SUMMARY OF PROCEEDINGS
SIXTH MANAGEMENT INSTITUTE

April 2-4, 1980
Savannah, Georgia

National Association of Attorneys General
Committee on the Office of Attorney General

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The Committee on the Office of Attorney General
of the National Association of Attorneys General

3901 Barrett Drive
Raleigh, North Carolina 27609

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PREFACE

This publication presents summaries of speeches to the Sixth Management Institute held by the Committee on the Office of Attorney General of the National Association of Attorneys General in April, 1980.

Since its inception in 1969, the COAG staff has conducted extensive activities aimed at improving the management of Attorneys General's offices. A series of management manuals have been developed expressly for Attorneys General and their staffs. A periodic Management Newsletter has been published, and COAG has operated a clearinghouse for management information and materials. Several editions of a model procedures manual and a standard subject index have been published. A comprehensive study of computer uses in Attorneys General's offices is underway.

These activities have been highly effective in making Attorneys General's and their staffs more aware of the importance of management, and of informing them of management techniques and practices. Of even greater impact than the publications, however, have been the six Management Institutes conducted by COAG. These Institutes have brought together staff with management responsibilities from many Attorneys General's offices and have given them an opportunity to share ideas and information. They have developed an awareness of new trends and techniques in various management areas, and have offered a unique training opportunity.

The Sixth Management Institute, like its predecessors, combined speeches with "seminar sessions," which allowed attendees to meet in small groups, with the speakers present, to discuss their specific problems. This year's Institute focussed on automating the office, and the concomitant problems of bringing about changes successfully. Speakers included staff of state Attorneys General's offices and the U.S. Department of Justice, management consultants, members of the private bar, and a professor of public administration. The contribution of these speakers to the success of the Institute is gratefully acknowledged, as is the work of the Seminar leaders, who were: Judy K. Jones, Management Consulting Manager, Peat, Marwick, Mitchell and

Company; James H. Bradner, Jr., Senior Attorney, National District Attorneys Association Economic Crime Project; Joyce DeRoy, Vice-President, Institute for Law and Social Research; and Charles M. Hollis, III, Program Manager, Office of Criminal Justice Programs, Law Enforcement Assistance Administration. William G. Cary, COAG Publications Director, had primary responsibility for preparing these speeches for publication.

Patton G. Galloway, Executive Director
Committee on the Office of Attorney General

Raleigh, North Carolina
May, 1980

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WELCOMING REMARKS

The Honorable Arthur K. Bolton
Attorney General of Georgia

Welcome to the Sixth NAAG Management Institute. We are glad to have you visit what are called Georgia's "golden isles"; 300,000 acres of marshlands, which are covered by tides twice a day. These are great natural resources and have been largely saved from exploitation. In an historic decision several years ago, the Georgia Supreme Court, in effect, gave the state control of the land below high and low tide. This was very significant in terms of preserving this area.

We have twenty-six states, plus the U.S. Department of Justice, represented at the Institute. It is significant that so many people would take time off from their duties to come to a management program. This reflects a recognition that good management is important to Attorneys General's offices. After 15 years as Attorney General, I am third in seniority in the National Association of Attorneys General. These years have seen great changes in these offices. The Georgia Department of Law has grown from 23 attorneys and an annual budget of three quarters of a million dollars, to sixty attorneys and a $3 million annual budget. This is typical of what has happened in Attorneys General's offices, and makes the need for good management even more important. I'm sure you will find this Management Institute to be worthwhile, and that you will take home with you many helpful ideas.

THE STATUS OF AUTOMATION IN ATTORNEYS GENERAL'S OFFICES: AN OVERVIEW

Dr. Gail W. O'Brien, Management Analyst
Committee on the Office of Attorney General

Most Attorneys General's offices have experienced considerable expansion in responsibilities in recent years. There has been overall growth in the provision of legal services to state agencies. A number of offices are involved in efforts to control organized crime and the related problem of corruption as well as white collar or economic crime. More offices are also active on behalf of consumers than in the past.

Because of the expansion in responsibilities, many Attorneys General's offices have become considerably larger, in terms of both personnel and budget. In 1970, for example, all offices combined employed 2,800 full-time attorneys. By 1979 this figure had expanded to 5,029. In terms of annual budget only 17 offices had appropriations of over $1 million dollars in 1971. By 1979, 50 offices had annual appropriations of $1 million dollars or more. I do not mean to suggest that many offices will not feel the effects of financial cut-backs as state governments begin to retrench; indeed, many are already feeling this impact. I am suggesting, however, that most Attorneys General's offices have become and will likely remain very large organizations.

The development of Attorneys General's offices as large organizations has made structural arrangements more complex and the role of manager more important. The expansion of responsibilities and the concomitant growth in personnel and budgets has also impacted on the informational requirements of both managers and staff attorneys. Information with which managers and staff attorneys have to deal has grown both in volume and in complexity in recent years. In order to meet these needs, a number of offices have begun to develop automated information systems. This field is, in fact, a very dynamic one, and I should point out that the findings which I express here today are tentative at best.

Before turning to the applications of automated equipment in Attorneys General's offices, I should like to distinguish briefly between two basic types of automated equipment. As most of you probably know, automated office equipment has developed along tangential lines. Most simply, the type known as word processors handles words or blocks of text very efficiently. It easily corrects typographical errors and adjusts line endings and margins. The other type of equipment, data processors, thinks in terms of fields, not pages, and produces tables, rather than text. To make matters somewhat more complicated, vendors have added a math/sort option to word processors, and the makers of data processors now provide text processing programs, so there is some overlap between these two basic types of equipment.

Most Attorneys General's offices, at last count 41 out of 54, had some type of word processing equipment, while 32 offices were utilizing data processors. Most of the jurisdictions that were utilizing data processors processed information in a batch mode on large mainframe computers, most of which were housed in central data processing facilities. A few offices utilized minicomputers which they housed within the Attorney General's office.

The most frequent application of word processing equipment in Attorneys General's offices is for text processing, i.e., the production of documents such as briefs, opinions and form letters. Virtually all of the 41 jurisdictions utilizing word processors indicated to COAG that they were using this equipment for some type of text processing application. There seems to be a trend toward integrated, office-wide or division-wide systems as opposed to isolated machines scattered throughout various bureaus or divisions. Some offices indicated that they were phasing out older equipment; others were planning to build on existing equipment. The Texas Attorney General's office, for example, has a number of Mag card machines and a print shop with photo composition equipment. This office hopes to acquire a minicomputer in the future which will be compatible with both types of equipment already in the office.

The use of integrated systems for text processing is probably increasing because it is easy to demonstrate cost effectiveness with this type of arrangement. It is often possible, for example, to increase productivity

without increasing clerical staff. The New Jersey Central Investigative Records Bureau indicated that, as a result of their division-wide word processing system, they had been able to hire 5 additional attorneys since the summer of 1979 with no increase in clerical staff and they might also eliminate 2 support positions through attrition. An integrated word processing system also makes the work flow more fluid. It is easy, the Massachusett's Attorney General's office indicated, to utilize a number of support staff from various divisions when a particularly large project must be completed.

In addition to utilizing word processing systems for text processing, several offices are utilizing this type of equipment for management-related activities. Some use word processors for workload management, and Florida and Kentucky have indicated that they are developing timekeeping systems with word processing equipment. Texas and Massachusetts store personnel data on word processors and a few offices use word processing equipment for telecommunication purposes. Some antitrust divisions, such as those in Washington and Florida, for example, transmit documents electronically with their word processors. A few offices have also indicated to COAG that they might use word processing equipment for program-related activities. The Rhode Island Attorney General's office is considering the use of word processors for monitoring charitable trusts, Maine is contemplating using word processing equipment for managing papers in complex cases, and three jurisdictions are using or are considering its use to develop in-house research systems, i.e., brief or brief/opinion banks.

Data processors or computers are used in Attorneys General's offices for a wide variety of activities, both for management purposes and program-related activities. Administrative uses of computers involve workload management and fiscal management as well as a few additional office operations. Most of the workload management systems which are presently in existence operate in a batch mode. Those that are in development, however, are real time systems, so that one will be able to sit down at a CRT or a television-like screen and obtain information on demand. Most of the seven jurisdictions which are in the process of developing real time systems are considering a software package known as the Prosecutor's Management Information System (PROMIS). PROMIS, which was developed by the

Institute for Law and Social Research, will be discussed a little later in the program.

In order to gain better control of fiscal matters in the office and to provide greater accountability to client agencies, a number of offices have instituted timekeeping systems. Some of these have a billing feature and at least a couple of offices have computerized bookkeeping/accounting systems as well as timekeeping and billing. Most of the timekeeping systems operate in a batch mode, but a few such as Oregon and Wyoming are on-line. Oregon, incidentally, is the only Attorney General's office which bills for all services. This includes services rendered within the office in areas such as consumer protection, antitrust, and criminal appeals, i.e., divisions for which a general appropriation is provided. The Washington Attorney General's office has computerized accounting in the antitrust division, while California and Oregon have computerized virtually all accounting operations. California utilizes an in-house minicomputer for accounting purposes, and Oregon's system is handled by a large mainframe in the state central data processing facility.

Other office operations which involve a computer include the monitoring of long distance telephone calls in Colorado, the storage of personnel data and office equipment inventory in New York and personnel management in New Jersey. A few offices also utilize data processors for telecommunication purposes and, finally, a few offices use computers for text processing. New Mexico has already implemented a minicomputer system for text processing and Minnesota is in the process of doing so. Colorado is the only Attorney General's office which utilizes a mainframe computer for this purpose. Presently, they are using a software package known as ALTER for processing or producing documents and soon they plan to implement the complement of ALTER, a program called SIRS, for retrieving documents.

Computers are also used in Attorneys General's offices for a wide variety of program-related activities. They are used for data collection, managing papers in complex cases, information retrieval, and collecton and distribution purposes. Data collection may involve a number of different types of applications. Antitrust divisions in some jurisdictions, for example, are utilizing computers for bid monitoring. One bid-monitoring project involves all New England states and is directed

from the Massachusetts Attorney General's office. This program will incorporate data from fiscal year 1977 through 1980 and will continue five years beyond 1980.

In addition to bid monitoring by antitrust divisions, some offices utilize computers for monitoring charitable trusts. One of the most developed systems is in California where the Attorney General's office analyzes some 28,000 reports annually; the computer can run 50 different tests in reviewing these reports. California also uses a computer in routine investigations in criminal cases, and a minority of Attorneys General's offices such as North Carolina and Wisconsin have police information networks where computers are utilized for communication purposes and for the storage of criminal histories. Finally, computers are utilized in a few Attorneys General's offices such as Massachusetts and North Carolina for registering and monitoring consumer complaints.

Both California and Ohio are developing systems for managing complex cases generally, while a number of jurisdictions have computerized systems for managing papers in complex antitrust cases specifically. The Washington antitrust division was the principal coordinator and major distributor of documents for the Sugar case, for example. California developed in 1975 a computerized system for managing papers in criminal cases. These cases involve major frauds, organized fencing, burglary operations, and narcotics trafficking.

In terms of information retrieval, a few offices have developed in-house systems. New Mexico, for example, is developing a computerized brief/opinion bank which will run on their minicomputer. Other offices have access to external data bases such as the LEXIS or WESTLAW system. Actually, the response to computerized legal research has been somewhat mixed. Ohio has indicated that they are quite dependent on LEXIS. Minnisota also suggested that their usage is high. On the other hand, computerized legal research systems have been discontinued in Massachusetts and South Dakota.

In using the computer for collection purposes, the Colorado Attorney General collects overdue accounts for state agencies, particularly state higher education and hospital bills, while New York has developed a system for collecting delinquent tuition accounts. Colorado has developed a program for distribution in antitrust cases

and Arizona has a computerized system for disbursing recoveries in class action suits.

This has been, at best, a cursory look at automation activity in Attorneys General's offices. Hopefully, as the Institute proceeds, we will have more opportunities to converse in explicit, detailed terms. I am reminded, as we consider the selection and implemention of automated systems in our offices, of a statement that I saw recently in a national publication. It read: "There are no simple solutions, only intelligent choices." I should hope that our deliberations here at this meeting will provide some basis for making intelligent choices as we attempt to mold people, procedures and equipment into viable systems which will better serve our informational needs.

DESIGNING, IMPLEMENTING AND OPERATING A DOCKET CONTROL AND WORD PROCESSING SYSTEM

Stephen Schultz, Administrative and Legal Counsel
Massachusetts Department of the Attorney General

I first became involved in computers in the Fall of 1975 after our First Assistant Attorney General heard Ron Semmann from Wisconsin speak to a NAAG Management Institute on Wisconsin's docket control and computer system. I was told to begin exploring the possibility of adapting such a system for the Massachusetts Attorney General's office. To begin figuring the cost and compatibility with Wisconsin's system, I contacted the Chief of the Data Processing Center for the Commonwealth of Massachusetts and was given four areas in which to ask questions to see if Wisconsin's program would be compatible: (1) type of computer; (2) type of input; (3) language; and (4) form in which the master files are stored.

I found that Wisconsin used an IBM 370-155, which is a fairly common type of computer. We were able to locate one in the state Department of Public Works. In terms of type of input, we found that Wisconsin was using an optical scan system, which to a layman seemed to use hieroglyphics. They were not happy with this system, however, and discouraged us from using it. They had found that this type of optical scan system had a large error rate and required additional clerical personnel. We decided, instead, to use a more traditional key tape or keypunch system.

In terms of language, Wisconsin used three different kinds in its system: COBOL, JCL, and BAL. COBOL is the basic language and is like English to a computer; this was fine for our system. JCL tells the computer which programs to pull, and that was fine, too. BAL was a problem because it is peculiar to an IBM 370. To avoid having to rewrite all the programs, we decided we had to use an IBM computer.

The second thing I had to determine in order to decide whether we wanted to adapt the Wisconsin program was an estimation of what the cost was going to be. Our original annual cost estimate was $35,000; in

fact, as of 2 years ago it was $43,000, and today it is running at $51,000. In order for you to predict what your costs might be, I will give you a breakdown of the specific costs for Massachusetts. The cost of the actual computer and the computer operator was zero for us because our state constitution prohibits any state agency from charging another for anything. Thus, all of our computer time was free, but there was the drawback that we could only use the computer when the Department of Public Works was not using it.

Our cost for paper was $2,400 last year. The salary for our programmer/analyst is $21,600 a year, and his secretary/assistant receives $9,600 a year. We do some of our own keypunching within the office, but last year we still paid $12,868 for outside keypunching. We use microfiche for some of our reports, which cost $2,900. Disk packs cost $1,800. These figures add up to our total cost of $51,000 last year. This year we plan to do all of our own keypunching, which will require renting an intelligent terminal, at a cost of $6,700, to tie into the computer at the Department of Public Works. We will also have to hire a keypuncher when we get the intelligent terminal.

After determining that the cost was reasonable and the Wisconsin program was compatible, our next step was to find someone to copy and transfer the programs. We had to make a decision whether to hire an analyst immediately and let that person devise the system, or contract with a private consulting firm. To move faster, we hired a consulting firm to copy the program, change the tables, and write some of the new reports. This cost $18,000; they promised us 3 months, but they took 1 year. During that time, we also hired our own analyst who took over this type of work.

The best way to explain our docket control system is to divide it into two main areas: (1) what kind of information we input into the system, and (2) what the reports coming out of the system look like. As far as input, I am mainly talking about the 8,000 cases handled by the attorneys in the office; however, we also put into the system investigations, Attorney General opinions, and other miscellaneous information. Four forms usually have to be filled out when a case is opened. The first form is what we call the "Header" sheet or the "Opening the Case" sheet. It puts on the basic information about a case that you might want for retrieval purposes-- the assigned number, the attorney,

the subject of the case, the agency being represented the court, the docket number, the municipality, and the name of the case. The second sheet, which we call the "name input" sheet, contains the names of any additional plaintiffs or defendants other than the named parties in the case. By inputting this type of information, we are able to maintain a complete alphabetized list of all parties involved in a case.

The third form which is filled out when the case is opened is the "action" sheet, which is an incorrect name because we are not putting actions on at this time. On this sheet, attorneys put on miscellaneous information that did not fit on the first sheet, such as additional subjects, additional agencies, or co-counsel. The fourth form to be filled out when a case is opened is the narrative sheet, which is an English description of the case. Some attorneys, obviously, do this more extensively and in more detail than others. Some of the things included here include the general subject of the case, the judge, opposing counsel, type of court, and a general description of the status of the case. Originally, we had trouble getting attorneys to turn in this narrative sheet when they opened a case, so we developed a "staple rule" in which we refused to accept the opening case sheet unless a narrative was stapled to it. This rule has worked for us.

For ongoing input on these cases, there are three types of information that might go onto the computer. The first type of information is additional narratives and updates, which will print out on a computer sheet below the prior narrative so that information does not have to be repeated each time an update is entered. The most frequent update is simply "no action" or "discovery continued." Some attorneys in our office enter the complete docket as the case progresses, computerizing every single action taken in a case, but we do not require this. On the other hand, if the attorneys want it, the system can do it. Third, whenever a brief is written it is sent to my office where it is put onto the computer and indexed by law students. I review this indexing and the briefs go to the library to be microfiched.

Let me now turn to the reports which the system generates. First is the docket sheet. The system will only give you a new do t sheet if you have added information to the prev one. For those attorneys who use these docket sheets extensively, the system

generates a monthly update of any additional information they have entered. Secondly, the system produces attorney workload reports, which gives most of the information that was on the case opening sheet as well as any narratives in chronological order.

Another report is the "new case" report, which is utilized very much by the First Assistant Attorney General, primarily because it gives all the narratives for all cases that came into the office within the last two weeks. On these reports, the First Assistant indicates such things as which cases are to be monitored and marks specific questions that he wants answered. This is one report that is used a great deal in our office. We also have a municipality report, which is only issued on request. It is used mainly by the Attorney General when he is going to talk to the citizens of a particular municipality and he wants to know all cases we have pending in that municipality.

There are various microfiche reports which we get on a monthly basis. The major one is probably the list of case names in alphabetical order, which allows you to find a case within the office at any given time. It also lets you know about your dead cases, those that have been closed. There is a list of parties. There is what is called a "complete dump" by case number, which is in chronological order since our numbers are chronologically determined. This gives you all the information on every single case, everything that anyone has put on the computer on a particular case. We also have a list by agencies. There is also a list by attorneys, which I don't think anyone has ever used. Finally, there is a list by subject which has two functions. This report alphabetically lists all cases in the office by subject, and specifically tells whether there have been any briefs written on the subject and also where those briefs are located. A short description of those briefs is also included.

As far as major problems we have encountered, turnaround time is, undoubtedly, the major complaint people have with our system. Let me go over some of the reasons why turnaround time has been such a problem in our office. First, we had a lack of personnel, particularly in getting the information onto the computer. Secondly, we never really had a schedule, which made us slightly lazy in the sense of accepting the fact that the personnel problems justified our not getting the reports back to people within a reasonable period of

time. The third problem, which was more minor as a contributing factor, was a lack of control over our resources. It was not our computer and we were not paying for it, so sometimes we had to wait to use it. We were not always keypunching in-house, so sometimes the people doing the punching caused delays.

In addition, we have had complaints that our reports do not look perfect, but we really do not worry about this. We have also had a problem because one of our programmers left; we used to have three people in our data processing center. Our salaries are not competitive; we had a programmer leave after 6 months of working at our office and get a $6,000 pay raise. Further problems have been caused by inconsistent management decisions; we have been growing with this system and changing our minds as we go along. Despite the inconsistency in our decisions, there is certainly a lot more acceptance of the computer docket system today than there was when we started.

As to some of the changes we are planning, we are going to rotate our narrative updates so that different divisions will have the updates due on different days of the month. We developed a schedule about 2 months ago, which we have followed so far, and we have every intention of keeping to it. To help us keep to it, we have appointed certain secretaries as back-up personnel for the data processing center during times of heavy workload. Doing our own keypunching will also reduce our turnaround time. Finally, we are doing some very preliminary thinking about going on-line and having our own terminals; cost will be the determinate here.

Let me turn now to our consumer protection system. Again, the history is that we picked up the system from Wisconsin and had to ask the same questions about cost and compatibility. In Massachusetts, we have on the computer 12,000 cases, 50,000 consumer complaints, and 20,000 public charities. For consumer protection, there is essentially one sheet to fill out, which produces basic information on the name of the complaintant, name of the respondent, location of the transaction, nature of the complaint, type of business, municipality, disposition, and whether there are any interstate implications or probable patterns in the opinion of the person filling out the sheet. Because about 40 percent of our complaints relate to automobiles, we also have a special auto code on the sheet. About 1,000 of the 50,000 consumer complaints on the

computer are active at any one time.

The system produces two basic hard-copy reports. One is a monthly statistical analysis of the complaints, with a comparison of these monthly figures to the same figures for the year. The second basic report tells us when five or more complaints against a particular respondent have been made. We can then pull those files and decide whether to bring litigation. The third type of report is the special request for certain information we want from the computer, such as all auto rust cases or all cases against a particular company.

As to problems we have had with the consumer system, the major one is that we stayed static with what we took from Wisconsin. We have not updated in 5 years our categories for types of complaints received nor have we ever changed the fields that are on the program. Again, turnaround time is a major problem. The Consumer Protection Division more than any other desires an on-line system with its own terminal.

Finally, let me turn briefly to our word processing system and describe what we have and how we developed it. WANG word processing equipment is available throughout the Massachusetts Attorney General's office. An IBM OS6 is also located in the Antitrust Division. The WANG system consists of ten screens on the three floors of the Attorney General's office, a printer on every floor, and one additional high-speed printer. Every member of the secretarial staff is trained in-house to utilize the equipment and can learn to do so in 3 days. When it was discovered that 70-75 percent of the time at the screen was used for inputting data, scanners were acquired for the secretaries so they could do initial input at their desks. The machines now are used more often for editing.

The reason we went to the terminal-type word processing system is that it really made no sense not to. We had been buying incrementally various incompatible pieces of word processing equipment. We were paying $29,000 for a system that no one was very happy with. The WANG system cost $34,000, and it has been a great system for us.

Why did we pick WANG? The major reason is because of the simplicity of the system, especially as this relates to operator training time. By having a system which is simple, we don't have to have a word

processing center and we have no problems when we lose personnel. Additionally, it makes the office workflow much more fluid. Since everyone can use the equipment and no one has a monopoly on any particular machine, efforts to complete a task can be borne by a number of divisions when necessary. We still do have one administrative secretary who will determine priorities if all terminals are in use, but this does not happen very much. It is important, however, to have one person with the authority to make these priority decisions.

As far as problems in this area, there are very few; generally, people are very pleased with our word processing system. We have had some mechanical problems, but this is to be expected. Another problem is what I call "simplicity backfired": because the system is so easy to use, not only do all secretaries know how to use the system, but, unfortunately, some of the attorneys know how to use it as well. This has led to such things as entire briefs being accidentally erased by attorneys. We have also had some difficulty in archiving materials from the terminals. When 100 different people can use the system and are theoretically responsible for removing their material, they can get lazy and let information stay on the system longer than it should. Finally, we are not planning any changes in our word processing system because we have been so happy with it.

DESIGNING, IMPLEMENTING AND OPERATING A SYSTEM

Chief Deputy Attorney General Richard B. Allyn
Minnesota Attorney General's Office

My perspective differs slightly from Mr. Schultz, in that our office has not had the years of experience with automated systems that they have had in Massachusetts. We are in the middle of the process now. Rather than talk just about equipment, I want to discuss with you today some of the "people problems" which seem to be inherent in a switch to automation. These are the problems I am most familiar with and have been most involved with on our staff.

Let me begin by describing what our problems were in Minnesota and how we tried to solve them. Prior to 1977, the vast bulk of our attorneys were on the budgets of the various state agencies they represented, even though they were appointed and had their salaries set by the Attorney General. Secondly, these attorneys were located around the Capitol area and the city of St. Paul. There was never enough room in the Capitol, and agencies took space where they could get it.

At this time, we kept no time records and we did not bill agencies. It was a pretty informal arrangement that had been in existence for years. In the late 1970s, this system began to change when the legislature put all of the lawyers directly under our budget, and required us to start billing some agencies.

Like most of your offices, during this period of the late 1970s, we also experienced tremendous growth in the number of attorneys and legal assistants on our staff. When I joined the Attorney General's office in 1971, we had a total of 85 lawyers on the staff, and about 150 people as our total staff. Today we have 150 attorneys, 33 legal assistants, and about 97 support personnel. Approximately forty state agencies are now billed for time, which is about one-sixth of the total legal staff time.

As regards word processing, we had a conglomeration of machines scattered throughout the various locations of our offices. Different offices had different machines, and there was no compatibility. It was a great problem that all of the Attorney General's staff was not in one location. Now we are down to a dozen offices, and we are in the process of further combining these into five or six central major locations.

Finally, each of these offices had its own docketing or case management system. There was no integrated system for the entire office. Generally, we were disorganized and getting worse as we were getting larger.

After attending the NAAG Management Institute in St. Petersburg, Florida, we decided we had to go to a timekeeping system. If we did not develop this ourselves, the legislature would make us do it. Therefore, we developed a manual timekeeping system. Secondly, we decided we had to have a uniform docketing system, based on the concept of one central location where all case files (both open and closed), opinions, and other matters would be kept. We knew that we had to get everyone on the whole staff to play ball with this system. Finally, we felt we could make some substantial improvements in our word processing system.

All of this led to our hiring of an office manager--a general executive to run our office. Previously, we had just used attorneys to run the office; they got to be managers because they were good litigators. Let's face it-- that does not qualify you to be a good manager of personnel or to have a good idea of how to run a budget. The office manager is in charge of all secretaries and other support personnel, the equipment, and the budget. The addition of a person such as this in our office, with the necessary support personnel, has been vitally important to our having a smooth, efficient operation. Also, this manager has helped justify and explain the budget to the legislature as well as keep track of the kind of information needed by the legislature. He supervises our office-wide automation.

Thus, having made the decision to modernize, we began to study the best ways to do this. We formed staff committees. In other words, we made a decision that one person was not going to decide on the best system and then come in and implement it. Rather, we decided to involve the people who were going to be

affected. I think this is very, important. The Attorney General was certain that if we did not do this, the fallout from bringing in a new system would be very unsettling. Even this semi-democratic approach has presented some problems.

As the first step in the modernization process, we had some of our secretaries study just exactly what it is secretaries do. In a couple of offices, we kept track every single thing they did each day and how much time it took. We figured out the amount of time spent on such tasks as typing, xeroxing, delivering briefs, filing, and dictation. We did the same thing with our different docketing systems and tried to figure out where our time was being spent and what our needs were.

We then formed a word processing committee, consisting primarily of secretaries, to look at available word processing and data collection equipment. As you know, there is a huge amount of equipment on the market. We actually sent out teams of people to private law offices in the Midwest to look at different systems already in use and to visit firms that had gone on-line with data processing and docketing.

As a result of these trips around the country to assess what we needed to have done, we developed a comprehensive invitation for a bid. We designed it in such a way that we told the vendors what we wanted the system to do, rather than concentrating on what particular hardware we wanted people to give us bids on. By doing it this way, we left it up to these companies to decide whether they could handle the bid and what would be required to carry it out.

That bid document is really important; you want to get in there everything you think you need and describe it in such a way that a vendor can give you a bid back which will be in plain English and address not only your needs but your costs. The invitation for a bid, therefore, was the end result of a lot of input from both secretaries and the affected attorneys, and it was developed by a staff committee.

Concurrently, our manager went to the legislature and requested money for this new system. Even though bids had not yet been returned, he had learned enough about probable costs to give a fairly accurate prediction as to costs for the biennium. One way he

sold this to the legislature was by citing studies which showed how automated word processing systems can reduce the number of secretaries needed, improve the efficiency of all secretaries, and actually reduce the amount of attorney time. To the legislature, a reduction in the number of attorneys on the state payroll was an attractive proposition. Certainly, the promise to reduce the number of secretaries was seen as a good trend. Finally, we got $400,000 or two years to set up a docketing system, a word processing system, and an accounting system. Our system is going to cost about $1,400,000 over 7 years.

Meanwhile, back in the staff committee process, we developed a list of potential vendors and sent them our bid specifications. We then held a bidders' conference and further explained our problems and needs. This also gave us a chance to meet these people and hear about their programs. I think it is very important when getting bids on a job such as this to have a lot of confidence in the company you will be doing business with. We got comments and suggestions from these would-be vendors and, as a result, we revised our invitation for a bid. That was very helpful. These companies can give you good estimates on the amount of time it will take to put in a system.

Finally, we got some responses to our invitation for a bid, only one of which was felt to be a truly responsive one. We then submitted that response to another staff committee, composed primarily of attorneys. This committee spent a great deal of time pouring over the proposal to determine how well this particular company would conform to our bid specifications. It is very important to find out from your people who know (the attorneys) whether the company will really deliver what they promise. For this committee, we used division managers, line attorneys, and secretarial managers. After carefully evaluating the proposal, we awarded the bid to the company, but we made it contingent on their successfully negotiating a final contract with us. We have now entered into such a contract. The competitive bidding process has worked out well for us.

We have now purchased a system that handles word processing, docketing, timekeeping, billing and accounting, and it is utilizes all of the same hardware. There are no separate systems. We are putting this integrated system into our four major office locations,

each of which contains about twenty to thirty attorneys. The system is from a company called COMPTEK of Buffalo, New York. They call it the BARRISTER System. It has been installed in some of the larger private law firms, but we are the only Attorney General's office that has this particular system. The BARRISTER system is composed of the following items: (1) a central processing unit (CPU); (2) disk drive machinery (floppy disks); (3) a certain number of display terminals at each location; (4) optical character recognition devices (OCRs); (5) high-speed printer; and (6) a certain number of low-speed regular typewriters which all have the compatible typing heads.

We have gone to a word processing center, and it has caused a certain amount of discomfort and consternation among some of the people affected. Essentially, we have one big room with four major typing terminals, one OCR, one CPU, and one high-speed printer. When an attorney in this office has a substantial typing job, rather than giving it to his own secretary, the job is given to one of the people in the pool.

This means that there are fewer secretaries to wait on the lawyers in the old-fashioned way. As you probably know, when you change the secretarial set-up for an attorney, it's a crisis. These people are terribly threatened; lawyers are very sensitive when it comes to interfering with their pet ways of doing business. We have had to spend a lot of time meeting with the lawyers and meeting with the secretaries and involving them in the implementation of decisions. We have tried to help them see that the system is not a threat to their jobs. As far as reducing the number of secretaries, our hope is that natural attrition will take care of budgeted vacancies.

The old-fashioned secretary, what we now call a recording secretary or a filing secretary, now takes care of four or five attorneys. The bulk of the heavy typing is now done in our typing center. We have two of four major offices up and running on this new system and it seems to be working well. The reaction among the attorneys has been very good. We are getting the work out quickly, and the quality has not suffered. We are in the process of completing installation in a second major office. Having heard that the system has worked well in the first office, people in the second office are much happier about it. We will then install the same system in two other offices this summer

and fall. The basic set-up will be the same for all.

Secondly, we are automating our docketing system. At the moment, we are developing the forms which will input the information onto our docket. Again, a big issue which you have to deal with is the people issue. Lawyers, like other professional people, hate to do time sheets. They see it as an unnecessary drain on time which could be used on more important things, so we are spending a great deal of time developing input sheets. As noted earlier, some lawyers fill out time sheets better than others. As far as how tough you want to be on this, it all depends on how you want to run your office. But you do have to develop a system that the lawyers think is the least onerous. If you involve them in developing the forms, you will get better acceptance in the long run. That is what we have done from beginning to end, and it is helping.

We plan to keep track of all cases from start to close. We want to know the status of the case, its subject, what has happened to date, and what will happen. We want this information updated monthly. As a manager, I will want to know all the cases that an attorney is working on and what their status is. As a manager, I also want to know the status of every case-- where it is and what has to be done. We are also putting our Attorney General's opinions into the docket, as well as all major projects and investigations. We hope to have our docket completed in July.

There will be no keypunching in our office. The system is set up for direct input typing. In the long run, we are fairly certain this will be faster and more efficient.

There are some other issues to keep in mind. First, you have to consider the security of your system. Will a company under investigation be able to see a report and know that the office is coming after him? Secondly, will the Attorney General's political foes have access to reports such as this and use that information to somehow embarrass him? These are issues which we have spent a great deal of time discussing, but we don't really have any answers yet.

Some final words about automating our timekeeping and accounting systems: our attorneys keep daily time sheets. These reports will then be used to bill the necessary agencies, just as a private law firm would

do. We will also use these time reports to help monitor attorneys' performance. This is a threatening matter. Again, watch out for this issue. There is no doubt that this is, indeed, one way to evaluate performance. You have to convey to people that time sheets alone will not determine raises or whether someone is fired. It is important to use these reports to determine equitability of workload distribution. Therefore, you have to sell timekeeping not only as a means for billing but also as a management tool which will help to distribute fairly the work in the office. We are expecting to realize a great savings by having all of this information on one central system.

The most important thing I wish you might take away from my presentation is an appreciation of how we have tried to involve a lot of people on our staff, and are continuing to do so. We have two major, on-going committees, made up of attorneys and legal assistants, which are monitoring the system and helping to implement it. The Word Processing Committee is an outgrowth of those people who helped us put together the bids and initially evaluate equipment. The Data Processing Committee is also an outgrowth of the people who helped us evaluate the bid. I think these people are critically important because they go away from these meetings and from the decisions they helped make and talk to their peers and the people in their offices and help them get on the team. For a few people, automation is a threatening matter. They are afraid it will reveal too much about what they are doing, or really not doing.

I constantly face the complaint that our office has "too much bureaucracy." I say that the way to solve this, and at the same time get the benefits of automation, is to get the folks affected involved in the decisionmaking process. If you work with them, they will usually come up with the right decisions.

DESIGNING, IMPLEMENTING AND OPERATING A SYSTEM

Jack Bryan, Director of Administration
South Carolina Attorney General's Office

I would like to talk to you today about word processing, and share with you some of our experiences in South Carolina. Our office has some experience in data processing, mainly in file tracking, but it is not as extensive as in many states. We are not involved in accounting systems and we do not bill for our services. The Attorney General in my state has no intention of billing other agencies any time in the near future. He has been in office for almost 20 years and has left a very strong mark on our office-- in the way it has functioned, is functioning, and will function.

Let me give you an overview of where we have gone since I began working in the office in December 1974 and why we believe word processing is in the best interests of an office such as ours. In January 1975, I assumed the position of Director of Administration. At that time, all legal secretaries used electric typewriters. The single Mag I typewriter owned by the office was used to store the equipment inventory; otherwise it was used as a Selectric typewriter. There was a morale problem among secretaries at that time, because most worked for two attorneys; rush jobs, frustration, and criticism were common. I asked IBM to study this problem because they were then the only vendor in South Carolina who offered this service at no charge. I also discussed power typewriters with the office's managing attorney and the President of the County Legal Secretaries Association. Both agreed we had applications for such typewriters.

During this study, which included interviews with attorneys and secretaries, a great deal of resistance came from attorneys who assumed secretaries would no longer be individually assigned. As a result, attorneys made few suggestions, other than to say they needed their own secretaries. Similarly, many secretaries assumed that all secretaries would be pooled. The program had been explained to both groups but their preconceptions and concerns had not been resolved.

Therefore, when IBM made a formal word processing proposal to the office, the Attorney General did not accept it because of staff resistance.

Four months later, the office began organizing a Child Support Enforcement Section. It was to be supervised by a young, idealistic attorney and a secretary/administrator with 6 years experience in our office. I met with them to plan support for their offices and operations, and I specially requested that they consider word processing. They enthusiastically agreed to try this and we met with IBM to discuss possibilities. Again, IBM was the only company in Columbia which had a word processing product and support line. QUME, WANG, Lanier and Xerox did not market in the Columbia area at that time. After deciding to implement word processing in this new Child Support Enforcement Section, we also visited private law firms, and talked to the Committee on the Office of Attorney General about other states' activities.

In early 1976, one Mag A and one Mag II typewriters were installed for the use of two secretaries who typed for four attorneys and six investigators in the Child Support Section. These secretaries were able to handle this large workload, because forms and procedures had been developed within one month after the Section opened. Regional Child Support offices, housing one attorney and four investigators each, were later opened in Charleston, Greenville and Florence. Mag A typewriters were installed there also. Last year, an IBM System 6/450 was installed for the drafting of briefs, reports, and off-hour printing of forms for investigators. We did attempt to use one competitor's line, but it would not create a first-time final copy nor were coded cards compatible with our other units.

Based upon these results, I met with our two main office secretarial supervisors to determine if we could begin use of the equipment in other sections of the office. Appreciating the value of office politics, a memory typewriter demonstration was made for these supervisors and for the Attorney General's personal secretary. Each agreed it would be beneficial to have such equipment, but two were intimidated by the thought of having to learn the unit's operation. Generally, we found that people were scared of change. Secretaries with 10 to 15 years of experience did not think they could handle this much change. It was agreed that the Post Conviction Relief Section would be

the best location for testing use of additional units, and one supervisor did request that a memory typewriter be leased for her trial use.

The Post Conviction Relief Section already had a form book, overworked secretaries, frustrated attorneys, and was verging on failing to meet filing deadlines. The final decision was made to go ahead when a secretary quit in tears from tension and frustration. Three Memory 50 typewriters were installed within weeks. Since that time, no filings have been late, the prior problems of attorney and secretary frustration have been removed, the tension has lessened, productivity has increased, and little overtime is used. Work is no longer reassigned to other sections, even though a fourth attorney has been added.

By early 1978, other secretaries and attorneys began to realize that the problems which had been experienced in the Post Conviction Relief Section were office-wide, but were not well perceived. Two memory typewriters were installed in the Criminal Prosecution Section for creating indictment forms. A Mag II was leased for a secretary who typed civil briefs the greater part of each day. Again, productivity and morale improved. Productivity gains were measured by decreased overtime and redistribution of work.

In August 1978, we purchased Dictaphone Micromaster dictation equipment, with electronic indexing, for all staff. The total cost of this dictating equipment was $38,000. This standardized the units being used by all persons, which was not previously true and, more important, it increased the quality of recording. Clarity of recordings is critical if you depend upon transcription rather than having secretaries type from longhand drafts. Morale improved and considerable increases in efficiency and productivity have been realized.

Finally, an IBM System 6/450 was leased in 1978 for file work in the Administrative Division. The unit does create some text, such as correspondence, but it is primarily used for accounting and personnel records. Its ability to communicate via card with other units made it an item of office-wide discussion. This, along with the visible gains the first power typewriters provided, led all office personnel to accept power typewriters. Finally, a decision was made to request Memory 100 typewriters for all legal secretarial staff. This

decision was based upon review of prior experience, expected staff growth, and review of word processing lines available both in and outside South Carolina. This included a 3-day trip to Washington, D.C., where I was able to see over thirty different lines at an exposition. Memory 100 typewriters have been purchased for all legal secretaries who did not already have regular access to a card-reading power typewriter. One hundred bin machines were purchased to permit the simultaneous drafting of several briefs and the retention of forms. We discontinued the use of card-reading units for all legal secretaries both because of cost and the inconvenience of using cards and sleeves. More important, over thirty secretaries did not have to maintain their own files of cards.

Card compatible units are still used in the Child Support Section, but administrative staff in secretarial, personnel, and public information positions use either fifty or one hundred bin memory typewriters. The choice is determined by the jobs to be performed. The System 6 is being replaced by a terminal and printer which interface with our data processing section.

In our office, few quantitative measures are used to monitor secretarial productivity. The Attorney General is not statistics-oriented in personnel matters. Therefore, justifying to him requests for spending on that basis is rarely productive. However, he is extremely conscious of productivity, based upon the quality and cost of work done. My requests for additional secretarial help always include the cost of salary and equipment. Since salary appropriations in South Carolina state government are monitored very closely, all agencies are hesitant to request additional staff, and the legislature is reluctant to appropriate funds for staff. Since case filings in legal matters cannot be delayed, and the Attorney General expects maximum productivity, existing staff must consistantly increase productivity. This is happening as the filing deadlines are being met, caseloads increase, and the number of complaints concerning workload decline.

In addition to mechanical improvements, we have refined recruiting and working conditions. We recruit legal secretaries who possess prior experience, preferably in larger firms. They bring good work ethics and an appreciation for legal office practices. Few private firms in the state are as heavily oriented to decentralized word processing or concentrate on secretarial

work conditions as does the Attorney General's office. Therefore, the common malaise found in bureaucracy is largely absent in our office because 50 percent of the legal secretaries have more than 3 years experience in the private sector, where neither working conditions nor salaries are usually as desirable as in our office. As an efficiency measure, the purchase of the word processing units was conditioned upon delaying requests for additional secretarial staff. The interest cost on purchases is offset by delaying such a hiring only 6 months. However, the equipment purchased for existing staff could only be justified by our commitment to limit any future staff increases.

Our experience has been good. Productivity and morale have improved. Cost has been less than if two or more additional secretaries had been employed during the 4-year period. The present ratio of attorneys and investigators to legal secretaries is 3.05 to 1; in 1975, it was 2.5 to 1. The employer has made a conscious effort to provide salaries and working conditions which justify his expectation for increased productivity. Also important was employee participation in the decision-making process. Secretaries no longer type repetitiously. The power typewriter can reduce frustration caused by this.

I would caution others not to do exactly as we did. Obviously, our handling of the first study was poor politics. No matter how right a business decision is, it must be tempered by the realities of your office, and the leading of personnel to desired changes and improvements.

DESIGNING, IMPLEMENTING AND OPERATING A SYSTEM

Senior Assistant Attorney General Bruce A. Salzburg
Wyoming Attorney General's Office

Before going into the actual details of our system, let me first give you some background and an overview of our office. Today Wyoming is probably where most of your offices were 10 to 20 years ago. We have a full-time staff of twenty-four lawyers who are divided into three divisions: civil; criminal; and natural resources. We have about 2,500 open files in the office, about 1,700 of which are open and active on a day-to-day basis. A file may be a case in litigation, an opinion request, or just about anything else we might want to retrieve.

In order for you to understand what happened to us in Wyoming and to me in particular, you will have to know a little about the history of the office. In 1977, the Attorney General of Wyoming was indicted, and even though he was indicted for a nonexistent crime which was later dismissed on constitutional grounds, his indictment had an immediate effect on the office. Several of the experienced attorneys left the office and whatever organization we had at that time vanished. An interim Attorney General was appointed to finish the term. Then the Governor was reelected and we had a new Attorney General appointed in January 1979. In Wyoming, the Attorney General is appointed, not elected.

This new Attorney General went to the April 1979 Management Institute in St. Petersburg and came back full of new ideas. I was told to organize the office, to institute timekeeping, and to write a policies and procedures manual. At that time, we had no filing system; we had no opinion retrieval system; we had no ability to tell what work was pending in the office; we had no idea as to the workloads of individual attorneys; we had no ability to track the work in the office; and we had no organizational structure in terms of who was answering to whom. Generally, we hadn't even the rudiments of a structure within the office. Everyone went his own way and most seemed fairly satisfied.

Wyoming has grown a great deal in recent years, and this growth has generated some large, complex legal issues which we realized had to be handled in an efficient manner. You obviously cannot have any efficiency or accountability unless you have some kind of system that will give you basic information as to what is going on inside your office. To some extent, we were fortunate. Because we had nothing, we could attack all of these problems with a unified approach. We could design each system to complement each of the others, and all of the information we needed could be integrated into basically one form. From that viewpoint, the idea of starting with nothing was refreshing. We were not in a position of having to unlearn everyone, and then teach them something else.

Let me tell you some of the problems you may encounter. Many of these problems stemmed from the fact that I am an attorney, not a manager. The first thing in designing and implementing a computer system that you will become painfully aware of is the inability of attorneys to speak "computerese" and the inability of computer people to speak English. Seriously, this lack of communication and understanding between attorneys and data processing vendors can be a real problem.

Another problem was that I designed the system from a very egocentric standpoint. I knew from my experience what sorts of information I would need if I were to manage my own time and evaluate my own performance. The problem with this is that I am a trial attorney and I only knew the normal problems which trial attorneys might encounter. So I started with a system which would work for the management of time, dockets, and workloads of trial attorneys only. Then, after a series of interviews with all attorneys in the office, we started to generalize. That was where we hit our first real problem. You have to understand from the outset that the more you have to generalize any specific piece of input the less precise the computer product will be. It is crucial that you also understand the corollary to this: no set of facts put into a computer will cause a management decision to come out in the form of a report. All the management reports will give you is some indication as to what is going on in your office.

When you have different people putting information into a computer, you are going to be faced with a dichotomy. This dichotomy arises from the desire to

take a computer report, which is simply a piece of paper with some information on it, and view it as some sort of objective standard for the entire office. By relying in this manner on these reports, you tend to forget that the people who are putting the information into the report are very individualistic and subjective about their work and the types of information they include. Therefore, don't make the mistake of implementing an automated system with the expectation that it will solve your management problems.

Problems can also arise in determining what types of information you want to capture. We implemented a commercial software system called PAC II, which has enormous capabilities as a management system. Because of the wide range of activities within an Attorney General's office, you run into problems trying to quantify such factors as the amount of time needed to complete a case, the degree or percentage of completeness of any particular case, or the priorities for all work in the office. After much discussion, we finally decided it was impossible to quantify many functions. We have, therefore, a system with all of these capabilities which we cannot, at least not yet, use to its fullest extent. Another problem you will have, assuming you have attorneys who make management decisions, is that you have to make the report (the hard copy output of your computer) so simple that even an attorney can understand it.

As far as the actual hardware for our system, our office has the following equipment: a tie-in to the state-owned IBM mainframe computer; one CRT terminal for the state computer; one CRT for the ALTER system (ALTER is also tied in to the mainframe); one Mag I typewriter; four Mag II typewriters; and one ink-jet printer. We are heading towards having three CRTs connected to the ink-jet printer. In terms of software, we have the PAC II integrated system, word processing capability in the state computer, and one terminal for WESTLAW.

As far as costs, we pay $1,000 a month to rent a CRT terminal from the state and $700 a month for state computer time. The total cost for the design and implementation of our entire system was $8,000.

CASELOAD MANAGEMENT: THE PROMIS APPROACH

William A. Hamilton, President
Institute for Law and Social Research

Even though I have worked in the area of computers and the law for 10 years, I am neither a lawyer nor a computer expert. The package I would like to talk to you about is a public domain, nonproprietary software package called PROMIS (Prosecutor's Management Information System). It was developed with money from, primarily, the Law Enforcement Assistance Administration (LEAA) and, secondarily, the U. S. Department of Justice itself, particularly the Executive Office for United States Attorneys within the Department, which supervises the ninety-five federal prosecutors' offices throughout the country. I draw your attention especially to the work we have done with the United States Attorneys' offices because of the similarity between those offices and state Attorneys General's offices.

We will be using PROMIS in the next few months in U.S. Attorneys' offices in the Southern District of California (San Diego) and in New Jersey not only to handle criminal case tracking and management, which is the traditional use of PROMIS, but also to handle civil case tracking and management and debt collections by the federal prosecutors for civil and criminal penalties and fines. We have been working with the PROMIS package for about 10 years; the latest version was completed in 1979. There are about 200 cities throughout the country that are installing this system in local prosecutors' offices and courts. Some Attorneys General's offices are now planning to install it.

One of the advantages of the PROMIS system is its portability, the ease with which you can move it from one brand of machinery to another. You can put PROMIS on virtually any brand of mini-computers, which are rather small and affordable machines, or you can put it on virtually any of the much larger mainframe computers.

We have a PROMIS Users Group composed of prosecutors, court administrators, judges, and system

managers from these 200 cities, which meets twice a year. Meetings of these groups have been a good forum for lawyers to acquaint themselves with this relatively unfamiliar technology. One of the things that happens at the meetings of the Users Group is that those cities which are already operational with the system prepare comparable statistical data from the PROMIS system about their felony caseloads and appear together in a forum during the 2-day meeting to try to determine such things as why declination rates for armed robbery are so different from city to city, why the rates at which armed robbery offenses are pled to lesser charges differ from city to city, or why certain types of cases seem to take so much longer in one city than in another.

The prosecutors have been extremely generous in sharing relatively sensitive data with their colleagues from across the country, and I think the use of a system such as this is particularly attractive to the lawyers. While there is some risk to an elected official in having data of this precision about performance maintained in easily retrievable form, the benefits of knowing how an office is functioning and how its performance stacks up with other offices have clearly outweighed the political risks. I would like to give you a few examples of how we have used the PROMIS data from some of the cities for studies of management and policy problems. So far, we have done about 20 such studies.

The first thing we found from the aggregate data in the system is that half or more of all felony arrests made in virtually every city having PROMIS are simply dropped, because either the prosecutor declines prosecution altogether or the arrests are filed with the court but subsequently dismissed without plea bargaining and without trial. Why does this happen? Fortunately, lawyers who use the PROMIS system record reasons for each of their discretionary decisions.

The reasons why these cases are dropped seem to be very similar from city to city. The primary reason is that the witnesses do not show up or they change their minds about persisting in the case. We drew 1,000 names of sample witnesses, carefully choosing both cooperative and noncooperative witnesses, to survey why this was happening. The chief difference that emerged was that the witnesses who were labeled noncooperative by the prosecutors had not been notified-- 25 percent of the names, addresses, and tele-

phone numbers of these people had been so poorly recorded that it would have been impossible to ever reach them. Another problem was that some of the witnesses testified before the grand jury and thought they had completed their testimony in the case; no one had explained that their testimony might also be needed in the courtroom. Other people tried to testify but could not find the right room and there was no information booth in the courthouse. In addition to communications problems, the study disclosed that many witnesses and victims of street crimes are fearful of reprisals.

As you can see, this was a very sophisticated study to locate some rather trivial problems. LEAA took the results of this study and set up the Victim/Witness Assistance Program to give money to local district attorneys' offices and courts to attempt to improve communications with witnesses. For our part, we added some features to PROMIS in an effort to alleviate these problems. We added on-line access capability so that a clerk answering a telephone has access to all cases pending in the courthouse and the names of any witnesses associated with each. The clerk can simply type the name of the witness on the terminal keyboard and the system will call up all cases having witnesses with that name. We also added to PROMIS a feature to generate subpoenas and supplementary telephone call lists for additional notification shortly before trial. We also developed a management report package that allows the prosecutor or the judge to monitor all the indices of performance important to him within any specific period of time. It is a very flexible capability to ask statistical or management questions.

Another example of these management uses of the data has to do with the second most common problem or reason cited on why we have this heavy attrition in felony cases: the police officers do not collect the amount of evidence necessary to go to court. They collect enough evidence to justify the arrest (the probable cause standard) and then view their job as finished. Prosecutors complain that police officers refuse to follow through on their arrests. Individual arresting officers, however, tell prosecutors that their superiors do not approve of their spending additional time investigating a case afer making the arrest.

Using the PROMIS data, we have tried to investigate this problem in detail through a study of seven

cities. Again, we found that these data tend to be similar from city to city. Ten percent of the arresting officers during the year make half or more of the arrests that result in conviction for felonies. About one-third of the arresting officers make no arrests which result in convictions; some officers make as many as 20 felony arrests, none of which is convictable, during the year. We tried to infer from the data what the successful officers did that seemed to be different from what officers with little or no conviction success did. We found two things: (1) the successful arresting officers managed to recover physical evidence in a large proportion of their arrests, thereby increasing the probability of conviction by as much as 60 percent in some crime categories; and (2) they managed to find a second witness and this made a measurable difference in whether a conviction would be obtained. The implications of this type of study are fairly clear, particularly for those of you from states in which the Attorney General is responsible for police training academies. To pass back to the training academy information about what it is they could do to improve the court or trial worthiness of their work product would help them immeasurably.

A third study I would like to mention concerns the repeat offenders. We found that 7 percent of offenders over a 5-year period accounted for 24 percent of the caseload in the court system. The prosecutors, however, were not giving any measurable amount of extra effort to these 7 percent. Prosecution priorities, rather, tended to be set by the rank and file. The chief prosecutor was not able to tell from a typical court calendar whether the person accused of a crime was a serious or repeat offender. The young assistant district attorneys may try to maximize their win record and shun cases that will not help in this regard, particularly if management is not able to identify serious offenders to assure correct handling of their cases. This study of the 7 percent repeat offenders prompted LEAA to set up something called the Career Criminal Program, which is an effort to give large prosecution offices special units of experienced trial lawyers and investigators to deal with this small subset of the caseload on the theory that convicting this high priority type of defendant will have a disproportionate benefit to the community.

The final criminal justice study I would like to mention has to do with plea bargaining. We tried to

determine what would have happened to the cases, crime type by crime type, that were pled to lesser-included charges if they had gone to trial. Using statistical proxies for convictability, we hoped to determine how many of those cases probably would have been convicted, and then using various observations about judicial sentencing practices, determine how many of those convicted would have received various types of sentences.

We found that, despite the popular image of plea bargaining as an instrument of leniency, for three out of four of the high-volume, serious crimes, the prosecutor was actually gaining more crime control by using plea bargaining than we estimate he would have achieved if he went to trial. For burglary, larceny and assault, three of the most frequent serious crimes, we found that the sentence a defendant received if he pled to a lesser charge was virtually the same as the sentence he would have received had he been found guilty in court of the most important charge. Thus, there was no advantage to plea bargaining in these three crimes. Only in robbery was the prosecutor routinely granting concessions. Attorneys General's offices could use similar analytic techniques to evaluate their negotiating practices regarding civil suits against state agencies, examining among other matters, patterns of differences between final settlement offers and court verdicts among the various agencies.

A number of other features have recently been added to the PROMIS system. Some of these are technical in nature, but I think you should be aware of one of them, a tailoring or customizing module. This facility allows you to change totally the hard-copy reports that PROMIS produces as well as all of the formats that appear on the terminal screen when you ask the computer a question. Thus, the system is easier to install initially in a new jurisdiction because you can type English-language instructions on the keyboard of a terminal and the customizing module will automatically translate those instructions into changes in the computer code. The system will also produce a new set of software documentation for the computer specialists that reflects all the changes made in the programs in adapting the system to the new jurisdiction. The tailoring program also makes it much easier to change and improve the PROMIS system after a period of actual use, when legal and administrative personnel have acquired additional ideas about ways PROMIS could help them.

AUTOMATED LEGAL RESEARCH AND LITIGATION SUPPORT

Edward R. Slaughter, Jr.
U.S. Department of Justice

When I received the invitation to speak to you today, it was suggested that I might want to discuss new initiatives within the Justice Department in the area of litigation management. Later I was asked to talk about the more specific areas of automated legal research and automated litigation support. Without some perception of the Department's new initiatives, however, and thus why I am there, you will find it difficult to understand why I am addressing you on the two specific areas selected.

By way of explanation, I have since last September been the first occupant of a position within the Department which carries the cumbersome title "Special Assistant to the Attorney General for Litigation." The position was created really as a result of frustration. As former Attorney General Griffin Bell was nearing the end of his time in office, he and his successor, Attorney General Benjamin R. Civiletti, did a rather systematic review of Judge Bell's administration. Both agreed that significant progress had been made in many areas. However, neither was satisfied with the progress which had been made in improving the overall litigating capacity of the Department nor in the area of litigation management.

Thus it was decided that Attorney General Civiletti would add to his personal staff a lawyer with significant trial experience who would be responsible for attacking problems in a limited number of areas. I had the good fortune to be selected for the position. While I have been asked since arriving at the Department to address problems in other areas, my basic "charter" directed me to assist top Department officials in developing compatible systems of keeping records on litigation. My duties include: (1) coordinating methods of increasing, where appropriate, the use of automatic data processing in case preparation, management and recordkeeping; (2) improving practices and procedures in litigation management in the Department and the United States

Attorneys' offices; (3) working toward the development of an efficient balance of responsibilities between the Department and the United States Attorneys' offices; (4) developing better liaison between the Department of Justice and general counsels of other agencies of the federal government, particularly those engaged in litigation; and (5) improving the efforts of the Department and the United States Attorneys' offices to effect collection of obligations due the United States.

You can therefore see more clearly why I, a trial lawyer and not an expert in automated data processing, should be addressing you on these two interesting but technical topics. I was selected for my position because of, not in spite of, my background as a practicing lawyer and litigator. The consumers of the services provided by automated legal research and litigation support are lawyers, and the major difficulties in broadening the use of these services have resulted from a failure of communication between the technically oriented procedures and the legally oriented consumers. There has developed a fairly significant school of thought that the gap may be bridged more easily by a lawyer who develops a sufficient acquaintance with the computer world than a computer expert who tries vainly to understand lawyers.

Let me give you a quick overview of automated legal research, an area with which most of you probably have some familiarity. LEXIS, which was developed by the Ohio Bar Association and put out by Mead Data Central, is a widely-used commercial system. Another is WESTLAW, a product of the West Publishing Company. The Department of Justice has developed a third, totally different automated legal research system called JURIS (Justice Retrieval and Inquiry System).

JURIS provides on-line, interactive access to a full-text, legal data base housed in the Justice Department Data Center. Essentially, Department attorneys throughout the country can find opinions and statutes in support of their litigation through remote terminals linked to a centrally located computer in Washington. Search queries are entered through a typewriter-like keyboard, and results are displayed on a TV screen. A printer attached to the terminal allows for hard copy, or bulk printing can be done at the computer center. Primary users are the Department lawyers in the U. S. Attorneys' offices and in the Department's legal divisions, but lawyers throughout the federal government

can also access the system. We are currently working on a system of automated legal research which will be available to every federal government agency and office.

JURIS has 180 terminals, 4,000 user identification cards, 170 organizations which are served, 3.4 billion characters of text, and 6 billion characters of disk storage. Its data base contains 143,000 federal decisions, the full text of the U.S. Code and Public Laws, the National Criminal Justice Reference files, and, in addition, can be used for litigation support.

Let me move quickly to automated litigation support, which is becoming an increasingly important area and basically has to do with the ability to process documents within a single case. The Justice Department has gotten involved in some very large cases, one of the first of which was the case against IBM, in which computers helped to manage the huge numbers of documents relevant to the case. One of the most important things to remember, however, is not to use computers too soon and to reduce the number of documents to be captured in machine-readable form to a minimum. The IBM case has gone on now for 10 years and has taught the Department a lot about automated litigation support systems. Both the Antitrust Division and the Civil Rights Division now have very sophisticated litigation support systems.

There is also a division within the Department called the SDDS (Systems Design and Development Group), which specializes in giving advice to divisions and agencies as to whether a case needs automated litigation support systems and how to set up the system if it is needed. It is generally felt within the Department that lawyers should not get involved with automated litigation support systems unless they have a minimum of 5,000 documents. Use of automated data processing rather than cataloging by file cards, for example, may seem costly and time-consuming, but it also gives one greater flexibility. Automated litigation support, generally, is an interesting concept of which you might at least want to be aware, but do keep in mind that it does relate to a relatively small number of cases and to a relatively small number of state Attorneys General's offices.

BASIC CONSIDERATIONS IN AUTOMATING THE OFFICE

Edwin R. Moline, Management Consultant
Arthur Young and Company

There is one important question which I have not heard raised today: why should an Attorney General automate? One reason he should is that, increasingly, the people on the other side in some of your cases have automated. If you are going to have the same kind of punching power in the courtroom, you are going to need to have the same kind of specific support.

There are basically four areas, all of which have been mentioned today, where you will find automation serving some general use in the office of the Attorney General: (1) timekeeping or billing; (2) word processing, both dictation and text editing; (3) case or docket management; and (4) legal research. You have three major constraints in considering any form of automation. The most important is the recognition by management that technology is only a tool; it is not a solution to management problems. The really critical factor when considering any form of automation is the human interface that is involved. The second major constraint is that money is not as available to an Attorney General as it is to a private law firm. Thirdly, you have to recognize political realities. I come from a state, for example, where for many years the Attorney General got almost nothing from the legislature.

Having gotten to the point where you can see that there is some money available, it is important to consider exactly what you are going to do with that money. Basically, we have boiled it down to three major considerations that have to go into taking that scarce resource and putting it into some form of automation. First, know and set priorities for your needs. You need to recognize very clearly what the various forms of automation within a legal environment can do for your office and determine which ones you want to pursue.

Secondly, you must determine what your resource availability is. The specific sum of money which is

eventually allocated is not the only thing you have to consider when you are measuring your resources. You have to know first what your present resources are and then determine what you can expect to get in the future. You have to identify what the shift in your resources is going to be over time, which should make considerable amount of difference in determining what to emphasize. For example, the two areas of consumer protection and antitrust lend themselves particularly well to automated litigation support systems. If you can perceive these shifts in emphasis within the state or within the Attorney General's office, then you may want to target these areas for an investment of resources. We have the feeling in Florida that going after funds for specific identified priorities of the office and demonstrating that the funds have been well spent and are making positive contributions to the office, results in considerably better opportunity to obtain additional funds, once it has been proven that the Attorney General knows how to spend money for automation wisely.

The third constraint, which has been mentioned by almost every speaker today, is the one that needs to be talked about more than anything else: the analysis of the human interface. In discussing this constraint let me use text editing as an example because that is the area I am most familiar with. It could apply, however, to any kind of timekeeping, or automated legal research or case management system that failed for one reason or another.

After being hired by the Department of Legal Affairs in Florida, the first thing we did was to conduct some initial interviews of key clerical staff and attorneys and develop surveys for the staff. Eventually we had surveyed every attorney and every secretary in the office in order to find out more about their job tasks and expectations. A quick analysis of these surveys showed that we have an average of one secretary to one and one-half attorneys. From the survey we found a couple of interesting things in terms of how people spend their time on their jobs and what about their jobs people are interested in. We found, for example, that secretaries who serve only one attorney spend no more than 3-1/2 hours per day typing, while secretaries who serve two attorneys spend 5 hours of their day typing.

We saw that if we went to a word processing

center we could probably improve the ratio to no better than one secretary to three attorneys. If we were to move roughly half of the secretaries into a typing pool, we would realize 25 percent more productivity and would be able to eliminate only six secretarial positions. We also found out, however, that what the secretaries who work for the Attorney General liked most about their jobs was the interaction they had with their individual attorneys, the feeling they were making a contribution, and the feeling they were doing something important for the team. There was not one secretary in that office who could have been moved into a central word processing center and been happy. So we would have major turnover, dissatisfication from the attorneys and lose the allegiance of most of the clerical personnel at a very minimal, doubtful saving of time. That led us to realize fairly early, even before we had bids for specific systems, that we could not go to a centralized word processing center.

Like Minnesota, we prepared our invitation to bid based on our specifications of what we needed rather than what kind of equipment we wanted. We looked at what was going to happen in the future in terms of communications and automated operations and tried to set those as parameters to be considered but not to be totally restricted by these.

Through a number of specific steps, we analyzed what we needed a system to do in order for it to fit in with the human interface. We identified in our request for a proposal that we thought some form of OCR would be necessary because we couldn't see any major change in the ratio of attorneys to clerical or support personnel. We now have a system whereby the attorneys can prepare their briefs, memos or anything else and have them typed in Legal Prestige Elite by their own secretaries. Then if these materials are to be revised, they are fed into the OCR where the text editing changes are made. We have specific provisions designed so that those applications which are best done on text editors are input directly, but under normal circumstances every secretary will continue working exactly as she always has for the attorney or attorneys for whom she is responsible. We should be able to improve the quality of the output, increase the number of times something can be revised without major disruption of the schedule, produce basically a superior quality product, and save enough overtime to reduce the demand for personnel in the future.

Other speakers today have discussed the importance of involving people in the decisions that are made in the office, and I could not agree more. I am being repetitive, but this really is the most essential criterion. Without the appropriate involvement of individuals who must use it, you will find that word processing systems will not be used and will sit idly out in the hall. However, you do need the involvement of people who know what they are doing. We have found that in some Attorneys General's offices it is better to have an outside consultant come in and implement the system, while in others we have seen that outside consultants would be a hindrance to the implementation of the system. Rather, in those states we have found it better for members of the staff to study and implement the system themselves, to let them have a chance to do their automation selection based on their specific needs.

There may be aspects of automated systems I have missed, but I really do think the three areas I have mentioned encompass all of the thought processes that you need to go through if you analyze them in enough detail. Again, these are: (1) identify what the equipment can do for you and prioritize your needs; (2) identify your resources; and (3) analyze the human interface, that is, determine what it will do to the human beings who make up your organization and determine if the disruption it will cause them is going to be so distasteful as to cause your total investment to be wasted.

JUDICIAL HUMOR

The Honorable H. Sol Clark, Judge
Court of Appeals of Georgia

In preparing my talk to this organization I was motivated as to my approach and its content by an article published some years ago in the Atlanta Constitution. In describing the reporter's visit to the hotel at which a meeting of the Georgia Bar Association was being held, the journalist wrote: "As you go through the lobby and halls of the Biltmore Hotel during the Georgia Bar meeting, you would be safe to greet everyone with 'Hello, Judge.' This is because all lawyers either have been judges or are judges or would like to be judges." Recognizing this statement to be true-- and also recognizing that all of you cannot become judges through the usual method of being a friend of the Governor-- I decided that I could share with you some of my experiences during my five years on the Court of Appeals of Georgia.

You will notice I have departed from the usual practice of beginning my talk with a joke. This omission is contrary to the custom I followed when I was on the Bench. At that time I always began my talks with a story intended to put my listeners in a favorable frame of mind. This omission is deliberate. The reason can best be explained in the answer I now give to the question I am frequently asked: "Do you find any difference between being on the Bench and practicing law?" My answer has been: "The principal difference is that now my lawyer audiences do not laugh at my jokes."

My subject is entitled "Judicial Humor." In electing to talk on that subject I speak from personal experience. Initially, when I went on the Bench, I sought to adopt an erudite style, serious and sober. Then in Williams v. State, 126 Ga. App. 350, I undertook a departure from the typical and conventional style of writing opinions. Let me read the opening paragraph and accompanying footnote:

"Chutzpah is the appropriate word to describe the crime upon which the appellant was tried: burglary by

breaking into the Jenkins County Court House and asportation therefrom of 8 pistols, 5 shotguns, and rifle shells which were in three locked cabinets in the sheriff's office to be used as evidence in another case."

The footnote explains: "Chutzpah is an expressive Yiddish word which appears in modern English dictionaries as meaning 'Colossal effrontery' or 'brazen gall' but as stated in The Joys of Yiddish by Leo Rosten, 'The classic definition of "chutzpah" is that quality enshrined in a man, who having killed his mother and father, throws himself upon the mercy of the court because he is an orphan.'"

Thereafter, one of my colleagues brought me an article entitled "A Primer of Opinion Writing" which he had acquired at an appellate judges seminar. The portion he emphasized was under the caption "Judicial Humor." It read: "The advice must be a flat Never. Judicial humor is neither judicial nor humorous. A lawsuit is a serious matter to those concerned in it. For a judge to take advantage of his criticism-insulated retaliation-proof position to display his wit is contemptible, like hitting a man when he's down."

That castigation should have cured me. Instead, the chutzpah opinion brought compliments from bench and bar for my deviation from the usual staid and stodgy legalese. It was even cited in the Pennsylvania Bar Quarterly -- the one and only time that damyankee publication cited an opinion from the Court of Appeals of Georgia -- and then it was only a footnote. Since I had originally determined I was not going to permit myself to become infected with the disease known to lawyers as "black-robe-itis" which often leads to an even more abhorrent juridical ailment known as the "divinity virus," I decided I would not follow the directive of that learned writer. (Incidentally, please observe that whenever an appellate court reverses the trial court, the author always uses the euphemism, the learned trial judge.)

I was satisfied that wit could be used to enliven opinions, provided it was done in good taste and not at the expense of the litigants and lawyers. My good friend, Morgan Thomas, long time Clerk of the Court of Appeals of Georgia goes around the state making speeches to bar associations. He cites my chutzpah opinion as an example of the effectiveness of injecting humor into otherwise humorless situations and then

says, "Judges are human, although it may surprise some lawyers to hear that."

In confirmation of my thesis I have selected some of my writings as examples. I assure you that I do so without egotism or braggadocio. After all, I remember an incident at Emory Law School when a student to whom I was introduced responded: "Are you the Judge Clark who tries to be funny in his opinions?" He is the young man who caused me to change the topic of one of my bar association speeches from "Should Judges be Witty?" to "Can Judges Be Funny?" Anyway, let me test your sense of humor with some of my writings.

In Pfeffer v. Department of Public Safety (136 Ga. App. 448, S.E.2d) two opening paragraphs read:

> "Not drunk is he who from the floor
> Can rise again and still drink more;
> But drunk is he who prostate lies
> Without the power to drink or rise."

"That fabled folklore favorite for testing inebriation contrasts with our modern mechanical method of an intoximeter machine, the use of which is here involved." (We ruled that the accused who put the nozzle of the breathalizer to his mouth but refused to blow into the bag failed to make a meaningful submission to the test.)

In addition to my chutzpah opinion, I think most lawyers remember best my concurring opinion which involved Atlanta's home run hero, Hank Aaron (Aaron v. Life Ins. Co. of Georgia, 138 Ga. App. 286). In this instance the case had been assigned to me. When I submitted my draft written in the style of a sports page story, my colleagues expressed their approval of the result but suggested a preference for limiting the published opinion to a statement of the law. Then they agreed my views could be incorporated as a concurring opinion. I will read portions.

> "Hank Aaron struck out." Such sad seldom-heard sports sentiment suits baseball's superlative slugger in his appeal from an adverse decision by the umpire (judge below). His present plight stems from foreclosure on January 7, 1975, by the Life Insurance Company of Georgia of a loan deed dated December 31, 1973, on the home-run champion's office-park

project in Gwinnett County which secured a personal loan of one million dollars. When the lender brought an application for confirmation of the sale, Hammerin' Hank filed his protest in order to prevent a subsequent deficiency. After a lengthy hearing concerning the value of the property, the trial judge entered an order of confirmation. This appeal followed.

With considerable managerial saavy, appellant's able advocates devised defense strategy which adversary attorneys assert to be "novel." The writer regards the legal approach by Aaron's attorneys as not only being innovative, but also imaginative, inventive, and ingenious.

Their contention is that "true market value, not fair market value, is the standard to be applied in the Court's determination of whether or not to confirm a sale."

My opinion then cites the various cases which results in a ruling adverse to this contention. It concludes as follows:

"In confirmation proceedings the trial judge is the trier of fact. He presides as both judge and jury and his findings of fact shall not be set aside unless clearly erroneous. (Cites.)" In short, he symbolizes the umpire, subject to this court having the power to reverse upon a study of the television replay.

...(L)ike all sportsmen, having admired his achievement, the writer deems it appropriate to conclude with the final stanza of the immortal poem, "Casey at the Bat" by Ernest Lawrence Thayer:

"Oh, somewhere in this favored land the sun is shining bright; The band is playing somewhere, and somewhere hearts are light; And somewhere men are laughing, and somewhere children shout; But there is no joy in Mudville; Mighty Aaron has struck out."

Probably, the most humorous incident which occurred during my service on the Bench was when an

able attorney during his oral argument, upon reaching his climax, began: "And now Gentlemen-- "Suddenly, he stopped, looked at us, and said: "Your Honors, I apologize, I did not mean to call you 'Gentlemen.'" The Bench accepted his apology with the statement: "Counsellor, we understand how you made that mistake."

Georgia lawyers will tell you that I frequently included in my opinions stories about Savannah. Primarily this was due to my love for my home-town and the fact that I happened to be the first lawyer from Chatham County elected to serve on our state appellate bench. It is also the result of my observing that all Georgians have a great affection for the mother city of our state.

Savannah was founded on February 12, 1733, by a group of 120 English colonists under the leadership of James Edward Oglethorpe, then 37 years of age. In establishing this as the 13th colony named for the then reigning King George II, Oglethorpe and his nineteen Founding Trustees were motivated by three purposes. They were (1) practical philanthropy in providing a refuge for worthy poor to emigrate from England's debtor prisons and start life anew; (2) a military necessity in providing a buffer colony against the Spanish located in Florida; and (3) an agricultural experiment for the purpose of raising grapes and olives and producing silk, wine and other items for shipment to the British Empire.

For those of you who have toured our restored downtown area, you will be interested in knowing that the streets, lanes, and open squares you saw have remained from the original design. Oglethorpe had obtained this city plan from a friend, Robert Castell, who died in a debtor's prison. It was laid out by a South Carolina surveyor, William Bull. From the fact that Oglethorpe landed on Yamacraw Bluff and named our principal street after this surveyor, Savannahians have the unique distinction of being able to boast that our city is the only place founded on a bluff with its main street being Bull.

Typical of my Savannah stories are these:

In Davis v. State (127 Ga. App. 76) a case involving shipment of LSD from California to Tybee Island, the footnote reads:

"It is possible the parties may have been misled by

the apocryphal tale which is a part of Geechee lore that in the days of State prohibition when liquor was openly sold in 'The Free State of Chatham' that defense lawyers convinced juries to acquit their clients by the argument that 'Neither the laws of God nor of man apply to Tybee Island.'"

From Gibson's Products Co. v. Mansfield (128 Ga. App. 186) the footnote reads: "Confronted with a lawyer urging his legal principle to be established by the many volumes on his table, a Chatham County jurist is reputed to have commented: 'If it takes all those books to prove that is the law, then it ain't so.'"

Similarly, in Jones v. Spindel (128 Ga. App. 88), I noted in the opinion that we were following a ruling on similar facts by the Massachusetts Supreme Court as being persuasive authority, and the footnote reads: "Compare this concurrence with the legend told in our Ogeechee River area of a Savannah attorney who cited law from a textbook to a jury in a neighboring rural county. His case was lost when opposing local counsel replied: 'This book was published by McMillan & Co., Boston, Mass. Do you want damyankees telling us Georgia Crackers what our law should be?'"

My favorite opinion is that of Banks v. State, 132 Ga. App. 809 (209 SE2d 252). This is because I was able to use my alliteration addiction to the fullest. The opinion begins: "Appellant's tsoriss[1] stemmed from the finding of a letter bearing her name in a bag of garbage which had been dumped on Poston Road. This was the only incriminating circumstance which the State was able to produce in obtaining a conviction of defendant for violation of the Public Nuisance Acts of Clayton County." (The footnote explains "tsoriss" to be "A Yiddish word translated as 'trouble' and often accompanied by the age-old lamentation of 'oy vay.'")

Our Court's decision was that the circumstantial evidence was not such as to exclude every reasonable hypothesis except guilt so an acquittal was demanded. I now read the concluding paragraph:

"Literary license allows an avid alliterationist authority to postulate parenthetically that the predominating principles presented here may be summarized thusly: Preventing public pollution permits promiscuous perusal of personality but persistent perspicacious patron persuasively provided pertinent perdurable

preponderating presumption precedent preventing prison." There are 23 words beginning with P in that sentence and without stumbling I can still say "Peter Piper picked a peck of pickle peppers."

In concluding this talk, I hope you will recognize that I am not an egomaniac, and that I have not been on an ego trip. I also hope none of you will feel that I acquired a judicial disease known as "legal logorrhea." This ailment applies to a judge (or an ex-judge) who likes the sound of his own voice and therefore talks too long. To avoid being stigmatized with this sickness, which is known to laymen as "diarrahea of the mouth," let me conclude by quoting one sentence which comes from the famous federal Justice, Harold Medina. I found it most useful while on the Bench for retaining a needed sense of balance. It reads, "After all is said and done, we cannot deny the fact that a judge is almost of necessity surrounded by people who keep telling him what a wonderful fellow he is, and if he once begins to believe it, he is a lost soul."

HUMAN FACTORS IN THE PROCESS OF CHANGE

Stephen R. Chitwood
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Justice Oliver Wendell Holmes, Jr. once defined the law as a prophecy of what the courts will do in fact. Attorneys make their prophecies of what courts will do based upon the application of knowledge, skills, attitudes and experience they have acquired in law school and in practice. These prophecies or predictions are developed upon a theoretical and practical understanding of the prima facie conditions justifying a criminal or civil action. Without such an understanding of these prima facie conditions, the attorney's predictions of what the courts might do would be no better than that of the non-lawyer.

Were Justice Holmes to define management today, he might well say that management is a prophecy of the results that will be achieved when a person coordinates people and other resources by using particular processes and techniques. Effective management, like effective legal counsel, occurs when the predicted results are achieved more often than not.

Managers make their predictions based upon the knowledge, skills, attitudes and experience they have acquired during formal education or training and in practice. Managers may base their predictions on theoretical as well as experimental understandings of how to coordinate people and other resources to achieve particular results. For many legal managers, however, the tendency exists to manage-- make predictions as to future results-- with limited theoretical understandings of why people behave as they do in the working environment. In place of such theoretical understandings, managing attorneys too often rely only on their past experiences as guides for how to motivate, coordinate, organize, control and evaluate those people who make the law office function.

Whereas attorneys would never think of proceeding to trial without a clear and concise understanding of

the prima facie conditions justifying a legal action, the same attorneys will often manage a large office staff without obtaining an understanding of the prima facie conditions that make people work--or not work. Is it little wonder, then that lawyers frequently find the most frustrating aspects of their jobs are related to managing people and not to managing the law.

An understanding and reduction of these frustrations, and the high monetary and psychic costs they may bring to managing attorneys and subordinates alike, are major objectives sought to be achieved by this conference. Law schools are not chartered to teach lawyers how to manage people and other resources. Thus, when lawyers, well trained in the law, find their mangement responsibilities at times trying and disagreeable, the competence of their legal education and training is not to blame. Rather, the problem lies in being called to undertake a role for which their education and training, and possibly their own value systems, have not prepared them.

The quality of legal services provided by a law office, the contributions the office makes to society, and the profitability of that office are all determined primarily by the knowledge and skills possessed by office employees and the motivation and opportunities they have to use those capabilities. If managing attorneys are unable to harness these motivations, skills and knowledge, clients, society, attorneys and their staffs will all suffer.

The major objective of this conference is to provide managing attorneys with a frame work or frameworks for observing, interpreting and understanding the work behavior of their colleagues and employees. Such frameworks will be based upon extensive research and the practical experience of persons presenting these ideas. These frameworks are valuable for new managing attorneys because they identify critical factors to look for and to address when managing people in a law office. In this sense, research and the experience of others will shorten the learning time necessary to begin making "good" management predictions.

For veteran managing attorneys, these frameworks will offer a reference point for assessing your own successes as managers. If you have felt successful in the past, the information may reinforce the practices you have followed. If you have experienced some

frustrations and disappointments, these frameworks may give you suggestions for examining what went wrong and procedures for reversing those experiences.

An examination of the law office will show that it is more than a collection of people. It is also more than one system of interrelated parts working together to provide legal services. Rather than one system, the law office may be viewed as at least three systems: (1) the job/task system, composed of the collections of duties and responsibilities associated with each position in the office from senior partner to messenger; (2) the technological system, composed of the hardware and software technologies, e.g., equipment, procedures and practices, used by lawyers, secretaries, paralegals and others in accomplishing their jobs; and (3) the human system, composed of the human relationships of likes and dislikes, trusts and mistrusts, motivations and inhibitions that have formed within and among the people populating the law office.

The productivity of the law office is determined by how well each system operates individually and how effectively the three systems are integrated. Within the job/task system, all tasks necessary for providing legal services must be reduced to duties and responsibilities that are well defined, carefully integrated and comprehensive in scope. Unclear job definitions, overlapping duties and responsibilities and incomplete job descriptions will all impede the provisions of competent legal services.

For the technological system to work effectively and efficiently, the law office must insure that all members of the organization are familiar with and competent in the use of the hardware and software technologies, e.g., procedures and practices, related to their particular job. For lawyers this may mean being familiar with the use of computer legal research services, as well as the full range of legal knowledge and skills acquired in law school and practice itself. For the paralegal this may mean a knowledge of legal forms and the procedures for using those forms. For the secretary, technological competence may mean knowing how to use a magcard system, take shorthand or any of a magnitude of other skills and techniques unique to that position.

In prior years law office economics and management have almost been synonymous with improving elements

of the job/task and technological systems. While passing reference has been made to the people who occupy these jobs and activate the technological system, it is only recently that equal attention has been paid to the human system. Why have the people comprising the human system of law offices suddenly come to demand equal time with jobs, tasks and technology? What are the elements of this human system with which managing attorneys should be familiar? What are the payoffs to managing attorneys for spending time and effort to acquire new knowledge and skills not ordinarily associated with the successful practice of law? The following paragraphs will seek to answer these questions.

Law offices are labor intensive organizations. In recent years law office budgets have spent increasing amounts on equipment and supplies, but salaries continue to consume the lion's share of expenditures. While labor-saving technologies may provide important marginal increases in law office productivity, the single most critical determinant of productivity is the motivation of the office staff to apply their skills and knowledge to the effective and efficient provision of legal services. Without people, legal services cannot be provided at all. Without highly motivated people working within an effective human system, the legal services that are provided will lack the quality, timeliness and precision demanded by American jurisprudence.

What are the elements of a human system with which managing attorneys should be familiar in order to fulfill adequately their managerial roles? At a minimum these elements would include: (1) individual motivation and work, (2) interpersonal relations--communications, leadership and conflict resolution, (3) the characteristics of effective work groups, and (4) inter-group relations. Each of these elements will be discussed in varying degrees during this conference. As the relationships between the functioning of the human system and the productivity of law offices becomes increasingly clear, managing attorneys will find that their predictions relating managerial practices to law office results will increase significantly.

In order for the law office to work effectively and efficiently, the three systems comprising the office must be successfully integrated. Job/ task systems will usually reflect the technologies used to accomplish the work of the office. For example, if the technology includes a large law library, one of the job/task positions may be that of librarian. In turn, the person

occupying this position fits into and is a part of the overall human system of the law office. This person has certain relationships with other people in the office reflecting power, authority, communcation, likes and dislikes. When the technology of the office is relatively stable, jobs and tasks will change very little over time, and the human system will alter only with the normal shifts related to personnel turnover and the vissisitudes of human interactions.

When the management of a law office seeks to change operations by altering jobs and tasks or by introducing new technological innovations, the existing human system is immediately put on notice that disruptive actions are about to occur. When jobs and tasks are reorganized, they invariably require people to change their work habits. Old lines of communication no longer get the "new" job done; persons who were previously influential may no longer be influential; those persons who could be trusted to know how the system works are no longer so certain they have such understanding. Uncertainty, anxiety and general personal discomfort replace certainty, confidence and satisfaction as the distinguishing characteristics of the human system. No wonder the human system in this situation tends to resist change.

As law offices seek to keep pace with the changing and increasing demands for legal services, they will continually need to add new technologies, establish new job/task structures and thereby threaten the existing human system. While these changes will always produce some anxiety among office employees, careful planning for such changes can greatly reduce the magnitude and severity of these sources of antagonism to change. By recognizing that job/task and technological changes to have major effects on people in the office, managing attorneys can work with their employees to minimize these negative effects. Cooperative efforts to plan change may require unusual time, thought and energy by the managing attorney; but such actions will tend in the long run to be justified. If employees feel the plan is reflective of their own interests and contributions, if they understand how and when the change will be implemented and how their own work lives will be affected by these changes, they will usually be supportive or at least less hostile to the changes being made. The employees' increased receptivity to change means the managing attorney can use available time for perfecting the implementation of new ideas rather than

wasting time pushing, cajoling and muscling changes through a resistant staff.

By understanding the interrelationships among job/task systems, technological systems and human systems, the managing attorney will be better able to promote effective, productive change in the law office. Without this understanding, resistance to necessary changes will often be severe, sustained and perplexing.

To this point, law offices have been viewed as producing essentially one product-- legal services. A second equally important product of law offices is the people who leave those offices after having worked there for an hour, a day, a year or a lifetime. Without doubt, the management practices employed by law offices exert a major impact on the lives of the people who work therein. Whether these people grow or vegetate, are happy or dissatisfied, are productive or unproductive, are mentally healthy or chronically depressed, will be intimately determined by how the law office is managed. What are your employees like? Have they been stymied in their development, been restricted in their opportunities for growth and been limited in their range of organizational choices and latitude for decision making? Or have they grown, developed and exercised their human capacities for choosing, making decisions and achieving results?

This is not to say that managing attorneys are only to be concerned for the happiness of their employees. Far from it. Happy employees are not always productive employees. On the other hand, disgruntled, dependent employees tend not to be productive for long. By understanding the relationships between various management practices and conditions and resulting individual, interpersonal, group and intergroup behaviors, managing attorneys will be able to control more consciously the kind of legal services and the kind of people their law offices produce. If the choice is to provide legal services with legal stars supported by a cast of relatively dependent players, this knowledge can be used to that end. If, however, the choice is to provide legal services with highly interdependent members of the legal team, all of whom are growing, learning and contributing in their own way, this knowledge can lead to this end as well.

MOTIVATING FOR MANAGEMENT EFFECTIVENESS

Edward R. Parker, Attorney
Parker, Pollard, Brown Froman and Lemons, Inc.

Although most of you are probably already familiar with Abraham Maslow and his hierarchy of needs theory, I do want to very briefly go through the different levels of this hierarchy. A review with those of you who are familiar with it will be helpful in understanding some of the research I have done with a management consultant named Irving Stubbs. To care for other people means to be committed to helping them fulfill their needs, and as we fulfill our needs we are motivated. Although every person has different needs, all of our needs are similar in many ways; we can categorize those needs.

Let's look a moment at how our needs affect our motivation. Maslow established that our internal needs drive us to action. Motivation is the internal force within a person that drives that person to satisfy his or her needs. As Mr. Chitwood said, we do not motivate other people; rather each person is motivated by his or her own internal needs. We do not impose motivation on other people, but we as managers have a very important influence on the motivation of those people we supervise.

I would like to suggest that those of us in any law office, whether public or private, have a duty to first care for the people within that office and, secondly, to care for the clients that we serve. This is a fairly simple statement, but to me tremendously important.

Before we go further into the theory of motivation we should ask ourselves why we should care for those on our team, our employees, the clients that we serve. Lawyers by nature are very aggressive, combative, competitive sort of people. These characteristics are not typically associated with a caring sort of person. Is there room within the lawyer's bag of professional skills for caring? I suggest to you that certainly there is; the law demands it, and, furthermore, by caring we can become more effective as lawyers and managers.

Why should we care for our employees and our clients? Each of you can give me many reasons why it is important for you to care for those on your team and for those persons your office is serving in delivering legal services. Let me just mention three reasons. First, we must care if we are going to maintain continuity of highly capable, enthusiastic, intelligent people to make up our legal team. I know that many of you are somewhat frustrated by turnover. The fact that Attorneys General are elected and by necessity are replaced from time to time in the election process, and the fact that many young lawyers come into an office of the Attorney General to gain expertise to go out into private practice, work against continuity. But each of you knows how important it is to have continuity. If we are not conscious of the needs of the people on our team, you can be well assured they are not going to be with us long. During the Depression we could motivate people by threatening to fire them, but now the fear of losing a job is not nearly as important to most people due to today's high demand for good employees.

A second reason for caring about those in our organization and those people we serve is that we must have a caring environment if we are to deliver quality legal service. If the people in our organization are demoralized, fearful about their jobs, lacking the kind of support from the leadership of the organization they feel they need, if the policies and procedures are unjust or unfair, then we are not going to be able to deliver this very high quality of legal services that all of us would like so much to do. Our employees will be unpleasant, and rude to each other due to the negative motivational factors, which attitude will also be displayed to our clients.

My final reason is one that is particularly significant in your offices as opposed to private law firms. Most Attorneys General are interested in a political career. Political success, I would submit, would be an important consideration and a reason for us to care about our employees and clients. If our clients are dissatisfied with the services we deliver, then the Attorney General for whom we work may not have the success in his political career he would have liked. Thus, if we can look to the needs of both the people in our office and those we serve, I would submit to you, we are going to have a much happier law practice or legal career, and a much more effective work team.

I would like to briefly talk about how lawyers are judged by the people they serve. Some of you may be familiar with the Missouri Motivational Study, which was done in the late 1950's or early 1960's. It produced some very significant results and it tells a great deal about what the public thinks about lawyers. The most significant finding of the study was that lawyers are results-oriented. They believe that what their client wants more than anything is for them to win the case, to negotiate that successful difficulty, or to draft a superbly worded contract. That is what lawyers seem to think the public expects of them, and that is what other studies have showed over and over again. Results are not what concerns the public most. The public presuppose that the lawyer is competent and will achieve a proper result. What the clients are really interested in, in both the public and the private sector, is the effort expended by the lawyer in the client's behalf. Clients are effort-oriented; if you can project to your clients that you are doing everything within your power to represent that client with enthusiasm, hard work and every bit of effort you can muster, then that client is going to be very satisfied, even if the result achieved is less than the client had desired.

Robert Levoy is a management consultant to all sorts of professional people. Levoy's book on a successful professional practice is a good resource. Levoy tells us that all professionals have either one of two attitudes: an "I care" attitude or an "ivory tower" attitude. Unfortunately, our educational process has a way of teaching all students of the various professions to have an ivory tower attitude, which causes the professional to act as if he is much higher and better than those he serves. The other type of attitude, the "I care" attitude, is the feeling the professional gives to the person he serves that he really cares, that the client is a very important person. If we are going to project that caring attitude to our clients, we need to care about those in our organization because we want everybody in our organization, including the receptionist, the paralegals, and others to project that sort of attitude toward the people we serve. There is a danger, of course, as far as the nature of your offices. You have a constant demand for your services, many more needs for legal services than you can handle. That constant demand will have a tendency to cause you to feel less caring from time to time.

Let us now turn back to Maslow and his hierarchy of needs to see how he can help us in caring for other people. The lowest level of motivation is really that level which we cannot do without. These are what Maslow calls our physiological needs; I prefer to call them our basic needs. Examples include our need for food, our need for shelter, and our need for a basic living wage. If we don't have those basic needs satisfied, forget about all of the other needs because they must be satisfied before other needs of a higher nature are felt. Maslow goes on to say once you satisfy one level of need, then you can move to a higher level of need. In most law offices the basic needs really are not a problem, since there are a few unmet basic needs for people working in a professional organization.

The next level of need is our need for safety and security. We need to feel protected from harm and to feel that we will not be treated in an arbitrary, unfair way. This level relates to basic job security. Usually safety needs like the basic needs are not too important in most law offices, particularly with attorneys. You may find the safety and security needs are important to some of your support staff. Therefore, you need to be knowledgeable about these needs so as to help any immature, insecure member of your support staff meet these needs.

After these first two levels of need are satisfied, we can move on to the next level, which I like to call our need to love and be loved. Others refer to these as our belonging needs or our social needs. We all need to feel cared for; we all need to care. This need for affiliation is quite important in all our offices.

The next level is what I call our ego-status needs, our need for self-esteem. Before Mr. Stubbs and I did our research, most people told us that the ego-status need would be the most important need lawyers have. Our survey showed this was not true, but we do have a lot of egotists and prima donnas practicing law, particularly those attorneys who are litigators.

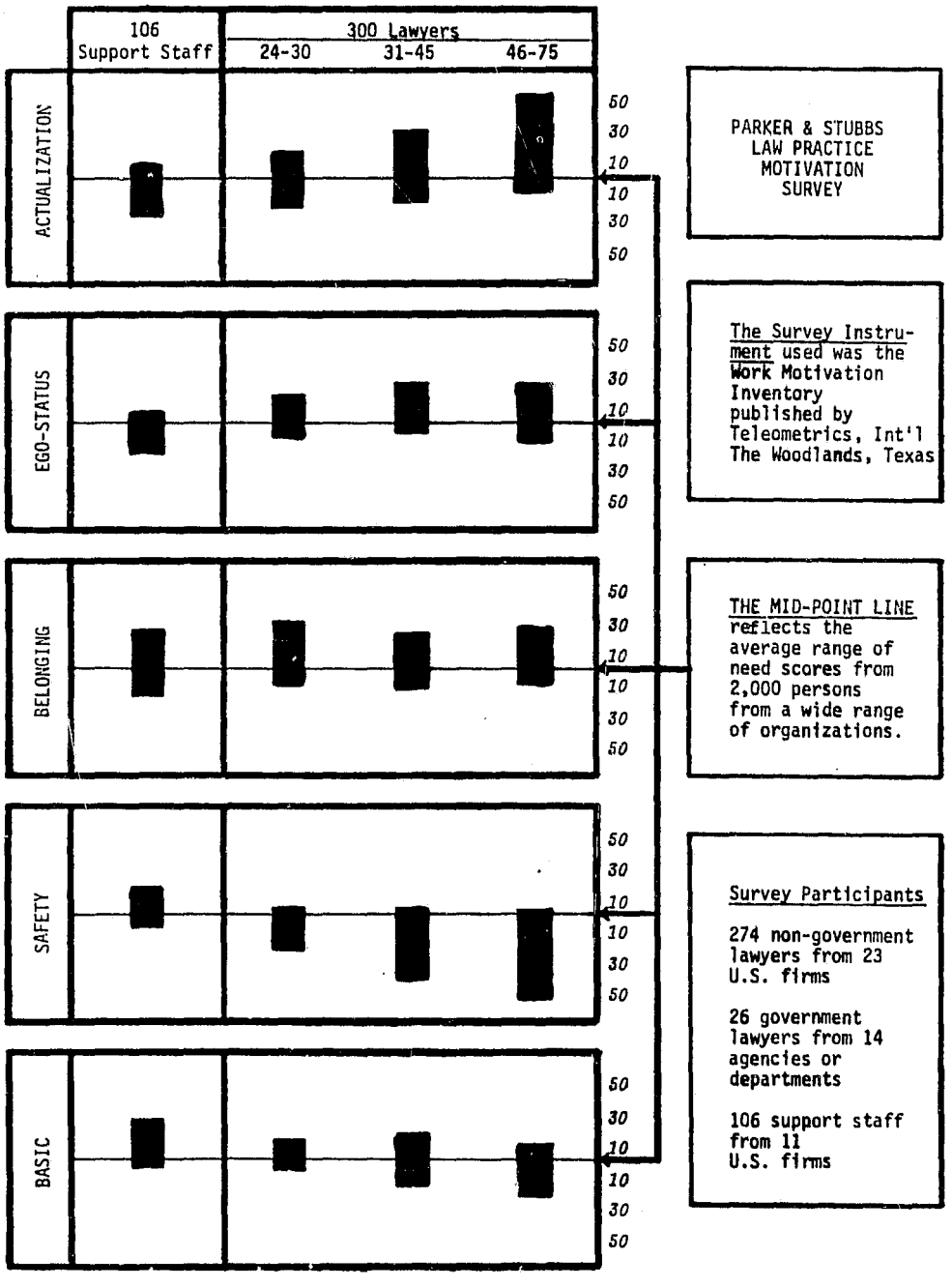
The final and most important level to a profession is the need for self-actualization. The self-actualizing person is characterized as spontaneous, creative, and autonomous. They like to be self-disciplined, rather than be highly supervised. If you are in a law office where the supervision of the attorneys is very high, the odds are that you will not have many self-

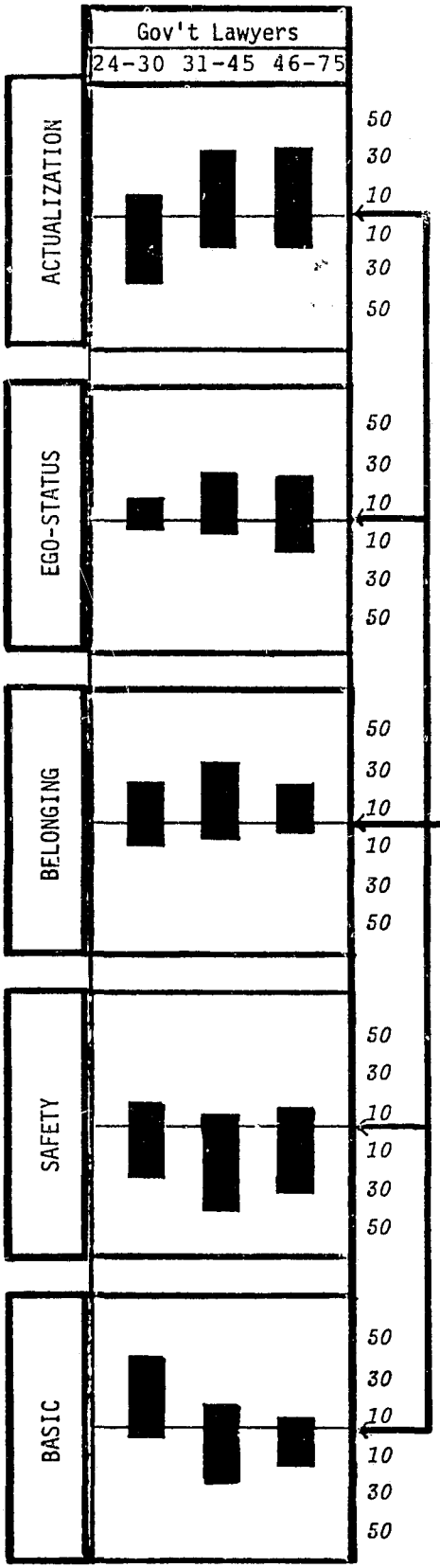
actualizers, because these people will not tolerate much supervision and control from above. They are highly confident, highly creative, and need to have their freedom of movement. It would be hoped that a successful law office would contain many self-actualizers, but, unfortunately, you do not see as many self-actualizers in a typical law office as you might expect.

Understanding Maslow's theory of motivation is very important if you are interested in understanding why the people in your offices do the things they do. Let me reemphasize one point: if we are to be a caring law office, we must care about the needs of the people in our organization. We must understand whatever level of need a person in our office is on and be in a position to help that person satisfy those needs. It is also important to note that we slide up and down this hierarchy. For example, in our office we might be a self-actualizer, but in our home we might have a need for safety or security. We move up and down this hierarchy depending upon how well we satisfy these various needs. The object, of course, is to move up as high as we possibly can in the hierarchy. Now most people are just not able to get up to that highest level, but if we get people with the proper potential we can help them get there.

Let us now turn to some of the research that I have done with Irving Stubbs. We designed a research project using the survey instrument of Teleometrics International, called the Work Motivation Inventory. Our research was not done in a particularly scientific manner. In our first survey (Exhibit I), we used as survey participants 274 non-government lawyers from twenty-three successful firms throughout the United States, plus 26 government lawyers from 14 different federal agencies. This survey, therefore, would not be representative of the average firm in the United States. The motivational needs of the surveyed group would probably be higher than the average law firm. Teleometrics International created a mid-point line reflecting average range of need scores from 2,000 persons from a wide range of organizations. Our surveys measure the percentage of persons surveyed above or below the mid-point line.

Let us begin with the lawyers in looking at our first survey results. As far as basic needs are concerned, about 20 percent of the lawyers in the age group of 24 to 30 are higher than the mid-point line.


106
Support Staff
300 Lawyers
24-30
31-45
46-75
ACTUALIZATION
EGO-STATUS
BELONGING
SAFETY
BASIC
50
30
10
10
30
50
PARKER & STUBBS
LAW PRACTICE
MOTIVATION
SURVEY
The Survey Instrument used was the Work Motivation Inventory published by Teleometrics, Int'l The Woodlands, Texas
THE MID-POINT LINE reflects the average range of need scores from 2,000 persons from a wide range of organizations.
Survey Participants
274 non-government lawyers from 23 U.S. firms
26 government lawyers from 14 agencies or departments
106 support staff from 11 U.S. firms



PARKER & STUBBS
LAW PRACTICE
MOTIVATION
SURVEY

The Survey Instrument used was the Work Motivation Inventory published by Teleometrics, Int'l The Woodlands, Texas

THE MID-POINT LINE reflects the average range of need scores from 2,000 persons from a wide range of organizations.

SURVEY PARTICIPANTS

U.S. Gov't Lawyers
100 from 24
Agencies or Dep'ts

Most of the lawyers within that particular group come within the mid-point line. In the age group of 46 to 75, we see that about 25 percent have basic needs which are less than average or below the mid-point line. This difference between the age groups is even greater in the safety needs. As we progress in our legal careers and feel better about ourselves the basic and safety needs become less important and the higher level need for self-actualization becomes more important. When we get to the age group of 46 to 75 our safety needs are 50 percent under the average. When we get to the belonging needs, however, we see the figures do not vary significantly in accordance with age. In other words, these belonging needs seem to stay at a fairly consistent level between the age of 24 and 75. What this says to me, therefore, is that all lawyers have reasonably high belonging needs, particularly those in good law firms, and that these needs do not change significantly during our careers.

The ego-status needs were significantly lower than we had expected to find. We thought that these needs would increase with age, but they did not in the group we surveyed. The actualization needs produce very significant results statistically and tend to grow with one's age. The more people's self-actualization needs are met, the more they want, and the aging process seems to encourage an expansion of these needs.

Now let's turn to the results from the support staff. The support staff seems to have slightly higher than average basic and safety needs as compared to the attorneys. The two groups appear to be similar for belonging needs. Not surprisingly, the support staff has much lower ego-status and actualization needs than the attorneys. Many in the support staff do not have their basic safety and belonging needs met; therefore, they cannot really become concerned with that ego-status and self-actualization. It is important to remember that if a person is not on the self-actualization level, don't treat him as if he is, or you will frustrate the person terribly.

Finally, I would like to comment briefly on our second survey which dealt with government lawyers (Exhibit II). As participants in the second survey, we used 100 government lawyers from 24 federal agencies or departments. Although there are some similarities between the state service and the federal service, I would suggest to you that the level of motivation in your offices is probably somewhat higher than

these federal government offices. We found that the attorneys in this sector had motivational needs that were somewhat different from the lawyers in the private sector.

To bring my remarks to a close, I would hope that my remarks have created a desire in each of you to understand the needs of the people in your organization a little bit better, and help you to know how you might help those employees to satisfy those needs. As you do help them, they move right up the hierarchy and become much more effective, creative people. They become much more highly motivated. It is on the self-actualization level that you get the excellence, the exceptional creativity, the person who is delivering the highest type of legal service.

STRUCTURING THE PLANNING PROCESS

The Honorable Jeff Bingaman
Attorney General of New Mexico

There are four points that I want to make early and will probably continue to make throughout this presentation. These are the four characteristics of planning which I think are essential. The first is that the planning has to be done by the people who are expected to carry out the plan. You cannot have someone else come in and do your planning for you because there will be no motivation to get the work accomplished if the people who are expected to accomplish it are not involved in the planning. Secondly, the plans have to be results-oriented, which is not as easy to accomplish as you might think. Thirdly, the plans must be very specific in order to have any value. We found initial efforts at planning to be overly general and it was very difficult to get it down to a specific time schedule. The fourth characteristic is that planning has to be continuous. In other words, the process is the product in this operation; the planning itself is what is valuable rather than the piece of paper you come up with in the end.

We followed some basic steps in New Mexico which I think make some sense in terms of trying to get planning going in an Attorney General's office. Our first step was deciding what we were trying to accomplish in the office. We had a 3-day planning seminar for division leaders and other key personnel in which we had a management consultant come in and try to force us to decide some basic questions. These included: What is the Attorney General's office supposed to be doing? What is each particular division supposed to be doing? What aspects of our work are things which other people in state government are not doing?

One of the products of this 3-day meeting was something we called our Outline of Programs and Priorities. It contained a lot of my personal thinking, but a good share of it was also generated from that seminar. We concluded that our office had three main jobs to perform. The first we designated as law enforcement, and we broke down this very broad term

into the enforcement of criminal statutes and, secondly, the enforcement of statutes regulating the conduct of public business. The second main purpose of the office was guarding against unfair economic practices, which is the consumer protection effort in all its many aspects.

The third goal of the office, as we saw it, was advocating the legal position and rights of the state. We saw our job here as not only providing legal representation to the state and its officials but also insuring that the legal positions taken by state officials are uniform and consistent over a period of time. We felt we needed to address the larger legal problems in the state and bring some continuity into the advice being given to state government. In New Mexico, one of those large problems is state-Indian jurisdiction; there has been very little uniform, continuous advice to state government on that subject. We are currently preparing an in-depth paper on what the state's position is on this question.

These are the three primary goals or objectives we defined for our office. Such a definition is essential. If you are going to come up with plans that fit into accomplishing the goals you have identified, it is also essential that you do it with the people you expect to work with in your office.

The second step in our approach to planning was to determine how to deal with the "reacting" side of our office. By this I mean the negative complaints we initially got from our division leaders that they were too busy simply getting the work out to consider planning any long-range goals. How do you get people to dig out of that mentality, and to cope with that problem of quantity of work coming in and quality of work going out? We dealt with this problem immediately by creating a 9-month plan for the office, which was broken down by divisions and prepared by each division leader. Each division's goals were further broken down into administrative goals and substantive goals. This made people come to grips with what would be necessary to deal with in both the magnitude and the quality of the work.

To deal with the quantity of work, we instituted a "hit list" to bug people about things which had been pending for more than 30 days. We also instituted a timekeeping system and we plan to institute a billing system. To deal with the quality of the work, we have

instituted other administrative procedures, such as requiring all attorneys to submit to me a pre-prosecution memorandum before any case goes to trial. This sets out in detail who we are suing, why we are suing them, in what court the suit will be brought, what the basis of our claim is, what defenses we think they can raise, and what efforts we have made to settle the case. I can then make a judgment as to whether that suit should, in fact, be brought. The real purpose is that it forces the attorney proposing to bring suit to go through a detailed evaluation process.

We spent the better part of last year on these administrative planning problems to approach the reacting side of the office, but since the first part of this year we have moved on toward what might be called self-actualization. As part of our 3-day planning seminar, we had people specify projects they felt were particularly important and ones they were interested in carrying out. The rarest commodity in our office, and I think in any office, is a single person committed to accomplishing a specific project. When you have that type of commitment, you have to go with it. Our basic position has been to support and work with these people as best we can.

I will briefly go over some of the specific project tasks pending in our office. In the administrative area, these tasks include the development of an office procedures manual and the development of a legislative package for 1981. In the area of civil law, projects include the formation of an Indian Law Task Force; Uniform Licensing Act amendments; solving problems in the administration of state housing regulations; and liquor control act reform.

Another project is the preparation of what we call compliance guides, which have proved to be a useful tool in our office. Traditionally, the Attorney General's office in New Mexico has only issued opinions, usually on a specific question of law, when asked by specific individuals within state government. We found the questions seem to bunch in certain areas and revolve around certain statutes. For example, New Mexico recently enacted a new open meetings act and we were getting a barrage of questions on specific sections of this Act. To remedy this, we began preparing compliance guides to explain the requirements of these various statutes. These are in the form of a booklet which includes an index, the statutory provisions, and

numerous examples of how we interpret those provisions. So far, we have prepared these guides for the Open Meetings Act, the Lobbyist Regulation Act, and the Campaign Reporting Act. We anticipate preparing additional compliance guides for the Per Diem and Mileage Act and the Conflict of Interest Act. We have found a tremendous demand for these booklets and they limit the number of individual opinions that we have to issue in these areas.

In the consumer area, some of the project tasks which we are working on include: an analysis of the title insurance business in New Mexico; a land use planning conference; and preparation of a subdivision guide. These are each individual projects which people in the office have become interested in and for which they have prepared project tasks laying out exactly how they are going to get them done. Projects in the criminal area include revision of the criminal code, and the preparation of an appellate manual in an effort to streamline the handling of appeals.

This gives you an idea of the evolution of our planning efforts in the New Mexico Attorney General's office. I think that what we saw in the original 9-month plans was not particularly good in some of these areas, especially as far as being results-oriented and specific. The project task plan forms are much better in meeting these criteria. It seems that the people who have prepared these forms have put in more brainstorming as to the best ways of accomplishing these tasks.

The best thing we have been able to do is to identify someone who is motivated to accomplish a particular thing and give them all the encouragement and help we can. Our problem now is that we have more projects in progress than I know we can accomplish. The people who are working on these fifteen specific projects are fired up about their work, and I often find a line of people outside my door waiting to give me progress reports. This is not nearly as bad, however, as the problem we started out with-- everyone sitting around wondering when the next pay check was coming. We have been happy with the progress we have made in planning and getting people involved in trying to accomplish some specific projects.

WORKLOAD MEASUREMENT AND TIME REPORTING

Roger Kramer, Program Manager,
Legal Management Services
California Department of Justice

I have selected the two general problem areas of time reporting and workload measurement to discuss with you today. To some extent, these are common problems that all offices are having to deal with in one degree or another.

Before going into any specifics, I would like to generally describe our office and its organization so that you can fit that structure into your state and determine how these problem areas would apply. We have 475 attorneys in our office, and we open and close 16,000 cases a year. Our budget is prepared annually. We receive about 75 percent of our funding support through a general fund and 25 percent from special funds and reimbursements. We represent approximately 450 client agencies and boards, each of which has its own diverse needs, throughout the state.

Our office is organized largely by area of law within our two main divisions: civil and criminal. Each of these divisions contains six or seven sections representing different areas of law (e.g., Lands Section, Torts Section, Business and Tax Section). Each of these sections has, on the average, about twenty-five to thirty attorneys. Because each of these sections is organized by area of law, we get across-the-board representation of clients. We have to provide our legal services, therefore, through a multitude of our own units of organization, especially in those areas where we have special fund reimbursements that we must stay within. Each section usually has a limited portion of a client's budget, which results in legal services being delivered by a variety of sections. Budget and resource management becomes a very complex task.

The way we attempt to deal with this situation is through an automated system that reports time by individual case. Attorneys report time to the system on a weekly basis and they record their time by case. We set this up in 1975, on kind of a crash basis, at the

insistence of our legislature which was being pushed by the client agencies in a demand for more thorough accounting of our hours and the dollars that we were draining off their budgets.

In our time reporting system, data are inputted to the system from two sources: (1) weekly time sheets prepared by attorneys directly, or by secretaries from attorneys' notes; and (2) project completion data prepared by the clerical staff. Data are outputted from the system through a detailed array of management reports, each designed for a special need.
We produce reports that profile individual attorneys, agencies, sections, and divisions. We produce specific informational reports directed to the appropriate level of management and we do consider an individual attorney to be a part of this management process or management team. We distribute quite a few of these reports, but no individual manager gets an unbearable amount of paper. In addition to the standard types of reports, we produce some specialized reports that also assist us in the management of our work. These reports are keyed to specific milestones, such as pre-established time frames that we have to live within. The system will then report back to us things that seem to be falling through the cracks, such as something not being filed on time. We also calculate and determine average times for various steps along the way. Through this type of data, managers are able to handle and to deal a little bit more effectively with this budgetary need that we have.

I would like to briefly go over some of the specifics of our particular time sheet. Once a week the time sheet comes directly out of the computer. Printed on it are the attorney's name and the cases he or she has worked on, along with project numbers and a description of the case. Through a column on the far right of the sheet, the attorney is able to communicate directly with the computer by adding or deleting data about specific cases. The following data are required on our time sheets: the name of the attorney, the case number, the client number, the office section, and the hours worked. All except for the actual hours worked comes to the attorney already printed or preprinted. These time sheets are turned in by the attorney or his secretary on a weekly basis. In our docketing operation, we have a preliminary audit on the time sheet and then we later have a more detailed audit to make sure that everything gets into the computer. This is done

by either our clerical staff or accounting staff.

This time reporting system is our technique of dealing with our need for management information as well as our method of billing clients and receiving that income. This is the heart of our formal management information system. The problem is getting the attorneys to realize that and getting them to cooperate. As you all know, attorneys, like any professional, are reluctant to fill out a time sheet. There are many factors in this, not the least of which is the feeling that someone is looking over their shoulder or at least evaluating their performance.

In looking at this question, we came to the conclusion that part of the answer to the problem of getting these people to cooperate was to get them to feel like this particular document was useful to them, that they were going to get some benefit out of it. How to get that feeling conveyed to the attorneys was our problem. We found that by putting together this package of informational reports and gearing it specifically to the individual attorneys, they began to see this information could be of use to them. For example, many of our attorneys have a very large workload and often did not know the status of all their cases. The system is also helpful to management and supervisory personnel in that it allows them to be familiar with exactly what each attorney is doing and to raise some specific questions. This may not be a great benefit to the individual attorney, but it is a motivating factor in closing out cases, cleaning up files and keeping things moving throughout the office.

When we first implemeted our automated time reporting system in 1975, we found across-the-board problems from the attorneys in terms of getting the time sheets turned in. It became evident, however, that the newer attorneys coming into the office were very willing to cooperate with whatever system existed. Generally, we do not have any problems with the newer attorneys as far as getting time sheets turned in, but we do have problems with the older attorneys, sometimes even the section leaders. We have developed a philosophy of trying to be as flexible as we possibly can about attorneys who are late getting their time sheets in. The point I want to make is that people do finally accept the system and cooperate with it, especially if there is some direct benefit which they may be able to receive from their efforts.

We have found that the simpler the input technique or document, the higher the probability that the attorney will take the time to complete it. For example, we realized that attorneys identify cases by name, not by project number, so we put that name as the first identifier on the time sheet. It is hard for anyone to remember a complicated project number from day to day. Because our time sheets are only turned in on a weekly basis, we realized we had to come up with some method to encourage our attorneys to accurately keep track of small increments of time on a daily basis. The best technique that we found was to encourage our attorneys to carry small pocket-size daily calendars at all times and jot down notes as to how their time was spent during each day. These notes can then be transferred directly to the weekly turnaround time sheets. This is particularly helpful for those attorneys who have many interruptions and who are consistently splitting their time among several different cases.

The second special problem area I want to talk about, which relates to this problem of budgeting and managing our office within the framework that we have and which is a very new area in California, is workload measurement. In the past, our planning and budgeting was based on a kind of rough guess as to how many people we would need and how many hours would be necessary to service a particular client. To a large extent, we would look at the last year and possibly the year before to determine what we would probably need in the future. Within the last 2 years, we have had some serious problems with this kind of approach because in many areas the character of the workload is changing. A lot of agencies, especially some of our state licensing agencies, are starting to really crack down on some people and take on some of the bigger cases which they may not have taken on in the past.

The character of the workload we are handling is such that the number of cases and the volume of the work seem to be about the same, but the number of hours required for that work is dramatically changing. We have not been able to cope with this situation with the old techniques, which have just not been able to give us a realiable projected resource need. We ended up with situations in which we had overexpended a client's budget by the middle of the fiscal year, with lots of work still to be done but no money to do it with. This gets to be a very embarrassing situation, especially if you are dealing with something like the

doctors' licensing board which has a lot of political clout and a high visibility in the state.

Through the use of our time reporting system, we tried to study and analyze what had been going on and develop techniques to more accurately measure this workload and predict our resource needs. The first problem we ran into in trying to determine the number of hours needed per case was everyone's opinion that legal work, because of its creativity and variability, just absolutely cannot be measured. This is, indeed, true for major, long-term cases. Our studies showed, however, that this type of protracted litigation is only a fraction of the total work performed by the Attorney General's office. Many major categories of legal work exihibit a high degree of consistency in their level of resources required. This is particularly true in the areas of administrative law and licensing. We found these administrative law cases to be about 25 percent of out total number of cases, and we have a very highly significant number of attorneys working only on these kinds of cases. This particular area also seemed to be one of the areas we were having the highest number of problems with and one where the change in the character of the workload was most evident.

The approach we took for measuring and trying to come up with a value of how many hours it will take to do a particular project was to rely upon statistics and the theory of probability. We felt that if we could get a large enough data base, we could calculate this average number of hours and be relatively confident that this average can be used to project what is required in the future. Let me throw in a word of caution here. Because we have had a timekeeping system for 5 years, we have what I would consider a tremendously large data base, but even with that data base, consisting of thousands of cases, I do not think this approach is useful except at the broad, overall planning level. We have no standard in the classical sense, but at the broad level it is statistically proven, at least for administrative cases in our state, that this is a reliable technique.

We took these thousands of cases and studied incrementally what happened with each case. In the administrative law area, we were able to determine the number of hours spent on each case and what percentage of total attorney time was spent on different types of administrative proceedings. By factoring in all

of the different types of work that we do for a client and the proportional mix of each of these types of work, and putting them in their appropriate proportion, we came up with a value as to the average number of hours required per case for each particular client. Then by knowing how many hours an attorney is available for work each year, we can figure out the number of cases per year an attorney can handle, and then simply by projecting what the workload has been and is intended to be in the budget year come up with a pretty good estimate.

In our first experience with this, we came out right on the money. As I said before, in the past couple of years we had had many budgetary problems and cost overruns. I am not specifically recommending this technique unless you have a sizable data base which has been accumulated over a number of years. I did this analysis 2 years ago and it was not until this year that it was proven out. If you do have at least 2 or 3 years worth of data, you could probably try this approach. I caution you again that this technique is only suitable for certain things, primarily planning and overall broad staffing allocations per client. We are also now trying this technique in the tort claims area, which accounts for 15 percent of all cases opened each year in the office. Our preliminary data indicates this technique will also be a useful and reliable budgetary tool in this area of law.

TIME REPORTING AND BILLING

Mark W. Nelson, Executive Assistant
Oregon Department of Justice

Time reporting, in my opinion, should be seen as a first step toward a billing system, which to me is where every Attorney General's office should be. The Oregon Department of Justice's billing system was designed to meet two primary objectives. One was to enable management to measure and maximize the performance of its attorneys. The other was so that the Attorney General, like a law firm, could establish a professional accounting relationship with his clients--the state agencies.

Prior to the inception of the current system, Assistant Attorneys General were housed in individual state agencies. In 1970, the legislature brought all attorneys under the Attorney General. He reduced costs and eliminated eleven attorney positions through attrition. This was primarily the result of allowing the attorneys to do nothing but the legal work for which they were hired. Housed in individual state agencies as employees of those agencies, many attorneys had been forced to spend considerable amounts of time performing administrative and policy functions.

In the 1971 Oregon Legislature, the Attorney General was successful in enacting a system by which the Department of Justice would become self-sustaining through billing for all legal services, whether they were for a specific agency or as part of the general fund activities. In our office, general funds are appropriated for areas such as consumer protection, antitrust, and criminal appeals. Those funds, in our billing system, became the same as an agency's budget. That is, we would bill an hourly rate against those funds just as we would bill an hourly rate against a line item in an agency's budget. The billing rate we charge covers all costs for the operation of the Department of Justice. This rate, presently $37.00 per hour, covers everything-- that goes into the operation of the office-- secretaries, space, equipment, insurance, benefits, etc.

How do we arrive at the hourly rate? At this time in the biennium, we send to all the agencies a letter stating the number of hours they have used over the last 24 months and asking them to tell us what they think they will need during the next biennium. This is in terms of hours of legal work, not people. From this information, we develop and send to them our estimate of the number of legal hours they will need. They multiply this figure by the hourly rate, and the result becomes a line item in their budget.

We arrive at that hourly rate by taking all of those estimates of hours, and estimate all of the other costs to run our office (personnel, training, equipment, etc.). We know how many attorneys we are going to need because we already have the total number of legal hours. We know how many hours an attorney produces a day and that gives us our number of attorneys, our number of secretaries, how much space we need, and other data such as this. We divide the number of hours into the total dollars and that gives us our hourly rate. It really is very simple.

The agencies then receive monthly invoices stating the number of attorney hours, who billed them, and the subject of the billable activity. For some agencies we use an advanced billing system. When the system first started in 1971, the Attorney General discovered that some agencies were not paying their bills on time. Therefore, we got approval from the legislature to go to an advanced billing system, which allows quarterly advanced billing of agencies who had spent over $1,000 for legal fees each month in the past year. This keeps us on a cash basis and prevents any problems in terms of meeting payrolls.

We have an attorney activity report, which was originally collected on a weekly basis. However, we saw that this method of time reporting was not cost-efficient. You have to remember that we survive on our billing; if we are losing time we are truly losing money in terms of the total operation of the Department. We changed from a weekly to a daily system of attorney time reporting, and thereby increased our billing by 12 to 13 percent. If these sheets are filled out at the end of the week, attorneys are not going to remember a 5 or 10 minute phone call from Monday. We now pick up these sheets on a daily basis, even though it has been somewhat difficult to put across the importance of this to the attorneys. We also changed

from quarter-hours to tenths of hours, and added another 2 or 3 percent for billing purposes. We used to require 6 hours of daily billable time per attorney, assuming they are working an 8 hour a day. We have raised that figure to 6.5 in our budget projections, but we have not met it yet. The system is based on a 21-day billing cycle, with 132 billable hours per month.

There is still some resistance to the system, even though it has been in effect for 9 years. As other speakers have mentioned, we also have discovered that new attorneys seem to be more receptive to the system, while older attorneys tend to cheat more in terms of keeping track of their time. But ours is not an inflexible system; all attorneys are unclassified and we do allow flex time for them. This permits attorneys who have briefs due on Monday morning to work all weekend and take time off the following week. Basically, we assume that if an attorney has 132 billable hours, he has to work 168 hours for 21 billing days.

What does the system give us? First, I think it gives us greater overall flexibility. With the majority of our employees in a billing mode, we can quickly redirect attorney or investigator resources to where the need exists and provide the client with continuing, fully informed, backup legal counsel. Every time a special project emerges and we can determine which person is expert to handle it, we can easily assign the right person to this project without worrying about causing a morass of accounting entanglements as to who is working for whom and who is going to pay for what.

The second thing the system gives us is accountability, which I think is very important. It is a monitoring system that works both ways, both positively and negatively, for the individual attorney. For the first time, attorneys were not also being administrators. They were left alone to do the legal work they were paid for, while the state agencies had to make the hard policy decisions they were paid for. The billing system also gave us an open book with the legislature. Legislators love the system because they can so easily retrieve information they need as to our activities in any area.

It has also, I think, given us a great deal of leeway in terms of management and policy decisions. Most state Attorney General offices have to go to the legislature to make any kind of major policy changes.

In four important areas, we made such changes completely in-house and did not have to receive legislative approval. This would not have been the case for other state agencies. The first of these changes was in the training and reclassification of the Department's employees. For example, we were able to completely dismantle the word processing center already in existence, reclassify and retrain many of those secretaries, and improve the training and quality of the legal secretaries who we were able to attract to the office. Morale went up, we reduced our costs, and we had the secretarial system we wanted. The whole program cost us $35,000; it was planned in advance and was already assimilated into the billing system.

The second major area in which we did not have to receive legislative approval to make major changes was word processing. After we disbanded the secretarial pool, we brought in various word processing vendors and actually had different systems installed in the office for about 90 days. We then made a selection at a cost of $235,000. Again, this change was planned in advance and was figured into the billing rate before it was ever implemented.

The third area was changing the open landscaping which was already in the Department. This was a bad design, especially for attorneys, and we had a $400,000 remodeling project, $207,000 of which we had figured in the billing rate. We did have to go to the legislature for the remainder of the money because we expanded our plans and the size of our office in the midst of remodeling. It is important to realize that we responded to a particular need of the attorneys, who despised the open landscaping, through the billing system.

The fourth area was salary increases for our staff. This differs, of course, from state to state, but our Attorney General has complete authority to set salaries. Our billing system allows us to be flexible and to base salary increases on merit. Cost of living increases are automatically figured in separately. We are able to give up to 20 percent merit raises.

We do go to the legislature for a few things, and this gets back to time reporting and what that gives us as an agency. If we have an increase in the number of hours requested by an agency or in the general funds (consumer protection, antitrust, etc.) and if this is a

substantial increase in our estimate of billable hours and one requiring more attorneys to cover that agency's needs, we can go to the legislature for money. We have never been turned down as far as receiving approval for more attorneys when we need them.

Finally, the public has a perception of our office as a well-managed business because we bill and we are accountable for what we do. This perception may not be correct, but it is still there. Our billing system is one that works; it is an incredible tool for the legislature, for management purposes and for the public.

COMMUNICATIONS AND PUBLIC INFORMATION PROGRAMS

Warren Guykema, Administrative Assistant
Washington Attorney General's Office

It is important that the overall concept of communication become an integral part of our thinking when discussing public information programs. Our offices are involved in many different kinds of communications, but often when you talk about public information there is a perception of press releases or a narrow focus such as this. Communication, however, involves a lot of our other activities.

Consider telephones, for example. How many calls from the public do our offices receive in a day or a week or a month? In our case, we are in touch with thousands of members of the public every month. Each of these involves an impression of our office and the kind of services we are rendering to the public. Letters are another example of communication with the public. These include both specific replies to legal inquiries by a private citizen and, more importantly, form letters. For example, in our Consumer Protection Division, we have many different form letters which we regularly send out to the public, at a rate of probably 20,000 to 30,000 per year. I once took the time to go through all of this Division's form letters to make sure they were polite, clear and plain. This was not a very interesting chore, but one I felt was important because so many members of the public see these letters.

The Attorney General himself is a vital part of communications, in terms of where he goes and who he sees. Is he just meeting with the Rotary Club everywhere he goes or is he also meeting with a broader segment of the population? Members of the staff, whether through a formal speaker's bureau within the office or on a more informal basis, are constantly traveling around the state and making public appearances; they, too, have a role in communications. Even something like graphics plays a part. When we entered the Attorney General's office, there were six or seven different type styles and graphic designs for envelopes and letterheads. We consolidated all of those into a

new consistent format in order to give a sense of unity to what we were putting out. These are just some of the areas that I am referring to when I talk about our total communication with the public.

In terms of staffing considerations in the communications area, ideally each office would have someone with professional media experience located within the office at a level reporting directly to the Attorney General, someone who can participate as a part of the office's management team, and not someone who is off down the hall and who meets the old slogan of public relations people who are "the last to know and the first to go." In the real world, however, the story is far different. A 1976 COAG report indicated only fifteen of forty-one states reported having a Public Information Officer as such. A listing put out last year by Ralph Derickson from the NAAG office in Lexington, Kentucky indicated the results of state responses to the question as to who has some responsibility for press relations, even if it is only someone who answers press inquiries and is not really part of an affirmative public information program. Nine states indicated an administrative assistant, 16 states listed someone identified as a press secretary or public information officer, 12 listed an Assistant or Deputy Attorney General, and 12 others listed names of people without identifying the kinds of responsibilities they had within the office. Because of that variety that exists within our offices, it is difficult to address this issue.

Overall, if you are considering any staff changes in this area, I would recommend that you go with an exempted position if at all possible because this will give you a lot more flexibility in the kind of person you hire. There are some very excellent communications people in our state's civil service system, but some are not. The tests for this type of position in the state of Washington are generally inadequate. There are also some people who have been around for a long time, and who may have built up a great deal of seniority, who see their role as simply to crank out press releases in great quantity without any other considerations.

For those of you without any kind of media background, who suddenly find yourselves involved in press response or communications functions, I would like to mention a few resources. We have something in our state called The Publicity Handbook, which is put out by a professional journalism group and is designed to

help set up a public information program. For those states who do not have someone on the staff with media background, a handbook such as this could be very helpful. You can also find good material in libraries, but this tends to be too much in the form of a textbook. There are also various special workshops and part-time courses put on by community colleges and professional associations.

I would also like to emphasize, as an aspect of communications, the importance of clear writing, not just in news releases, but in all of our activities. We recently hired a consultant to put on a 2-day clear writing course for members of our staff. We had thirty attorneys, some of whom were dubious of the value of a course such as this, take part in the course, and the evaluations and comments were uniformly enthusiastic. Virtually all of them felt that, in one way or another, the course had helped them in their various writing. An excellent resource in the area of writing is a book entitled The Elements of Style by E. B. White and William Strunk.

Another aspect of communications is what I would call the bureaucratic method of overdoing it. Even before Proposition 13, it was popular to criticize government agencies for excesses in the public affairs and information area. Blatant examples of such excess can be found everywhere. Timing and judgment are important here, and knowing something about the area of communications or, if at all possible, having a professional on board can be very helpful. We have an active communications program in Washington, yet it is one that I would characterize as being somewhat conservative. We do not do a press release on absolutely everything we do and we do not mail every press release for statewide distribution. We are cautious in calling press conferences. As a matter of policy, we only call one when we have something fairly major to announce. Thus, the media will come and not feel they are being used. This is a greater consideration in the Seattle area, which is a large and sophisticated media market.

Relations with the media is an area of great sensitivity. I have been a reporter and I have quite a bit of sympathy for them. My experience in the Attorney General's office has been that, for the most part, they do a pretty good job. They have very tight deadlines, no support staff, and often no decent reference system

for checking things. We have had very few major problems with the press. There will be an occasional misinterpretation of something within an opinion or something such as this, but by and large we do not have any major complaints with the coverage we have received. If there is a serious area of disagreement, such as an editorial criticizing one of our positions, our approach has been to try to deal directly with that person, in this case the editorial writer, and explain our position better and discuss it in fuller detail. Many editorials, after all, are based on news stories which are only summaries.

There are a few other things I would like to mention, particularly for those offices who may not have a designated public information officer or other person with media experience. In terms of office spokesmen, I think that in almost every state the Attorney General is the best spokesman, and it is a serious mistake to try to build a wall around him. Our Attorney General, fortunately, returns all press calls himself. My role is simply to try to get those messages to him and to help the reporters if he is not around, but not to screen him off. My name appears very rarely in any of the media in that sense. We try not to peddle any stories, but rather to be available always and to respond to the press no matter what the demands on our time. A policy such as this leads to a better press and more accurate reporting. It can become a cyclical thing because as the media learns they have easy access to the Attorney General they are going to call him more often. The same thing goes for our staff people. If we have an inquiry on a specific case, I try to let the press talk directly with the attorney handling that suit so that they get the greatest amount of information possible.

In terms of television, please remember the importance and effectiveness of visual tools. It may seem elementary, but you constantly see people discussing subjects which could have been explained so much better with a simple visual. If at all possible, particularly if you have any lead time, this is something you should do. The simple graph often can do so much more than words in terms of conveying an idea.

One thing that we have done for many years is to use a radio feature called "Consumer Alert." The format is usually that of a discussion of a consumer problem, usually between a man and a woman, followed

by some advice from the office, usually given by the Attorney General. This is aired as a public service by a major Seattle-area radio station. We also dub and distribute it to fifteen other stations around the state. Furthermore, the production at the Seattle station is at no charge to our office, and we use a part-time staff person to prepare the program. The use of part-time people, incidentally, is something that you might consider. We currently have two part-time people within the communications program of our office.

I would also like to suggest that structural programs and divisions within the office can offer perhaps the best opportunity for communications. For example, we have a new information program within our Consumer Protection Division called "Consumer Line." This is a tape-access, telephone information system. We previously had problems with individual citizens calling our office wanting information on a particular topic, such as landlord-tenant guidelines, and taking a lot of staff time to explain the information over the telephone. Now we can plug this person directly into a tape which gives a good explanation as well as different referrals and suggestions as to other resources available. We can handle sixteen calls at one time, thus eliminating enormous amounts of staff telephone time. But the more important thing we are trying to accomplish with this program is to make consumer information available to people easily and immediately, so that they can make better buying decisions and avoid some of the more common problems.

We have a very active state crime prevention program which features a variety of brochures, slide-tape programs, and materials. This program is probably the single most visible thing we do within our office in terms of the general public. Many states still do not have state service-oriented crime prevention programs, and I think there are some opportunities there for some of your offices to get involved in providing that kind of service to local programs. We do not have a huge staff working on this, but we do provide an important function for the local programs. With the demise shortly of LEAA programs it will perhaps become more difficult to get state funding for this kind of program. Yet that very demise makes it all the more important because state programs do offer an efficiency in terms of printing of material and training that simply was not there previously. California and Missouri are both undertaking this type of crime prevention program through the Attorney General's office,

which I think is an encouraging development.

Finally, I will just mention that we are currently working on a new publication having to do with the kinds of legal and financial questions citizens face at the time of the death of a family member. We don't even have a title for the booklet yet, but we have received a great deal of encouragement from all the groups we have worked with and from other individuals who have heard about it. Everyone agrees that, at least in our state, there is no other source of information such as this and that this will be very useful.

THE DYNAMICS OF BUDGET DEVELOPMENT AND FISCAL MANAGEMENT FOR THE 1980s

Assistant Attorney General Dennis L. Bliss,
Director of Administration
New Jersey Department of Law and Public Safety

During the current trend toward more fiscally responsible government, spurred on most recently by Proposition 13 in California, every public administrator has surely become aware of Zero Based Budgeting (ZBB) concepts. As has the majority of the public sector, for the last 10 years, the budget process used by the State of New Jersey has been evolving from line-item budgeting to program budgeting, to ZBB. The Office of the Attorney General, which administers the ten divisions and 6,816 employees within the Department of Law and Public Safety, has, since 1976, responded to much of the theoretical orientation of ZBB by developing a new and practical dimension in the budget planning and development process which we have called "Narrow-Base Budgeting" (NBB).

The NBB system is based on the practical assumption that, despite fiscal constraints, a minimum level of funding will annually be available to at least maintain a core of existing essential governmental services. On the other hand, the ZBB process utilized by New Jersey governmental agencies since 1974 requires the annual theoretical "reinvention" of every program activity in priority order by setting forth its appropriation from zero, with detailed justifications seeking refunding of the activity at 25 percent incremental levels up to 125+ percent. Although the theoretical intent is to focus management's attention on evaluating old as well as new program activities every year, the practical effect is all too often the production of make-work narratives that are rarely consulted.

However, for the Department of Law and Public Safety, most of the budget is dedicated to expenditures for centralized law enforcement, regulatory and legal advisory service activities that are either statutorily mandated, self-sustaining (from revenue produced by regulatory efforts) or reimbursed directly for services provided. As a result, it appeared impractical for the

Department of Law and Public Safety to rejustify elements of each annual budget proposal when the Department has been fairly assured that certain program activities must operate at the risk of lessening the basic Public Safety responsiveness of state government or of not satisfying the statutory mandates tied to dedicated fiscal resources.

From our perspective then, the theoretical, repetitive, minute, bottom-to-top scrutiny of every dollar spent for each organization, program, or position, required by ZBB every year, was clearly not the most practical and effective use of the decision-making process or of our limited staff resources. What was necessary was a practical top-to bottom budget statement of program, in priority order and at specific funding levels, surrounding a basic core level of continuation funding designed to maintain only essential services.

The NBB system was designed to fill that need. That system, simply stated, establishes annually an absolute minimum level of funding to maintain existing essential services by continuing selected program activities with ZBB-like justified programs added incrementally on a priority basis, to arrive at any desired level of funding.

The NBB process allows for a more practical, yet critical, review and evaluation of programs as it is not based on rejustifying each program from O percent funding upward. Rather, it starts at the level of funding that a respective essential program requires to continue efficiently and effectively at the same level of service as was actually provided under the previous annual budget. In addition, the Narrow-Base decisionmaking process is guided by the practical consideration that certain programs provide essential state services which, due to continued demand, must not only be supplied at previous levels, but be expanded and improved (in high priority areas) so that those programs, out of necessity, can be reasonably expected to be maintained either at the status quo or experience planned growth.

New Jersey governmental leaders have also recognized this practical growth factor and planned for its control by passing into law the State Expenditure Limitation Act, commonly referred to as the "CAP" Law, which places a limit on the general state operations and capital construction sections of the state's annual budget. Exempt from the limitations are state aid, ex-

penditure of federal aid monies received by the state and principal interest payments on state general obligation bonds authorized by referenda. The statutory formula places a ceiling of 10.65 percent (state) and a flat 5 percent (local) appropriation growth for Fiscal Year 1981.

Many economists, both in and out of government, have come to the conclusion that annual inflation for 1980 will be 18 percent, so that even if programs are maintained at the previous year's funding, inflation will mandate that the growth factor be considered. Therefore, consistent with the public policy expressed in the "CAP" Law, NBB recognizes the need to carefully and practically plan and control growth.

The first step in applying the concept of Narrow-Base Budgeting is for the Attorney General, as head of the Department of Law and Public Safety, upon advice of staff, to determine the following:

1. Set out broad general policy priorities; Department-wide division priorities; and identify any other high or low priority programs or direction.

The next step is for the staff to prepare an initial "planning package" for dissemination to the Division Budget Administrators. This includes:

1. Initial policy and priority determinations made by the Attorney General (Step #1); and

2. Department-wide standards for anticipated allowable line-item budget increases (i.e., fuel, paper, utilities, etc.), which emcompass the major inflationary areas of expenditure, based upon two economic projections and the anticipated across-the-board annual increase for state employees.

Any Division Budget Administrator who disagrees with the salary or economic projections, as a result of higher review of current and anticipated expenditures, reports to the Department staff.

The Department staff, with input from the divisions, finalizes and transmits revised Department-wide standards for allowable increases back to the Division Budget Administrators.

The Division staff utilizes the computerized budget and accounting system to specifically develop a summarized as well as detailed prioritized one percent incremental funding allocation plans to reach an absolute minimum level of funding to maintain the basic "core" of services (NBB) and beyond, up to the devised level of funding. Any explanation of the funding allocations requested are documented with "facts and figures" as an attachment to the plan.

The Department staff reviews all division proposals and develops final Department-wide standards for every line-item account. The computations are then summarized on a Department-wide basis into a master budget allocation plan which includes the core or "Narrow-Base" level of funding for the Department. The Narrow Base sum is then apportioned to each division and becomes the Narrow Base for that division.

Each division director is then required to decide how he will provide his agency's essential services at the Narrow Base level of funding and develop a plan for that purpose. During that process, he is free (consistent with the general policies of the Attorney General) to establish new programs or reduce or terminate existing programs.

This process results in the reallocating of existing appropriation of funds by Program Class (operating program function which represents an individual budget proposal) and then by specific line-item (single line-account for which an appropriation is provided with a Program Class for accounting control). This reallocation of appropriation becomes the base or "core" of the initial Narrow Base level of funding.

Within this core, "decision packages" are prepared by increments of 1 percent increases for each program element until the Narrow-Base is reached. The funds which make up each 1 percent increase are applied to specific line-items on an as need basis. This serves to pinpoint the initial priority areas which represent realistic needs and serve to detail the practical effects in the unlikely event of a final appropriation below the Narrow Base level.

Once each Narrow Base plan has been developed, each division director may, without limitation, develop and identify new or restored programs, in priority order, which would be added to the Narrow Base core

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as rings of additional "decision packages" with cost benefit and the other usual budget justifications set forth.

A complete division or agency program budget proposal containing both the Narrow Base and additional decision packages above the Narrow Base is then submitted to the Department for evaluation with other division and agency proposals. The departmental review process includes decisions that result in the development of two basic decision packages designed to most easily conceptualize the entire budget proposal:

1. The minimum level of funding (NBB) required to maintain essential services by continuing the selected priority program activities at the Narrow Base level, and

2. A proposed level of funding (request) which includes expanded, restored or new programs above the Narrow Base, in priority order on a Department-wide basis.

In this way the highest priority programs are always the last proposed for no funding, in order to insure that the overall departmental plan will provide funding only for absolutely essential priority programs in each division. At the Attorney General's level, program decisions and priority assignments can be made based upon the total growth factor that the Governor allocates to the Department of Law and Public Safety in a given budget year.

At subsequent executive branch budget hearings and legislative budget hearings, the practical impact of any recommended decreases or "surprise" increases in funding levels can be promptly addressed by adding or removing appropriate decision rings.

The ability, provided by the NBB process, to have well thought out written decision packages ready for use, literally on a momemt's notice, is a tremendous advantage during the often crisis-ridden budgeting process employed at the state level.

Unlike many budget planning and developmental processes, the NBB process is very simple to understand. As a result, top management is able to communicate effectively with their staffs who, in turn, are able to more easily understand the rationale for major policy decisions.

Perhaps more importantly, the final funding decisions of the Attorney General can be made more easily to implement his priorities and achieve the goals of his administration. Thus, all of the resources of the Department are, through the NBB process, placed at the disposal of the Attorney General, annually, throughout his term of office.

The budget information developed through the NBB process permits the expression of a comprehensive Department-wide position contained in "decision packages," which top management can efficiently and effectively present and defend during the course of the executive and legislative budget review and approval process.

Since unnecessary funds for low priority programs have already been removed from the "core," the consequences of reductions can be quickly discerned, throughout use of the "decision packages," on the delivery of public services. In particular, NBB can be used to more clearly than ever before demonstrate that once the "Narrow Base" level of funding is reached, reductions beyond that point will have dramatic and specific impacts on providing services to the public. Thus, all reduction decisions can be made with full knowledge of the results. Conversely, the impact of all increase proposals may be similarly assessed.

ROLES AND RESPONSIBILITIES OF THE LAW OFFICE MANAGER

Donald S. Atkins, Management Consultant
Bradford W. Hildebrandt and Company

I want to talk to you not only about what legal administrators do, but also about what they can do and what they are either not doing or have not been allowed to do. By way of identification, I am presently a management consultant to the legal profession and a partner with the national firm of Bradford W. Hildebrand and Company. But I am not here wearing a consultant's hat. I am here wearing two other hats, one as the past President of the Association of Legal Administrators and one as a former administrator of fairly large law firms for 12 years. I want to talk to you about the benefits of both administrators and their Association. I am not a lawyer, but I have spent about 23 years in the legal profession working with attorneys. Now, hopefully, I am able to give them ideas on how I think they can improve their operations, in both large and small firms.

In the private sector, all of the following items which you have talked about today are either totally or partially controlled by an administrator who is not a lawyer: word processing, computer installation, caseload management, litigation support, planning, people, motivation, workload management, budgets, and fiscal management. I believe there are some things that we can talk about other than what has already been covered to give you a little better idea about the potential utilization of administrators in the operation of an Attorney General's office. My approach today will be to take you through my 23 years of experience and to look at ways attorneys are now improving their operations in order to offer you and your offices some helpful hints. Hopefully, I can give you a picture of the role of the administrator in the delivery of legal services from your standpoint. There are really not many differences between the public and private sector: you are basically either a large law firm or a small law firm.

One problem in private law firms is that an administrator has a lot of bosses, and they change regularly. Furthermore, there is a large gathering of

support staff, most of whom are female, and all of whom complain about being overworked. Thus, we have a lot of bosses, a lot of staff, and they have a lot of problems. On the scene comes the eager, young associate partner, who has been a student all his life and thinks he knows everything there is to know about anything, but he really knows nothing. This person has no experience, no training in law school on how to deal with people, and no understanding of leadership, but suddenly he is your boss. You probably have similar situations in your offices.

This young partner comes in full of ideas about what he is going to do and how he will help you out. Generally, however, all he finds out is that he is not trained as an administrator. Then there is the older partner, the dictator who formed the law firm but is now losing control and cannot find anybody to talk to. The administrator has the privilege of being the one to talk to him and spend hours listening to the war stories which the other partners are no longer willing to hear.

Law firms, unfortunately, are not run like a business. According to psychologists who have studied the legal profession, it is the most stressful, crisis-oriented industry in the country. Another problem administrators have is that most law firms do not have enough space, primarily because we did not plan for the momumental explosion in the development of law firms which has taken place in the last 5 to 10 years.

One of the most important jobs of the administrator in any law office is to learn how to make and keep the attorneys happy. A consulting psychologist friend of mine who does nothing but work with lawyers has given me many characteristics of attorneys that we need to understand and keep in mind when recruiting or training an administrator. First, attorneys are a very intelligent group of people, exceeding the I.Q. level of 90 percent of all executives in the country. Secondly, you are very analytical; you want to know every single thing there is to know about everything. Another characteristic of attorneys is they do not like to conform to anything; I have seen attorneys work for hours to defeat a system.

Our goal as administrators should be twofold: let the attorney practice the way he likes to practice, and have fun doing it. We administrators often spend too much time trying to tell attorneys what to do. Another

thing we have to remember is that most attorneys receive very little, if any, managerial or leadership training in law school.

Another characteristic is that you do not like and will avoid detail, even though you are good at it. One of the most problematic areas for administrators is the procrastination characteristic. You are great editors, you are great completers, but you have trouble starting projects. One of the reasons that paralegals have become so popular in the delivery of legal services is this start they can give a project. If attorneys are given a draft or something else to begin with, they will get it done for you. Furthermore, attorneys are very individualistic, very assertive, and basically characterized as winning through intimidation. They have very strong egos and are likely to become instant experts on anything, which is the one thing that troubled me most as an administrator.

I will not spend a lot of time today on the difference between administration and management, but there is a tremendous difference. Management belongs to lawyers, and administration belongs to administrators, who may or may not have input into the management scheme. I do want to spend a good bit of time, however, on things I think an administrator should do for you, can do for you, or is doing for you.

First and foremost, don't let anybody tell you that the majority of their decisions are either systems-oriented or financially-oriented. They are people-oriented; people are responsible for everything. About 90 percent of an administrator's day, as well as probably a large percentage of a lawyer's day, has to do with people. As you know, you can have the most fantastic system or the greatest computer in the world and if you don't have the right people it will not work. An administrator should be responsible for the hiring, training, motivating, evaluating, compensating and firing of the staff.

This is a good time for me to mention my hope that you will remove from your vocabulary all use of the terms "nonlegal," "non-lawyer", or whatever. That is a designation that lawyers have put on everyone who does not have a law degree. Do you see any "non-doctors" in this country? The word "non" is demotivating and should be removed from all legal language when it deals with people. Call them what they are; if you

hire legal assistants, call them that.

After this people issue, the second area in which administrators can be of great assistance is the financial area. In the private sector, we administrators generally are responsible for the success or failure of the accounting system, the timekeeping system, billing, management reports, budget preparation, and computerization. A professional manager can do these better than a lawyer; you do not go to law school to be the greatest manager in the world.

Another area of administrator responsibility and control is work flow-- work distribution, overflow assignments, staff utilizations, word processing, etc. Another is space planning and utilization, an area which some of your offices could certainly use some help in. Space utilization includes such things as planning how much space will be needed 5 years from now, where it will be put, and how it will be funded.

Another area which I will only mention is file management, which I define as the control of each and every file from the time it is opened until it is closed. One of the most expensive things in the private sector is the amount of time wasted hunting for lost or misplaced files. An administrator should have control of that operation. All of the firm's insurance requirements (professional liability, general liability, and group insurance) are also usually under the control and supervision of the administrator rather than a lawyer. The same is true for all the mail, the telephone, the library, and maintenance of any indexing, retrieval, or docket control systems.

Another area I think you should give some thought to is office procedure manuals, so that when a position turns over, a new person can come in and be productive fairly quickly. I would recommend that one of these manuals be on how to be an Attorney General administratively. This would be particularly helpful for those Attorneys General limited to one term.

The administrator can also help plan and conduct staff meetings. On the lighter side, administrators have to do all kinds of things like unstop the plumbing in the ladies room or figure out how to clean a typewriter which had a soft drink turned over in it. We also have to be willing to listen to personal problems because lawyers usually will not; one of the major

complaints about attorneys by secretaries is that when I need him I can't get to him. They have problems just like all of us and they need someone who will listen.

To summarize, there are five things an administrator can do for you, regardless of whether you are are in a private or public law firm. First, you need a coordinator for all of the various networks of people; no one but the administrator can do this for you. Secondly, you need someone to supervise your staff. To me, staff excludes attorneys; I am talking about all of those people that we used to call nonlawyers. You need an administrator to supervise these people and hear their complaints. Thirdly, every shift or every machine develops mechanical problems; somebody has to go in and look at that machine, find out what is wrong with it and repair it. That is the administrator. The fourth item that the administrator should do for you is to be your test pilot for selecting equipment. Finally, the administrator can be your efficiency expert.

One of the major problems we have had with administrators in law firms is trying to determine just exactly where they fit into the organization and what kind of authority they have. The problem here is one of communication: if you don't know where you fit into the organization, how are you going to know how to communicate? You must know such things as whether you have the authority to write a directive or whether you have to write everything in the form of suggestions. Each law office, therefore, must have an organizational chart showing where the administrator fits.

The most critical and damaging thing about the private sector is this problem between authority and responsibility. Administrators are usually given all the responsibility in the world but not enough authority to get their job done. This problem causes more trouble than all of the rest of the reasons combined. Because of this, you need a job description for the administrator just as you do for anyone else on the staff. Furthermore, you need a specific system for evaluation; I do not believe any person, company, or organization does this well.

The administrator is sort of a bridge between the partners and the staff; it is a lonely place. You have to get along with everyone, but unfortunately you often have to stand alone. You have to take a stand on

something and live with it. You are going to be cut up a great deal and you will never win a popularity contest within the office. If you as an administrator are coming in as a replacement for someone else, I think it is critical that both the attorneys and the next administrator understand what happened and why the predecessor failed. I am not about to take a job replacing someone unless I find out why the other one left.

Let me now go over the abilities you need as an administrator, in whatever location or type of office. First, the office administrator is the firm's psychiatrist for both lawyers and staff. Again, it is the people who are all-important. Secondly, you have got to be a good forecaster. Although you may not be involved directly in budgeting, your role is to be able to predict either the total picture or the secondary picture based upon what the budget projections may be. Thirdly, you have got to be a manipulator of people and have them love you for it. In a firm of thirty partners, you know you have thirty bosses; they are all different and you need to get along with every single one of them if you are going to make it. It's tough. You need to get things done, get people involved and have them love you for the way you do it rather than having them hate you.

You also need to be a mind reader in order to plan and predict what will happen in your office. A good administrator is also a good listener; you need to listen to the personal problems of the staff, the lawyers, the partners and bosses. You must have strong convictions, because lawyers, especially litigators, basically win through intimidation. In addition, you need to be a song and dance person, which means that if you are going to talk about something, you better be able to produce.

If you want to make it as an administrator, you have to be tough and not take things personally. You need to be versed in what you are doing; you need to look at every boss and find out what motivates him or her. You need to develop the respect of both the lawyers and the staff, the bosses and those you supervise. As an administrator, you cannot wear more than one hat; otherwise you will never be truly the administrator. For those of you involved in recruiting an administrator, you must remember that these things are absolutely mandatory and will determine whether that person will be able to do what you expect.

New areas of responsibility are emerging which are employing some of the dormant skills of administrators and are allowing them to play a greater role with the attorneys. One such area is recruiting, in which some firms are using the administrator as the recruiting coordinator. Another area is the evaluation of attorneys. Although I do not think we should ever fill out an evaluation about how attorneys handle a legal matter, we should fill out an evaluation as to how they treat other people in the office because that is part of whether or not they are doing a good job. We should also make sure, mechanically, that the evaluation process happens.

For the first time, at the administrator's suggestion, many law firms and law offices are doing long-range planning, which is something lawyers never would do on their own. Another interesting area is that many administrators are great investment analysts. They have been doing this for years but are only now getting some credit for their ability to estimate in dollars what it will take to get specific things done.

Then we get into the most critical area of all: training the lawyers to utilize these administrators. While the administrator in the private sector works for the firm rather than for one person, the chain of command must be specifically identified and written down. The massive problem in the private sector is interference instead of monitoring. Administrators should be allowed to do what they are charged to do and if they don't perform, get rid of them and bring in someone else. Lawyers, incidentally, seem to have a basic inability to fire people. In the team approach, the administrator coordinates the efforts of each team member, including the attorneys, and is given entirely administrative responsibilities while the management of the office remains with the lawyers with input from time to time from the administrator.

I read with interest that some Attorneys General's offices have hired consultants like me to come in and tell you what you are doing wrong, but this is a mistake. You have the best consultant in the world if you properly recruited the administrator on your own staff, many of whose skills are dormant. These people need to be encouraged, their skills need to be more fully utilized, their job descriptions need to be expanded, and supervisory responsibility for everything they do has got to be expanded. Finally, we get down to

evaluation, something I feel very strongly about. Everybody in your office should be evaluated formally every year.

I would like to spend a few minutes talking about the Association of Legal Administrators. We now have a government section, and we have several administrators who are in Attorneys General's offices. In 1971 when we formed the Association, we felt like if we ever had 500 members we would have them all. The membership today is 2,300; over half of those positions did not exist in the legal industry in 1971. Attorneys have realized that an experienced professional is much better at administration than they are. We now have about fifty-six chapters in major cities around the country, and we have an annual conference. The goal of the Association of Legal Administrators is to share ideas, disseminate information, and make solutions available to everyone who is a member.

There are many rewards in being an administrator. I think there is a great deal of satisfaction in being able to say I thought that through, I made that recommendation, or it works because of what I did. Legal administration is now being taken seriously as a profession and many law firms are paying the legal administrator more than most of the associate partners. They make more money because they are paid for what they do and not the fact that they do not have a law degree.

NOTES ON SPEAKERS

Donald S. Akins is Vice President of Bradford W. Hildebrandt and Company, a consulting organization specializing in providing assistance to law firms and corporate legal departments, and manager of the Southwest office. He is past-President of the National Association of Legal Administrators and has 22 years experience in management and finance. Mr. Akins received his B.A. degree from the University of Texas. He has contributed to various publications, including Legal Economics, the New York Law Journal, and The Office, and has lectured before numerous state bar groups and other organizations.

Richard B. Allyn is Chief Deputy Attorney General in the Minnesota Attorney General's office. He has been with the office over 10 years, previously serving as Solicitor General and Criminal Division Leader. He was a member of the Project Committee for a 1978 LEAA-sponsored national study on Automated Legal Research in government law offices. He was also the moderator for a panel on Automated Legal Research and Manual Research at the 1979 Annual Convention of the American Society for Information Science. Mr. Allyn is a graduate of the University of Minnesota and was admitted to the bar in 1969.

Jeff Bingaman is Attorney General of New Mexico. He is a member of the NAAG Committees on Antitrust and Fiscal Affairs, Criminal Law and Law Enforcement, and Energy. He graduated from Harvard University and Stanford Law School. Public offices include serving as an Assistant Attorney General assigned as legal staff to the 1969 Constitutional Convention.

Dennis L. Bliss is Director of Administration for the New Jersey Department of Law and Public Safety. He joined the Department in 1970, serving in the Division of Criminal Justice. Prior to that time, he was an associate attorney with the firm of Reussille, Cornwell, Mausher, and Caroteno in Red Bank, New Jersey. Mr. Bliss also serves as a Captain in the Judge Advocate General's Corps of the National Guard. He received an A.B. Degree in History from Rutgers University and his J.D. from Indiana University.

Jack Bryan is Director of Administration for the Attorney General of South Carolina. He began work for that office in January, 1974 as librarian, and was appointed to his present position a year later. He received his B.A. degree in Political Science from the State University of New York in Plattsburg, and a M.A. in Library Science from the University of South Carolina.

Stephen R. Chitwood is Associate Professor of Public Administration at the George Washington University, where he has been since 1968. He had previously been a lecturer at the University of Southern California. He is the author of numerous articles on public and private management matters, and has presented papers before such groups as the American Society for Public Administration and the ABA Law Office Economics Section. He has also served as a management consultant providing general supervisory and financial management training to many federal, state and local government agencies, as well as to private corporations. Dr. Chitwood received a B.A. in Political Science from the University of Colorado, and an M.A. and Ph.D. in Public Administration from the University of Southern California. He received a J.D. from George Washington University.

H. Sol Clark is a native of Savannah where he practiced law from 1930, following his graduation from Cornell university until his appointment by then-Governor Jimmy Carter to the Court of Appeals of Georgia in January 1972. In December 1976, he resigned upon reaching the age of 70 and returned to the practice of law as a member of Lee and Clark. Before going on the bench, he served as Dean of the International Academy of Trial Lawyers. Publication of articles on legal subjects resulted in him being named to SCRIBES, an organization of legal writers, of which he is now President. Judge Clark established the Savannah Legal Aid Society in 1946 and served as either Chairman or Vice Chairman of the State Legal Aid Committee for 25 years. He is the only person to have received the two highest awards given by the National Legal Aid and Defender Society.

Warren Guykema is Administrative Assistant in the Office of Attorney General of the state of Washington. He has been in that position since 1970. Prior to that, he was with the King Broadcasting Company in Seattle, first as Assistant Public Relations Manager, then as

Assistant to the Executive Vice President and, finally, as Managing Director of News for KING-TV. He has also been an assistant departmental editor for the Seattle Times and editor of two weekly newspapers. Mr. Guykema majored in Political Science at Seattle Pacific College.

William Hamilton, President of the Institute for Law and Social Research (INSLAW), a nonprofit corporation engaged in research and consultation for public law agencies, has extensive experience in analysis, design, and implementation of information systems and in prosecution and court management. In addition, he was project manager for PROMIS (Prosecutor's Management Information System) in Washington, D.C. Following the introduction of the PROMIS system, Mr. Hamilton supervised a team of specialists in the U.S. Attorney's Office, District of Columbia, in the wholesale modernizing of operating procedures and strategies for the local prosecution division. Mr. Hamilton is a graduate of Notre Dame University, has studied at the National Cryptologic School and has authored articles appearing in The Prosecutor VII, and Journal of Criminal Law and Criminology.

Roger S. Kramer has been a Management Analyst with the state of California since 1969. On January 1, 1975 he joined the California Department of Justice and has subsequently been engaged in the study and resolution of management problems in it's legal divisions. The type of analysis performed includes systems and procedures simplification, program evaluation, and management information system development. He is presently responsible for the management of the Attorney Time Reporting System and the Development of computerized information systems, including Accounting and Bookkeeping Operations. Mr. Kramer received a degree in Civil Engineering from El Camino College and a B.S. degree in Business Administration from California State College at Dominguez Hills.

Edwin R. Moline is a Manager with Arthur Young and Company and Director of the firm's State Government Consulting Practice for the state of Florida. His background in management consulting with public law agencies has included management reviews, computer system implementation, program evaluation and assistance in procurement of word processing equipment for prosecutors, public defenders, and the Florida Attorney General. Mr. Moline is a graduate of the College of the Holy Cross with an A.B. degree in economics and he

completed an M.B.A. degree from the Stanford University Graduate School of Business. He has been a management consultant for the past eight years.

Mark W. Nelson received his B.S. degree in Political Science and Journalism from Southern Oregon State College, majoring in political science with a minor in journalism. He was a Committee Administrator for the Oregon Legislature in 1973 and served as Executive Assistant to the State Treasurer from 1973-1977. He joined the Attorney General's office as Executive Assistant in 1977 and still holds that position.

Edward R. Parker is a member of the Richmond, Virginia firm of Parker, Pollard, Brown, Froman and Lemans. He has been Chairman of the Law Practice Management Committee of the ABA Economics of Law Section since 1974. He also serves as a member of that Section's Council, and is a member of the Board of Editors of the Law Office Planning Manual. Mr. Parker received both his B.A. and his Ll.B. from the University of Virginia. He is a member of the Board of Directors of the International School of Law in Washington, D.C., and an Adjunct Assistant Professor of Law at the University of Richmond. He has authored several articles on law office management.

Bruce A. Salzburg is Senior Assistant Attorney General in the Wyoming Attorney General's office. He joined the staff of that office in February, 1979. He received a degree in Economics from the University of Miami (Florida) and a J.D. from the same institution. Mr. Salzburg now divides his time between administration and litigation.

Stephen Schultz has been with the Massachusetts Attorney General's office since January 1975; for the past year, he has served as Administrative and Legal Counsel to the Attorney General. In this capacity, he has established a computerized docket control and consumer complaint system for the office. Mr. Schultz also serves as Executive Director of the Organized Crime Control Council in Boston. Before joining the Attorney General's office, he served as legislative assistant for Congressman Michael J. Harrington, as an investigator for the New York State Special Commission on Attica, and as Program Specialist at the national office of the Legal Services Program. Mr. Schultz received a B.A. and

M.A. in Political Science from Brandeis University and a J.D. from Yale Law School.

Edward R. Slaugher ,Jr. was appointed Special Assistant for Litigation to the Attorney General of the United States in September, 1979. Prior to that time, he was a partner in the Virginia firm of McGuire, Woods and Battle, heading the litigation section in the firm's Charlottesville office. He served as President of the Virginia Bar Association in 1978-79, and President of the Charlottesville-Albemarle Bar in 1976-77. Mr. Slaughter was awarded a Rotary Foundation Fellowship to the University of Belgium to study political science, after receiving his B.A. degree from Princeton University. He received his law degree from the University of Virginia in 1959. From 1970 to 1977, he was a Visiting Lecturer at the University of Virginia Law School, giving a course in Trial Advocacy.

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