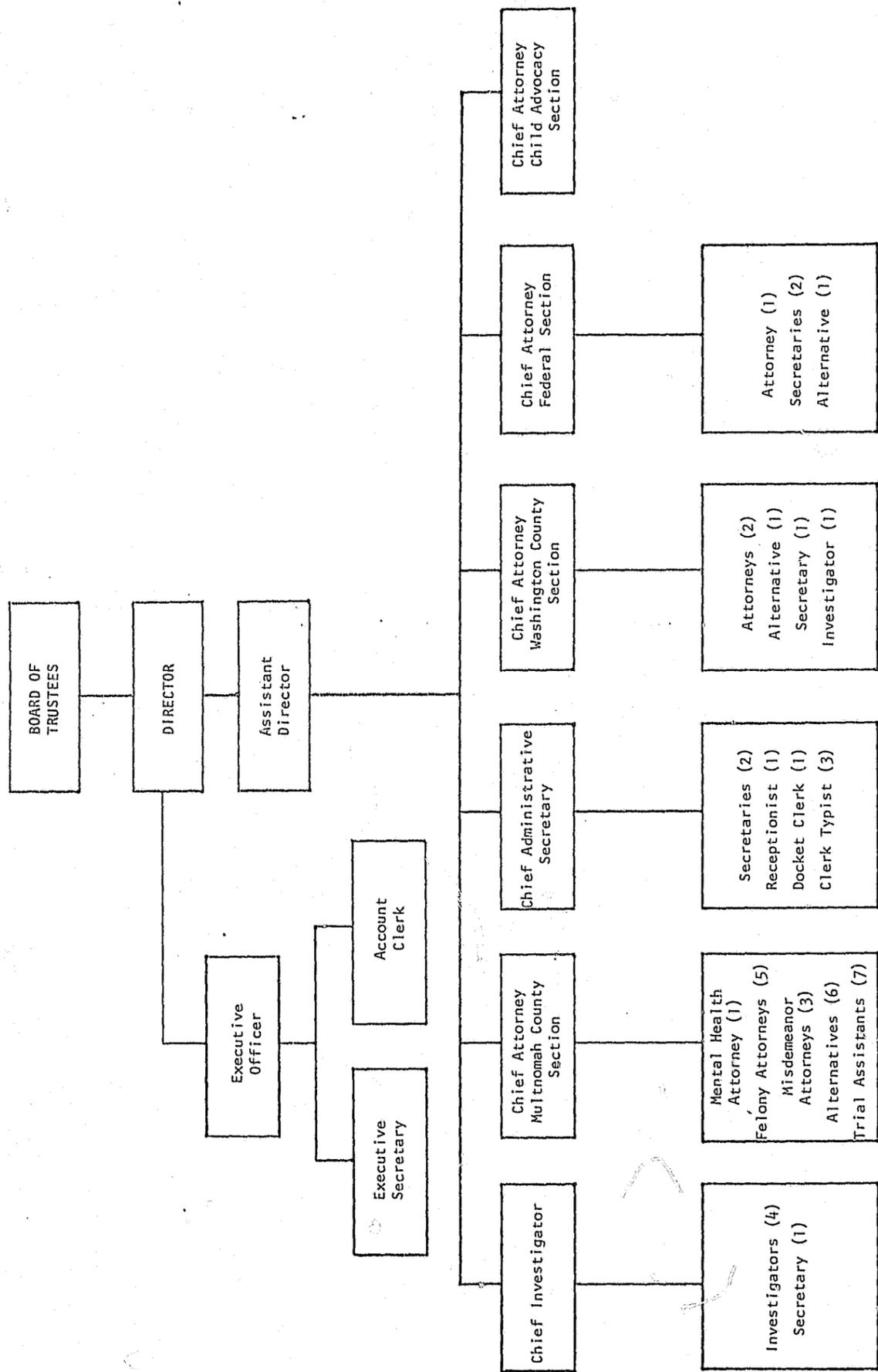
grant from the National Federal Judicial Council approximately seventy-five percent (75%) of all indigent felony cases arising within the federal district. The office also handles approximately one hundred (100) cases arising within fifteen (15) counties involving children who are the object of termination of parental rights. The responsibility to represent children in the above types of cases results from a contract between the corporation and the State of Oregon Children's Service Division, which administers the HEW grant authorizing the services.

Exhibit XIX, following this page, depicts the internal organization structure of the Metropolitan Public Defender's office. There are four major trial sections within the office, Multnomah County, Washington County, Federal and Child Advocacy. All sections except the Washington County group are located in the downtown Portland office.

The organization structure demonstrates a blend of both functional and line authority. Both the Washington County and Federal sections are self contained units while the Multnomah County group is functionally organized with respect to secretaries and investigators.

The organization also has two types of personnel, alternatives and trial assistants, which generally are not found in most defender offices. An alternative is an individual who is responsible for finding alternatives to incarceration for a defendant. His function is similar to Seattle's pre-sentence counselors. A trial assistant is an individual whose major function is to assist attorneys in their preparation for trial. In his job the assistant performs many tasks which have been relegated to an investigator in most criminal law offices. The trial assistant conducts an initial client interview, maintains weekly contact with the defendant, is responsible for assuring that all witnesses are present at trial, maintains the case file and physically attends the trial. Presently, the trial assistants consist of

METROPOLITAN PUBLIC DEFENDER
PERSONNEL ORGANIZATION CHART (1975)



TOTAL PERSONNEL = 55

members of the Jesuit volunteer corps (i.e., a Jesuit related but non-sectarian volunteer group) who volunteer their services for a nominal salary.

The cost per case and the attorney caseload for the Metropolitan Public Defender's office for fiscal year 1973-74 are found in Exhibit XX, following this page. With the exception of the Child Advocacy project, the corporation's total expenditures were not tabulated by case category. An allocation, however, was made based upon the number of attorneys assigned to each case area. The computation of the number of attorneys assigned to each case area also required an allocation of Washington County attorneys among their case types (i.e., felony, misdemeanor, mental health and juvenile) and an allocation of the Director's time among all case types. The exhibit reveals that the average cost per case was \$123 while the attorney caseload was 213 cases per year for fiscal 1973-74.

Exhibit XXI, following this page, provides data concerning budgeted manpower statistics for the corporation for this year. The chart indicates that the non-attorney/attorney ratio will be 1.89 to 1. Exhibit XXII, following Exhibit XXI, provides dispositional data on felony and misdemeanor cases for the fiscal year 1973-74.

C. SACRAMENTO COUNTY PUBLIC DEFENDER

The Sacramento County Public Defender's office is a governmental unit located within the organization structure of Sacramento County. The office, which has been in existence since 1948, is charged with the responsibility of representing all indigent defendants in felony and misdemeanor cases arising within the County and all indigent juveniles and individuals facing involuntary civil commitment in proceedings before the Sacramento County Superior Court. The Office Director, the Public Defender, reports to the Law and Justice Agency Administrator and is directly responsible to him and the County Executive for the accomplishment of his mission.

METROPOLITAN PUBLIC DEFENDER
 COST PER CASE AND ATTORNEY CASELOAD
 1973-74 FISCAL YEAR

CASE CATEGORY	CASELOAD ^{1/}	EXPENSES	COST PER CASE	ATTORNEYS ^{2/}	CASES/ ATTORNEY
Felony	1945.5	\$280,716	\$144	10.32	189
Misdemeanor	1007	99,012	98	3.64	277
Juvenile	65	12,512	193	0.46	141
Mental Health	562	41,346	74	1.52	370
Child Welfare	50 ^{3/}	13,750	275	1.06	47
Total	3629.5	\$447,336 ^{4/}	\$123	17	214

^{1/} The caseload represents the average of the number of cases filed and the number of cases disposed during the fiscal year.

^{2/} Represents an allocation of three Washington County attorneys among case categories according to NACCJ standards and caseload and an allocation of the Director's time among case categories according to the number of attorneys in each category

^{3/} Estimated

^{4/} An amount of 40,650 was added to expenses to account for imputed value of work of seven trial assistants at \$600 per month (i.e., \$50,400 per annum minus actual salaries of \$9,750).

METROPOLITAN PUBLIC DEFENDER
 EMPLOYEE BY TYPE (1975)

TYPE OF EMPLOYEE	NUMBER
<u>Attorneys</u>	
Multnomah County Group	12
Felony (8)	
Misdemeanor (3)	
Mental Health (1)	
Washington County Group	3
Federal	2
Child Advocacy Project	1
Administration	1
<u>Non-Attorneys</u>	
Investigation	6
Alternatives	8
Trial Assistants	7
Clerical	12
Administration	3 ^{1/}
Total	55
Attorneys	9
Non-Attorney	36
Non-Attorney/Attorney Ratio	1.89:1

^{1/} One position is not filled yet

METROPOLITAN PUBLIC DEFENDER
CASE DISPOSITION STATISTICS (1973-1974)

CASE TYPE	ITEM	NUMBER	PERCENTAGE
FELONY	<u>Cases Disposed ^{1/} by</u>		
	Acquittal or Dismissal	709	48.0
	Reduction to Misdemeanor	148 ^{2/}	10.0
	Pled or Found Guilty	621	42.0
	Total Cases Disposed	1,478	100.0
	<u>Trials</u>		
	Acquittals	62	75.6
Convictions	20	24.4	
Total Trials	82	100.0	
MISDEMEANOR	<u>Cases Disposed ^{1/} by</u>		
	Acquittal or Dismissal	468	55.0
	Pled or Found Guilty	383	45.0
	Total Cases Disposed	851	100.0
	<u>Trials</u>		
	Acquittals	34	26.6
	Convictions	94	73.4
Total Trials	128	100.0	

^{1/} The number of cases disposed excludes cases in which the defendant retained his own attorney, failed to appear or was extradicted and cases which were disposed by probation hearings.

^{2/} Estimated by assuming that one-third of all plans to lesser charges were pleas to misdemeanors.

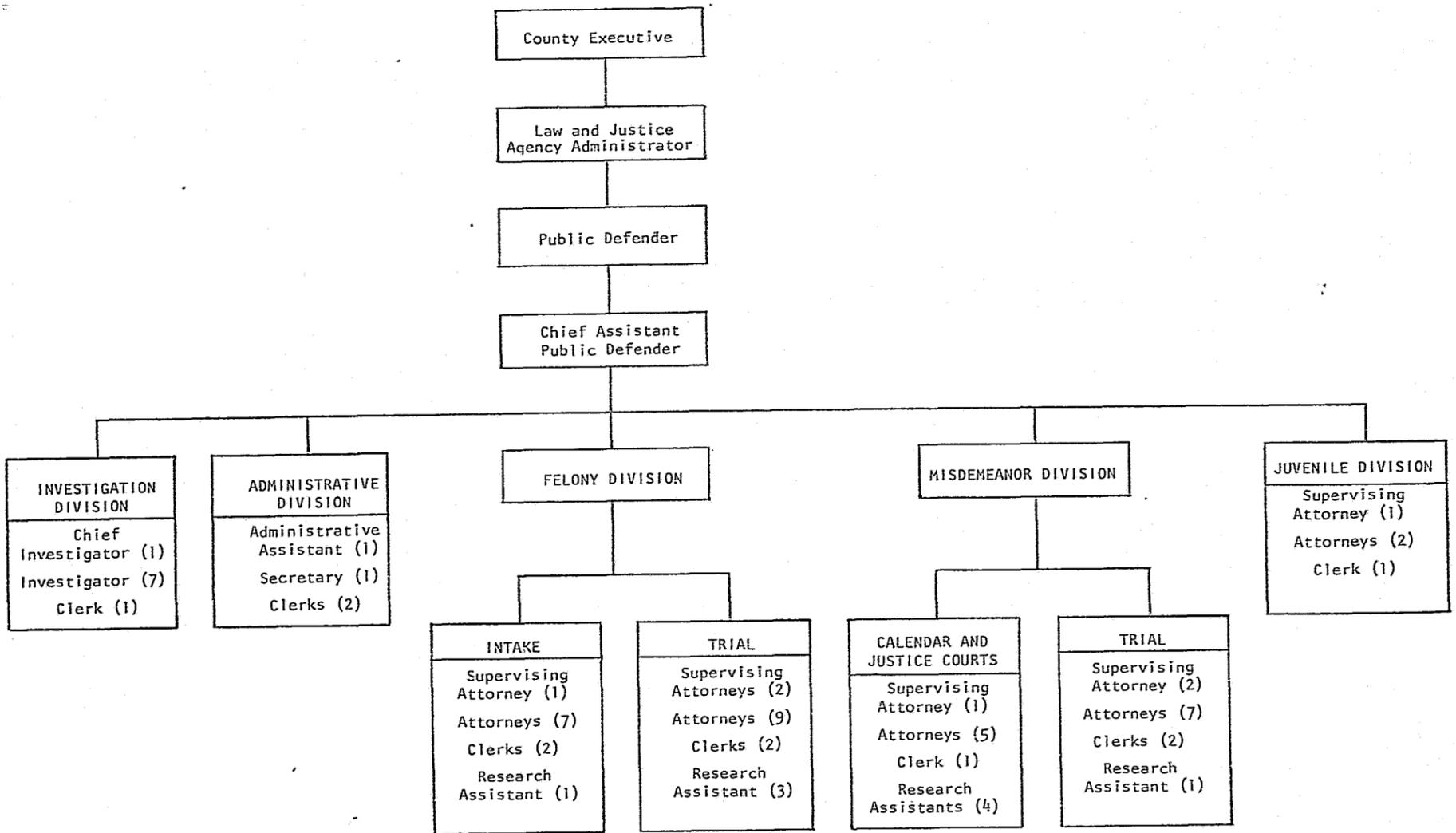
The present internal organization structure of the Sacramento office is presented in Exhibit XXIII, following this page. The organization consists of five major units. The Felony and Misdemeanors Divisions are each divided into two major sections, Intake and Trial. The Intake Section within the Felony Division is responsible for handling all case matters up to Superior Court arraignment. They attend all preliminary hearings and handle all felony matters in the municipal and justice courts. The Trial Section is basically responsible for trying the case and assuring that the defendant receives the best dispositional alternative if he pleas or is found guilty. The responsibilities of the Intake and Trial Section of the Misdemeanor Division are divided along the same lines as the two felony sections. The division of the legal representation of a defendant among the two groups is different from the one attorney one defendant concept which is used in the Seattle office and represents a major difference in organizational structure between the two offices.

Exhibit XXIV, following Exhibit XXIII, provides the office cost per case and attorney caseload data for the 1973-74 fiscal year. The expenses for each case category were derived by allocating the total office expenses among the case categories according to the number of attorneys in each case area. The characterization of employee by type of function and the non-attorney/attorney ratio for the organization is found in Exhibit XXV.

D. PRIVATE COURT-APPOINTED COUNSEL - KING COUNTY

Court-appointed private counsel handles approximately forty percent (40%) of all felony cases involving indigent defendants in King County. The court-appointed attorneys are selected by the Office of Public Defense from a list of attorneys who have volunteered for court appointments. The selection of an attorney

SACRAMENTO COUNTY PUBLIC DEFENDER
PERSONNEL ORGANIZATION CHART (1975)



TOTAL PERSONNEL = 69

SACRAMENTO COUNTY PUBLIC DEFENDER
COST PER CASE AND ATTORNEY CASELOAD
1973-74 FISCAL YEAR

CASE CATEGORY	CASELOAD	EXPENSES	COST PER CASE	ATTORNEYS ^{2/}	CASES/ ATTORNEY
Felony	3482	\$ 651,217	187	20.06	174
Misdemeanor	6087	428,193	70	13.19	461
Juvenile	2219	102,909	46	3.17	700
Other Proceedings ^{1/}	1117	51,293	46	1.58 ^{3/}	707
Total	12905	\$1,233,612	\$ 96	38 ^{4/}	340

^{1/} Includes probation revocation and mental health.

^{2/} The Public Defender and Assistant Public Defender were allocated to the four groups of cases based upon the number of attorneys in each group.

^{3/} 1.5 Felony trial attorneys were allocated to these cases.

SACRAMENTO COUNTY PUBLIC DEFENDER
EMPLOYEE BY TYPE (1975)

TYPE OF EMPLOYEE	NUMBER
<u>Attorneys</u>	
Felony Intake	8
Felony Trial	11
Misdemeanor Intake	6
Misdemeanor Trial	9
Juvenile	3
Administration	2
<u>Non-Attorneys</u>	
Investigators	8
Administration	4
Clerical	9
Research Assistants	9
Total Staff	69
Total Attorneys	39
Total Non-Attorneys	30
Non-Attorney/Attorney Ratio	0.76:1

from the list is done in a quasi-random manner. Generally, the Office of Public Defense will not assign an inexperienced attorney to a serious case and will assign a specific attorney to a case if he has previously handled a case for the defendant. There are approximately two hundred and twenty (220) attorneys on the volunteer list and each attorney received five (5) or six (6) cases last year.

Upon appointment to a case by the Office of Public Defense the attorney becomes responsible for assuring that the indigent defendant receives proper legal services. The court-appointed counsel may utilize the services of the Pre-Sentence Counseling Unit in the Public Defender Office if he thinks it is necessary.

When a case is completed, the attorney will submit an affidavit indicating the time spent on the case to the Office of Public Defense. This affidavit serves as the basis for payment. Court-appointed attorneys are paid a minimum of \$175 if the case results in a plea of guilty, and a minimum of \$100 per trial date or portion thereof and \$100 for trial preparation if the case goes to trial. This minimum figure may be adjusted upward in both situations if the average hourly rate paid per case is less than twenty dollars. Exhibit XXVI, following this page, indicates that the average cost per case in 1974 was \$199. Trial disposition statistics for court-appointed counsel are also shown in the exhibit.

PRIVATE COURT-APPOINTED COUNSEL
FELONY COST PER CASE

HEADING	YEARS	
	1974	1973
Total Cases Disposed	1,127	601
Total Cost	\$224,000	\$121,200
Average Cost Per Case	\$199	\$201

IV. EVALUATION OF THE DEFENDER ASSOCIATION

FELONY CASE DISPOSITION
STATISTICS

TRIAL RESULTS	YEARS			
	1974		1973	
	NUMBER	PERCENT	NUMBER	PERCENT
Acquittals	59	39.0	40	33.9
Convictions	92	61.0	78	66.1
Totals	151	100.0	118	100.0

IV. EVALUATION OF THE DEFENDER ASSOCIATION

In this section we will present our evaluation of the Defender Association. Initially we will discuss the effectiveness of the Seattle-King County System of Public Defense, particularly with respect to the Defender Association and the concept of a private non-profit corporation. We will then provide our evaluation concerning the quality of legal services offered by the Association and whether the office has provided these services in a cost effective manner. After our discussions on quality and cost effectiveness, we will present our findings on the ancillary services (i.e., law reform) performed by the Association and the internal office procedures (i.e., case processing) of the Association. These areas will be reviewed with respect to their relationship to both the cost and quality of services offered by the Association and the subsidiary goals and objectives of the corporation.

At the end of this section, we will provide our opinion concerning the procedures presently being used by the City of Seattle to screen indigent defendants.

A. THE PUBLIC DEFENDER SYSTEM AND THE CORPORATE ENTITY

In this section we will discuss our evaluation of the Seattle King County Public Defender System with respect to the use of a private non-profit corporation, the Defender Association, to handle a majority of criminal cases involving indigent defendants. The Seattle King County Public Defender System, which is basically an assigned counsel system, differs from most public defender systems in large cities in the United States. Seattle and King County depend upon a mixture of court appointed attorneys and the Defender Association to handle its criminal cases involving indigent defendants. In most large jurisdictions the system of public defense consists of a Public Defender's office located within the

governmental unit of the organization providing the service. Although this study did not concentrate on a comparison between the use of a private non-profit corporation and an office located within the governmental structure, we will provide a synthesis of the strengths and weaknesses of the private non-profit corporation.

The basic strengths of the private non-profit corporation are their ability to promote a feeling and appearance of independence among all the persons associated with the system and their ability to provide a flexible organization structure in which a competent attorney can advance to higher levels of responsibility. The appearance of independence provided to clients is extremely helpful in developing a rapport between the client and his attorney. In many public defender systems the public defender is a governmental unit whose offices are located within the courthouse or in some other government building. The client receives the feeling that he is just dealing with another member of the government and that his representation may be taken in nature. In dealing with a non-profit private corporation the client perceives that he is not dealing with another member of the governmental entity.

Although the private non-profit corporation gives a greater appearance of independence than the public defender's unit located within the governmental structure, this does not necessarily mean that it is anymore independent than the governmental unit. Both parties depend totally upon the government for their funds whether the funding system be based upon a contract with the governmental unit or a budgetary process within the governmental structure. The presence of a strong and active Board of Directors has provided the Defender Association with the needed strength to obtain favorable contracts under which it can discharge its obligations. The work and influence of the Board in the Association's recent contract negotiations with the City of Seattle was a major factor in providing the Association with a viable contract with the City. Without the efforts of the Board, an agreement

between the two parties may never have been resolved. It is our opinion that the efforts of the Board may provide Seattle Public Defender System with more independence than can be experienced in totally governmental public defender systems.

Another major strength of the non-profit corporate structure is that it can provide a flexible organization in which attorneys who are competent can move to higher levels of responsibility. The corporation can promote competent people regardless of how long they have been with the Association. They can give raises to persons who are deserving and are not tied to predetermined standards or across the board raise determinations. In our discussions with many attorneys within the Defender Association, they cited the flexibility of organization as being one of the major reasons why they enjoy working for the corporation and also as one of its strengths.

The weaknesses which were cited by interviewees and noted by our observation were that there is less control over how public funds are being spent and that an extensive amount of time was spent by both parties in contract negotiations. Both of these weaknesses, however, are the price which must be paid for independence. As long as the private non-profit corporation acts both in the letter and the spirit of its contract in the discharge of its duty, the additional control attained by having the Public Defender within the government structure is not needed. The additional time spent in preparation for contract negotiations may be helpful to both parties and to the public in providing the best services at a reasonable cost and may not exceed the time required to develop and negotiate annual budgets in a defender office located within a governmental agency.

In conclusion, the private non-profit corporation is a viable means of providing legal services to indigent defendants. The system as it exists in Seattle combines the concepts which make this method of providing legal services an effective means of discharging a public duty.

B. QUALITY OF SERVICE

The major goal of the Defender Association is to provide quality legal services to indigent defendants. The Association attempts to insure that its legal services are equal to or better than the legal services offered by the private bar to non-indigent defendants. In this sub-section we will evaluate whether the Defender Association has fulfilled its basic objective. We will base our opinion upon interviews with judges, attorneys, clients and individuals familiar with the operation of the Defender Association and upon our observation of courtroom performance. Additionally, we will discuss why statistical data cannot be used to evaluate the quality of services offered by the Association.

1. Evaluation

Our overall impression is that the Defender Association is providing legal services to indigent defendants that is as good or better than presently being provided by the private bar.

A synthesis of the interviews with judges, attorneys, clients and other personnel familiar with the office reveal that the Defender Association is well received. In comparing the Defender Association with the private bar those interviewed agreed that the best attorneys of the private bar were superior to most attorneys in the Association, however, the Association attorneys were superior to the general private bar in criminal law matters. Our observations of the Defender Association attorneys and members of the private bar confirm this view. There were more poor presentations by members of the private bar than by members of the Association. However, there were several excellent presentations by the private bar which were superior to or as good as the best Association cases observed.

There is a definite impression of a difference in quality offered by the various sections of the Association. It is generally felt by the interviewees that the quality of juvenile and felony representation is better than the legal representation provided in misdemeanor cases. The interviewees felt that the causes for reduced quality in the misdemeanor area were due to both the court process and the inexperience of attorneys. Our observation of attorneys and the court process tended to indicate that the quality of felony case representation was superior to the representation provided juveniles and misdemeanants.

The felony attorneys observed generally showed good to superior preparation, demeanor and presentation. Questions were well perceived and stated; defenses were well defined and the case movement was in that direction. Demeanor was designed to obtain the maximum good will toward the defense, and arguments or objections were well conceived and well presented. Some weaknesses appeared to be an uncertainty of what type of questions could be asked witnesses on cross examination, use of unnecessary slang (not offensive) in argument to the court and faulty cross-examination techniques.

The juvenile attorneys observed were inexperienced. It is understood that other attorneys in the section have a greater degree of experience. The observed inexperience was manifested by less than expert preparation and trial techniques and uncertainty concerning the rules of evidence. In the juvenile case area, however, the number of defender staff, the nature of the work (i.e., less formality in case presentation) and the courts more active role tend to compensate for the inexperience in courtroom case handling techniques and thus the lower level of quality is not as critical as in the adult area. The individuals observed,

however, recognized their inexperience and felt a great need and desire for feedback from experienced office attorneys to develop the necessary techniques and tactics of the profession.

In the misdemeanor area, the observations indicated that the quality of service, although not as good as the felony representation, was better than some interviewees had indicated. We found that even though attorneys were inexperienced, they appeared generally well prepared and had a well defined defense. The court process and the internal clerical problems encountered in handling misdemeanor cases also contributed to the lessening of quality.

The general interviewee criticism of the misdemeanor attorneys consisted of the improper case evaluation preventing early disposal, poor case preparation, absence of effective trial and cross examination techniques and poor courtroom demeanor. An examination of the misdemeanor case process revealed that misdemeanor attorneys in some cases were not receiving cases until one or two days before trial or were unable to see defendants due to heavy commitments until a short time before or on the day of trial. The problems existed both with defendants who were in or out of custody. In the case of in-custody defendants, the heavy work load and short time between the date of arrest and assignment and the date of trial provided the misdemeanor attorney little time to prepare his case. With out-of-custody defendants, a major problem was encountered in contacting and interviewing them a sufficient time before trial. In many cases, a defendant would show up for an initial interview at the Defender Association only a few days before or on the day of trial. The defendant is directed to contact the Defender Association after he has been declared eligible for an attorney at public expense and often client apathy or unconcern will be cause of the appointments not being met. There

is little that the Association can do to force the out of custody defendant to interview at an early date. The failure to interview an out of custody defendant until a few days before or on the day of trial provides the misdemeanor attorney with very little time to prepare his case.

Additionally, in the past the tardy internal assignment of the case prevented an attorney from spending any meaningful time on a case until shortly before trial and hampered a proper evaluation of the case for early disposition. Thus, it appears that part of the criticism of the misdemeanor attorney may have been due to the case process itself, client apathy or internal failure of early attorney case assignment.

Attorney inexperience, wherever found, manifests itself in the lack of expertise necessary to properly or effectively examine witnesses and exhibit good courtroom demeanor. This occurred particularly in the misdemeanor case area where the level of experience was low.

In recapitulation, the defender attorneys were young and in many cases inexperienced but showed good potential and a level of motivation and desire consistent with developing a high degree of professional expertise. This motivation and desire must be molded and given direction by the Association to realize a potential which is attainable.

2. Statistical Data

There are major problems encountered when an attempt is made to compare data on dispositions among defender offices in different parts of the United States. The policies of the district attorney will have a great effect on the disposition statistics of a public defender office. If the

District Attorney's office screens carefully each case which it files, the defender office statistics in those jurisdictions will be significantly different from those statistics compiled upon public defender offices in jurisdictions in which the district attorney files every criminal complaint.

Another factor which prevents us from making any statistical comparison among defender offices or between the Defender Association and court-appointed counsel is the unreliability of the data. The general lack of any standard method of determining the meaning or cause of a disposition creates problems when an attempt is made to compare statistical data between or among various public defender offices. For example, if an individual defendant were charged with one count of armed robbery, one count of aggravated assault and one count of carrying a dangerous weapon, and if he were found guilty at trial of the aggravated assault charge but was acquitted on the armed robbery charge and the dangerous weapon charge, there may be several ways to count the disposition. The Seattle Public Defender office counts dispositions with regard to charges, therefore, their statistics would show three charges disposed, two acquittals and one found guilty. The Portland office, which counts case dispositions, would show one case disposed and one conviction at trial. A third way of counting the disposition would be to show one case disposed and one case found guilty to a lesser charge. If the offices are not using the same standard to count a disposition, comparison between them becomes meaningless.

In recapitulation, we are unable to make any evaluation based upon statistical data provided by the Defender Association. In the Recommendation Section we will provide a mechanism for the Association to gather and use important dispositional data as a subsidiary means of quality control.

C. COST EFFECTIVENESS

In the previous section we evaluated the quality of legal services provided by the Defender Association. In this section we will discuss whether these services are provided in a cost effective manner. Our evaluation concerning the cost effectiveness of the Defender Association will be based upon a comparison with data provided by other Public Defender offices and an analysis of the operations and procedures of the Defender's office.

Exhibit XXVII, following this page, provides cost data for the Defender Association, the Metropolitan Public Defender of Portland, the Defenders Program of San Diego, the Sacramento County Public Defender's office, and the court-appointed counsel of King County.

Before we attempt to analyze the data several points must be made concerning the statistics. We have chosen to compare the felony cost per case because it is the only case process which is similar within the offices surveyed. The attorneys handling felony cases in all offices surveyed performed nearly the same functions. The average cost per case for all cases could not be used as a comparative measure due to the lack of a homogenous case mix.

The data reveals that the Defender Association felony cost per case is higher than any of the offices surveyed. Part of this higher cost is contributed to the significant involvement of pre-sentence counseling in the felony case process. The data shows that the Defender cost per case without pre-sentence counseling, is lower than San Diego but is higher than court-appointed counsel, the Sacramento County Public Defender office and the Metropolitan Public Defender of Portland.

COST EFFECTIVENESS MEASURES
FOR PUBLIC DEFENDER OFFICES SURVEYED

STATISTIC	OFFICE				
	SEATTLE	PORTLAND	SAN DIEGO	SACRAMENTO	KING COUNTY COURT-APPOINTED COUNSEL
Felony Cost Per Case	\$ 306	\$ 144	\$ 263	\$ 187	\$ 199 ^{3/}
Estimated Costs of Pre-Sentence Counseling	75	15	-	-	-
Cost Per Case Without Pre-Sentence Counseling Services	231	129	263	187	199
Adjusted Cost Per Case ^{1/}	231	137	295	198	199
Felony Attorney Caseload	150	189	80	174	-
Non-Attorney/Attorney Ratio	1.15	1.89	0.52	0.76	-
Total Salaries ^{2/}	672,608	310,582	398,442	892,868	-
Total Other Costs ^{2/}	242,175	96,104	66,768	330,744	-
Overhead Rate	.36	.31	.17	.37	-

^{1/} Adjusted to reflect an annual 12% inflation rate or 6% semi-annual rate and to provide proper comparison with Defender Association 1974 annual data.

^{2/} Based on actual expenses and not imputed costs.

^{3/} This figure does not include the use by court-appointed counsel of the pre-sentence counseling unit services of the Defender Association.

The variance in cost figures may be due to factors other than cost effectiveness such as:

. The difference between the method used to allocate costs among case categories for the Portland, Sacramento and San Diego offices (i.e., allocation based upon the number of attorneys in each case section) and the cost allocation to case categories based on actual expenditures for those types of cases for the Seattle office

. Inaccuracies in caseload statistics

. Variances in the types of services provided.

While specific conclusions cannot be drawn concerning the Defender Association cost effectiveness based on statistical data, we believe that their cost per case may be higher than necessary for the following reasons:

. Poor staff support

. Absence of adequate administrative support systems

. Inadequate supervision and control.

Poor staff support has resulted from a high absentee rate, a lack of appropriate qualifications for all personnel, and a lack of training and supervision. Daily absence among the clerical personnel has run as high as twenty-five percent (25%) in the past. Additionally, individuals with little or no skills were hired and not given proper supervision or training. To compensate for both the incompetence and non-production of clerical employees, staff attorneys have performed clerical work. This has resulted in decreased attorney productivity. The problem of poor staff support has been recognized by the Defender Association. The decision by Mr. Ginsberg to retain a law office management consultant, Mr. Gene Beauregard, was the initial step taken to rectify this situation. Mr. Beauregard has already made significant changes which have resulted in upgrading clerical skills and increasing productivity:

The lack of administrative support systems and the inadequate supervision and control over all employees is discussed in Subsection E of this section. Both of these factors cause inefficiency which may result in an increased cost per case.

In conclusion, we believe that the Defender Association can operate in a more efficient and business-like manner. Improvements currently being undertaken by the office and implementation of the recommendations presented in the last section of this report with regard to the above-mentioned problem areas may result in the capability to increase the attorney caseload and decrease the cost per case (not necessarily the total cost of operation).

D. ANCILLARY SERVICES

In this section we will examine the ancillary services performed by the Defender Association with relationship to their basic goals and objectives. Specifically, we will review the pre-sentence counseling unit and the law reform activities of the Defender Association.

1. Pre-Sentence Counseling Unit

The basic function of the Pre-Sentence Counseling Unit is to provide an alternative to incarceration for a defendant convicted of a felony. The unit was started in 1972 with LEAA money in response to a now repealed, but soon to be re-adopted, King County Superior Court rule 101.04 (j), which required the defense counsel to submit a pre-sentence report in all cases in which the defendant has been convicted of a felony. The major purpose in establishing the pre-sentence counseling unit was to improve the pre-sentence counseling reports, which normally would have been provided by attorneys,

and to provide this function at a lower cost. The hiring of counselors knowledgeable in areas of treatment alternatives would theoretically provide clients with better service. It was also felt that the counselor would provide an important link with the community, which the Defender Association served, and thereby, assist the association in winning the confidence of its clients.

An exhaustive treatment as to whether the Pre-Sentence Counseling Unit has met the above goals is beyond the scope of this project. However, certain remarks will be made concerning the unit.

The lack of available statistical data on the activity of the Pre-Sentence Counseling Unit prevents any analytical evaluation of the quality of services offered by them. However discussions with many staff and other attorneys who have used the services of the unit have provided us with some information.

The comments of those attorneys and judges interviewed who were familiar with the unit revealed a favorable reaction concerning the quality of work. Almost all judges indicated that the pre-sentence reports were valuable and effective. While all persons interviewed praised the unit's concept, a few expressed a feeling that the unit was not performing at a level consistent with its goals. Since we did not perform an exhaustive study of the unit's efforts, we cannot substantiate these latter comments.

Additionally, the above discussions revealed that the Defender Association through the work of the Unit and staff attorneys has been successful in providing sentencing alternatives to prison. Statistics provided by the Defender Association revealed that only eight percent (8%) of all defendants served by Association were committed to the state prison.

The cost of providing pre-sentence counseling for felony cases was \$75 per case. The estimated cost of providing similar services for the Metropolitan Public Defender of Portland was approximately \$15 per case. The variance in cost figures may be caused by factors other than cost effectiveness such as:

Higher salaries paid to Seattle counselors (see Personnel Administration subsection)

Variations in the level of services offered

The difference between the method used to allocate pre-sentence counseling costs among case categories for Portland (i.e., alternative costs were allocated among all case categories based upon the number of attorneys in each category) and the pre-sentence counseling cost allocation based on an eighty percent (80%) - twenty percent (20%) split of costs between felony and juvenile cases respectively for the Seattle office.

While specific conclusions cannot be drawn concerning the Defender Association cost effectiveness based on statistics data, we believe that the cost of pre-sentence counseling services may be higher than necessary due to the following reasons:

Insufficient supervision and control over employees of the unit

Performance of non-legal service related activities

Insufficient supervision and control over employees within the unit may be caused by inadequate control over counselor's workload. A recent change in the Association's organization structure, requiring the supervisor of the unit to report directly to the Office Administrator should improve employee supervision and control.

Many of the activities of the pre-sentence counseling unit and their policy of hiring ex-offenders, appears to have done much to win client confidence for the office. The

work of the unit in providing alternatives to incarceration for many defendants, and the fact that many individuals within the unit are familiar with the criminal justice community allows the client to feel "at home" with the unit. However, the unit should be careful not to turn into a social service organization. It currently provides job counseling service for ex-offenders for a fee received from the Division of Vocational Rehabilitation of the Department of Health and Social Services. A question may be posed as to whether this effort is part of the function or even satisfies any subsidiary goal of the Defender Association. The activity borders on social service work and the goals as established by the Association do not include the provision of social services.

In conclusion we believe that the Pre-Sentence Counseling Unit project is a worthwhile project which improves legal services offered to indigent defendants. We believe that the project should be continued. However, we feel that the performance of the unit can be improved with respect of cost effectiveness. Present efforts being undertaken by the Association should rectify this problem.

2. Law Reform Activities

In 1969 when the Defender Association was established by the Seattle Model City Program, it was charged with the duty of investigating and promoting legal reforms. It was felt that this activity would improve the quality of services provided the indigent defendant. The present Board of Directors shares the view of the original founders of the Defenders Association and legal reform activities are part of the goals of the Defender Association.

The activities which have been labeled law reform consist of a myriad of things. They include:

Legislative reform accomplished through efforts of staff attorneys meeting with the legislature to provide input on new bills, (i.e., the Mental Commitment Statute)

Legal action, which attack broad and vague statutes used against indigents

Suits against governmental units concerning treatment of individuals who normally are clients of the Defender Association

Legal Research of specific problems for staff attorneys

Negotiation efforts with the governmental units in the Seattle area with respect to improving the ability of the Defender Association to obtain case discovery (i.e., obtaining police reports and better access to the jail for interview of defendants).

Generally, the Defender Association has been successful in carrying out its law reform efforts. The new Mental Commitment Statute, which is one of the most advanced statutes of its kind in the country, is an example of substantial defender input. The controversy is whether the Association should be involved in law reform. The comments of those interviewed revolved around the legislative law reform activities undertaken by the Association, and the affirmative action suits against governmental units. While we will not attempt to evaluate whether the Defender Association should carry on all of the law reform activities which it presently performs, we will express our observations gathered during the study concerning the subject.

Legal reform activities, which are geared toward providing legal research for attorneys on specific cases, and activities which involve discovery of facts are necessary to the individual client's defense and also are time savers for the attorneys. In pursuing a clients interest the defense

attorney must do everything he can to obtain the facts. If those facts are difficult to obtain either through inability to procure police reports or have access to the defendant in jail, the attorney has the responsibility to improve this situation. Negotiations and law suits against the organizations preventing discovery is consistent with providing an adequate legal defense for an individual.

The efforts extended by the Defender Association with regard to legal reform through appellate review are directly related to the case in which the Association is involved. The mere fact that the Association specifically plans to test the constitutionality of certain laws when the proper case or controversy occurs should not necessarily open them to criticism that they are attempting to perform services beyond the scope of their organizational goals. As long as the issue can be framed within a case or controversy involving a client of the Association, the organization has not gone beyond the bounds of its major activity.

The efforts extended toward legislative reform accomplished through lobbying and affirmative action suits against a governmental unit to advance the fair treatment of those convicted of a crime or accused of a crime have a direct effect on advancing the interest of all clients involved with the Defender Association. They also have a tendency to improve the attorney-client relationship. The defendant is able to perceive that he will be represented by an attorney who has his interest at heart. Improvement of attorney-client relationship and advancement of the interest of all defender clients has a direct relationship to the quality of legal services offered by the Association.

The law reform activities of the Defender Association also seem to contribute greatly to the spirit of the organization. Discussions with many staff attorneys revealed that one of the major reasons why they enjoyed working for the Defender Association was the fact that the organization was not just trying criminal cases but was attempting to improve the legal treatment of the defendant through legal reform efforts. The activities also seem to be responsible for helping to recruit the best available young legal talent.

The major problems associated with the legal reform activities appear to be the alienation it has caused with governmental officials when they have been sued affirmatively, diversion of resources from casework and the creation of an attitude among the attorneys that they are not trying a case but the entire system.

The alienation of some government officials in the Seattle area as result of a suit filed by the Defender Association against governmental units has caused some ill feeling toward the Association. The officials interviewed felt that the Association should not spend government money to sue the government. While their position has merit, the Defender Association is responsible for the interests of their clients. The two interests will naturally collide since they are adversaries in the legal process. If the Defender Association is not free to sue the government when their interests are irreconcilable, the independence of the Seattle system of public defense will be eroded.

The amount of time spent by the Defender Association on legal reform activities is minimal. Approximately fifty percent (50%) of one attorney's time is devoted to this

area. This time may be more than compensated by the time saved by staff attorneys in not having to perform legal research on various issues which arise in their own case.

In recapitulation, the law reform activities of the Defender Association appear to be consistent with goals established by the organization. Whether the Defender Association should continue to pursue all of these activities is a decision for the Board of Directors of the organization. However, our observations lead us to believe that they are helpful in providing quality legal services, which is the major purpose of the Association.

E. OFFICE PROCEDURES

In this subsection we will review the office procedures of the Defender Association. Specifically, we will discuss case processing, management information, administration and supervisory control, personnel and financial administration. We will attempt to pinpoint specific problems in these areas and indicate their effect upon quality and cost of services offered by the Association. In Section V of this report we will provide recommendations to solve many of the problems recognized in this sub-section.

Our evaluation will be based upon the systems in existence at the end of January 1975. We recognize that the Defender Association has been making many improvements in these areas while this report is being written.

1. Case Processing

Case processing will be reviewed with respect to the methods of recording case status information, attorney case assignment, and control and handling of the case file.

Exhibit XXVIII, following this page, presents a description of the methods used in each of the above-mentioned areas.

(a) Case Status

The present method of providing case status information in all case categories is inadequate. The major problems with the present system may be summarized as follows:

With the exception of the juvenile case area, the requirement to maintain case status is not mandatory; thus neither present nor historical information will be available on certain cases without an exhaustive search through the case file.

The job of maintaining case status, presently performed by attorneys, can be and should be performed by clerical personnel.

The unavailability of case status information to the clerical personnel causes attorneys to answer many routine inquiries about the case which could be handled by the clerical staff. This problem is particularly acute in the felony case area, which does not have a centralized attorney master calendar to provide hearing date information to secretaries.

The recording of case events is dependent upon each attorney's own standard as to what should or should not be included on the status sheet; thus, historical case information varies among cases.

The unavailability of case status information to clerical personnel prevent them from relieving the attorney of the burden of preparing weekly attorney case backlog information sheets. Additionally, the fact that each attorney is required to complete the case backlog sheet creates bias in the data since each attorney will apply his own case closing standard. Lack of uniformity in case closing standards can significantly distort the case backlog for each attorney and will affect adversely case assignment policies.

DEFENDER ASSOCIATION CASE PROCESSING INFORMATION

CASE CATEGORY				
PROCEDURE	FELONY	MISDEMEANOR	JUVENILE	MENTAL ILLNESS
Recording Case Status Information	<p>Information Sheet within case folder used to record case status. Attorney responsible for updating case status. Recording of status is not mandatory.</p> <p>Docket card created at the time of case initiation. Card is updated when an attorney is assigned to reflect assignment and at completion of case to reflect the case disposition and closing date.</p>	<p>Same method as the felony case process with the exception that:</p> <ul style="list-style-type: none"> - the docket card is not updated to reflect the case disposition but only to reflect the closing date. 	<p>Same method as the felony case process with three exceptions:</p> <ul style="list-style-type: none"> - docket card is only created for a non-repeater and is never updated. It is not used for case status-ing. - case is logged in a log book which is updated only on the closing of the case. - recording of case status on case status sheets is mandatory. 	<p>Same method as the felony case process with two exceptions:</p> <ul style="list-style-type: none"> - docket cards are only updated at the conclusion of a case. - section secretary additionally records the status of each case in a docket book. Information to update the case record in the book is gathered by asking attorneys.
Attorney Case Assignment	<p>Section secretary assigns three cases per week to each attorney. Murder cases are assigned by the section supervisor.</p> <p>Secretary records each case assignment on assignment information sheet to assure equal distribution of caseload.</p>	<p>Section secretary assigns cases based upon pre-determined priority list and attorney schedule.</p> <p>Initially master trial calendar is reviewed to determine if there is an attorney previously assigned to the department for the trial date. If there is an attorney already assigned to a trial for the department on the trial date, he will be assigned to the new case, unless he has already been assigned four cases in that department for the trial date.</p> <p>If case is not assigned in the previous step, the secretary will review the individual calendar for the next attorney on the priority list and if there is no conflict, she will assign the case to him. If there is a conflict, she will continue down the priority list until an attorney is found without a conflict. If no attorney is found without a conflict, the case is assigned to the section supervisor.</p> <p>After the case is assigned the assignment is noted on the master case and the attorney individual calendar.</p> <p>If the case assigned is the first one in a block, (i.e. morning or afternoon in a department) the name of the attorney to whom it is assigned will be crossed off the list.</p>	<p>Section secretary assigns cases based generally upon caseload.</p> <p>Initially, the closed docket file is checked to see if the juvenile is repeater. If he is a repeater, he will be assigned to his former attorney if the attorney is still with the Juvenile Division.</p> <p>If case is not assigned in the previous step, it will be assigned to the attorney with the lowest caseload.</p> <p>Secretary notes all new case assignments however case closings are not taken into account until the end of the month.</p>	<p>Section secretary assigns cases based upon attorney availability.</p> <p>This is generally an informal process which involves querying each attorney concerning his schedule fit.</p>

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DEFENDER ASSOCIATION CASE PROCESSING INFORMATION

CASE CATEGORY				
PROCEDURE	FELONY	MISDEMEANOR	JUVENILE	MENTAL ILLNESS
		<p>The priority list is usually prepared weekly and is based upon attorney caseload presently being supplied by the attorneys.</p> <p>The individual attorney calendars are constantly updated and depend upon information from the attorneys.</p>		
Case File Control	Felony attorneys keep and control their own case files.	Misdemeanor attorneys keep and control their own case files.	Juvenile attorneys keep and control their own case files.	All case files are kept in a central file when not in use by an attorney.

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The Defender Association is aware of the above mentioned problems and has taken steps to solve them. In the Recommendations Section we will provide recommendations for a centralized docketing system which will hopefully solve most of the problems with the present system.

(b) Attorney Case Assignment

The method of attorney case assignment differs among the various case categories (see Exhibit XXVIII). The short duration of both the misdemeanor and mental illness case processes require different case assignment methods than ones used in the felony and juvenile case areas. Proper methods of assignment in all case areas are important to insure an even distribution of work load among the attorneys. An improper balance of work load among the attorneys can cause deterioration in the quality of services and an improper utilization of resources.

The present method of misdemeanor case assignment which was recently developed by the law office management consultant, Mr. Beauregard, appears to solve the twin problems of balancing attorney caseload and preventing schedule conflicts. The only problem with the system may be its dependence upon the attorney case backlog information which might be inaccurate due to non-uniform standards in closing cases.

The informal method of case assignment used in the mental health area appears to work satisfactorily. The system developed in the misdemeanor case area might, however, provide a better tool for assignment of cases.

The felony case method of attorney assignment should recognize the attorney backlog. The present method of assigning three cases per week does not provide for this input. For the past few months the office has been gathering attorney backlog data in the felony area. The wide range of difficulty among felony cases and the relatively long process requires that the backlog be analyzed in terms of case type and stage in the adjudication process. An attorney time analysis study which will be recommended in the next section should provide the office with the information needed to properly analyze their felony case backlog and to improve the present assignment system.

In the juvenile case area, the assignment method depends upon accurate attorney case backlog statistics. Without continual review of these statistics, (i.e., case closings are only updated once a month) the attorney with the lowest case backlog cannot accurately be determined. A centralized case statusing system which we will recommend in the next section may provide a solution to this problem.

(c) Case Files

With the exception of the mental illness case area, attorneys presently control their own case files. While there may be some justification of this practice in the misdemeanor case area, the procedure causes problems. It requires attorneys to be responsible for maintenance of the file, which is basically a clerical process, and greatly increases the possibility of file loss.

A centralized case file system will decrease the risk of information loss and if properly administered will place the burden of file maintenance upon the clerical staff. The problem has been recognized by Mr. Beauregard and he is presently examining the possibility of centralized case files in the misdemeanor case area.

In conclusion, the problems with the case processing methods used by the Defender office impact upon office efficiency and increase cost per case. However, the office has recognized the need to improve in the above mentioned areas and is willing to change their methods to increase efficiency in their overall operation. In the next section we will provide some of the tools necessary to implement change in their office procedures.

2. Management Information

The Defender Association lacks information to monitor the quality of legal services which they are providing, to plan for future budgetary needs and to manage adequately the daily case process.

Presently, the disposition of felony, misdemeanor and juvenile cases are being recorded on case close-out sheets. In the future, misdemeanor case statistics, will be tabulated on the new case information form designed by Mr. Beauregard. The close-out sheets and the new misdemeanor case information form contain the necessary information to accurately record dispositions both with respect to charges or cases. Presently, however, the data which is being gathered on these sheets is not being utilized by the Association. The dispositional information can be used to monitor both office and attorney performance. Although statistics are no substitute for courtroom observation they

do help in pointing out trends. For example, if an individual has an unusual case disposition pattern, it may only be discoverable by review of statistical data. In the recommendation section we will provide some suggestions concerning a mechanism for summarizing disposition statistics both with regard to individual attorneys and the entire office.

To properly plan for future manpower needs and to maintain a strong bargaining position in contract negotiations with the Seattle area government units, the Defender Association should gather statistics concerning the average attorney time required to process a certain type of case and the average annual attorney time available for casework. Presently, only the juvenile case area records attorney time per case. The last study which was performed on attorney time in the misdemeanor and felony case areas occurred in 1973. While we do not necessarily feel that attorney time by case should be gathered on a continual basis, another time study should be performed to provide the Defender Association with accurate information to be used in the next year's budget negotiations with both the City and County. Without this information the Association may be unable to justify its demands.

The Defender Association has recognized the need for a time analysis study. In the Recommendation Section we will discuss more fully the structure of this study and describe how the results can be used to determine manpower requirements to handle certain contracted caseloads and to analyze attorney backlog in the felony case area.

In the previous sub-section we discussed problems with the present case processing system of the Defender Association and its inability to provide accurate information on the status of a case. These problems, although associated with

case processing also impact upon management information. The assignment of cases to attorneys in all case areas except mental illness, depends or will depend upon an accurate prediction of attorney case backlog. Under the present system attorneys determine the status of their case and also determine when a case is to be closed. Since each attorney provides his own standard concerning case status and closing, the backlog data may not be truly reflective of the attorney's actual workload.

When cases are assigned based on improper backlog information attorneys will become overloaded. This will cause problems both with regard to the quality of service offered by the overloaded attorney and a lack of proper utilization of resources of other attorneys in the office who may be carrying less than a full load. In the next section, we will provide recommendations concerning the improvement of case backlog information both with respect to its analysis and its method of computation.

In conclusion the failure of the office to provide information in the above-mentioned areas causes an impact both upon the quality and cost of legal services afforded by the Defender Association.

3. Supervision and Administrative Control

In the past the Defender Association has not provided adequate supervision and administrative control over both attorney and non-attorney employees. The problem in the attorney area was due to both a lack of time and disposition to manage. The workload demands required that section supervisors maintain a full caseload. This, however, suited the desires of most persons occupying those positions, since they preferred trying cases to performing management

activities. In the clerical area the absence of a strong administrative assistant prevented the clerical staff from receiving proper supervision.

The supervision problems are currently in the process of correction. The Defender Association has succeeded in obtaining contracts from the City and the County which will enable section supervisors to decrease their caseload to levels ranging from ten (10) to fifty (50) per cent. Additionally, the individuals who presently occupy the positions exhibit both a desire to manage and the willingness to learn management techniques.

The presence of the law office management consultant, Mr. Beauregard, has given the clerical section an entirely new direction. Clerical organizational structure has been revised; personnel with negative attitudes and poor work habits have been released; magnetic card selectric typewriters have been installed to improve the efficiency of the clerical operation. Job descriptions and incentives are being provided to motivate employees, and major problems in the misdemeanor case process have been corrected. Mr. Beauregard has also succeeded in upgrading the skills of clerical personnel, while maintaining the subsidiary goal of the organization with regard to the hiring of disadvantaged persons from the community served by the Defender Association.

In conclusion major efforts have been undertaken by the Association in the improvement of administration and supervisory control, and these actions should reap benefits for the Association in the future.

4. Personnel Administration

Within this section, we present our findings and evaluative comments as they relate to what we believe are three

important functions of personnel administration. The three functions are:

- a. Salary Administration
- b. Performance Evaluation Mechanism
- c. Training.

For each function, we have attempted to describe and evaluate present operations; however, throughout the study, several changes in personnel administration have been made or are in the process of being implemented. Where appropriate, we describe the evolution of the new systems and how they may strengthen or weaken the overall office policies and procedures.

a. Salary Administration

The Public Defender's salary administration program should be evaluated in terms of its external competitiveness in attracting desirable personnel, its internal consistency and equity, its effectiveness in retaining employees and its value as a positive motivator. It is important for the management of the Defender Association to recognize that the basis for any effective compensation program is a meaningful structure for base salaries. Based on our review of existing operations, we found little structure and definition in the existing compensation program. Our key findings related to this issue are:

Job classifications exist, but until recently, little or no description of related job responsibilities, goals and work standards were defined. Currently, the Chief Attorney is establishing a program to define the position responsibilities, goals and standards for attorney personnel. The law office management consultant, Mr. Gene Beauregard, is performing similar work for the office clerical personnel.

CONTINUED

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The salaries of individuals have not been consistently designed with the position in mind, but rather, directed more toward the specific individual filling it. Definite pay grades assigned to a position based on job responsibility, work standards, years of service and years of experience are not clearly defined.

In essence, base salaries actually paid employees should but may not consistently equate to the responsibilities inherent in the position, the market value of the position and the individual characteristics of the person filling the position. We believe that the lack of a structured wage and salary administration program is due to both inadequate funds to pay employees and management's minimal experience in establishing such a program.

Subsequent to our review of the job classification and salary administration system, we researched the average salaries of three other defender organizations, Portland, Sacramento and San Diego and the King County Prosecutor's Office. Particular in view of the Defender Association's objectives to provide on-going quality service, we believe it imperative that the Association be able to compete effectively in the labor market for its human resources. Pay rates offered employees are an important factor in this competition to both obtain and retain productive employees.

In general, we find that it is presently desirable that the Association move toward paying these experienced employees who are both capable and deserving at a rate which approximates the average salary of similar operations.

Within this context, the Defender Association is currently successful with regard to a large number of positions in paying "competitive" rates as indicated in Exhibits XXIX, and XXX, following this page. However, we have noted some significant pay rate variances as indicated in Exhibit XXXI, following Exhibit XXX. The variances in payrates are calculated based on the average of equivalent or approximate position pay ranges. In some cases, comparable data or job classifications did not exist. Our findings should lead to a consideration of several different alternatives:

If the pay rate at the Defender Association is higher, does the position include more responsibilities than is typically the case? Should this be the case, no adjustment of future policy is appropriate. Similarly, if the individuals filling the position are of long-standing dependability, capability and experience, no policy adjustments are called for. However, if the individuals corresponding to the position are relatively new and inexperienced, perhaps they should be provided additional responsibilities. It is not advisable to reduce an employee's salary if his or her retention is desired.

Should the Defender Association's pay rate be significantly lower (we have arbitrarily chosen seven percent or more as significant), which of the following situations is most accurate and appropriate??

- (1) The position entails less responsibility than would normally be the case. Upward adjustment of the pay rate would be inappropriate.
- (2) The position is comparable enough and the individuals filling it possess proven skill and performance records. A phasing-in of increased compensation levels over a year to 18 months might be appropriate.
- (3) The individuals filling the position have not proven to be capable in satisfying the requirements of the position, resulting in underpayment by design. In these instances, the

ATTORNEY SALARY COMPARISON MATRIX^{1/}

AVERAGE YEARS OF EXPERIENCE OR POSITION	ANNUAL - A MONTHLY - M	AVERAGE MONTHLY/ANNUAL SALARIES				
		SEATTLE KING COUNTY PUBLIC DEFENDER	KING COUNTY PROSECUTOR'S OFFICE	DEFENDERS PROGRAM OF SAN DIEGO	METROPOLITAN PUBLIC DEFENDER PORTLAND	SACRAMENTO COUNTY PUBLIC DEFENDER
Less than or equal to one year	M	\$ 1,083	\$ 1,083	\$ 1,042	\$ 1,138	\$ 1,066
	A	\$13,000	\$13,000	\$12,500	\$13,650	\$12,792
One to two years	M	\$ 1,250	\$ 1,208	\$ 1,313	\$ 1,356	\$ 1,505
	A	\$15,000	\$14,500	\$15,750	\$16,275	\$18,060
Two or more years	M	\$ 1,500	\$ 1,330	\$ 1,542	\$ 1,531	\$ 1,938
	A	\$18,000	\$16,000	\$18,500	\$18,375	\$23,256
Supervisory senior	M	\$ 1,667	\$ 1,620	\$ 1,667	\$ 1,750	\$ 2,138
	A	\$20,000	\$19,500	\$20,000	\$21,000	\$25,650
Chief Attorney	M	\$ 1,833	\$ 2,333	\$ 1,875	\$ 2,000	\$ 2,362
	A	\$22,000	\$28,000	\$22,500	\$24,000	\$28,344
Program Executive/Director	M	\$ 2,333	\$ 2,750	\$ 2,708	\$ 2,250	\$ 2,796
	A	\$28,000	\$33,000	\$32,500	\$27,000	\$33,552

^{1/} Average salary figures based on data supplied by each of the organizations represented in the matrix.

EXHIBIT XXIX

SUPPORTING STAFF SALARY COMPARISON MATRIX^{1/}

SUPPORTING STAFF POSITION	Annual - A Monthly - M	AVERAGE MONTHLY/ANNUAL SALARIES ^{2/}				
		SEATTLE KING COUNTY PUBLIC DEFENDER	KING COUNTY PROSECUTOR'S OFFICE	DEFENDERS PROGRAM OF SAN DIEGO	METROPOLITAN PUBLIC DEFENDER PORTLAND	SACRAMENTO COUNTY PUBLIC DEFENDER
Chief Investigator/ Equivalent	M	\$ 1,458	N/A	\$ 1,000	\$ 742	\$ 1,620
	A	\$17,500	-	\$12,000	\$ 8,904	\$19,440
Senior Investigator (Greater than 2 years)	M	\$ 1,026	\$ 1,250	N/A	\$ 636	\$ 1,563
	A	\$12,312	\$15,000	-	\$ 7,632	\$18,756
Investigators	M	\$ 783	N/A	\$ 625	\$ 478	\$ 1,196
	A	\$ 9,396	-	\$ 7,500	\$ 5,736	\$14,352
Chief Counselor	M	\$ 1,050	N/A	N/A	\$ 742	N/A
	A	\$12,600	-	-	\$ 8,904	-
Senior Counselor (Greater than 2 years)	M	\$ 750	N/A	N/A	\$ 636	N/A
	A	\$ 9,000	-	-	\$ 7,632	-
Counselors	M	\$ 750	N/A	N/A	\$ 478	N/A
	A	\$ 9,000	-	-	\$ 5,736	-
Clerical Supervisor or Administrative Equivalent	M	\$ 1,208	N/A	\$ 967	\$ 742	\$ 881
	A	\$14,500 ^{3/}	-	\$11,604	\$ 8,904	\$10,572
Legal Secretary	M	\$ 792	\$ 855	\$ 625	\$ 636	\$ 868
	A	\$ 9,504	\$10,260	\$ 7,500	\$ 7,632	\$10,416
Receptionists, Docket Clerk, General Office	M	\$ 525	\$ 605	\$ 625	\$ 530	\$ 615
	A	\$ 6,300	\$ 7,260	\$ 7,500	\$ 6,360	\$ 7,380
Clerk Typist	M	\$ 625	\$ 709	\$ 625	\$ 477	\$ 546
	A	\$ 7,500	\$ 8,508	\$ 7,500	\$ 5,724	\$ 6,552

^{1/} Average Salary figures based on data supplied by each of the organizations represented in the matrix.

^{2/} Salary range is averaged at their midpoint, not a weighted average.

^{3/} The Defender Association position includes controller as well as Office Manager responsibilities and therefore does not realistically compare to other public defender offices.

EXHIBIT XXX

SIGNIFICANT^{1/} PAY RATE VARIANCES
Between Defender Associations Salaries
And Average Salaries Of Other Public
Defender Offices Surveyed

Position Title	Defender Association Average Pay Rate (\$000)	Average Comparative Pay Rate (\$000)	\$Variance (+/-) (\$000)	Percent \$Variance (+/-)
<u>ATTORNEYS:</u>				
Attorney - One To Two Years Experience	15.0	16.1	(-) 1.1	(-) 7.3%
Attorney - Supervisory Senior	20.0	21.5	(-) 1.5	(-) 7.0%
Chief Attorney	22.0	25.7	(-) 3.7	(-) 14.4%
Public Defender	28.0	31.5	(-) 3.5	(-) 11.1%
<u>SUPPORTING STAFF:</u>				
Chief Investigator	17.5	13.4	(+) 4.1	(+) 30.6%
Senior Investigator	12.3	13.8	(-) 1.5	(-) 10.9%
Clerical Supervisor/ Administrative Equivalent	14.5 ^{2/}	10.4	(+) 4.1	(+) 28.3%
Receptionist/Docket Clerk/ General Office	6.3	7.1	(-) 0.8	(-) 11.3%

1/ Greater Than 7% (+/-)

2/ This variance is due to the high degree of responsibility assigned to the individual at the Defender Association. The Defender Association position includes both controller and office manager responsibilities. We do not find the percent and variance out-of-line with responsibilities of the position.

appropriate employees either should be moved into a less demanding position, given job counseling and training, or if necessary, be terminated, due to inadequate performance and a lack of willingness to improve.

We have not analyzed each pay rate variance in light of the above considerations. Though it might have been desirable for purposes of this evaluation, the Defender Association does not have a proven personnel performance evaluation mechanism by which we could review the results and make some judgement as to the reasons for existing significant pay variances.

Finally, we reviewed the Defender Association's Medical, Life Insurance and Pension programs. Some pertinent facts regarding each are presented below:

Medical:

- Provides either Group Health or King County Blue Shield coverage to each employee; the maximum employer contribution is \$44.
- Blue Shield covers husband and wife within the \$44 limit.
- Group Health covers husband, wife and part of one child within the \$44 limit.

Life Insurance:

- Death benefit is equal to 1-1/2 times gross annual salary; employee contribution is .007 of monthly salary.
- Accident or sickness payroll benefit is at 70% of weekly salary up to six months.
- Disability benefit includes loss of limbs or sight.

Pension Program:

- As of January 1975, program is administered by Howard & Johnson & Company.

- First year employees do not qualify.
- One-third vesting for three years; the employee is fully vested at the end of four years.
- Employer contribution rate is 7-1/2%.
- Trustees include two members of the Board of Directors and the Public Defender.
- Unvested residual contribution is used to offset employer contribution.
- No longer includes Life insurance provision; in the past equalled 30% of the employer contribution.
- Pension program financial status to be provided the Association on a quarterly basis.
- Internal accounting for the program is to be implemented by the office manager.

On balance, the programs are sound. We are in no position to evaluate the effectiveness of these programs because of their relative newness. Employee satisfaction with the program can be more realistically evaluated after six months to a year of activity.

b. Performance Evaluation Mechanism

Prior to the last four months, the Defender Association had little or no formal personnel performance evaluation mechanism. We stated earlier, that job descriptions, goals and courtroom standards are in the process of development. Supervising attorneys were and for the most part still are required to carry full or heavy caseloads, allowing little time for supervising subordinate attorneys. This has resulted in little discipline and what we believe is a non-constructive performance evaluation mechanism. Finally, merit

increases have not been based on evaluations but instead were based on the "gut" feeling of the person granting the pay increase. Communication generally did not exist between the employee and the supervisor as to the employee's work performance, the importance of the tasks, and programs for improvement.

Though a formal Defender Association performance evaluation program does not yet exist, the Juvenile Attorney and Investigator Supervisors have developed personnel evaluation forms. Based upon our review, we found that these forms incorporate many substantive evaluation criteria. For example, investigation personnel are evaluated on their knowledge of investigation operating procedures, initiative, judgement, effectiveness, work attributes and demeanor.

Additionally, within the last four months, several changes have been or are in the process of being implemented with regard to attorney personnel evaluation. Specifically, the Chief Attorney is taking an organized approach toward establishing an attorney evaluation mechanism. Job descriptions are being formulated; standards for trial attorneys are being developed. All job descriptions are scheduled to be completed by the end of April, 1975. In addition to the above, several other positive factors have evolved, such as:

- . Supervisor caseloads are gradually being reduced to provide time to observe, evaluate and train staff attorneys.
- . The Chief Attorney and the supervisor observe and document courtroom performance; client relationships and office demeanor are also documented.
- . The Chief Attorney and the supervisors are in the process of establishing position ranking and responsibility weighting mechanisms.

Goals and objectives of the Association are being documented; new employees will soon begin work with an understanding of the goals of the Association and what will be expected of them in the early stages of their employment.

The evaluation process is evolving to the point at which supervisor-attorney communication includes the following:

- (1) The attorney is made aware of his strengths and his weaknesses as they relate to his performance and his potential growth.
- (2) The attorney is cited instances upon which the supervisor's conclusions have been reached.
- (3) The evaluation comments are documented; attorney feedback is included.
- (4) Retraining or accelerated training requirements are identified.
- (5) The attorney is provided the opportunity to reflect his own motivational goals and objectives.

Currently, a standard Defender Association evaluation form has not been developed. The management group plans to initiate this task once, the goals, objectives and job descriptions are defined.

In addition to our review of the attorney performance evaluation process, we briefly reviewed the clerical and administrative support evaluation process. As previously stated, Mr. Gene Beauregard is providing the Association with on-site consultation to develop clerical and administrative work standards and systems. Because of the continuous change associated with this process, little documentation exists with regard to the changes. However, a fairly simple, concise set of evaluative criteria are used by Mr. Beauregard in reviewing the performance of the staff. Those criteria address the following:

Are the attorney, investigation and counselor staff requirements satisfied?

Do realized skills measure up to productivity?

Are skills properly applied?

Is the employee role or responsibility achieved?

What are the individual's goals and objectives with regard to employment, motivation and career development?

Once the administrative and clerical processes are well established, the responsibilities for maintaining the systems and evaluating the employees will be assumed by the Officer Manager.

c. Training

Due to the lack of definition of job responsibilities and supervision, the Defender Association does not have a formal attorney training program. Specifics with regard to the rules of evidence and trial tactics are not adequately provided to inexperienced attorneys when they first begin their work with the Association. We have stated that one of the planned supervisory functions is to provide attorneys with on-going training as deemed appropriate. One aspect of the program will include new attorney orientation to the goals and objectives of the Defender Association. Continued development of a formal training program at each attorney level is also anticipated, provided that supervisors can substantially reduce their case loads.

The lack of formal training of new attorneys has been one of the primary reasons why the quality of legal services of the Defender Association is not measuring up to the potential which it is capable of

attaining. The immediate establishment of a formal training program is necessary.

We have reviewed the training programs currently provided by the Defenders Program of San Diego and the Sacramento County Public Defender to identify key training aids that might be implemented by the Defender Association. A description of the area covered by the San Diego Program will be provided in the Recommendation Section of this report.

5. Financial Administration

Within this sub-section, we describe the existing accounting practices and information system related to the financial administration of the Defender Association.

The accounting staff consists of an accountant, one accounting clerk and the Office Manager. To provide some background of our evaluation of the financial administration function, we have delineated below, the primary responsibilities of each position:

Accountant:

- Maintains general ledger
- Controls petty cash
- Performs bank reconciliations
- Provides Rainier Bank with payroll input data
- Bills the primary funding sources.

Accounting Clerk:

- Processes incoming invoices and statements
- Bills the minor funding sources

- Provides payroll backup as required
- Reviews billing and distribution related to supplies
- Performs Equal Employment Opportunity reporting
- Develops statistical caseload and case status reports for supervisors based upon attorney input
- Maintains a property inventory listing
- Processes outgoing mail.

Office Manager:

- Supervises accounting operations
- Prepares budget status reports
- Monitors facilities maintenance requirements
- Develops work flow systems (currently support in this area is provided by Mr. Beauregard).

We reviewed the general ledger, voucher, accounts payable and the supporting check register and purchase register systems currently maintained by the financial staff. In addition, we reviewed the chart of accounts to determine its adequacy in terms of accounting for revenues and expenses by program. Our specific findings related to the accounting system are summarized below.

a. General Ledger

The general ledger summarizes revenues and expenses by category. Expense accounts are posted to a "pegboard" system, (simultaneous posting of accounting entries) which was implemented in January of this year, for appropriate expenditures. The actual line item expenditure breakdown is restricted due to the limited number of columns within the general ledger. The result has been the necessity to group some costs under

the heading "Miscellaneous." For accounting purposes, this does not present a problem. For financial reporting purposes, the detail for the "miscellaneous" expenses must be extracted from the subsidiary ledgers; this is somewhat time consuming, yet does not appear to offset the time saving advantage of the one-write pegboard accounting system.

b. Voucher

Vendor invoices are filed by vendor name; the individual years are not segregated; all years are kept together. The voucher package includes a copy of the check, with payment broken down by expense category and program, and the necessary invoice and appropriate receiving documentation. Until 1975, all vouchers related to City expenditures were maintained separately for purposes of meeting the separate contractual requirements of the Seattle Model City Program. We believe that the voucher system is in keeping with acceptable accounting practices.

c. Accounts Payable

The Defender Association operates on a modified accrual accounting system. Monthly expenses incurred and paid within a month are charged directly to an expense account and cash. Monthly expenses incurred but not paid are charged directly to an expense account and an accrued liability account. Vendor subsidiary ledgers are maintained to support the accounts payable system. Based on our review of the January, 1975 entries to the check register and purchase register, we found that the entries were consistently applied. We traced several entries through the system and found them

to be accurate. However, we have not audited the financial data using Generally Accepted Auditing Standards and therefore we cannot attest to the accuracy of the system taken as a whole.

d. Chart of Accounts

The 1975 Defender Association Chart of Accounts is the same as that provided by the Seattle Model City Program. The type of expenditure breakdown is fairly complete. One weakness with the existing chart of accounts is that it is not program related. Expenses charged to an expenditure account number must be later, directly or indirectly distributed to a program. Additional effort by the accountant is necessary to assure proper allocation of the expenditure. However, we found that the pegboard system provides an efficient method by which posting entries can be made to the General Ledger and respective program subsidiaries simultaneously.

Financial information is accumulated for each program on subsidiary ledgers. The budgeted amount, monthly expenditures and budget balance are posted to each program ledger card. The Office Manager is continually experimenting with different report formats to effectively illustrate the financial position of the Defender Association and the individual program. Not only is the budget status by program currently available, but the financial breakdown is also maintained by related employee position. Though much effort has been directed toward developing a financial reporting package, there still exists a need to develop a revenue and expense report that will provide the following:

- . Caseload and revenues by program
- . Direct cost line items by program
- . Indirect costs by program (allocated based on employee equivalents, usage, etc.)
- . Revenue per case
- . Direct and indirect cost per case by type of case
- . Total cost per case by type of case

The advantage of the aforementioned revenue and expense report is that it provides a base by which the Defender Association can quickly project year-end budget status given remaining caseload and cost per case data. Costs may then be budgeted for by program and variances identified for administrative action.

Based on the above findings and observations, it is our opinion that the new accounting system effectively meets the accounting requirements of the Defender Association. However, there is yet to be developed a comprehensive reporting system that provides supervisors with their program status by expense category and cost per case and replaces the current need for the Office Manager to generate numerous miscellaneous reports for each program group.

F. MUNICIPAL COURT INDIGENCY SCREENING PROCEDURE

In this section we will discuss the new Seattle Municipal Court indigency screening procedure with respect to the financial criteria used in determining an individual's eligibility for a public defender. The Municipal Court assumed the responsibility for determining financial eligibility on January 1, 1975. Prior to that time, the Defender Association performed the work.

Since February 5, 1975, two financial criteria for eligibility have been utilized by the Municipal Court screening staff. The criteria are summarized below:

First, the screening staff compares the family income to the family size. If income falls at or below the level indicated in the schedule below an attorney will be appointed.

<u>Family Size</u>	<u>Monthly Income</u>
1	\$178
2	256
3	318
4	380
5	441
6	503
7	564
Each Additional Member	+62

Only individuals who are supporting themselves and/or their families qualify under this criteria. Monthly income is defined as gross income minus twenty percent (20%) plus the net gain from food stamps, i.e., a family making \$400 gross per month and receiving \$120 in food stamps for an out-of-pocket cost of \$90, has a monthly income of \$320 ($\$400 - .2 \times \400) plus \$30 ($\$120 - \90) foodstamp residual, or a total of \$350 per month. If the size of this family were three, the family would not qualify under the first criteria. The family size/income figures are based on Department of Labor poverty figures and are the same as the criteria for determining employment eligibility under the Comprehensive Employment Training Act (CETA).

A second criteria is utilized only if family income is greater than that indicated in the above schedule. At this point, expenses considered to be necessary are totalled and analyzed. Necessary expenses as indicated on the interview form in Exhibit XXXII, following this page, are Housing, Utilities, Food, Transportation and others. These categories are defined as follows:

- Housing: rent, house payments, house taxes, home insurance
- Utilities: water, garbage, heat, electric, phone

ELIGIBILITY FOR COURT APPOINTED ATTORNEY

Date _____
 Screener _____
 Name _____ DOB _____ Sex _____ Race _____
 Address _____ City _____ ZIP _____ Phone _____
 How long at present address _____ How long in Seattle Area _____ Live with _____
 Marital status _____ Dependents _____ Any Employed _____
 Employer/School _____ How long _____
 Address _____ Supervisor _____ Phone _____
 If unemployed, how long _____
 Amounts and sources of income _____

Cash on hand _____ Bank: Savings _____ Checking _____ Other _____ Total per/mo. _____
 Real estate _____ Equity _____
 Automobile (yr/make) _____ Equity _____
 Other Convertable Assets _____
 Housing _____ Total per/mo. _____
 Utilities _____ Total per/mo. _____
 Food _____ Total per/mo. _____
 Transportation _____ Total per/mo. _____
 Other Necessary Expenses _____ Total per/mo. _____
 Income minus Expenses per/mo. _____
 Reference _____ Relationship _____ Phone _____
 Reference _____ Relationship _____ Phone _____

UNDER PENALTY OF PERJURY I CERTIFY THAT THE ABOVE INFORMATION WAS GIVEN BY ME AND IS CORRECT.

Eligible, assigned to _____
 Denied _____
 See comments on reverse side _____

Signature _____
 Pending Charge _____
 B/A-Cit-Case _____ Bail/PR _____
 Court _____ Arraignment date _____ Time _____
 Court _____ Trial Date _____ Time _____
 Disposition _____

- Food: \$60 for the first person plus \$40 for each additional family member (food stamps ignored here because they are counted as income).
- Transportation: work related and necessary travel i.e., car payments, gas, insurance, repair and maintenance and bus transportation.
- Other: medical, child care, school, work related expenses such as union dues, court ordered time payments or restitution.

The "Other" category is subject to revision as the interviewers gain experience with the system. Once the necessary expenses are itemized, they are totalled, subtracted from gross income less twenty percent, and eligibility is approved if the remainder is less than \$50.

In the month of January 1975, the above criteria had not been formulated. In that month, 503 defendants were interviewed of which 331 or 72.3 percent were financially eligible under somewhat liberal or undefined guidelines. It is anticipated that the average monthly total interviews will increase during the year. If so, the 2,800 misdemeanor limit of the Defender Association might be surpassed. The new guidelines are expected to limit the indigency level to one that can be effectively handled by the Defender Association and private court-appointed counsel.

The system, as it is now designed, is directed toward providing defender assistance to indigents, not credit indigents. The objective is to narrow the scope of potential applicants to individuals on unemployment or welfare, or with a poverty level income. People in poor financial position due to excessive credit spending are not considered as primary candidates for public legal assistance.

Based on our findings and our experience, we believe that the new financial eligibility criteria are reasonable and should be effective in determining indigency. A weak element within the

system is in the area of income determination. Employers and credit bureaus are often hesitant or refuse to provide income information. Therefore, the interviewer is almost totally dependent on the word of applicants that may not be actually financially eligible, but present themselves as qualified indigents.

V. RECOMMENDATIONS

V. RECOMMENDATIONS

In this section we will provide recommendations for improving both the quality of services offered by Defender Association and the efficiency of their office operations. The recommendations will be presented in four priority groupings.

A. PRIORITY LEVEL #1

1. THE DEFENDER ASSOCIATION SHOULD DEVELOP WRITTEN STANDARDS FOR EMPLOYEE PERFORMANCE

It is necessary in any organization to have standards of performance for individuals doing the various jobs in the organization. The standards should be a written policy expression of the office and should be disseminated to each employee. An office must not rely upon word of mouth or upon general published standards in the field but should develop specific standards relating to the office. No employee should be held to the office standards unless he has a chance to study them. When written standards are published for the office, the persons who administer the office must hold to the standards and create a process by which it is known whether the standards are being met. To assist the Defender Association in developing attorney performance standards we have provided in Appendix B an example of minimum standards for the defense of clients for the Sacramento County Public Defender Office.

2. THE DEFENDER ASSOCIATION SHOULD ESTABLISH A CENTRALIZED CASE DOCKETING AND STATUS SYSTEM

In the Evaluation Section of this report we indicated problems with the Defender Association's present method of case docketing. We recommend the following system to overcome these problems:

A case status card reflecting the present status of each active case, the next court event, and the history of the case should be initiated. Exhibit XXXIII, following this page, provides an example of a recommended case status card.

The card should be maintained by clerical personnel working in the case section and should be located in a file near the individual's desk who is responsible for maintenance of the status file. The case status card file should be arranged in attorney and defendant name order (i.e., the first sort key should be the attorney name and the second sort key within the attorney name should be the defendant name).

Whenever a new case is started a case status card should be created. The defendant's name, the case number, the charges, the date on which the case was opened and the attorney assigned to the case should be placed on the card. Additionally, the date and time of an initial hearing if known should be noted both on the card and on an attorney master calendar.

Each day clerical personnel should prepare a daily calendar for each attorney in the section. The attorney will be responsible for providing both the hearing disposition and the next hearing date for all cases noted on the calendar. This calendar sheet should also be used by attorneys to communicate to clerical personnel events occurring upon cases which are not shown on the calendar sheet. Exhibit XXXIV, following Exhibit XXXIII, provides an example of a calendar sheet.

When an attorney calendar sheet is returned to the clerk's desk the case status card should be updated with the case information. Additionally, any new hearing date should be marked on the master attorney calendar. If an event has occurred which will normally cause the case to close, (i.e., the defendant has been sentenced) the clerk should ask the attorney if he intends to appeal or whether the case is to be closed. If the case is to be closed, the clerk should record the case disposition on the status card and place it in an interim closed case file.

The master calendar will be used to create the daily calendar case update sheets. Each day the clerk can review the master calendar and prepare a daily calendar sheet for the following day for each attorney.

Inquiries concerning case status and future hearing dates can easily be provided by clerical personnel through review of the case status file. If the client

CASE STATUS CARD

CASE NUMBER 302-75	DEFENDANTS NAME Murray, James	ATTORNEY ASSIGNED Covell		
CHARGES Count #1-Major Charge <u>Armed Robbery</u> Count #4 _____ Count #2 <u>Assault</u> Count #5 _____ Count #3 _____ Count #6 _____		DATE CASE OPENED 2-24-75	DATE CASE CLOSED	
DATE	PROCEEDING	DETAILS	NEXT ACTION	DATE
2 24 75		Case opened	Preliminary hearing	3-8-75
3 8 75	Preliminary hearing	Bound over to Superior Court	Arraignment	3-17-75
3 9 75		Arraignment continued	"	3-22-75
CASE DISPOSITION INFORMATION				
A. Disposed other than by adjudicatory process _ Retained private counsel _ Extradited _ Conflict _ Defendant failed to appear _ Other		C. Acquittal (By count number) _ Jury Trial _ Court Trial		Sentence (By count number) _ Correctional Counseling Program _ Probation _ Fine _ County Jail _ State Institution _ Deferred
B. Dismissal (By count number) _ Justice Court _ Superior Court before trial _ Superior Court during trial		D. Conviction (By count number) _ Jury Trial _ Court Trial		_ Suspended Sentence _ Restitution _ Other _____
		E. Plead Guilty to Following Charges _____ _____ _____		

EXHIBIT XXXIII

DAILY CALENDAR UPDATE SHEET ^{1/}

Attorney: Wills

Date: 2/23/75

CASE NUMBER	DEFENDANT NAME	HEARING TYPE	COURT	TIME	DISPOSITION	NEXT HEARING	NEXT HEARING DATE
116-75	Andrews, James	Preliminary	District	10:00			
213-74	Carter, John	Omnibus	Superior	1:30			
1331-74	Hoople, Fred	Arraignment	Superior	9:00			
87-75	Thomas, Alex	Arraignment	Superior	9:00			

^{1/} This form is similar to a form presently being used by the Metropolitan Public Defender of Portland to update case status cards.

EXHIBIT XXXIV

knows his attorney's name, records can be found rapidly. If he has forgotten his attorney's name the case record can still be found by a search of a portion of each attorney segment within the file. Since the number of attorneys presently within any section does not exceed twelve, this activity can be accomplished quickly.

The existence and recommended structure of the case file allows the clerks to prepare weekly attorney case backlog sheets in a quick, efficient manner. The use of the Magnetic Card Selectric Typewriter and the previous week's list will facilitate this preparation. After attorney case backlog sheets providing the present status of all cases have been prepared, they should be given to the administration section for attorney backlog analysis.

Once a month all closed case status cards should be given to the administration section for preparation of the case disposition summary report. After completion of the summary report the cards should be placed in a permanent closed file which should be arranged in alphabetical order by defendant name.

The system which has been recommended will provide a central repository for information. It will allow clerical personnel to answer routine case inquiries efficiently and to prepare attorney case backlog sheets. Additionally, the system will contain a built-in update mechanism and provide a master attorney calendar. We recommend that the system be initially tried in the felony case section.

3. THE DEFENDER ASSOCIATION SHOULD IMPLEMENT A FORMAL TRAINING PROGRAM FOR OFFICE ATTORNEYS

Our observations concerning many of the new attorneys in the Defender Association revealed a lack of knowledge of criminal trial techniques. Discussion with many of these new attorneys indicated a desire to learn more about the intricacies of the criminal law practice. A formal and comprehensive training program should be developed to improve the quality of legal services offered by the Association. The program should consist, at a minimum of the following characteristics:

The Teaming of a new attorney with an experienced one for the first several weeks of work. This procedure will provide a new attorney with valuable informal information concerning office procedures, the location of the court, and the daily work content and schedule of a defender office attorney.

The establishment of formal lecture sessions covering topics in criminal law pertinent to the Defender office. Appendix C contains a program presently undertaken by the Defenders Program of San Diego.

Ongoing performance monitoring by senior and supervisory attorneys. There is generally no substitute for one-to-one observation and critique, and any training program should include this method of providing information to inexperienced attorneys.

To perform the latter task additional supervisory control may be required. The supervisory control needed must take the form of experienced and respected attorneys who have a reduced individual caseload. This may be obtained by a reallocation of time using existing personnel.

B. PRIORITY LEVEL #2

4. THE DEFENDER ASSOCIATION SHOULD ESTABLISH A FORMAL PERFORMANCE EVALUATION MECHANISM

The quality of representation is a constant and pervading necessity of a law office. Quality is not achieved and maintained without constant attention and concern. This attention and concern must take the form of a process for monitoring the quality and performance of individual attorneys employed by the office. The best way to monitor quality is actual observation of an individual attorney performance in the various segments of his work. To perform this task in an office, which is the size of the Defender Association, certain persons must have the responsibility for quality control and monitoring. Presently, the job rests with the

supervising attorneys. Supervisor's individual caseload should not interfere with this most important function. These attorneys should establish a schedule for observation. Problems with an individual's performance should be documented and discussed with him on a timely and informal basis.

Actual attorney performance monitoring should also be complemented by the gathering of statistical data on attorney dispositions. The data should only be used as an aid to monitoring in areas where observation is not possible. For example, the statistical data gathered over a certain period of time may show that a particular attorney has an unusual case disposition pattern which may not be discoverable by watching the attorney in case preparation or at trial.

The entire system of quality monitoring should be supported by a formal performance evaluation mechanism. The mechanism should be established for all office employees. The Defender Association has begun an effort to develop this mechanism.

The program, which is being developed, should include the following concepts:

- . Establishment of clearly understood work objectives (see Recommendation #1)
- . Day-to-day coaching, counseling and performance feedback
- . Use of work experience and delegated responsibility as the primary means of staff development
- . Creation of an environment which acknowledges mistakes as a natural part of the learning process
- . Observation and evaluation of performance

. Communication of the performance review openly and candidly to create understanding, acceptance and commitment to self-improvement

. Aid to individuals in establishing and meeting personal development objectives

A performance evaluation form should be used in relationship to the above concepts and also as an aid to assist the reviewer in discussing performance effectively with individuals. The form should be used periodically, at least once every three months, and should note specific work-related incidents of performance in an evaluation comments section as they are discussed so that they may be reviewed for comparative purposes in the future. The quarterly review should include the following:

. Update of individual responsibilities and necessary review of the actual work done by the individual

. Review of the effectiveness and professional performance aspects of the individual under review. If necessary, case disposition records should be presented to the individual to support the evaluation (see Recommendation #9)

. Summarization of areas for development and improvement based on specific work-related incidents or performance observed and discussed during the previous three months, and items which are pertinent in completing the evaluation

. Agreement (to the degree possible), on specific areas of developmental needs and plans concerning steps to be taken to strengthen performance in each area. It is important to note that this discussion is rarely successful unless it results in understanding, acceptance and commitment to self-improvement by the employee.

. Agreement on specific developmental needs and suggestions for improvement in performance in these areas.

Effectiveness level ratings should be based on an individual's performance measured against a standard of normally expected performance for staff at his or her level. The qualifications cited should not be as stringently applied to less experienced personnel. Effectiveness level ratings that might be used by the Defender Association are:

Outstanding--clearly exceeds the normally expected competent professional performance level

Competent professional performance--Meets the qualifications as described. Implies a standard of performance usually expected of those advancing to more complex case assignments or supervisory status.

Improvement needed--indicates erratic performance or performance which falls short of that normally expected. Implies the capability for improvement given additional experience, training, etc.

Unsatisfactory--indicates unsatisfactory performance. It may result from poor attitude, lack of application, lack of ability, etc.

No basis for judgment--should be used when the individual did not have the opportunity to demonstrate the qualifications in question.

Qualifications for competent professional performance should be evaluated in terms of the effectiveness levels that best describe each of the following:

Legal knowledge

Courtroom performance

Rapport with clients

Effective case management

Case documentation ability

Development of staff or assistants

Personal and professional attributes

Effective management of program resources, and

Outside activities.

In summary we are recommending that a standard approach to evaluating the competency and performance of each employee be established. The different goals, objectives and responsibilities of each operational unit can all be evaluated in terms of the aforementioned concepts, effectiveness levels and qualifications.

5. THE DEFENDER ASSOCIATION SHOULD CONDUCT AN ATTORNEY TIME ANALYSIS STUDY

In the Evaluation Section of this report we indicated that the Defender Association did not have an adequate means for planning manpower requirements based upon estimated or contracted caseloads. Additionally, we stated that a more comprehensive analysis of the felony case backlog is required to properly assign those cases.

An attorney time analysis study will provide the Association with the data to solve the above problems. The time analysis should reveal the average attorney time required to process a case, the average number of annual attorney hours available for casework and the frequency and amount of time required to complete each step in the case process. Information concerning attorney case time and annual attorney availability time can be used to predict more accurately manpower requirements based upon estimated or contracted caseloads. Information concerning the frequency and amount of time required to complete each step in the case process will provide tools for analysis of the felony case backlog. The time study should include at a minimum:

Determination of whether major case categories should be broken down into smaller units, (i.e., non-murder and murder categories for felony cases)

Definition of all attorney related case activities, (i.e., client interview, arraignment) within a case category

Identification of the time period required to accurately conduct a test

Development of forms which will at a minimum allow the attorney to record his daily time spent by case and event

Analysis of the data to determine:

- The frequency of occurrence of a particular case activity
- The required time to perform the activity
- The average attorney time available for case processing

The time analysis should be conducted for all case areas; however, it is recommended that this study be initially performed in the felony case area.

6. THE DEFENDER ASSOCIATION SHOULD DEVELOP A STANDARDIZED METHOD FOR COMPUTING ATTORNEY CASE BACKLOG

Attorney case backlog is used or planned to be used as a major determinant in case assignment for all case categories. Presently, attorneys compute their own case backlog. Each attorney uses a different method to determine a case status and whether it should be closed. Thus, backlog data is not totally consistent. The Defender Association should develop standards for the determination of case backlog. These standards should be uniformly applied by clerical personnel to each attorney's open case inventory (see Recommendation #2).

Additionally, felony case backlog should be analyzed beyond the mere counting of cases pending. The differences between degree of difficulty of felony cases and the length of time for the felony case process prevent any accurate comparison between mere case numbers. For example, if attorney A has a backlog of thirty (30) cases, twenty (20) of which have passed the trial stage, his backlog may be less than attorney B whose backlog of twenty (20) cases includes fifteen (15) which have not reached the trial stage. The data in the attorney time analysis study should provide the Defender Association with the ability to analyze the felony case backlog for each attorney.

C. PRIORITY LEVEL #3

7. THE DEFENDER ASSOCIATION SHOULD TABULATE CASE DISPOSITION STATISTICS ON A MONTHLY BASIS

While case disposition statistics are no substitute for actual observation, they do point out trends in attorney performances. Additionally, they can be used to monitor the office performance over a certain period of time. Presently the Defender Association is not summarizing case disposition statistics. Exhibit XXXV, following this page, provides a case disposition report which could be prepared monthly for each attorney and for the office. The report is not meant to be exhaustive of all the possible case dispositions but serves as a guide to the Association for development of a summary case disposition report.

One of the major problems with case disposition statistics is how to count them. We recommend initially that statistics be counted by case and not by charge. While

FELONY CASE DISPOSITION REPORT^{1/}

NAME: DEFENDER ASSOCIATION		MONTH: FEBRUARY		
STATISTIC	MONTH	YEAR-TO-DATE		
CASE STATISTICS				
Open at Start of Month	334			
New Cases Added	108	223		
Total Cases for Month	442			
Cases Disposed	113	234		
Open at End of Month	329			
TYPE OF CLOSING				
	NUMBER	PERCENTAGE	NUMBER	PERCENTAGE
Total Disposed	113	100.0	234	100.0
Adjudicated	102	90.0	206	87.8
Extradiction	0	0.0	1	0.5
Retained Private Counsel	10	9.0	23	10.0
Failed to Appear	1	1.0	3	1.2
Other	0	0.0	1	0.5
ADJUDICATIONS				
	NUMBER	PERCENTAGE	NUMBER	PERCENTAGE
Total Adjudicated	102	100.0	206	100.0
Plea as Charged	25	24.5	58	28.2
Plea to Lesser Charge	22	21.6	41	19.9
Plea to Misdemeanor	12	11.8	30	14.5
Jury/Acquittal	4	3.9	7	3.4
Court/Acquittal	4	3.9	9	4.4
Jury/Conviction - Major Charge	3	2.9	6	2.9
Jury/Conviction - Lesser Charge	1	1.0	2	1.0
Court/Conviction - Major Charge	4	3.9	5	2.4
Court/Conviction - Lesser Charge	1	1.0	2	1.0
Dismissal	26	25.5	46	22.3
SENTENCE				
	NUMBER	PERCENTAGE	NUMBER	PERCENTAGE
Total Found or Plead Guilty	68	100.0	144	100.0
State Prison	8	11.8	18	12.5
County Jail	24	35.2	45	30.5
Fine	11	16.2	23	16.0
Probation	22	32.4	48	33.3
Suspended	0	0.0	3	2.1
Deferred	2	2.9	5	3.5
Other	1	1.5	2	2.1

	TRIALS					
	NUMBER	PERCENTAGE		NUMBER	PERCENTAGE	
			WIN RATE			WIN RATE
Total Disposed	102			234		
Total Trials	16	15.7	-	31	13.2	-
Jury Trials	7	43.7	-	15	48.4	-
Acquittal	4		57.1	7		46.7
Conviction	3		42.9	8		53.3
Court Trial	9	56.3	-	16	51.6	-
Acquittal	4		44.4	9		56.3
Conviction	5		55.6	7		43.7

^{1/} Form similar to one used by Metropolitan Public Defender of Portland for recording case disposition statistics.

neither method is entirely accurate when there is more than one charge upon a case, the case method of counting may create less bias in the data. For example, if case A has ten (10) charges, nine (9) of which are dismissed and to one of which the defendant pleads guilty, the counting of charges would show nine dismissals and one guilty plea. If the disposition were counted by case the result would be one guilty plea. The smaller number, even though it is not entirely correct, prevents greater distortion in the data.

The following criteria are provided for counting case dispositions with two or more charges:

Count the disposition by the most disadvantageous result. For example, if the defendant is charged with armed robbery and aggravated assault and is found guilty of armed robbery, but acquitted of aggravated assault, the disposition should be counted as one conviction.

The disposition should take into account the major charge. If in the previous example the defendant were acquitted of armed robbery and convicted of aggravated assault, the case disposition should be shown as a conviction to a lesser charge.

The disposition statistics should include the result of sentencing when the defendant is found or has plead guilty.

The sentencing result should be counted according to the most disadvantageous sentence. For example, a defendant who is convicted of armed robbery is sentenced to one year in the county jail with three (3) years probation, the sentence should be counted as county jail. Appendix D will provide additional examples concerning the method of counting case dispositions.

Clerical personnel who may be responsible for recording case dispositions in the future should indicate the result by charge on the case status card (see Exhibit XXIII). The person responsible for making the monthly disposition report should determine how the disposition should be counted.

8. THE DEFENDER ASSOCIATION SHOULD ESTABLISH A CASE FILE CONTROL SYSTEM

In the previous section we noted that the present method of case file control has two major problems, it subjects the case file to increased risk of loss and requires the attorney to maintain case files. The system established by the Defender Association should have the following characteristics:

All active case files should be kept in a standard file cabinet arranged alphabetically by defendant name.

A sign-out sheet mechanism should be adopted to insure knowledge of the case file location.

An attorney should give any paper concerning a case to a clerk for filing. This procedure should also insure that all case events are recorded onto case status cards.

Upon completion of a case the case file should be placed in a closed case file arranged alphabetically by defendant name.

The case file should contain the case papers arranged chronologically; and the papers should be bound to the file.

While this recommendation may meet with some resistance among the staff attorneys it is felt that it will greatly aid administrative control over case files and papers.

9. THE DEFENDER ASSOCIATION SHOULD EXAMINE THE FEASIBILITY OF USING TRIAL ASSISTANTS SUCH AS THOSE PRESENTLY BEING EMPLOYED BY THE METROPOLITAN PUBLIC DEFENDER OF PORTLAND

The Portland Metropolitan Public Defender employs trial assistants to help attorneys process a case. The duties of the assistants are to:

- . Conduct the initial client interview
- . Maintain weekly contact with the defendant
- . Assure that all witnesses are present at trial
- . Maintain the case file
- . Be available at trial to assist the attorney, if required

While we did not have an opportunity to observe them in action, we think that the concept of the trial assistant is sound and should be examined by the Defender Association as a possible means of increasing attorney productivity.

D. PRIORITY LEVEL #4

10. THE DEFENDER ASSOCIATION SHOULD ESTABLISH FINANCIAL REPORTING GOALS AND OBJECTIVES

The financial reporting goals and objectives should include only the information necessary for effective management of a program or office function. Excessive or duplicative information should be eliminated. Special reports for individual supervisors or management should be limited to an exception reporting basis.

The anticipated benefit of developing a uniform reporting system is the potential for reducing the costs associated

with manually developing monthly reports. Report forms can be preprinted and one reporting package should be designed to meet everyone's recurring requirements. The cost of continuous report design for specific requirements would then be substantially reduced or eliminated.

In Exhibit XXXVI, we present an example of a revenue and expense report format. The suggested format includes caseload, revenues received, direct and indirect costs, and cost per case information. Supplemental reports can be developed by the Association that provide budget-to-date and projected total annual expenditures. Due to the brevity of our analysis of reporting requirements, we have developed this report format, with the intent that the Defender Association revise it where appropriate after the reporting goals and objectives are developed and adopted.

11. THE DEFENDER ASSOCIATION SHOULD ADOPT A COMPREHENSIVE SALARY AND WAGE ADMINISTRATION PROGRAM

The Defender Association should establish a wage and salary administration program that is consistent with the following principles:

- . The salary program must allow the Association to compete effectively in the labor market. To effectively compete, the Defender Association should avoid under-paying positions. Undercompensation for a position increases the risk of losing key personnel, and of generating a high turnover of other employees. Additionally, for the remaining employees under compensation can prove to be a significant de-motivator.
- . The salary structure should not, on the other hand, overpay positions. Over-payment of a position does not increase individual motivation, and furthermore, represents a misuse of funds which could be used to enhance the operation in some other way.
- . The salary structure must be in concert with the Defender Association's objectives and organization in order to optimize performance.

SEATTLE/KING COUNTY
PUBLIC DEFENDER ASSOCIATION
SAMPLE REVENUE AND EXPENSE REPORT FORMAT

	TOTAL	FELONY CASES	MISEMEANOR CASES	MENTAL ILLNESS CASES	JUVENILE CASES	PAROLE CASES	PROBATION CASES	APPEAL CASES
CASELOAD	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX	XXXX
REVENUE - CONTRACTS	\$X,XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX
REVENUE - OTHER PROGRAMS	X,XXX,XXX	↑	↑	↑	↑	↑	↑	↑
REVENUE - IN-KIND	X,XXX,XXX	↑	↑	↑	↑	↑	↑	↑
DIRECT COST OF OPERATION:								
ATTORNEYS	\$X,XXX,XXX	↓	↓	↓	↓	↓	↓	↓
INVESTIGATORS	XXX,XXX	↓	↓	↓	↓	↓	↓	↓
COUNSELORS	XXX,XXX	↓	↓	↓	↓	↓	↓	↓
DOCKET CLERKS	XX,XXX	↓	↓	↓	↓	↓	↓	↓
SECRETARIAL	XX,XXX	↓	↓	↓	↓	↓	↓	↓
INTERNS	X,XXX	↓	↓	↓	↓	↓	↓	↓
TOTAL DIRECT COSTS	\$X,XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX
EXCESS (DEFICIENCY) OF REVENUE OVER DIRECT COSTS	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX
INDIRECT COSTS:								
ADMINISTRATION <u>a/</u>	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX
CONSULTANT SERVICES <u>b/</u>	XX,XXX	↑	↑	↑	↑	↑	↑	↑
FACILITIES MAINTENANCE/ RENT	XXX,XXX	↑	↑	↑	↑	↑	↑	↑
PROFESSIONAL DUES/ MEMBERSHIP <u>a/</u>	XXX	↑	↑	↑	↑	↑	↑	↑
INSURANCE <u>a/</u>	XXX	↑	↑	↑	↑	↑	↑	↑
GENERAL OFFICE <u>a/</u>	XX,XXX	↑	↑	↑	↑	↑	↑	↑
EQUIPMENT LEASE/RENTAL <u>b/</u>	X,XXX	↑	↑	↑	↑	↑	↑	↑
VEHICLE OPERATION AND MAINTENANCE	XX,XXX	↑	↑	↑	↑	↑	↑	↑
LIBRARY <u>a/</u>	X,XXX	↑	↑	↑	↑	↑	↑	↑
DEPRECIATION <u>b/</u>	X,XXX	↑	↑	↑	↑	↑	↑	↑
INTEREST <u>a/</u>	X,XXX	↑	↑	↑	↑	↑	↑	↑
TRAVEL <u>b/</u>	X,XXX	↑	↑	↑	↑	↑	↑	↑
TOTAL INDIRECT COSTS	\$X,XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX

EXHIBIT XXXVI
Page 1 of 2

	TOTAL	FELONY CASES	MISEMEANOR CASES	MENTAL ILLNESS CASES	JUVENILE CASES	PAROLE CASES	PROBATION CASES	APPEAL CASES
ADD:								
DEPRECIATION NOT REPRESENTING CASH	\$ X,XXX	X,XXX	X,XXX	X,XXX	X,XXX	X,XXX	X,XXX	X,XXX
EXCESS (DEFICIENCY) OF REVENUE OVER EXPEN- DITURES	\$X,XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX	XXX,XXX
REVENUE PER CASE	\$ XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX
DIRECT COST PER CASE	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX
INDIRECT COST PER CASE	XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX
TOTAL COST PER CASE	\$ XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX
EXCESS (DEFICIENCY) OF REVENUE OVER COST PER CASE	\$ XXX	XXX	XXX	XXX	XXX	XXX	XXX	XXX

- a/ Allocate on a basis of the sum of attorneys, investigators and counselors equivalents within a program.
- b/ Allocate on a basis of benefit received, percentage of participation or usage resulting in expenditure.
- c/ Allocate on a basis of square footage.

EXHIBIT XXXVI
Page 2 of 2

The salary program must be primarily designed to pay for the position versus paying for the individual filling the position. This is not to say that an extremely competent and effective individual should be compensated on a par with someone who is performing less efficiently in the same type of position.

Given the above principles, base salaries actually paid employees should equate to the responsibilities inherent in the position, the market value of the position and the individual characteristics of the person filling the position.

Based on the aforementioned principles and on our findings, we recommend that salary grade rate changes be established for all positions within the Defender Association. Each salary grade should incorporate a range of possible pay rates. Each range of rates might have several features:

Minimum Rate represents the amount the Defender Association would expect to pay for the minimal experience and education in any given position classification. A new and inexperienced employee would tend to have a salary at or near the range's minimum value. In the case of an employee moving from an old salary grade to a higher salary grade, the entry level at the new salary grade should rarely equate to the minimum rate. More typically, the employee would have advanced to a point in his old salary grade that equates to some point in the mid-range of the new salary grade. Consequently, in order to avoid a loss in salary, the minimum rate in the new grade should not, in most cases, represent the entry level for the individual crossing grades.

Midpoint Rate represents the salary level the Association would pay for average performance by an adequately experienced employee in any particular range. Generally, an employee should find it possible to progress beyond the mid-point with adequate performance experience and sufficient longevity in the position.

Maximum Rate represents the maximal amount the Association should be willing to pay for an employee performing a particular job in that range. If an employee is not considered promotable to a more responsible position corresponding to a new salary grade, the maximum rate is the point beyond which the employee cannot earn a progressively larger salary.

Control Point is the point in the salary grade beyond which an individual cannot advance by virtue of experience and tenure alone. In addition to these features, superior performance is required of the employee for advancement beyond the control point. In our experience, the control point should be set at eighty (80%) of the range in any salary grade.

Once a salary grade structure is established, the use of it must be carefully considered. The salary grade structure will be optimized only if all levels of the Defender Association's management are appropriately involved. Use by management of the salary grade structure should be guided by the following principles:

The determination of specific salaries within a given salary grade should relate directly to reporting relationships. For example, the Public Defender should be responsible for the salary determination of the Chief Attorney, Chief Investigator, Pre-sentence Unit Supervisor and the Office Manager. The Chief Attorney, Chief Investigator Pre-sentence Unit Supervisor and the Office Manager should subsequently perform a similar role for personnel reporting directly to them. The supervising attorneys should have primary responsibility for salary determination of attorney personnel within their respective programs.

Top management should not initiate the salary decisions for personnel reporting to management at a lower level in the organization. Top management, however, should approve all promotions that result in changes of salary grades, prior to notification of promotion.

Supervisors should continue to receive preliminary budget levels for compensation of all subordinates. It should then be the responsibility of the supervisor to set raises of individual subordinates out of his compensation "pool"--subject to review by his immediate superior.

Management involved in salary determination should have an appropriate span of control and level of responsibility in the organization relating to the personnel they are reviewing.

Employees hired into the Defender Association should not begin above the control point for their salary grade. Beginning salaries exceeding this level of

compensation should have the approval of the Chief Attorney or the Public Defender as is organizationally appropriate.

Salary grades should be reviewed annually to determine whether adjustments in the range are required due to inflation, or due to particular scarcity of qualified personnel who would fall within a given salary range.

Our final recommendation with regard to salary administration is that merit raises be given once a year rather than every six months. Exceptions to these guidelines would be for first year employees, where a probationary period should be established (for example, ninety days to six months).

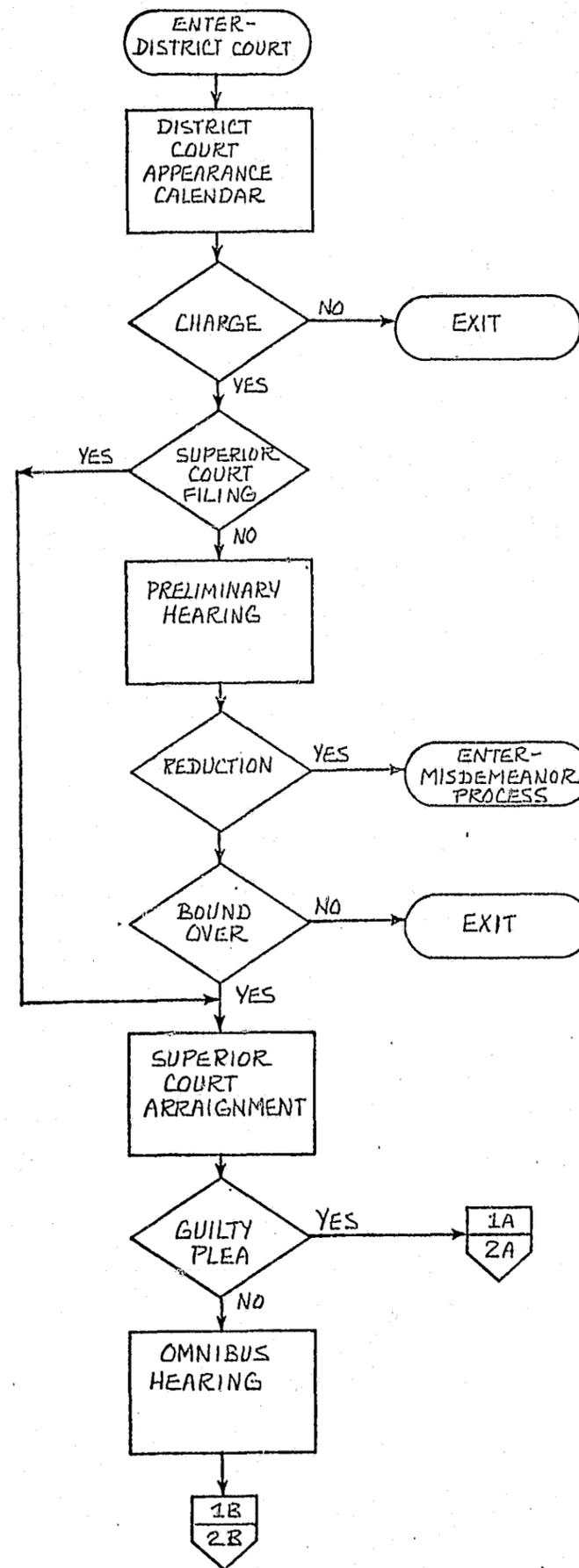
At the end of the probationary period, a merit raise should be awarded. Our basic philosophy behind annual merit raises is that historically six month merit raises provide little or no incremental motivation over annual raises. If the annual raise and resultant salary level is equal to the responsibility and experience of the position, semi-annual raises are not required. An additional benefit of an annual salary review system is the reduced administrative costs of appraising and accounting for the salary grade or range rate changes.

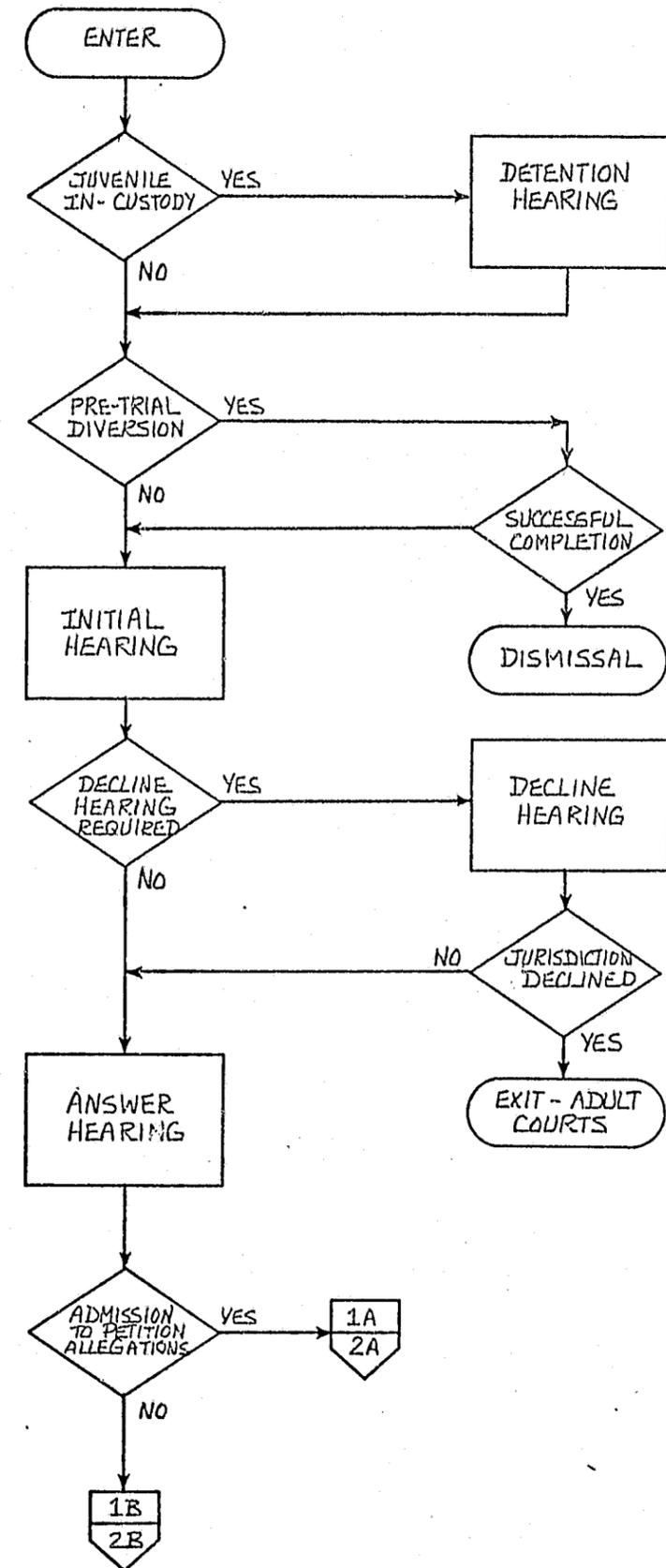
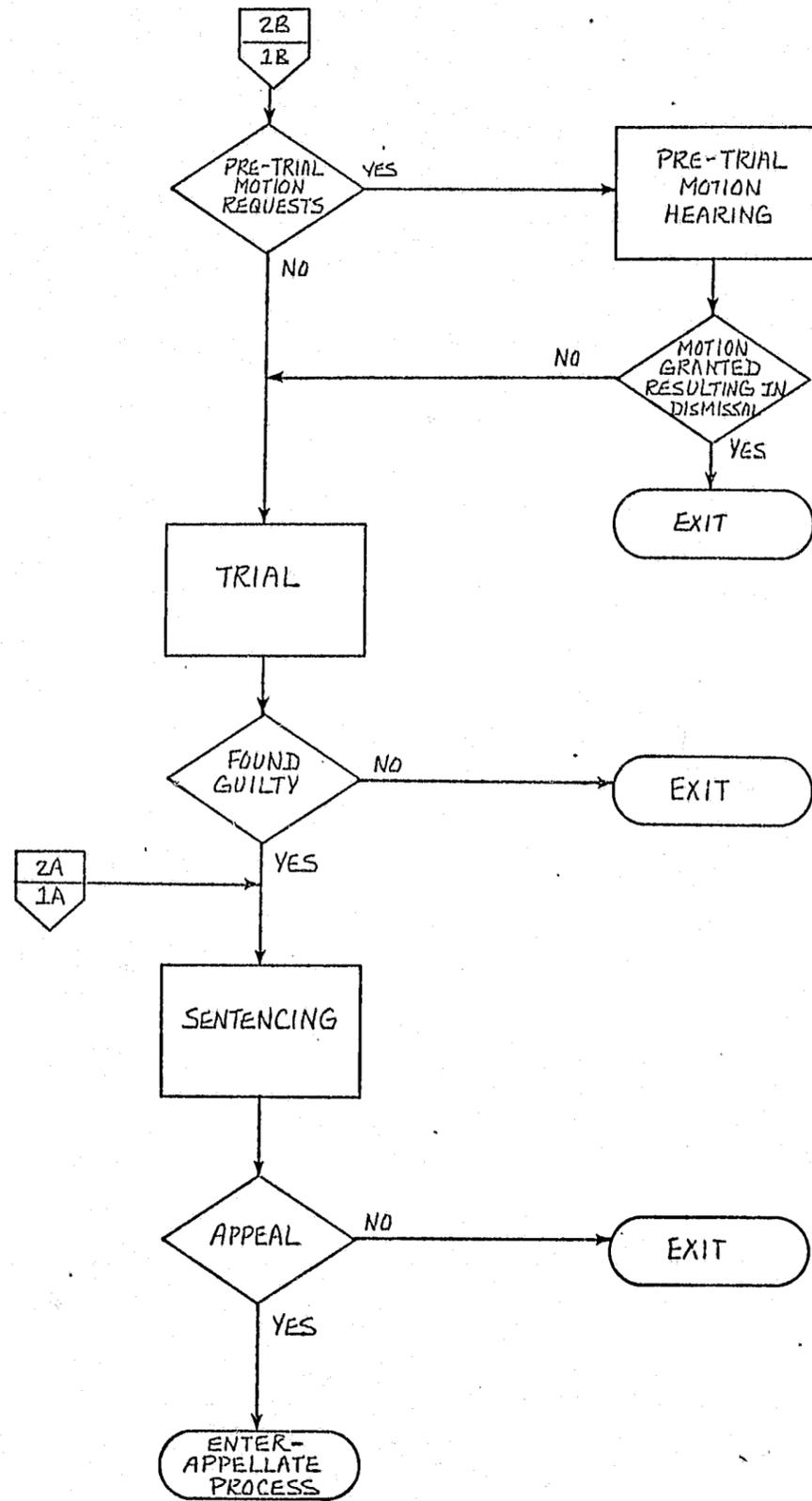
12. EXPERIENCED ATTORNEYS SHOULD BE ROTATED BACK INTO THE MISDEMEANOR CASE SECTION

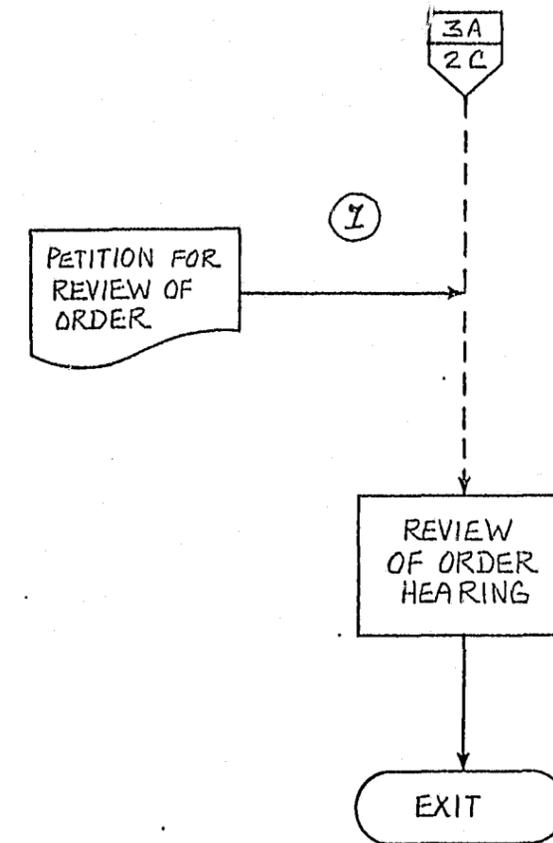
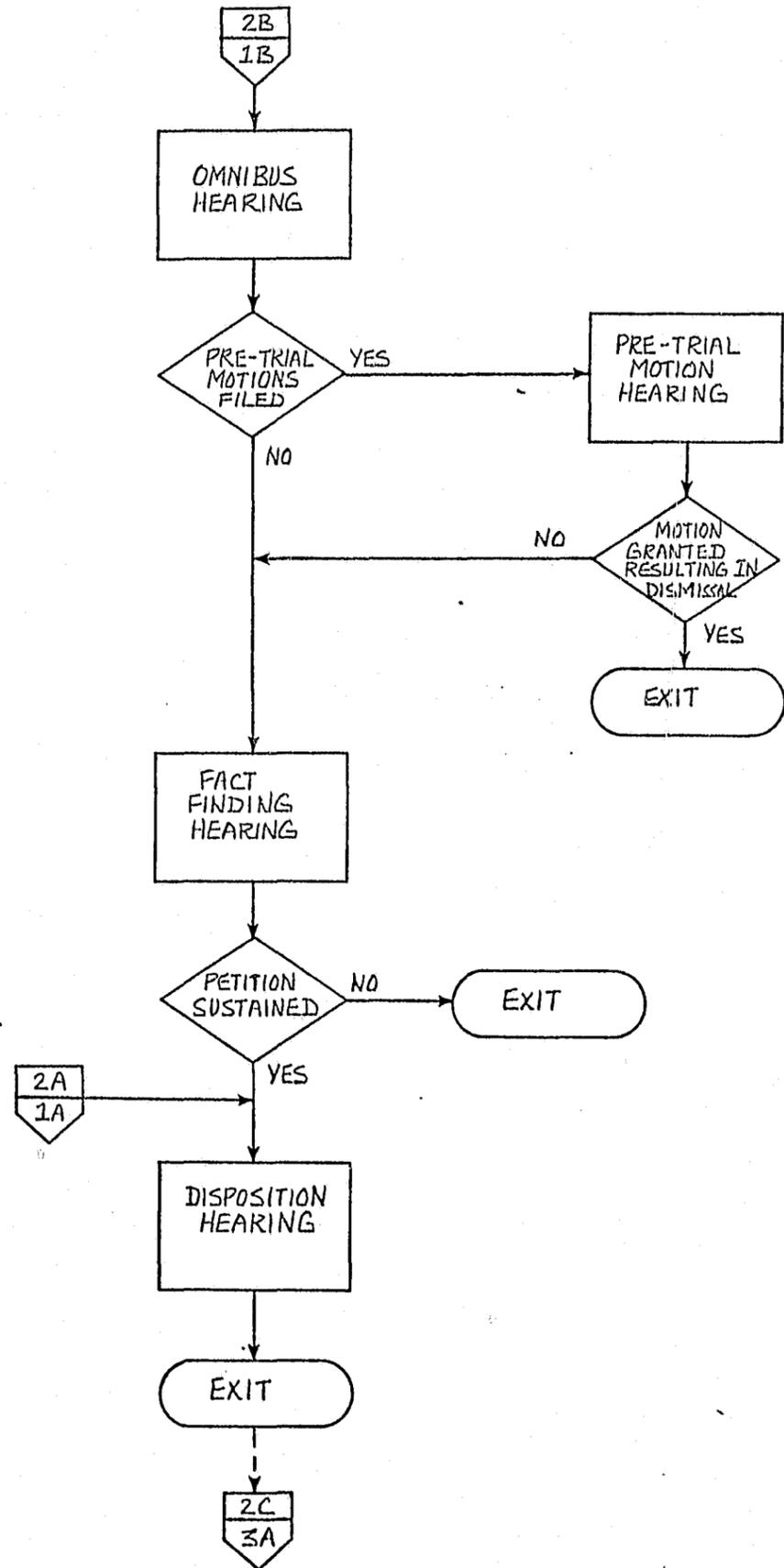
In our discussion concerning the quality of services provided by the Defender Association, we indicated that there was a lack of experience in the misdemeanor case area. The present office practice provides that most new attorneys begin work in the Misdemeanor Section. If an attorney performs competently he will be promoted to the felony section. While the Misdemeanor Section is theoretically the best place to train a new attorney, most attorneys in that

section do not have enough experience to help a new employee. Rotation of experienced attorneys into the section will help the new attorneys with their learning process. It will additionally upgrade the quality of services offered by the section.

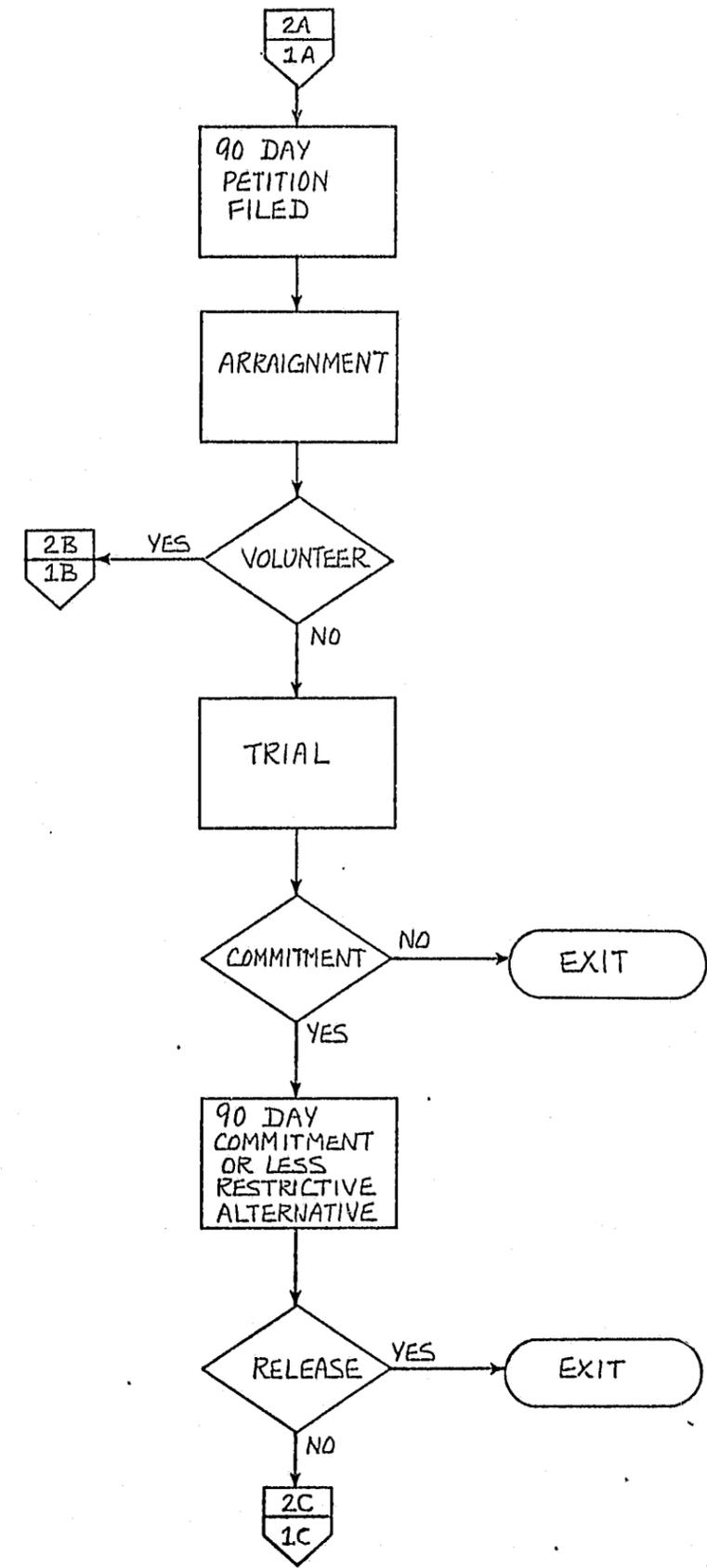
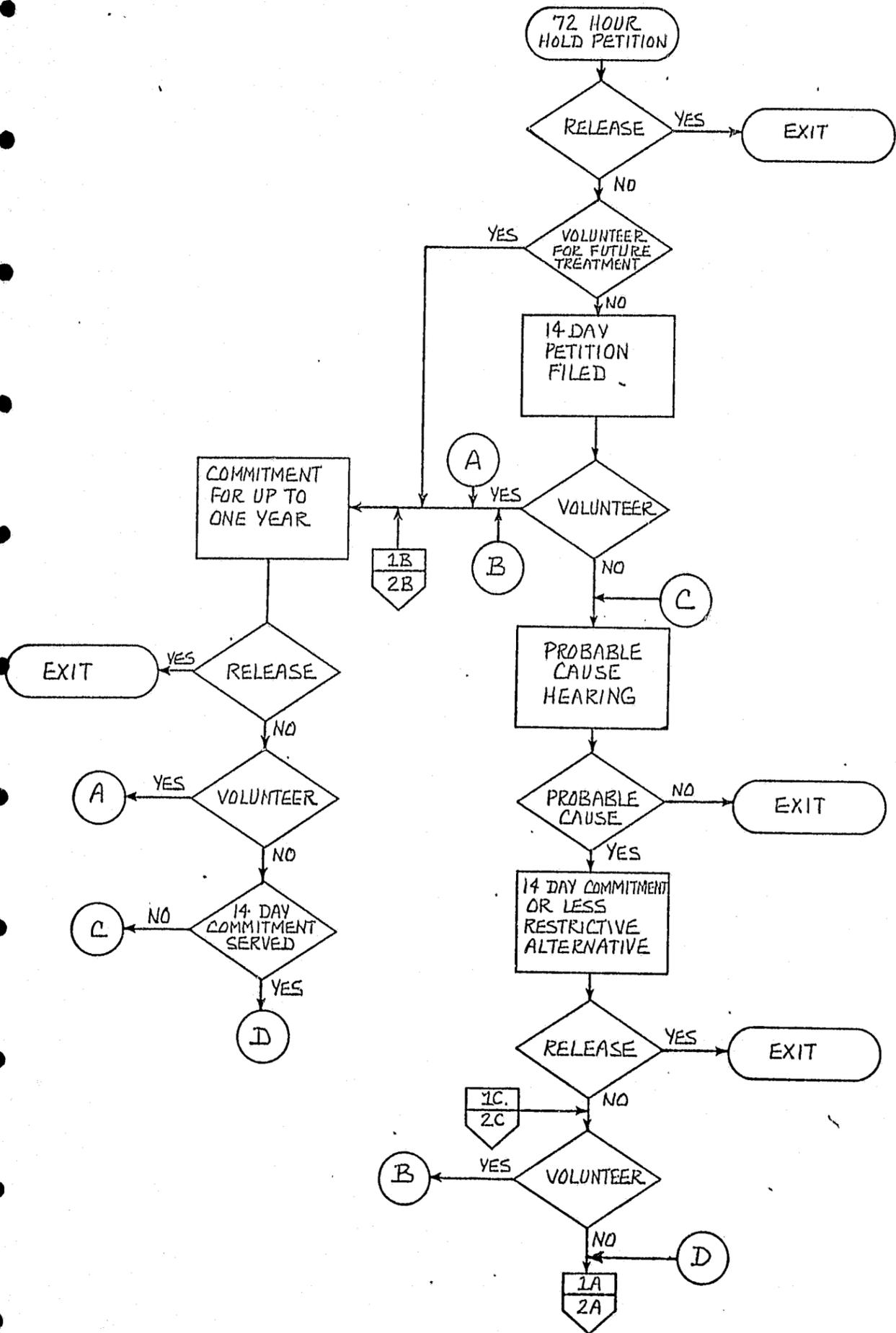
APPENDIX A
CASE PROCESSES



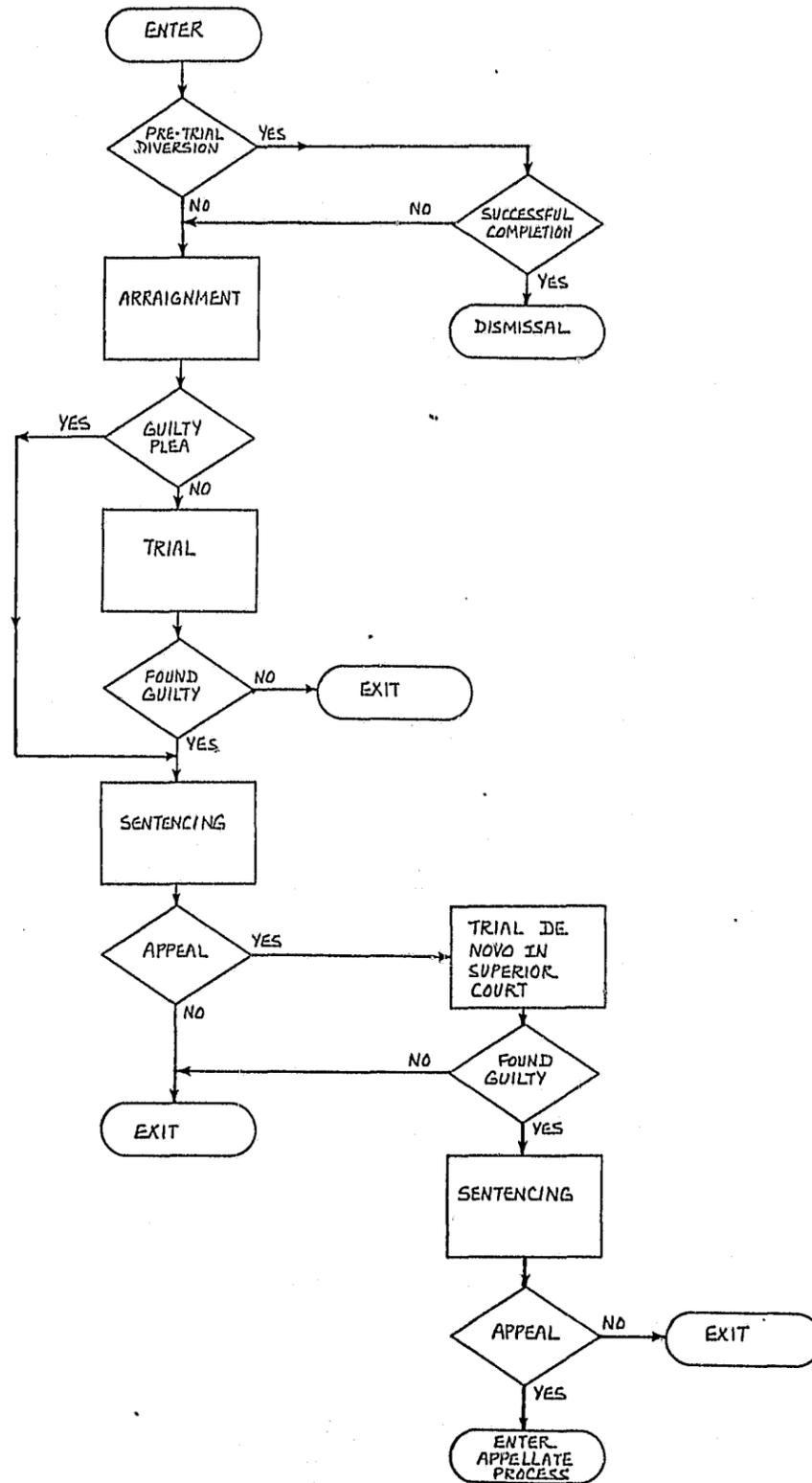




① Petition for Review of Order can be filed after any order of the court (i.e., after Pre-Trial Motions, Preliminary Hearing etc., Trial)



MISDEMEANOR CASE PROCESS



APPENDIX B

SACRAMENTO COUNTY PUBLIC DEFENDER OFFICE
MINIMUM STANDARDS FOR THE DEFENSE OF CLIENTS

SACRAMENTO COUNTY PUBLIC DEFENDER OFFICE
MINIMUM STANDARDS FOR THE DEFENSE OF CLIENTS

I. Purpose of the Office of Public Defender:

To provide adequate, effective and zealous representation for every client represented by this office.

II. Minimum standards to accomplish the purpose:

A. An initial attorney-client interview prior to the client's second (2nd) appearance in Court.

1. The interview should be at the jail when the client is in custody; and in the office when the client is not in custody. The first interview should not be in the holding tank before the second Court appearance.

2. The initial interview should include:

(a) Sufficient time to allow a full understanding of the client's position relative to his case.

(b) Sufficient time to allow the client a full understanding of what will and is likely to happen to him procedurally.

(c) A preliminary decision by the client whether he wishes the attorney to seek a plea negotiation.

(d) A full understanding by the client that the attorney will not initiate plea negotiations without the consent of the client.

(e) A full understanding by the client that if the District Attorney initiates an offer of plea negotiation, the attorney will communicate the offer to the client for the client's decision.

B. Sufficient visits and interviews (in number and time) to keep the client advised and aware of:

1. What is being done in his case.

2. What he may expect to be done in the future.

3. What the results of your investigation and preparation have been.

4. The decisions the client must make (Plea, Jury Trial, Testifying), and his position relative to the case.

C. Sufficient time at each level of the proceedings to complete pre-trial discovery and independent investigation.

D. Sufficient time, at each level of the proceedings to complete necessary legal research and mental preparation for the court appearances of the client.

E. Sufficient time to complete a trial or other evidentiary proceeding without a quantity of other cases which will detract or impede a zealous and complete presentation of the client's case.

APPENDIX C
DEFENDERS PROGRAM OF SAN DIEGO
FORMAL TRAINING PROGRAM

DEFENDERS PROGRAM OF SAN DIEGO
FORMAL TRAINING PROGRAM

Each attorney receives an eight day training session provided by experienced and proficient speakers in the practice of criminal law. The talks are directed primarily toward clarifying the "how to do it" problems which confront each attorney. Specific course content for each session includes:

SESSION 1. Court Structure and Procedures

. Municipal Court

- Misdemeanors
- Felonies

. Superior Court

- Arraignment
- Plea guilty
- Plea not guilty
- Settlement Calendar (Seattle would have Omnibus Hearing)

SESSION 2. Arrest and Investigation

. Dealing with client

. Jail procedures

. Arraignment

SESSION 3. City Prosecutor's Office

. Office structure, departments and assignment of deputies

. Misdemeanor complaints

. Statutory period for filing misdemeanors

. Plea bargaining attitude

. Office policy

- SESSION 4. Strategy, Preliminary Hearing and Grand Jury
- . How to negotiate
 - . When to plead
 - . Making a record at the preliminary hearing
 - . Discovery
 - . Diversion
 - . Use of expert witnesses

- SESSION 5. Pretrial Motions
- . Motion types
 - . Pretrial handling of questionable confessions, identifications, etc.
 - . Motion to sever
 - . Motion to strike part or all of complaint or information
 - . Sanity motions
 - . Discovery motions

- SESSION 6. Trial
- . Court or Jury
 - . Voir Dire
 - . Opening statements, order of proof
 - . Objectives
 - . Theory of defense
 - . Direct and cross examination
 - . Motion for acquittal
 - . Jury instructions and Summaries

- SESSION 7. District Attorney's Office
- . Office structure, departments and assignment of deputies
 - . Felony complaints
 - . Statutory periods for filing felonies
 - . Plea bargaining attitude
 - . Office policy
- SESSION 8. Juvenile Court Representation and Post Conviction Remedies in Adult Courts
- . Juvenile court procedures
 - . Dealing with probation officer
 - . Arguing on sentence

APPENDIX D

EXAMPLES FOR COUNTING CASE DISPOSITIONS

EXAMPLES FOR COUNTING CASE DISPOSITIONS

EXAMPLE 1

Armed Robbery (AR) - Dismissed

Aggravated Assault (AA) - Acquittal

Possession of Heroin (PH) - Conviction

Sentence - Three years in the State Prison suspended in lieu of five years probation

Result

Conviction to Lesser Charge

Sentence

Suspended

EXAMPLE 2

AR - Plea to Robbery

AA - Plea as Charged

PH - Dismissed

Sentence - County Jail 1 Year and Probation

Result

Plea to Lesser Charge

Sentence

County Jail

EXAMPLE 3

AR - Dismissed

AA - Dismissed

PH - Reduced to Misdemeanor

Sentence - Deferred

Result

Plea to Misdemeanor

Sentence

Deferred

EXAMPLE 4

AR - Dismissed

AA - Acquittal

PH - Acquittal

Result

Acquittal

END