



workload studies



There are more than
15,000
public defenders in
the United States.



They handle over
5.5 million
cases each year.

(That's over 360 cases per
attorney on average.)



That number is
much higher in
some states.

Rhode Island defenders have handled up to
1,756 cases
each year on average.

 We know the **sources** of crushing caseloads:



Inadequate
Funding

Lack of
Independence

No Control
over Intake

But what's the **solution?**

The Missouri Project

A Study of the Missouri Public Defender System
and Attorney Workload Standards



Includes a National Blueprint for Future Workload Studies



**Workload Studies
have 2 parts:**

Time Study
(what is)

Delphi Process
(what should be)

An hourglass with sand falling from the top bulb to the bottom bulb, set against a black background. The hourglass is positioned on the right side of the slide, with the top bulb at the top and the bottom bulb at the bottom. The sand is a light gray color.

Time Study

Case Type

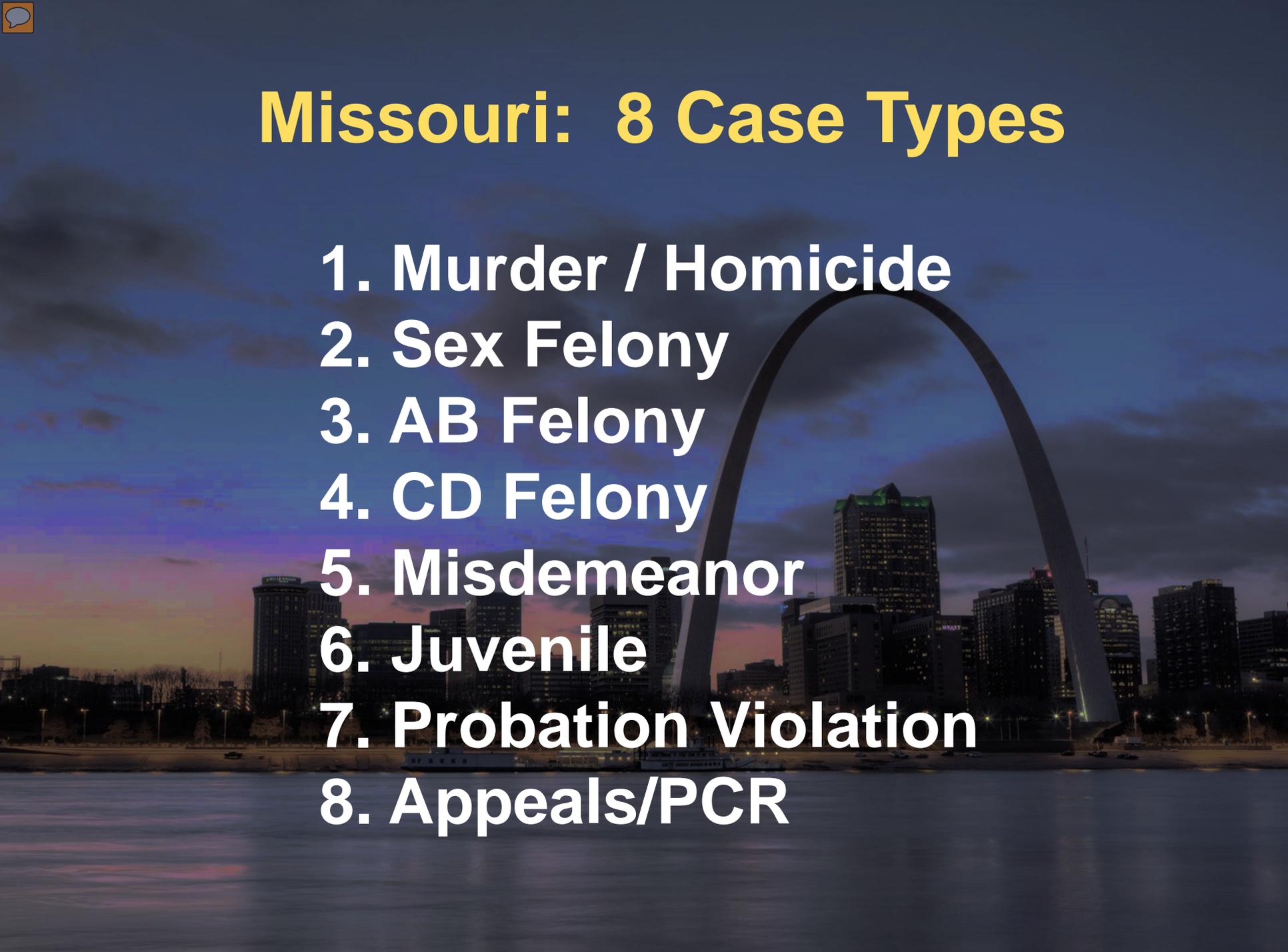
(e.g., homicide, sex offense, misdemeanor)

Case Task

(e.g., discovery, client communication, legal research)



Missouri: 8 Case Types

1. Murder / Homicide
 2. Sex Felony
 3. AB Felony
 4. CD Felony
 5. Misdemeanor
 6. Juvenile
 7. Probation Violation
 8. Appeals/PCR
- 



Missouri: 14 Case Tasks

Client Communication

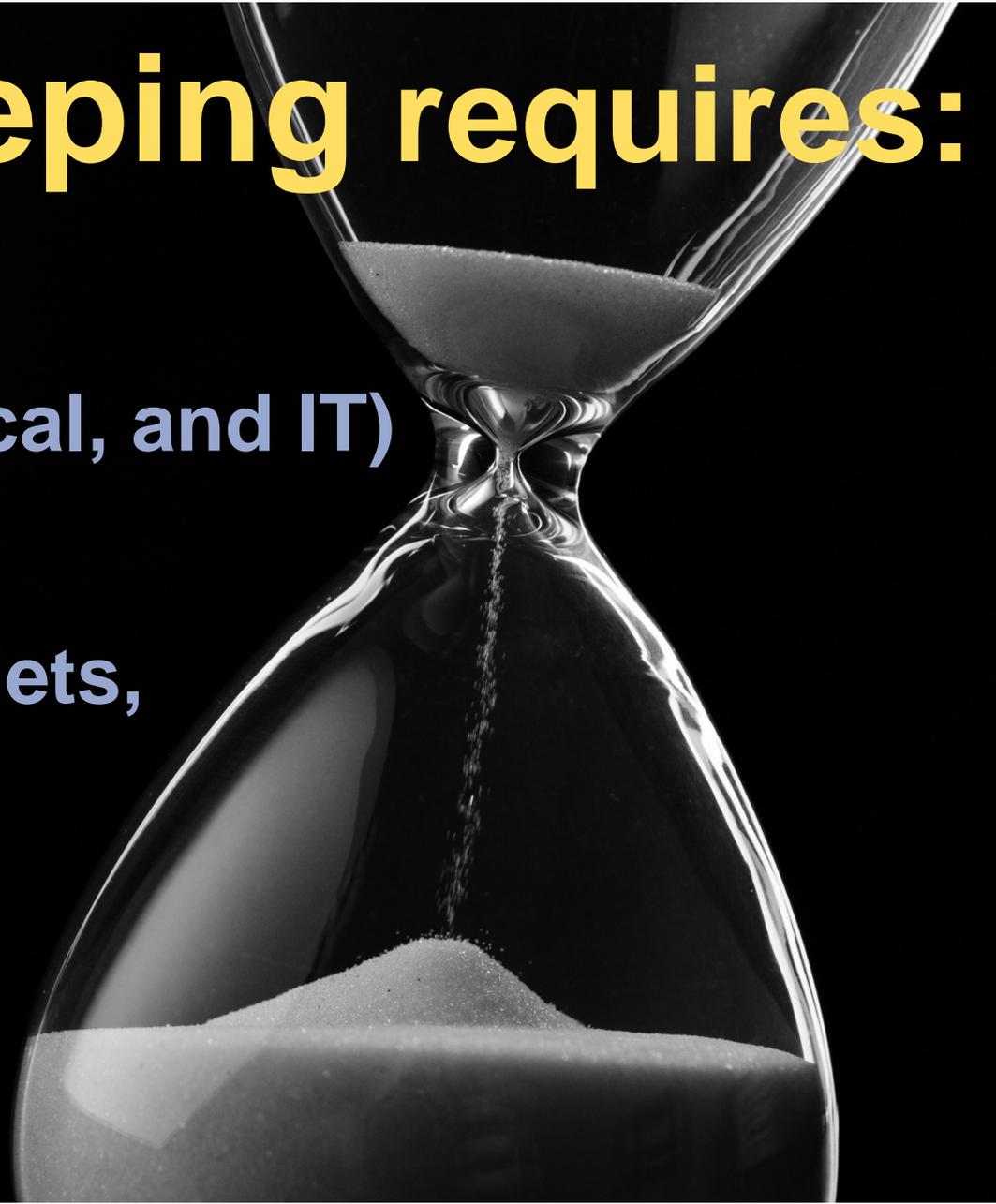
(written, phone, in-person, family/other)

Discovery/Investigation

(state's discovery, records, depositions and interviews, experts and research)

Case Preparation

(legal research, drafting, negotiation, court prep., case management, sentencing research)

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Time-keeping requires:

People

(attorneys, clerical, and IT)

Hardware

(computers, tablets,
phones)

Software

(commercial
or in-house)



Which software?

Home-grown

(e.g., Missouri, Rhode Island, Nashville)

Commercial

(e.g., defenderData, JustWare)

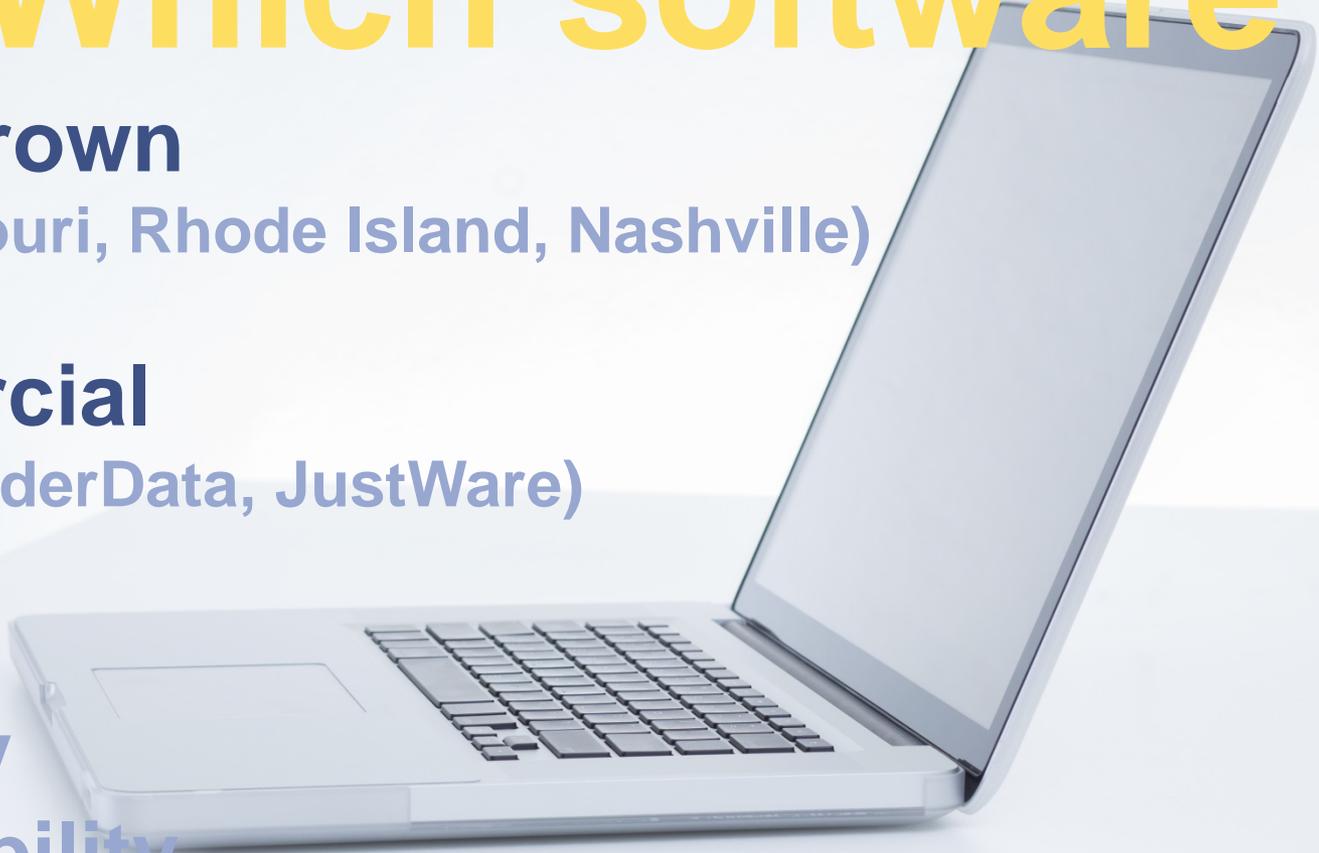
-Cost

-Mobility

-Adaptability

-Compatibility

-Ease of Use



Software Example: Missouri Public Defender

Case Management

- 1A. Master Client List
- 1B. Master Cause # List
- 1. Case Information
 - 1. Open by Client
 - 2. by Attorney
 - 3. by Legal Asst.
 - 4. by Investigator
 - 5. Confined by Attorney
 - 6. E-Requests By Client
 - 7. Caseload & Dockets

Case Information	Status	Date
FILE REQUEST MEMO (Created By: MSPDDev2 on 01/09/2013)		
Pleading: Accused Appear in Own Clothes (01/02/2013)		
Pleading: Accused Appear in Own Clothes (01/02/2013)		
Memo to Case File: sepdocs (10/26/2012)		
Memo to Case File: dsdgdfs (10/26/2012)		
Memo to Case File: dsdgdfs (10/26/2012)		
Memo to Case File: dsdgdfs (10/26/2012)		
Memo to Case File: dsdgdfs (10/26/2012)		
Memo to Case File: dsdgdfs (10/26/2012)		
Memo to Case File: dsdgdfs (10/26/2012)		
E-Request: Description: \$150.00 (01/29/13) Approved		

Date: 01/23/2013

Category	Task	Comments	Time on Task
<input type="checkbox"/> 5. Fact Finding	15.20 Witness interviews/Depos	Comment, if desired	2 Hrs 20 Min
<input type="checkbox"/>			Hrs Min
<input type="checkbox"/>			Hrs Min
<input type="checkbox"/>			Hrs Min

Categories and Tasks

Choose the category and task from below:

Task	Description
15.45 Experts	Locating, retaining Also includes revisi
20. Legal Research & Writing	
20.05 Legal Research	Includes legal res there is no associa
20.10 Motions/Memoranda of Law	Includes propose
20.15 Extraordinary Writs	Writs of Mandamu post-conviction DT
20.20 AP Brief - Opening	Testificandum/Pro
20.25 AP Brief - Reply	Appellant's brief ir
20.30 AP Brief - Respondent	Appellant's reply t

Software Example: defenderData®

The screenshot displays the defenderData Web application interface. The browser address bar shows the URL `snoopy/dd/web/start/8001`. The application header includes navigation icons for Home, Refresh, Save, Add, Delete, and Help. The main content area is titled "Time Entries" and is associated with the user "Timothy H Smith". It features two tabs: "Recent Entries" (selected) and "Select Dates". Below the tabs is a table with the following columns: Date, Type, hrs:min, Time Entry User, and Comment. The table contains three entries, with the last one selected and marked with a checkmark. A "Total hours:" summary shows 02:45. The bottom status bar includes "Case" and "Time" icons, and the name "Keith Richey".

Date	Type	hrs:min	Time Entry User	Comment
01/31/2014	CC	00:45	Richey, Keith	
01/31/2014	CM	00:30	Richey, Keith	
01/31/2014	CT	01:30	Richey, Keith	

Total hours: 02:45

Case Time Keith Richey

Software Example: Nashville Public Defender

Metro Davidson Public Defender Information System

File Edit View Manage PD Utilities PD Administration Window Help

Metro Public Defender - PD Case Summary Defendant #:

General Information

Defendant No: Case Type: Case Status:

Indictment No: Court Type: Division:

Date Opened: Date Closed: Attorney:

Date Bound Over: BoundOver:

First: Middle: Last: Suffix:

Defendant Demographics Card Details Count Court Details Reopen Case Events Defendant Information Defendant History

Event Date	Category	Task	Detail	Duration	Person
	Conversion	Time Tracking	Case Prep	3 Hr(s)	
			Prep for trial		
	Conversion	Time Tracking	Case Prep	1 Hr(s) 30 Min(s)	
			trial prep		
	Conversion	Time Tracking	Case Prep	1 Hr(s)	
			Discuss/prep		
	Conversion	Time Tracking	Defendant contact	1 Hr(s)	
			testimony prep w/		
	Conversion	Time Tracking	Defendant contact	1 Hr(s)	
			Prep client for testimony and trial		
	Conversion	Time Tracking	Case Prep	1 Hr(s)	

Create Event Update Event Delete Event

Link CC Case View CJIS Case Print Report Unlink CC Case Imaging Update Close Help



How long must defenders keep time?

Permanently

(1) Inevitable; (2) Big effect on funders

Time Study uses 6 months of data
Plus a learning period



Delphi Process

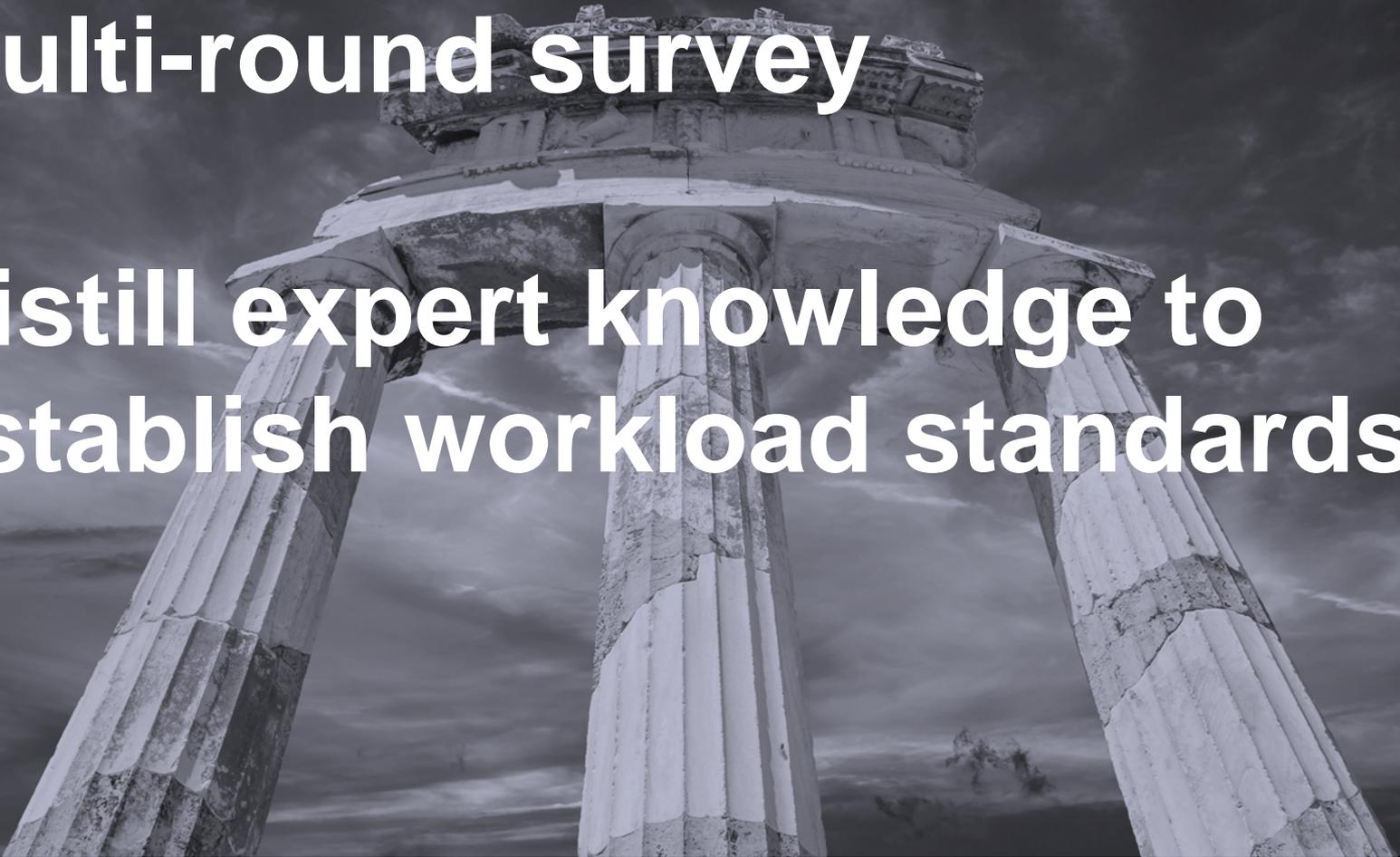


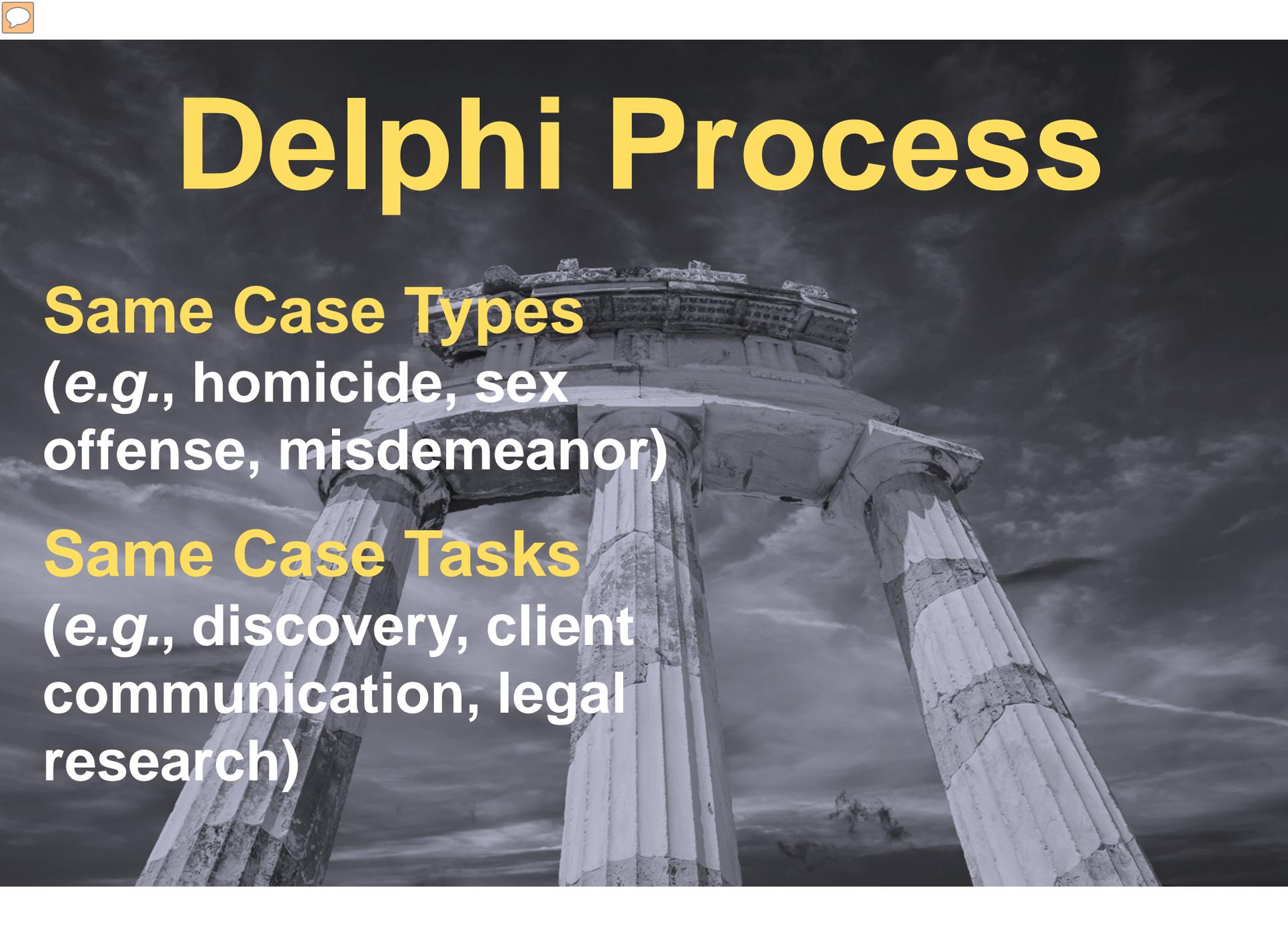


Delphi Process

Multi-round survey

Distill expert knowledge to
establish workload standards





Delphi Process

Same Case Types
(e.g., homicide, sex offense, misdemeanor)

Same Case Tasks
(e.g., discovery, client communication, legal research)



How much time, on average, is reasonably required to perform this Case Task for this Case Type with reasonable effectiveness?

Felony CD Cases

Below, you will be asked to provide your estimate of the amount of time that is reasonably required to perform the respective task with reasonable effectiveness.

Please enter your response in minutes.

CLIENT COMMUNICATION - IN PERSON - Time for privileged client interviews and consultations conducted face-to-face.

How much time, on average, is reasonably required to perform this task with reasonable effectiveness?

Minutes:

(Optional) Please provide an explanation of your time estimate.

Missouri Workload Standards

<u>Case Type</u>	<u>Delphi</u>
Murder/Homicide	106.6
A/B Felony	47.6
C/D Felony	25.0
Sex Felony	63.8
Misdemeanor	11.7
Juvenile	19.5
Appellate/PCR	96.5
Probation Violation	9.8



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have 2 parts:**

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(what is)

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(what should be)

Missouri Workload Study: Results

<u>Case Type</u>	<u>Time Study</u>	<u>Delphi</u>
Murder/Homicide	84.5	106.6
A/B Felony	8.7	47.6
C/D Felony	4.4	25.0
Sex Felony	25.6	63.8
Misdemeanor	2.3	11.7
Juvenile	4.6	19.5
Appellate/PCR	30.3	96.5
Probation Violation	1.4	9.8

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QUESTIONS?

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