U.S. Department of Justice
National Institute of Justice
Henry S. Dogin, Acting Director

OPERATING A DEFENDER OFFICE

PARTICIPANT'S HANDBOOK

Prepared by:
Burke E. Dorworth, Team Leader
Laurence A. Benner
Nancy Albert Goldberg
Marshall J. Hartman
Harold S. Jacobson
Bonnie E. McFadden

For

CRIMINAL JUSTICE RESEARCH UTILIZATION PROGRAM

Frederick J. Becker
Program Manager
National Institute of Justice

April 1980

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OPERATING A DEFENDER OFFICE
TRAINING WORKSHOP SCHEDULE

DAY I

Registration 11:30 - 1:00 p.m.

Session 1 Workshop Opening, Orientation, and Introductions 1:00 - 1:40 p.m.

Session 2 The Defender as Manager 1:40 - 2:00 p.m.

Session 3 Defender Case Management Information System 2:00 - 3:00 p.m.

BREAK 3:00 - 3:15 p.m.

Session 4 Master Card and Closing Form Exercise 3:15 - 4:15 p.m.

Session 5 Quality Control Factors in Case Management 4:15 - 4:45 p.m.

Session 6 Caseload Analysis 4:45 - 5:15 p.m.

Session 7 Case Management Implementation Plan 5:15 - 5:30 p.m.

SOCIAL 6:00 - 7:00 p.m.

DAY II

Session 8 Budgeting Introduction--Funding Defender Offices 9:00 - 9:30 a.m.

Session 9 Workload Forecasting 9:30 - 10:45 a.m.

BREAK 10:45 - 11:00 a.m.

Session 10 Cost Forecasting 11:00 - 11:15 a.m.

Session 11 "Delphi" Method Introduction and Forecasting Exercise 11:15 - 12:00 noon

LUNCH 12:00 - 1:30 p.m.

Session 12 Grant Funding Checklist/Program Budgeting--Plans and Goals 1:30 - 2:30 p.m.

Session 13 Contingency Budgeting 2:30 - 2:45 p.m.

Session 14 Budgeting Implementation Plan 2:45 - 3:00 p.m.
DAY II - (continued)

BREAK  3:00 - 3:15 p.m.

Session 15 Personnel Management--Sociodramatization of Issues  3:15 - 5:30 p.m.

DAY III

Session 16 Developing Personnel Policies  9:00 - 10:00 a.m.

Session 17 External Office Relationships  10:00 - 11:00 a.m.

BREAK  11:00 - 11:15 a.m.

Session 18 Personnel Practices for Defender Staff  11:15 - 12:00 noon

Session 19 Personnel Management Implementation Plan  12:00 - 12:15 p.m.

Session 20 Summary and Workshop Evaluation  12:15 - 12:30 p.m.
Through the Executive Training Program, new criminal justice processes and methods created and tested under the sponsorship of the National Institute of Law Enforcement and Criminal Justice have been introduced to thousands of local officials. Many of these officials have subsequently used this new knowledge to enhance the efficiency and effectiveness of criminal justice activities in their localities.

The Institute's Office of Development, Testing, and Dissemination is carrying forward another year of the Executive Training Program to give local criminal justice decisionmakers additional new techniques emerging from Institute-sponsored research. We look forward to the program's continued success, not only in improving the effectiveness of the criminal justice system, but also in helping local governments to provide services in the face of shrinking budgets.

Harry Bratt, Acting Director
National Institute of Law Enforcement and Criminal Justice
Introduction

The National Criminal Justice Executive Training Program is a nationwide training effort that offers officials of state and local jurisdictions the opportunity to learn about improved criminal justice practices and programs. The National Criminal Justice Executive Training Program is sponsored by the National Institute of Law Enforcement and Criminal Justice (NILECJ), the research center of the Law Enforcement Assistance Administration (LEAA), U.S. Department of Justice.

The National Institute supports wide-ranging research in the many legal, sociological, psychological, and technological areas related to law enforcement and criminal justice. It also follows through with the essential steps of evaluating research and action projects and disseminating information on successful efforts to encourage early and widespread adoption.

As LEAA's research, evaluation, and training arm, the Institute works to devise improved methods to control crime and strengthen the criminal justice system and to train law enforcement and criminal justice personnel as well as legislators, mayors, and researchers to use these more promising approaches.

The National Criminal Justice Executive Training Program is a major vehicle for transferring research results to actual application in police departments, courts, correctional institutions, and related agencies across the country. In this program, senior criminal justice administrators and other decisionmaking officials of courts, corrections, and police agencies in each state are selected to participate in workshops and other training activities held across the country to learn about new procedures.

Goals

The primary goal of the National Criminal Justice Executive Training Program is to enable criminal justice executives and policyshapers to bring about adoption of improved courts, corrections, and police practices. These improved practices are derived from National Institute research findings, or designed and validated by the Institute's Office of Development, Testing, and Dissemination through its Program Models publication series and Exemplary Projects program. They are the embodiment of the Institute's policy of sharing knowledge and proven practice to enable local agencies to be self-directing and self-reliant to the maximum extent possible.

To introduce the new practices through the nation, the Institute's Executive Training Program:

- Informs influential policymakers in the larger agencies about new practices and their potential for improving the criminal justice system
• Gives them the knowledge and skills needed to apply these methods in their jurisdictions.

Techniques that have been tested or that promise improved effectiveness or efficiency are presented in Regional Training Workshops, Field Test Training, Local Training, and Special National Workshops.

The training topics are selected from among the most promising concepts developed under NILECJ auspices. These include models derived from:

• **Research Results**—Improved criminal justice practices identified through research findings

• **Exemplary Projects**—Projects that show documented success in controlling specific crimes or that have demonstrated measurable improvement in criminal justice service

• **Program Models**—Syntheses of the most advanced techniques, including operational guidelines, that can be followed in locales throughout the country.

The National Criminal Justice Executive Training Program assembles a team of nationally recognized experts for each training subject. Extensive support services are also provided including multimedia development, editing and publication of training materials, comprehensive evaluation, training methodology, and logistical support.

**Program Activities**

Several major activities are being carried out to encourage local jurisdictions' use of improved criminal justice practices derived from research and evaluation.

**Regional Training Workshops**

Eight workshop series were presented across the country between late 1976 and early 1978, and four new topics are being presented in the third year of the program. Each three-day workshop is devoted to one topic and attended by 50 to 60 top criminal justice policymakers of the larger agencies from throughout the multistate regions of workshop presentations. In the 1976-77 cycle, participants learned how to manage successfully the change processes in:

• **Managing Criminal Investigations**

  Application of systemwide management techniques to increase the successful solution and prosecution of major crimes with reduced resources.

• **Juror Usage and Management**

  Procedures that improve the efficiency of juror selection, usage, and motivation with significant cost savings.
• **Prison Grievance Mechanisms**

Principles essential to achieving prompt and equitable resolution of problems and disputes, with benefits for both prison staff and inmates.

• **Rape and Its Victims**

Understanding of and skill in the delivery of services to rape victims through communitywide coordination of agencies and programs.

In the 1977-78 cycle of the program, workshops were presented across the nation on:

• **Managing Patrol Operations**

Improving management skills in matching police resources and workload demands, and facilitating citizen participation to increase police patrol effectiveness in the face of decreasing resources.

• **Developing Sentencing Guidelines**

The development of articulated sentencing policies to guide structured judicial discretion toward reducing sentencing disparity among similar offenders and types of crimes to increase equity in the administration of justice.

• **Health Care in Correctional Institutions**

Improving health care of inmates in prisons and jails by assessing needs and problems, developing improved methods and procedures, and identifying required resources based on legal and medical standards.

• **Victim/Witness Services**

Identification of victim/witness services requiring initiation, improvement, coordination, and/or further study; training in implementation skills and plans for improving the interaction and relationships between the criminal justice system and victims and witnesses.

In Cycle III, beginning in September 1978, workshops are being presented on:

• **Community Crime Prevention**

Representatives of police organizations, city administrations, and community-based organizations from similar communities learn about community crime prevention program models and skills needed to assess, design, and implement appropriate programs in their communities.
- **Maintaining Municipal Integrity**

  This workshop series focuses on local government and the training emphasis is on prevention. Indicators of corruption, which officials can use to diagnose the extent of their problem, are applied to real and case study governments; prescriptions for prevention stress accountability through special management methods that can be used by mayors or county executives, city and county managers, and police chiefs.

- **Operating a Defender Office**

  In the six years since the U.S. Supreme Court ruled in *Argersinger* versus *Hamlin*, states and local jurisdictions have established a growing number of publicly financed defender offices to ensure the provision of counsel for persons unable to pay for it. To equip managers of these offices with the needed skills, training focuses on four topics: case management, budgeting, personnel administration, and external office relationships.

- **Improved Probation Strategies**

  This topic addresses improving management techniques in probation offices in a time of fiscal and program crisis. Thus, overall management areas such as planning, resource allocation, budgeting, and effective use of support services are stressed. Improved program strategies, such as special intensive probation, community resource management, and techniques of pre-sentence investigation reporting, are used in case study examples of ways to improve programming.

  Participants in all the workshops receive individual program planning guides, self-instructional materials, handbooks, and manuals. Certificates acknowledging attendance are awarded at the conclusion of training.

  Multimedia packages are developed and furnished to any requesting agency that is interested in implementation. Included are videotapes, training manuals, and other related resource documents.

**Field Test Training**

Field tests examine the new procedures in a real-world setting and evaluate their effectiveness and transferability to other jurisdictions throughout the country.

Key representatives from the test sites receive Field Test Training designed to:

- Prepare test site staff to operate or implement their projects
• Identify agencywide needs for Local Training
• Determine the most effective format for training assistance to the local sites
• Assist the sites in conducting research utilization conferences to familiarize their colleagues in nearby states with their experiences.

During 1976, field test sites were selected to implement projects in Managing Criminal Investigations and Juror Usage and Management. Five police agencies were involved in the Field Test program in Managing Criminal Investigations:

- Birmingham, Alabama
- Montgomery County, Maryland
- Rochester, New York
- Santa Monica, California
- St. Paul, Minnesota.

Eighteen courts were involved in the Field Test program in Juror Usage and Management:

- Connecticut State Courts
- Middlesex County (New Brunswick), New Jersey
- Delaware County (Media), Pennsylvania
- Jefferson County (Louisville), Kentucky
- Summit County (Akron), Ohio
- Dallas County (Dallas), Texas
- St. Louis County (Clayton), Missouri
- Salt Lake City, Utah
- Maricopa County (Phoenix), Arizona
- Spokane County (Spokane), Washington
- Suffolk County (Boston), Massachusetts
- New York, New York
- Dane County (Madison), Wisconsin
- DuPage County (Wheaton), Wisconsin
- East Baton Rouge Parish (Baton Rouge), Louisiana
- Polk County (Des Moines), Iowa
- Pennington County (Rapid City), South Dakota
- Ada County (Boise), Idaho.

In 1977, the Executive Training Program provided assistance to three Neighborhood Justice Center field test sites in Atlanta, Kansas City, and Los Angeles. A Neighborhood Justice Center is a community-based project that seeks to resolve conflicts between people who have a continuing relationship and whose disputes are more appropriately resolved by mediation than by litigation. The Centers recruit and train community people to apply the techniques of mediation and arbitration to disputes. The Executive Training Program assisted the three project sites in preparing grant applications, conducting two training programs for the project staffs at the beginning of the test period, providing 30 days of local training assistance to each Center during the start-up period; and supporting an NJC Directors' conference.
During Cycle III, four topics are the focus of Field Test Training: Pre­
Releas...Centers, Managing Patrol Operations, Multijurisdictional Sentencing
Guidelines, and Improved Correctional Field Services.

Three jurisdictions are involved in Field Test Training in Pre-Release Cen­
ters: New Orleans; Philadelphia; Fresno County, California. These test sites
will be implementing procedures similar to those developed by the Pre-Release
Center in Montgomery County, Maryland, which NILECJ has designated as an Exem­
plary Project. The purpose of the testing is to determine if a structured com­
munity release program can measurably improve the post-release behavior and com­
community adjustment of selected jail and prison inmates.

Two of the Cycle III Field Test topics--Managing Patrol Operations and Mul­
tijurisdictional Sentencing Guidelines--involve training in the implementation of
strategies and techniques discussed at Cycle II Regional Training Workshops. For
Managing Patrol Operations, training will be conducted in Albuquerque, Charlotte,
and Sacramento. Training sites for Multijurisdictional Sentencing Guidelines are
in urban, suburban, and rural sites in Florida and Maryland.

Field Test Training in Improved Correctional Field Services also will be
conducted at three test sites. These sites--Kane County, Illinois; Albany, New
York; and Jacksonville, Florida--are involved in an effort to test the effective­
ness of probation risk screening procedures as they are used in combination with
different levels of supervision.

Special National Workshops

Special National Workshops are the third part of the National Criminal Jus­
tice Executive Training Program. They are single events held for selected crimi­
nal justice policymakers and researchers on significant topics chosen by the
National Institute. Recommendations for problem-solving are provided by criminal
justice experts and practitioners who have dealt with these problems or whose
theoretical and analytical contributions can be helpful in the implementation
effort.

The workshops fall into three general categories:

1. Transferring research to the community of practitioners--The functions
here are to address differences in perception between research and operational
perspectives, to assess the validity of research findings in light of operational
experience, to assess practitioners' needs for additional knowledge, and to com­
municate new information to the operational community.

2. Communication among researchers--The functions here are to advance the
state-of-the-art in a given topic area, particularly one where "real-world"
changes are affecting the criminal justice system, to share new findings, and to
clarify directions for future research.

3. Special target audiences--Here the effort is to reach groups such as
elected officials, planners, or evaluators and to inform them of current research
and validated information on advanced practices.

The Special National Workshops presented during the first year of the Execu­
tive Training Program were:
• **Argersinger versus Hamlin**--This presentation focused on the problems associated with the provision of legal counsel to indigent defendants facing incarceration, based on the 1972 Supreme Court mandate.

• **Update '77**--Mayors and county chairpersons from across the nation gathered in Washington, D.C., to discuss the role of local elected executives in planning and developing programs in law enforcement and criminal justice. Research findings by NILECJ and other resources were reviewed as potential solutions to major problems.

• **Determinate Sentencing**--This workshop provided an in-depth analysis of this sentencing trend and its effect on police, prosecutors, judicial systems, and correctional systems at the national and state levels, including current legislation and laws in California and Indiana and current bills.

During Cycle II, Special National Workshops focused on:

• **Forensic Science Services and the Administration of Justice**--This workshop's goal was to integrate perspectives among and between police executives, prosecutors, judges, defenders, criminal justice educators, and forensic scientists to promote an interdisciplinary exchange of views that could lead to fuller use of scientific resources in criminal justice.

• **Pretrial Release**--This workshop brought together judges who represented each of the 50 states as well as 10 judges from federal district courts who are involved in a demonstration project to examine the process, issues, and alternatives in the pretrial release of defendants.

• **Stochastic Modeling**--Among the more promising techniques of crime analysis, stochastic modeling was discussed at this workshop by executives and crime analysts seeking insights into the kinds of analysis possible with this technique.

• **Update '78**--Following the success of Update '77, this workshop provided an opportunity for additional mayors, county executives, and other local officials to examine their role in criminal justice decisionmaking, gain new perspectives on what is being done in other jurisdictions, explore current criminal justice research, and raise issues and concerns from the local point of view.

• **Plea Bargaining**--This workshop was designed to clarify the issues surrounding plea bargaining and to provide a means for reporting on the results of important research projects. A number of papers commissioned for the workshop
received widespread dissemination through subsequent publication in *Law and Society Review*.

- **Mental Health Services in Jails**--This workshop focused on effective models for mental health service delivery to jail inmates, including analyzing the existing situation within a correctional institution, coping with the stress-related problems of incarceration, diagnosing acute mental illness, treatment and diversion, and using available community mental health services for inmate populations.

Other Special National Workshop topics for Cycle III included: National Workshop on Criminal Justice Evaluation; Crime Control: State of the Art (for State Planning Agencies and Governors' Crime Commissions); Performance Measurement in Criminal Justice; Collective Disorders; and, Career Criminal.

As part of the Special National Workshops, the National Criminal Justice Executive Training Program staff also provides support to meetings of the NILECJ Advisory Committee.

### Results

An impact evaluation conducted three months after the last workshop in Cycle I indicates the effects of the Executive Training Program: Officials from more than half the agencies represented said they are implementing one or more of the specific aspects of the knowledge gained through research and information-sharing presented at the workshops:

- Three-fourths of the police officials reported making changes in some aspect of their management of criminal investigations--the initial investigation, case screening, and the continuing investigation.

- Over half the representatives from court systems reported making changes in their juror usage and management processes--summons procedures, recordkeeping, and monitoring/evaluation.

- Correctional officials reported implementing changes in their systems, although in slightly fewer numbers than either the police or court representatives. They focused on changes in their prison grievance mechanisms, encouraging such innovations as inmate/staff participation, written responses, and monitoring and evaluation.

- More than three-fourths of the participants at the Rape and Its Victims Workshops reported an increase in cooperation among community agencies to improve services to rape victims.

Similar concrete results are anticipated for Cycles II and III of the National Criminal Justice Executive Training Program. Not only is the program apparently equipping criminal justice executives and other policymakers with the knowledge and skills to improve the delivery of criminal justice services in
their communities and create a safer environment, but it also is giving participants a personal benefit—the chance to enhance their own skills and career potential.

About the Office of Development, Testing, and Dissemination

The Office of Development, Testing, and Dissemination is responsible for distilling research, transforming the theoretical into the practical, and identifying programs with measurable records of success that deserve widespread application. As part of its programs, ODTD also provides financial and professional assistance in adaptation and tests of selected practices in several communities, and offers training for criminal justice executives nationwide. The result is that criminal justice professionals are given ready access to some of the best field test programs and experimental approaches that exhibit good potential.

ODTD has developed a structured, organized system to bridge: (1) the operational gap between theory and practice, and (2) the communication gap between researchers and criminal justice personnel scattered across the country. ODTD's comprehensive program provides:

- Practical guidelines for model criminal justice programs;
- Training workshops for criminal justice executives in selected model programs and other promising research;
- Field tests of important new approaches in different environments;
- Onsite training visits for criminal justice executives to agencies operating successful innovative programs;
- International criminal justice clearinghouse and reference services for the entire criminal justice community.
STRATEGY FOR TRAINING

Topic Determination

A multitude of topics vie for national attention in the criminal justice field. The Law Enforcement Assistance Administration (LEAA) researches and analyzes many of those topics through the Office of Research Programs, National Institute of Law Enforcement and Criminal Justice (NILECJ). Resulting studies and projects are carefully evaluated by the NILECJ Office of Evaluation. A topic reaches the level of a national training workshop only when the Office of Development, Testing, and Dissemination (ODTD) staff has been convinced that practitioners in the field can benefit from solutions developed.

The training topic, "Operating A Defender Office," competed with other possibilities advanced by the Adjudication Division. Assisted by a survey of the State Planning Agencies (SPA) in the process of determining topic needs, ODTD issued a memorandum selecting this topic based on the following rationale:

In response both to societal need and to constitutional mandate for legal representation of the indigent there has come into existence a new public agency, the Public Defender's Office. The dilemma of being state funded to defend those the state seeks to punish has compounded the basic problem: how to best organize and manage the delivery of defense services. There are several structural methods of organizing such a system, but each office is faced with the kinds of evaluation, management, and attitudinal issues that recent research has addressed.

Reports issuing from that research included:

- Self-Evaluation Manual for the Offices of the Public Defender, Dr. Roberta Rovner-Pieczenik
- Guide to Establishing a Defender System, Nancy A. Goldberg
- In-Depth Analysis of National Defender Survey, Shelvin Singer

The combined input of these people produced two assumptions for training.

- The research products of the last few years, when synthesized, offer techniques that will help defender administrators in the performance of their duty.
- Public provision of criminal defense will be strengthened by evaluation for the purpose of improved management.
Under a separate contract to design, coordinate, and conduct the National Criminal Justice Executive Training Program, the University Research Corporation (URC) invited national experts on defender services to a planning conference in June 1978.

**Planning Conference**

To prepare for the conference, several preliminary meetings took place with NILECJ staff to review current defender office research, visits were made to defender offices, authors of research reports were interviewed, and special assistance was provided by National Legal Aid and Defender Association staff.

Representative public defenders, nationally recognized defender service researchers and authors, and NILECJ staff then convened with URC staff to determine training topics to match the NILECJ Decision Memorandum "Operating A Defender Office" and the known operational needs in the field.

Five general topics emerged from that discussion and were recommended to be addressed in a 2½-day training workshop:

- Case Management
- Budgeting
- Personnel Administration
- Internal Office Management
- External Office Relationships

**Needs Assessment**

To test these recommendations further, a Training Needs Assessment questionnaire was sent to 175 defender offices representing small (1 to 6 people), medium (7-35), and large (35+) offices in each state. A nearly 50 percent response confirmed four of the topics, with Internal Office Management receiving fewer positive replies. Additional comments received showed the timeliness of the topic and provided immeasurable assistance in developing the strategy and content of the training program. (The questionnaire and responses appear on pages 18-21.)

**Design Phase**

Five people known for their expertise in defender services accepted invitations to work with ODTE and URC staff to develop a training workshop responsive to the expressed needs.

The overall training goal:

How defender offices can best organize, monitor, and manage for effective delivery of services to clients.

The four general topics chosen to address this goal—Case Management, Budgeting, Personnel Administration, and External Office Relationships—express two themes in addition to their own goals:

- Self-Evaluation (Monitoring) Techniques
- Implementation (Change) Strategies
Serving as tools for defender participants to carry from the workshop are How Does Your Defender Office Rate? A Self-Evaluation Manual, and a Manual to assist in the implementation of desired techniques.
OPERATING A DEFENDER OFFICE

Planning Conference Participants

Laurence A. Benner
Director, Defender Services
National Legal Aid and Defender Association
Washington, D.C.

Jack E. Farley
Public Defender
Office of the Public Defender
Frankfort, Ky.

Nancy A. Goldberg
Director of Training
Criminal Defense Consortium of Cook County, Inc.
Chicago, Ill.

Marshall J. Hartman
Criminal Defense Consortium of Cook County, Inc.
Chicago, Ill.

J. Patrick Hickey
Public Defender Service for the District of Columbia
Washington, D.C.

Harold S. Jacobson
Legal Aid Society of New York
New York, N.Y.

Norman Lefstein
University of North Carolina School of Law
Chapel Hill, N.C.

Bonnie E. McFadden
National Legal Aid and Defender Association
Washington, D.C.

James R. Neuhard
State Appellate Defender
Detroit, Mich.

Shelvin Singer
Illinois Institute of Technology
Chicago - Kent School of Law

Kirkland Taylor
Seattle, Wash.

National Institute of Law Enforcement and Criminal Justice

Fred Becker, Program Manager
Gene Clark, Office of Criminal Justice Programs
Dennis Murphy, Office of Criminal Justice Programs

National Criminal Justice Executive Training Program - University Research Corporation

Sheldon S. Steinberg, Project Director
Burke E. Dorworth, Team Leader
The following tabulations show the responses of 77 defender offices from the 175 surveyed, July, 1978.

TRAINING NEEDS ASSESSMENT

A training workshop to meet a defender office's operational needs might focus on five major areas: Case File System, Budgeting, Personnel, Internal Office Development, and External Office Relating. Each of these areas is addressed below in this questionnaire. For each area would you please check the appropriate response(s) which reflect your training interests and/or add any other training areas that would better fit your particular office management needs.

<table>
<thead>
<tr>
<th>Name</th>
<th>Number of Attorneys in office:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title</td>
<td>Number of all other staff in office:</td>
</tr>
<tr>
<td>State</td>
<td>&quot;My Training Interest Level Is ...&quot;</td>
</tr>
</tbody>
</table>

### POSSIBLE TRAINING AREAS

**A. Case Management**

- How to improve case management. | 40 | 25 | 8 |
- How to develop a tracking system. | 25 | 29 | 19 |
- How to handle workload analysis and forecast future staff needs. | 36 | 21 | 15 |
- How to develop and maintain data keeping instruments for case management. | 28 | 27 | 17 |
- How to increase scope of services for clients (Early Entry, etc.) | 38 | 24 | 13 |

Other Case File System training interests: ________________________________
### Possible Training Areas

**B. Budgeting**

- How to prepare a budget that clearly relates to resources and requirements.  
  - STRONG: 19  
  - SOME: 27  
  - LITTLE: 14

- Innovative ways to present, justify, and market the budget.  
  - STRONG: 20  
  - SOME: 34  
  - LITTLE: 17

- A process of ongoing financial analysis and determination of needs.  
  - STRONG: 23  
  - SOME: 30  
  - LITTLE: 19

- How to monitor, control, and retrieve information to support budget requests.  
  - STRONG: 31  
  - SOME: 26  
  - LITTLE: 15

- How to develop a program budget which relates to a line item budget.  
  - STRONG: 17  
  - SOME: 29  
  - LITTLE: 24

Other Budgeting Training Interests:  

---

**C. Personnel**

- How to team build for effective staff.  
  - STRONG: 29  
  - SOME: 15  
  - LITTLE: 9

- Policy Manual Development.  
  - STRONG: 33  
  - SOME: 18  
  - LITTLE: 19

- Performance Appraisal System.  
  - STRONG: 23  
  - SOME: 28  
  - LITTLE: 19

- Career building mechanisms.  
  - STRONG: 31  
  - SOME: 27  
  - LITTLE: 14

- Recruiting, hiring, and Affirmative Action.  
  - STRONG: 26  
  - SOME: 28  
  - LITTLE: 19

Other Personnel Training Interests:  

---
### POSSIBLE TRAINING AREAS

<table>
<thead>
<tr>
<th>Internal Office Development</th>
<th>STRONG</th>
<th>SOME</th>
<th>LITTLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Developing system for effective inventory control.</td>
<td>7</td>
<td>33</td>
<td>17</td>
</tr>
<tr>
<td>Evaluating office procedures.</td>
<td>8</td>
<td>36</td>
<td>27</td>
</tr>
<tr>
<td>Maintaining office security on client information.</td>
<td>19</td>
<td>32</td>
<td>21</td>
</tr>
<tr>
<td>Recordkeeping system to permit proper reporting to government agencies, etc.</td>
<td>13</td>
<td>28</td>
<td>26</td>
</tr>
<tr>
<td>Developing a contracting system for cost effective purchasing.</td>
<td>4</td>
<td>23</td>
<td>44</td>
</tr>
</tbody>
</table>

Other Internal Office Development Training Interests:

<table>
<thead>
<tr>
<th>External Office Relationships</th>
<th>STRONG</th>
<th>SOME</th>
<th>LITTLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Developing working relationships with private bar.</td>
<td>23</td>
<td>22</td>
<td>4</td>
</tr>
<tr>
<td>Promoting and insuring good relationships with other areas of criminal justice system (courts, etc.)</td>
<td>34</td>
<td>24</td>
<td>18</td>
</tr>
<tr>
<td>Promoting and maintaining good community relationships.</td>
<td>33</td>
<td>30</td>
<td>11</td>
</tr>
<tr>
<td>Utilizing effectively volunteer assistance.</td>
<td>36</td>
<td>28</td>
<td>10</td>
</tr>
<tr>
<td>Developing better media relationships.</td>
<td>33</td>
<td>23</td>
<td>17</td>
</tr>
<tr>
<td>Feedback mechanisms for clients, ex-offenders, inmates.</td>
<td>22</td>
<td>31</td>
<td>22</td>
</tr>
</tbody>
</table>

Other External Office Relationships Training Interests:
Summary

- Of the areas mentioned earlier, which do you think would be most important to your office?

<table>
<thead>
<tr>
<th>TOPICS</th>
<th>PERSONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. CASE MANAGEMENT</td>
<td>29 MOST IMPORTANT</td>
</tr>
<tr>
<td>B. BUDGETING</td>
<td>12 MOST IMPORTANT</td>
</tr>
<tr>
<td>C. PERSONNEL</td>
<td>14 MOST IMPORTANT</td>
</tr>
<tr>
<td>D. INTERNAL OFFICE</td>
<td>0 MOST IMPORTANT</td>
</tr>
<tr>
<td>((This topic has been dropped from the workshop. Some goals merged into Case Management or Personnel))</td>
<td></td>
</tr>
<tr>
<td>E. EXTERNAL RELATIONSHIPS</td>
<td>4 MOST IMPORTANT</td>
</tr>
<tr>
<td></td>
<td>59 Responses to this question.</td>
</tr>
</tbody>
</table>

- What other management areas do you feel are important and which would you like to know more about?

<table>
<thead>
<tr>
<th>Important</th>
<th>Want To Know More</th>
</tr>
</thead>
<tbody>
<tr>
<td>Instant retrieval of information to show what's going on and what's going wrong.</td>
<td></td>
</tr>
<tr>
<td>Online Data Systems--computer control.</td>
<td></td>
</tr>
<tr>
<td>Career development techniques.</td>
<td></td>
</tr>
<tr>
<td>Providing best service at least cost.</td>
<td></td>
</tr>
<tr>
<td>Grantsmanship.</td>
<td></td>
</tr>
<tr>
<td>How to avoid &quot;burn-out.&quot;</td>
<td></td>
</tr>
<tr>
<td>Performance appraisal system.</td>
<td></td>
</tr>
<tr>
<td>How to supervise and evaluate from a distance.</td>
<td></td>
</tr>
<tr>
<td>Litigation to force appropriate budgeting.</td>
<td></td>
</tr>
<tr>
<td>How to prepare file for successor in office.</td>
<td></td>
</tr>
<tr>
<td>Quality control of staff attorneys work.</td>
<td></td>
</tr>
<tr>
<td>In-house training program.</td>
<td></td>
</tr>
</tbody>
</table>
Breakdown of Survey Responses (77 of 175 responding):

<table>
<thead>
<tr>
<th>BY REGIONS</th>
<th>BY OFFICE SIZE</th>
</tr>
</thead>
<tbody>
<tr>
<td>I 3</td>
<td>Small (1-6) = 15</td>
</tr>
<tr>
<td>II 4</td>
<td>Medium (7-35) = 42</td>
</tr>
<tr>
<td>III 13</td>
<td>Large (36+) = 20</td>
</tr>
<tr>
<td>IV 13</td>
<td></td>
</tr>
<tr>
<td>V 8</td>
<td></td>
</tr>
<tr>
<td>VI 11</td>
<td></td>
</tr>
<tr>
<td>VII 6</td>
<td></td>
</tr>
<tr>
<td>VIII 6</td>
<td></td>
</tr>
<tr>
<td>IX 6</td>
<td></td>
</tr>
<tr>
<td>X 7</td>
<td></td>
</tr>
</tbody>
</table>

Thank you for your time!
Overview Statement

OPERATING A DEFENDER OFFICE

Background

In 1972, the United States Supreme Court ruled, in Argersinger versus Hamlin,

... absent a knowing and intelligent waiver, no person may be imprisoned for any offense, whether classified as petty, misdemeanor, or felony, unless he was represented by counsel at his trial.

Since that decision, states and local jurisdictions have established a growing number of publicly financed defender offices now numbering over a thousand nationwide.

From NILECJ-sponsored research studies of these offices, areas have been identified where defender offices could benefit from improved monitoring and management techniques. These studies, the counsel of known experts in the field, and a recent training needs assessment conducted in defender offices throughout the country laid the background for this workshop.

Training Goals

The overall goal is how defender offices can best organize, monitor, and manage for effective delivery of services to clients. The major topics chosen to address that goal are:

- Case Management
- Budgeting
- Personnel Administration
- External Office Relationships

With proper consideration of the needs of different size defender offices, these topics will include subjects applicable to participants' own goals, such as:

- How to handle workload analysis and forecast future staff needs.
- How to develop and maintain data-keeping instruments for case management.
- Innovative ways to present, justify, and market the budget.
- Methods of monitoring, controlling, and retrieving information for budget requests.
• How to develop a performance appraisal system.
• How to "team-build" for an effective staff.
• Promoting and maintaining good community relationships.
• Effectively using volunteer assistance.

The purpose of this training is to prepare each defender participant to return home with the knowledge and tools necessary to study and implement desired changes in his/her office.

Learning Approach

This workshop will be conducted by people with practical experience in defender office operations and those dedicated to training techniques that will help participants visualize and develop their own monitoring and management systems. The curriculum takes a skill-building approach, using problem-solving exercises and participant interaction and focusing on an enabling presentation relevant to individual needs and solutions.
Trainers/Designers of the Operating a Defender Office Training Program

University Research Corporation Staff:

Burke E. Dorworth, M.Div., has worked as a community organizer and consultant to community development groups for the past 17 years. Author and coordinator of a Development Guide designed to help community-based groups work with local, state, and federal agencies to solve community needs, he has assisted in developing strategies required to implement desired programs. A trainer in the field of human relations, Mr. Dorworth has recently helped design and served as team leader of two previous National Criminal Justice Executive Training Program Workshops--Juror Usage and Management and Developing Sentencing Guidelines--delivered to judges, state legislators, and court executives across the nation. He is a graduate of the University of Pennsylvania and Pittsburgh Theological Seminary.

Consultant Trainers:

Laurence A. Benner, J.D., has recently served as National Director of Defender Services for the National Legal Aid and Defender Association. There he directed programs that evaluated criminal defense services, provided technical assistance to defender programs, and negotiated grant applications for improved defender services across the country. Previous experience included serving as Director and Chief Trial Counsel for the Grand Rapids, Michigan, Defender Office and Director of a National Defender Survey which resulted in the publication, The Other Face of Justice, which Mr. Benner co-authored. Other publications include "Defender Benchmarks" published monthly in The NLADA Washington Memo, "Tokenism and the American Indigent: Some Perspectives on Defense Services," American Criminal Law Review, and "Law and/or Order," NLADA Study. A graduate of Michigan State University and University of Chicago Law School, Mr. Benner has since taught and been a guest lecturer on criminal justice subjects. He currently serves on the faculty of the University of Chicago Law School and the Mandel Law Clinic.

Marshall J. Hartman, J.D., serves as Executive Director, Criminal Defense Consortium of Cook County, Inc., an experimental private, nonprofit defender system operating through six community-based defender offices. Prior to that Hartman served as Acting Director of Defender Services, of the National Legal Aid and Defender Association. In that capacity, he assisted in organizing and securing funding for numerous programs, evaluations, technical assistance efforts, and research studies of defender offices and assigned counsel systems throughout the United States, including the National Center for Defense Management, the National College of Criminal Defense Lawyers and Public Defenders, and the Illinois Defender Project. Author of numerous articles in the fields of juvenile law, constitutional criminal law and procedure, and the U.S. Supreme Court, Hartman is currently lecturing on criminal law for the University of Illinois Criminal Justice Department. He has also lectured at the Northwestern Short Course for Defense Lawyers, Practicing Law Institute, National College of Criminal Defense Lawyers and Public Defenders seminar on Defender Management, NLADA Regional Seminar Series, and
National College of District Attorneys. Mr. Hartman is currently associated with the National Defender Institute, a research organization.

Harold S. Jacobson, J.D., is Special Assistant to the Attorney-in-Charge for Planning and Management, Criminal Defense Division, Legal Aid Society of New York City and has primary responsibility for managing and coordinating the developing of budgetary requests and integrating financial, statistical, and narrative presentations to focus on social objectives and goals. Prior positions include Senior Associate in Harbridge House's Management Services Directorate, consultants in the area of public administration, and Management Analyst to the Office of the Assistant Commissioner (Technical), Internal Revenue Service. Mr. Jacobson has co-authored such NLADA Briefcase articles as "Defender Operated Diversion: Meeting Requirements of the Defense Function" and "Studying Vermont Defenders in the Northeast Kingdom." Recently he wrote a chapter for the Public Defender Sourcebook, "Office Reporting and Statistical Forms." A graduate of the University of Wisconsin and George Washington University Law School, he now serves as visiting faculty member for the National Center for Defense Management.

Consultant Staff: Designers

Nancy Albert Goldberg, J.D., serving as Director of Training, Criminal Defense Consortium of Cook County, Inc., developed professional training programs for all categories of Consortium personnel and members of the private bar. Prior to that she served as Acting Director of Defender Services, National Legal Aid and Defender Association, supervising defender services and technical assistance provided to defender and assigned counsel programs. In addition to several articles appearing in various legal publications, Goldberg has co-authored Guide To Establishing A Defender System, The Dollars and Sense of Justice, and was Project Director and editor for the final report of the National Study Commission on Defense Services, Guidelines for Legal Defense Services in the United States. The National Study Commission's work was a two-year research effort by 35 specialists culminating in a set of detailed guidelines for the operation of legal defense systems. She is a graduate of the University of Chicago and University of Chicago School of Law. Currently she is president of the National Defender Institute, a nonprofit research and technical assistance facility for defender services.

Bonnie E. McFadden, J.D., until recently served as Associate Director for Defense Services, National Center for Defense Management, where she developed technical assistance programs to assist public defenders and state, local, and private agencies in the improvement of indigent criminal defense systems to conform to national standards. Previously, she was a partner in a Detroit, Michigan, law firm specializing in criminal defense work at both the trial and appellate levels. Ms. McFadden attended Antioch College and Columbia University and is a graduate of Wayne State University and Wayne State University Law School.
ODTD Program Manager

Frederick Becker, Jr.
Office of Development, Testing, and Dissemination
National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
United States Department of Justice
SCHEDULE

DAY I

Registration 11:30 - 1:00 p.m.
Session 1 Workshop Opening, Orientation, and 1:00 - 1:40 p.m.
Introductions
Session 2 The Defender as Manager 1:40 - 2:00 p.m.
Session 3 Defender Case Management Information System 2:00 - 3:00 p.m.
BREAK 3:00 - 3:15 p.m.
Session 4 Master Card and Closing Form Exercise 3:15 - 4:15 p.m.
Session 5 Quality Control Factors in Case Management 4:15 - 4:45 p.m.
Session 6 Caseload Analysis 4:45 - 5:15 p.m.
Session 7 Case Management Implementation Plan 5:15 - 5:30 p.m.
SOCIAL 6:00 - 7:00 p.m.
SESSION 1
DAY I
1:00 - 1:40 p.m.

WORKSHOP OPENING, ORIENTATION, AND INTRODUCTIONS

Goals of the Session

By the end of this session participants will better understand:

- The place of the "Operating a Defender Office" (ODO) training program in the third cycle of the National Institute of Law Enforcement and Criminal Justice's National Criminal Justice Executive Training Program (NCJETP)

- The strategy used in developing the ODO workshop

- The overall goal and objectives of the training program

- The ODO workshop curriculum to be covered in the workshop


During this session, participants will have an opportunity to meet federal and state planning agency representatives, NCJETP representatives, the training staff, and other participants.
STRATEGY FOR TRAINING

- Research
- Survey
- Decision Memo
- Literature Review
- Planning Conference
- Needs Assessment
- Workshop Design
- Pilot
SESSION 2

DAY I.

1:40 - 2:00 p.m.

THE DEFENDER AS MANAGER

Goals of the Session

By the end of this session participants will:

- Better understand why the ODO workshop is addressing management issues
- Have a better awareness of management responsibilities applicable to defender offices
- Have a clearer concept of the relationship of management functions to ODO training topics.
THE DEFENDER AS MANAGER

• Planning
• Organizing
• Directing
• Controlling

PLANNING
• Deciding what is to be achieved
• Setting objectives and goals
• Strategies to achieve goals

ORGANIZING
• Who will do what
• Who will report to whom
• Grouping activities into jobs
• Assigning responsibilities
• Delegating authority

DIRECTING
• Leading and motivating
• Communicating
• Listening
• Confidence and courage in:
  - Decisionmaking
  - Position-taking

CONTROLLING
• Evaluation
• Comparison of planned and actual
• What will be measured and how
• Acceptable error rate
• Corrective action
SESSION 3
DAY I
2:00 - 3:00 p.m.

DEFENDER CASE MANAGEMENT INFORMATION SYSTEM

Goals of the Session
By the end of this session participants will have a better understanding of:

- Problems of case management common to defender offices
- The objectives of an effective case management information system
- The six "building blocks" for a case management system
- The overall flow of case management information
- The various reports required for an effective system
- The requirements of effective caseload analysis.

Topic Outline of Session

A. Case management problems
B. Case management information system defined
C. Six basic building blocks to construct case management system
D. Five questions an effective system can answer
E. Reports and forms required for case management
F. Information flow of case management system
OBJECTIVES

1. Provide prompt determination of case status.

2. Prevent scheduling conflicts.

3. Ensure court appearances.

4. Provide quality control.

5. Review and evaluate staff performance.

6. Measure productivity.

7. Protect client confidentiality.

8. Prevent work overload.


10. Win cases.
SIX BASIC BUILDING BLOCKS

1. Intake Interview Form
2. Master Log
3. Master Card
4. File Jacket
5. Calendar
6. Closing Form
INFORMATION FLOW

CLIENT INTAKE INTERVIEW

MASTER CARD

FILE JACKET

MANAGEMENT REPORTS

COURT ACTIVITY
## CASE STATUS REPORT

<table>
<thead>
<tr>
<th></th>
<th>Felony</th>
<th>Misd.</th>
<th>Juv.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>M.I.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Cases</td>
<td>50</td>
<td>100</td>
<td>25</td>
</tr>
<tr>
<td><strong>M.C.</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pending (+)</td>
<td>200</td>
<td>300</td>
<td>100</td>
</tr>
<tr>
<td>Closed (-)</td>
<td>50</td>
<td>175</td>
<td>50</td>
</tr>
<tr>
<td>Net Pending</td>
<td>200</td>
<td>225</td>
<td>75</td>
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</tbody>
</table>

## OFFENSE CLASS - FELONY

<table>
<thead>
<tr>
<th></th>
<th>Murder</th>
<th>Rape</th>
<th>Arm. Rob.</th>
<th>Welfare Fraud</th>
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</thead>
<tbody>
<tr>
<td><strong>M.C.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New</td>
<td>1</td>
<td>12</td>
<td>9</td>
<td>20</td>
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<tr>
<td>Total</td>
<td>5</td>
<td>18</td>
<td>33</td>
<td>23</td>
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</table>
(Case Management)

(2)

CASE STATUS REPORT

<table>
<thead>
<tr>
<th>STATUS OF PENDING CASES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pending:</td>
</tr>
<tr>
<td>Felony</td>
</tr>
<tr>
<td>Misd.</td>
</tr>
<tr>
<td>Juv.</td>
</tr>
<tr>
<td>M.C.</td>
</tr>
<tr>
<td>Indictment</td>
</tr>
<tr>
<td>Pre-Trial</td>
</tr>
<tr>
<td>Jury Trial</td>
</tr>
<tr>
<td>Bench Trial</td>
</tr>
<tr>
<td>Plea</td>
</tr>
<tr>
<td>Sentence</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CASELOAD AGING (Days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 60 90 120 180 Over</td>
</tr>
<tr>
<td>Six Months</td>
</tr>
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<td>M.C.</td>
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<td>Felony</td>
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<tr>
<td>Misd.</td>
</tr>
<tr>
<td>Juv.</td>
</tr>
</tbody>
</table>
## M.C.

### ACTIVITY REPORT

<table>
<thead>
<tr>
<th>No.</th>
<th>Total Court Appearances</th>
</tr>
</thead>
<tbody>
<tr>
<td>260</td>
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</tr>
<tr>
<td>25</td>
<td>Arraignments</td>
</tr>
<tr>
<td>75</td>
<td>Preliminary Exams</td>
</tr>
<tr>
<td>5</td>
<td>Line-Uos</td>
</tr>
<tr>
<td>22</td>
<td>Motions Filed</td>
</tr>
<tr>
<td>50</td>
<td>Pleas</td>
</tr>
<tr>
<td>15</td>
<td>Trials</td>
</tr>
<tr>
<td>40</td>
<td>Sentencing HRGS</td>
</tr>
<tr>
<td>16</td>
<td>Non-Client Assistance</td>
</tr>
<tr>
<td>2</td>
<td>Appeals Filed</td>
</tr>
<tr>
<td>1</td>
<td>Other: Extradition HRG</td>
</tr>
</tbody>
</table>
## DISPOSITIONAL REPORT

<table>
<thead>
<tr>
<th>Type</th>
<th>All Cases</th>
<th>Plea</th>
<th>Jury</th>
<th>Bench</th>
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</thead>
<tbody>
<tr>
<td>Conviction</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• As Charged</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>• Reduced Charge</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acquittal</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Dismissed</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• At Pre-Lim</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• On Motion</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Plea Agreement</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Other</td>
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</tr>
<tr>
<td>Prison</td>
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<td>County Jail</td>
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<tr>
<td>Probation</td>
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<tr>
<td>Fine</td>
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</tr>
<tr>
<td>Diversion</td>
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<tr>
<td>Other</td>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
CLOSING FORM

1. Defendant's Name and Location

2. Defender Office Case Number

3. Date:      Arrest
             File Opened
             Disposition (Sentence)
             File Closed

4. Charge(s): Disposition Method
             Outcome

5. Sentencing Alternatives: Plan
             Result

6. Attorney - Investigator - Social Worker

7. Hours Spent on Case

8. Fact Summary and Theory of Defense

9. Motions/Issues Raised

10. Experts Used

11. Defendant Demographics: Age
             Race
             Prior Record
             Bail Status

12. Misc:    Judge
             Confession - I.D. - S+S
             Prosecutor
             Police Agency
ATTORNEY WORKLOAD ANALYSIS

1. CASELOAD VOLUME
   A. Number of Defendants
   B. Number of Charges
   C. Seriousness of Charges

2. STATUS OF PENDING CASELOAD

3. CLOSED CASES
   A. Type of Disposition
   B. Outcome
   C. Result
   D. Average Time to Disposition
   E. Average Hours Spent
      1. By Offense
      2. By Disposition Type
      3. By Court

4. ACTIVITIES DURING MONTH
   - Number of Trials, Pre-lims, Motions, Etc.
STEPS IN OPENING A CASE

CLIENT INTAKE INTERVIEW

APPOINTMENT

OFFICE INTAKE

MASTER LOG

MASTER CARD

CALENDAR

PREPARE FILE JACKET

TO PROFESSIONAL STAFF

COURT ACTIVITY

42

(Case Management)
### Attorney Caseload Analysis

<table>
<thead>
<tr>
<th>Case Stage</th>
<th>No. of Felonies</th>
<th>No. of Misdemeanors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Appearance to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pre-Trial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pending Trial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pending Plea</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pending (Disposition Uncertain)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pending Sentencing</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SUBTOTAL**

**Misc.**

(P/V, P/R, EXP, etc.)

**TOTAL**

This form is due every Friday at 10:00 a.m. It should be given to ____________________________ for evaluation and future redistribution of cases.
## MASTER LOG

<table>
<thead>
<tr>
<th>DATE FILE OPENED</th>
<th>DATE OF DISPOSITION</th>
<th>DEFENDER OFFICE CASE NO.</th>
<th>DEFENDANT'S NAME</th>
<th>CHARGE</th>
<th>COURT</th>
<th>COURT CASE NO.</th>
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</thead>
<tbody>
<tr>
<td>6-21-78</td>
<td></td>
<td>78-100-F</td>
<td>Jones, T.</td>
<td>B + E</td>
<td>Circuit</td>
<td>78-1000A</td>
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<tr>
<td>6-21-78</td>
<td></td>
<td>78-101-F</td>
<td>Brown, S.</td>
<td>Arson</td>
<td>Circuit</td>
<td>78-1000B</td>
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<tr>
<td>6-21-78</td>
<td>6-30-78</td>
<td>78-102-M</td>
<td>Smith, J.</td>
<td>Assault</td>
<td>Rockford</td>
<td>M-200</td>
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<tr>
<td>6-22-78</td>
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<td>78-104-F</td>
<td>Green, R.</td>
<td>C.S.C.</td>
<td>Circuit</td>
<td>78-1000C</td>
</tr>
</tbody>
</table>
### Master Card

1. Defender Office Case Number
2. Date File Opened/Closed
3. Defendant's: Name  
   Location  
   Phone (Alternate)
4. Name of:  
   Attorney  
   Investigator  
   Social Worker
5. Charge(s)
6. Court and Court Case No.
7. Current Status
8. Court Activity Record
9. Disposition: Date  
   Type/Outcome  
   Result
<table>
<thead>
<tr>
<th>Pending</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indictment</td>
<td></td>
</tr>
<tr>
<td>Pre-Lim</td>
<td>X</td>
</tr>
<tr>
<td>Motion</td>
<td>X</td>
</tr>
<tr>
<td>Pre-Trial Confr.</td>
<td>X</td>
</tr>
<tr>
<td>Jury Trial</td>
<td>2</td>
</tr>
<tr>
<td>Bench Trial</td>
<td></td>
</tr>
<tr>
<td>Plea</td>
<td></td>
</tr>
<tr>
<td>Sentence</td>
<td></td>
</tr>
<tr>
<td>Mental Exam</td>
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<td>Bench Warrant</td>
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<tr>
<td>Interlocutory Appeal</td>
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<tr>
<td>Other</td>
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</table>
Master Card

File# ____________________

Defendant ____________________ Police Dept. ____________________

AKA ____________________ Incident # ____________________ File Opened ____________________

<table>
<thead>
<tr>
<th>Charge</th>
<th>CR #</th>
<th>M/F</th>
<th>Date</th>
<th>Bond</th>
<th>Disp. Code</th>
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Bond ☐  Jail ☐  City ☐  County ☐  WH ☐  (MC ☐)

Step | Status | Date Lapse Atty. | Date Lapse Atty. |
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<tr>
<td>Arrest</td>
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<td>G—Pend. Arraignment</td>
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<tr>
<td>Initial App.</td>
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<td>H—Pend. Bench T.</td>
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<td>B—Pend. Bench T.</td>
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<td>D—Pend. Prelim.</td>
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<td>L—Pend. Appeal</td>
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<td>F—Indictment</td>
<td></td>
<td>N—B.F. Caplas</td>
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<td></td>
<td></td>
<td>O—Disposition</td>
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</table>

Sentence | Term
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<td>Probation ☐</td>
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<td>Incarceration ☐</td>
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<tr>
<td>Place of Incarceration ☐</td>
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<tr>
<td>Judge</td>
<td>Date of Disposition</td>
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</table>

Co-Defendants | Attorneys | Other Ref.
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</tbody>
</table>
STEPS IN CLOSING A CASE

- Disposition
- Closing Form
- Calendar
- Master Log
- Master Card
- Review
- Closed Master Index File
- Statistical System
- File Jacket
- Closed Files
- Files Stripped
- Microfilm
- Reports
FIVE KEYS TO SUCCESSFUL
CASE MANAGEMENT

1. Pinpoint responsibility.
2. Delegate authority.
3. Provide written procedures.
4. Require discipline.
5. Support administrative personnel.
SESSION 4
DAY I
3:15 - 4:15 p.m.

MASTER CARD AND CLOSING FORM EXERCISE

Goals of the Session

By the end of this session participants will:

- Be better acquainted with other participants in their workshop group
- Have identified information items they would want on a master card and a closing form in their offices
- Better understand how a master card and closing form can help develop a more effective case management system.
SESSION 5
DAY I
4:15 - 4:45 p.m.

QUALITY CONTROL FACTORS IN CASE MANAGEMENT

Goals of the Session

By the end of this session participants will have a better understanding of:

• How to design forms so that they communicate desired information

• Quality control checkpoints for more effective client service

• What to do to ensure the confidentiality of client information.
POSSIBLE QUALITY CONTROL CHECKPOINTS

ARREST

Client Contact

CONFLICT OUT

INVESTIGATOR ATTORNEY CONFERENCE

INVESTIGATION PRE-TRIAL MOTION CHECK

PRE-TRIAL CONF.

Plea REVIEW

SENTENCING ALTERNATIVES CHECK

Client Contact

Client Contact

Client Contact

STAFF MEETING

SUPERVISE REVIEW

REVIEW

CLIENT FEEDBACK
ENSURING CONFIDENTIALITY--A CHECKLIST

1. Establish written policies and procedures.
2. Educate staff regarding security need.
4. Secure unfiled documents and papers.
5. Establish checkout procedure for closed files.
7. Establish telephone system.
8. Discourage writing on outside of file jackets.
9. Implement "need to know" rule.
10. Shred waste paper.
SESSION 6
DAY I
4:45 - 5:15 p.m.

CASELOAD ANALYSIS

Goals of the Session

By the end of this session participants will have a better understanding of:

- The factors affecting the determination of acceptable caseload levels
- A system for monitoring workload levels
- How to develop a time requirement and time availability analysis of cases in the system
- How to use the national standards to develop an effective caseload level.
TIME REQUIREMENTS ANALYSIS

<table>
<thead>
<tr>
<th>Type Offense</th>
<th>Average Hours Expended</th>
<th>Projected Caseload</th>
<th>Total Attorney Hours Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burglary</td>
<td>20</td>
<td>100</td>
<td>2,000</td>
</tr>
<tr>
<td>Armed Robbery</td>
<td>25</td>
<td>100</td>
<td>2,500</td>
</tr>
<tr>
<td>Murder</td>
<td>100</td>
<td>20</td>
<td>2,000</td>
</tr>
<tr>
<td>Rape</td>
<td>50</td>
<td>60</td>
<td>3,000</td>
</tr>
<tr>
<td>Assault</td>
<td>10</td>
<td>200</td>
<td>2,000</td>
</tr>
</tbody>
</table>

Total attorney hours needed to handle projected caseload: 11,000
TIME AVAILABILITY ANALYSIS

Number Working Days - Lost Days: Holiday Vacation Sick Training = Number Effective Days

Number Effective Days x Number Productive Hours Per Day (Time Study) = Number Available Hours Per Attorney

260 - 23 = 237 x 6 = 1,422

Hours
ATTORNEYS REQUIRED

7.7 (Attorneys)

| 1,422 (Available Hours) | 11,000 (Required Hours) |
LEGAL AID SOCIETY
CRIMINAL DEFENSE DIVISION
CASE EVALUATION--CUTOFF REQUEST

DATE OF ATTORNEY REQUEST ________________

1. Attorney Name: ____________________________________________

2. Criminal Court Starting Date: _________________________________

3. Supreme Court Starting Date (if applicable): _____________________

4. a. Total Caseload: __________ Office Average: __________
     b. Sentencing Only: __________ Office Median: __________

Criminal Court Only: ___________________________________________________________________________

5. Number of Felonies: _________ Misdemeanors: __________

Teams (Vertical) Only: __________________________________________________________________________

6. Number of Felonies: _________ Misdemeanors: __________

7. Number of Jail Cases: ________________________________________________________________________

8. Total Dispositions in Past 60 Days: __________________________________________________________________

9. Number of Trials _______ and Trial Days _______ in Past 60 Days.
TO BE COMPLETED BY ATTORNEY AND SUPERVISOR

<table>
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<th>11</th>
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<tbody>
<tr>
<td>Fel.Misd (Docket) Number</td>
<td>Indictment Number</td>
<td>Charge</td>
<td>Arrest Date</td>
<td>Jail/Bail-Parole</td>
<td>Date</td>
<td>Attorney Assigned</td>
<td>Case Evaluation 1-Difficult, 2-Average, 3-Simple</td>
<td>Case Preparation State 1-Ready, 2-50%, 3-Under 50%, 4-No Preparation</td>
<td>Mandays to Prepare Case 1-Attorney, 2-Under 50%</td>
<td>Probability of Mandatory Minimum Trial, 1-</td>
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The objective in providing counsel should be to assure that quality legal representation is afforded. Neither defender organizations nor assigned counsel should accept workloads which, by reason of their excessive size, interfere with the rendering of such representation or lead to the breach of professional obligations. Whenever defender organizations or assigned counsel determine, in the exercise of their best professional judgment, that the acceptance of additional cases or continued representation in previously accepted cases will lead to the furnishing of representation lacking in quality or to the breach of professional obligations, the defender organizations or assigned counsel should take such steps as may be appropriate to reduce their pending or projected workloads.
13.12 Workload of Public Defenders

The caseload of a public defender office should not exceed the following:
felonies per attorney per year: not more than 150; misdemeanors (excluding traffic) per attorney per year: not more than 400; juvenile court cases per attorney per year: not more than 200; Mental Health Act cases per attorney per year: not more than 200; and appeals per attorney per year: not more than 25.

For purposes of this standard, the term case means a single charge or set of charges concerning a defendant (or other client) in one court in one proceeding. An appeal or other action for post judgment review is a separate case. If the public defender determines that because of excessive workload the assumption of additional cases or continued representation in previously accepted cases by his office might reasonably be expected to lead to inadequate representation in cases handled by him, he should bring this to the attention of the court. If the court accepts such assertions, the court should direct the public defender to refuse to accept or retain additional cases for representation by his office.
National Study Commission on Defense Services
Guidelines for Legal Defense Systems in the U.S.

RECOMMENDATIONS AND COMMENTARY ON WORKLOAD AND CASELOAD LEVELS

1. Establishing Maximum Pending Workload Levels for Individual Attorneys

   (a) In order to achieve the prime objective of effective assistance of counsel to all defender clients, which cannot be accomplished by even the ablest, most industrious attorneys in the face of excessive workloads, every defender system should establish maximum caseloads for individual attorneys in the system.

   (b) Caseloads should reflect national standards and guidelines. The determination by the defender office as to whether or not the workloads of the defenders in the office are excessive should take into consideration the following factors:

      (1) Objective statistical data;

      (2) Factors related to local practice; and

      (3) An evaluation and comparison of the workload of experienced, competent private defense practitioners.

2. Statistics and Record-Keeping

   (a) Every defender office should maintain a central filing and record system with daily retrieval of information concerning all open cases. The system should include, at a minimum, an alphabetical card index system with a card containing detailed and current information on every open case, and a docket book or calendar which contains future court appearance activities.

   (b) Every defender director should receive, on a weekly or monthly basis, detailed caseload and dispositional data, broken down by type of case, type of function, disposition, and by individual attorney workload.

3. Elimination of Excessive Caseloads

   (a) Defender office caseloads and individual defender attorney workloads should be continuously monitored, assessed and predicted so that, wherever possible, caseload problems can be anticipated in time for preventive action.

   (b) Whenever the defender director, in light of the system's established workload standards, determines that the assumption of additional cases by the system might reasonably result in inadequate representation for some or all of the system's clients, the defender system should decline any additional cases until the situation is altered.

   (c) When faced with an excessive caseload, the defender system should diligently pursue all reasonable means of alleviating the problem, including:
(1) Declining additional cases, as appropriate, seeking leave of Court to withdraw from cases already assigned;

(2) Actively seeking the support of the Judiciary, the Defender Commission, the Private Bar and the community in the resolution of the caseload problem;

(3) Seeking evaluative measures from the appropriate national organization as a means of independent documentation of the problem;

(4) Hiring assigned counsel to handle the additional cases; and

(5) Initiating legal causes of action.

(d) An individual staff attorney has the duty not to accept more clients than he can effectively handle and should keep the defender director advised of his workload in order to prevent an excessive workload situation. If such a situation arises, the staff attorney should inform the Court and his client of his resulting inability to render effective assistance of counsel.
SESSION 7
DAY I
5:15 - 5:30 p.m.

CASE MANAGEMENT IMPLEMENTATION PLAN

Goals of the Session

By the end of this session participants will:

- Be able to indicate which case management information system components will be implemented in their offices
- Better understand the items required for a case management information system.

Training Process

1. Each participant will review the case management implementation checklist and check the appropriate column.

2. For those items scheduled for implementation, participants will indicate the obstacles to implementation and possible ways of removing them.

3. The checklist will be handed in for review and will be returned to participants at a later date by mail.
Using the information presented on case management, explain your plan to implement the following:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>HAVE NOW</th>
<th>WILL HAVE IN 3 MOS.</th>
<th>WILL HAVE IN 12 MOS.</th>
<th>NOT NEEDED</th>
<th>OBSTACLES/SOLUTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Intake Interview Form</td>
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<tr>
<td>2. Master Log</td>
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<td>3. Master Card</td>
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<td>4. File Jacket</td>
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<td>5. Closing Form</td>
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<tr>
<td>6. Daily Summary Sheet</td>
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</table>
## CASE MANAGEMENT IMPLEMENTATION

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<th>WILL HAVE IN 3 MOS.</th>
<th>WILL HAVE IN 12 MOS.</th>
<th>NOT NEEDED</th>
<th>OBSTACLES/SOLUTIONS</th>
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<tr>
<td>7. Quality Control System</td>
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<tr>
<td>8. Improved Confidentiality Security</td>
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<tr>
<td>9. Effective Case-load Levels</td>
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<td>10. Time Study Analysis</td>
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<td>11. Litigation Review</td>
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<td>12. Meet with Judges and Bar Leaders</td>
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<td>13. Seek Ethics Advisory Opinion</td>
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<td>Session</td>
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<td>8</td>
<td>Budgeting Introduction--Funding Defender Offices</td>
<td>9:00 - 9:30 a.m.</td>
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<td>9</td>
<td>Workload Forecasting</td>
<td>9:30 - 10:45 a.m.</td>
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<td>BREAK</td>
<td>10:45 - 11:00 a.m.</td>
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<td>10</td>
<td>Cost Forecasting</td>
<td>11:00 - 11:15 a.m.</td>
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<td>11</td>
<td>&quot;Delphi&quot; Method Introduction and Forecasting Exercise</td>
<td>11:15 - 12:00 noon</td>
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<td>LUNCH</td>
<td>12:00 - 1:30 p.m.</td>
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<td>12</td>
<td>Grant Funding Checklist/Program Budgeting--Plans and Goals</td>
<td>1:30 - 2:30 p.m.</td>
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<tr>
<td>13</td>
<td>Contingency Budgeting</td>
<td>2:30 - 2:45 p.m.</td>
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<td>14</td>
<td>Budgeting Implementation Plan</td>
<td>2:45 - 3:00 p.m.</td>
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<td>BREAK</td>
<td>3:00 - 3:15 p.m.</td>
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<td>15</td>
<td>Personnel Management--Sociodramatization of Issues</td>
<td>3:15 - 5:30 p.m.</td>
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</table>
SESSION 8
DAY II
9:00 - 9:30 a.m.

BUDGETING INTRODUCTION--FUNDING DEFENDER OFFICES

Goals of the Session
By the end of this session participants will have:

- Greater awareness of defender offices' share of dollars available for criminal justice agencies
- Greater awareness of defender offices' number of full-time employees as compared to other criminal justice agencies
- Increased understanding of need for defender offices to develop both short-term and long-term funding goals to obtain required resources.
Federal, State, and Local Government Shares of Spending for Defense of Indigents in State Courts

- Federal: 7%
- State: 20%
- Local: 73%
Federal Government
$3,019 million

Other criminal justice
$862 million
(29.2%)

Corrections
$243 million
(8.0%)

Public defense
$87 million
(2.9%)

Legal services
$177 million
(5.9%)

Judicial
$165 million
(5.5%)

Police protection
$1,464 million
(48.5%)
State Government
$5,321 million

- Other criminal justice: $598 million (11.2%)
- Police protection: $1,578 million (29.7%)
- Corrections: $2,292 million (43.1%)
- Judicial: $561 million (10.5%)
- Legal services: $219 million (4.1%)
- Public defense: $73 million (1.4%)
Local Government
$10,502 million

- Corrections: $1,471 million (14.0%)
- Public defense: $128 million (1.2%)
- Legal services: $542 million (5.2%)
- Judicial: $1,413 million (13.5%)
- Other criminal justice: $130 million (1.2%)
- Police protection: $6,817 million (64.9%)
Federal government
96,136

- Corrections: 10,707 (11.1%)
- Public defense: 185 (0.2%)
- Legal services: 7,099 (7.4%)
- Judicial: 7,278 (7.6%)
- Other criminal justice: 1,671 (1.7%)
- Police protection: 69,195 (72.0%)
State government
263,208

Police protection
92,445 (35.1%)

Corrections
126,933 (42.8%)

Public defense
2,547 (1.0%)

Other criminal justice
3,371 (1.3%)

Judicial
25,578 (9.7%)

Legal services
12,334 (4.7%)
Local government

691,159

- Corrections: 86,880 (12.6%)
- Other criminal justice: 2,187 (0.3%)
- Public defense: 3,625 (0.5%)
- Legal services: 35,931 (5.2%)
- Judicial: 99,132 (14.3%)
- Police protection: 463,404 (67.1%)
Expenditure for criminal justice activities, by level of government and type of activity, United States, fiscal year 1975

**Federal government**
- Other criminal justice: $882 million (29.2%)
- Corrections: $243 million (8.0%)
- Public defense: $87 million (2.9%)
- Legal services: $177 million (5.9%)
- Police protection: $1,464 million (48.5%)
- Judicial: $165 million (5.5%)

**State government**
- Other criminal justice: $586 million (11.2%)
- Corrections: $2,292 million (43.1%)
- Public defense: $73 million (1.4%)
- Legal services: $219 million (4.1%)
- Police protection: $1,578 million (29.7%)
- Judicial: $581 million (10.5%)

**Local government**
- Other criminal justice: $130 million (1.2%)
- Corrections: $1,471 million (14.0%)
- Public defense: $128 million (1.2%)
- Legal services: $542 million (5.2%)
- Police protection: $6,817 million (94.9%)
- Judicial: $1,413 million (13.5%)

Because of rounding, detail may not add to total.

### Federal government
- Corrections: 10,707 (11.1%)
- Public defense: 185 (0.2%)
- Legal services: 7,099 (7.4%)
- Judicial: 7,278 (7.6%)
- Other criminal justice: 1,671 (1.7%)
- Police protection: 69,196 (72.0%)

### State government
- Other criminal justice: 3,371 (1.3%)
- Corrections: 126,933 (42.6%)
- Public defense: 2,547 (1.0%)
- Judicial: 25,876 (8.7%)
- Legal services: 12,334 (4.3%)
- Police protection: 92,445 (31.1%)

### Local government
- Corrections: 86,880 (12.8%)
- Public defense: 3,625 (0.5%)
- Legal services: 35,931 (5.2%)
- Judicial: 99,132 (14.3%)
- Other criminal justice: 2,187 (0.3%)
- Police protection: 483,404 (67.1%)

Allocation of State Government Criminal Justice Expenditures

- **Police**: 32.2%
- **Indigent Defense**: 0.4%
- **Prosecution**: 3.9%
- **Corrections**: 49.2%
- **Judicial**: 13.2%

Total Criminal Justice Expenditure = $2,267,549,000

Indigent Defense Expenditure = $10,215,000
Allocation of Local Government Criminal Justice Expenditures

- Indigent Defense: 0.7%
- Prosecution: 4.7%
- Corrections: 10.5%
- Judicial: 14.3%
- Police: 69.7%

Total Criminal Justice Expenditure
= $5,505,472,000

Indigent Defense Expenditure
= 37,132,000
BUDGETING SURVEY

<table>
<thead>
<tr>
<th>Characterize your office:</th>
<th>Rural</th>
<th>Urban</th>
<th>Suburban</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funding:</td>
<td>State</td>
<td>City</td>
<td>County</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Is your funding adequate for</th>
<th>Yes</th>
<th>No</th>
<th>Uncertain</th>
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<tbody>
<tr>
<td>• Felony representation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Misdemeanor representation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Juvenile representation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Appellate representation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Other services (mental health, prisoner rights, parole revocation)</td>
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</table>

<table>
<thead>
<tr>
<th>Is funding adequate for</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
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<tr>
<td>• Legal staff salaries</td>
<td></td>
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</tr>
<tr>
<td>• Support staff salaries</td>
<td></td>
<td></td>
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<tr>
<td>• Space, library and equipment</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>• Operating expenses</td>
<td></td>
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</table>

| Do you receive an appropriate share of grant funding? |     |    |           |

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<th>Characterize your immediate (next fiscal year) funding prospects:</th>
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<td>Unfavorable</td>
<td>Fair</td>
<td>Favorable</td>
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</table>

<table>
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<tr>
<th>Characterize your long-range funding (three to five years) prospects:</th>
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<td>Favorable</td>
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## Adequacy of Defender Funding

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<th>Area Representation</th>
<th>Adequately Funded</th>
<th>Not Adequately Funded</th>
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<tr>
<td>Felony</td>
<td>28%</td>
<td>72%</td>
</tr>
<tr>
<td>(N = 155)</td>
<td></td>
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<tr>
<td>Misdemeanor</td>
<td>32%</td>
<td>68%</td>
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<tr>
<td>(N = 143)</td>
<td></td>
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<tr>
<td>Juvenile</td>
<td>36%</td>
<td>64%</td>
</tr>
<tr>
<td>(N = 12)</td>
<td></td>
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<tr>
<td>Mental Illness</td>
<td>58%</td>
<td>42%</td>
</tr>
<tr>
<td>(N = 101)</td>
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<tr>
<td>Appeals</td>
<td>39%</td>
<td>61%</td>
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<tr>
<td>(N = 122)</td>
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Average increase in present budget required in each area of representation

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<th>Area of Representation</th>
<th>Share of Present Budget</th>
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<tr>
<td>Felony ($N = 87$)</td>
<td>26%</td>
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<tr>
<td>Misdemeanor ($N = 77$)</td>
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<td>Juvenile ($N = 57$)</td>
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<td>Mental Illness ($N = 27$)</td>
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<td>Appeals ($N = 55$)</td>
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<tr>
<td>--------------------------------</td>
<td>--------------</td>
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<tr>
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<tr>
<td>Total Employees</td>
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<tr>
<td>Full-Time Employees</td>
<td>7,766</td>
</tr>
<tr>
<td>Full-Time Equivalent Employees</td>
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<tr>
<td>October Payroll</td>
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<tr>
<td><strong>Public Defense:</strong></td>
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<tr>
<td>Total Employees</td>
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<tr>
<td>Full-Time Employees</td>
<td>961</td>
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<tr>
<td>Full-Time Equivalent Employees</td>
<td>985</td>
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<td>October Payroll</td>
<td>878</td>
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continued
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<tbody>
<tr>
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<td></td>
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<tr>
<td>Total Employees</td>
<td>30,211</td>
<td>34,607</td>
<td>37,050</td>
<td>39,110</td>
<td>40,958</td>
<td>14.6</td>
<td>7.1</td>
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<tr>
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<td>23,487</td>
<td>25,794</td>
<td>26,829</td>
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<tr>
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<td>25,954</td>
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<td>33,598</td>
<td>35,931</td>
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<tr>
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<td>$26,849</td>
<td>$30,308</td>
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<td>$40,810</td>
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<td>12.9</td>
<td>17.4</td>
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<td>77.1</td>
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<tr>
<td>Public Defense:</td>
<td></td>
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<tr>
<td>Total Employees</td>
<td>2,936</td>
<td>3,431</td>
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<td>3,860</td>
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<td>8.3</td>
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<tr>
<td>Full-Time Employees</td>
<td>2,141</td>
<td>2,334</td>
<td>2,585</td>
<td>2,926</td>
<td>3,318</td>
<td>9.0</td>
<td>10.8</td>
<td>13.2</td>
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<tr>
<td>Full-Time Equivalent Employees</td>
<td>2,473</td>
<td>2,662</td>
<td>2,967</td>
<td>3,340</td>
<td>3,625</td>
<td>7.6</td>
<td>11.5</td>
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<tr>
<td>October Payroll</td>
<td>$2,474</td>
<td>$2,857</td>
<td>$3,331</td>
<td>$4,029</td>
<td>$4,841</td>
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<td>16.6</td>
<td>21.0</td>
<td>20.2</td>
<td>95.7</td>
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</table>
# Criminal Justice Expenditure, by Level of Government and Type of Activity and Expenditure

United States, Fiscal Year 1971-75

## State Governments

<table>
<thead>
<tr>
<th></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td>Legal Services and Prosecution</td>
<td>109,494</td>
<td>127,078</td>
<td>145,805</td>
<td>181,537</td>
<td>219,247</td>
<td>16.8</td>
<td>14.0</td>
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<tr>
<td>-Direct Expenditure</td>
<td>107,799</td>
<td>124,959</td>
<td>143,417</td>
<td>178,355</td>
<td>215,997</td>
<td>15.9</td>
<td>14.8</td>
<td>24.4</td>
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<tr>
<td>-Intergovernmental Expenditure</td>
<td>1,695</td>
<td>2,920</td>
<td>2,388</td>
<td>3,102</td>
<td>3,250</td>
<td>72.3</td>
<td>-18.2</td>
<td>33.2</td>
<td>2.1</td>
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<td>Public Defense</td>
<td>17,266</td>
<td>25,571</td>
<td>41,830</td>
<td>58,055</td>
<td>73,127</td>
<td>40.1</td>
<td>63.6</td>
<td>38.8</td>
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<td>-Direct Expenditure</td>
<td>16,491</td>
<td>23,963</td>
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<td>54.5</td>
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<tr>
<td>-Intergovernmental Expenditure</td>
<td>775</td>
<td>1,608</td>
<td>4,801</td>
<td>6,372</td>
<td>7,646</td>
<td>107.5</td>
<td>198.6</td>
<td>32.7</td>
<td>20.0</td>
</tr>
</tbody>
</table>

## Local Governments

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<tr>
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<th></th>
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<th></th>
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<tbody>
<tr>
<td>Legal Services and Prosecution</td>
<td>295,415</td>
<td>350,150</td>
<td>398,783</td>
<td>476,793</td>
<td>542,440</td>
<td>18.5</td>
<td>13.9</td>
<td>19.6</td>
<td>13.6</td>
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<tr>
<td>-Direct Expenditure</td>
<td>294,779</td>
<td>348,351</td>
<td>396,899</td>
<td>474,609</td>
<td>539,054</td>
<td>18.2</td>
<td>13.9</td>
<td>19.6</td>
<td>13.7</td>
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<tr>
<td>-Intergovernmental Expenditure</td>
<td>787</td>
<td>1,799</td>
<td>2,553</td>
<td>2,627</td>
<td>2,967</td>
<td>128.6</td>
<td>41.9</td>
<td>2.9</td>
<td>12.9</td>
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<tr>
<td>Public Defense</td>
<td>50,969</td>
<td>63,573</td>
<td>79,283</td>
<td>101,445</td>
<td>127,938</td>
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<td>24.7</td>
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<tr>
<td>-Direct Expenditure</td>
<td>50,961</td>
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<td>79,240</td>
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<td>127,772</td>
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<td>24.9</td>
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<tr>
<td>-Intergovernmental Expenditure</td>
<td>1,13</td>
<td>1,43</td>
<td>257</td>
<td>522</td>
<td>545</td>
<td>16.3</td>
<td>79.7</td>
<td>103.1</td>
<td>4.4</td>
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SESSION 9
DAY II
9:30 - 10:45 a.m.

WORKLOAD FORECASTING

Goals of the Session

By the end of this session participants will understand better:

- The importance of translating caseload into workload for budgeting purposes

- The need for and methods of data-keeping that make information accessible for budget preparation

- How to use a weighted caseload method and unweighted average to provide a "planning range" for budget projections.
### Dispositions by Charge Origin

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<tbody>
<tr>
<td>Murder and Manslaughter</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>Rape</td>
<td>5</td>
<td>3</td>
<td>5</td>
<td>8</td>
<td>8</td>
<td>29</td>
</tr>
<tr>
<td>Robbery</td>
<td>67</td>
<td>89</td>
<td>86</td>
<td>101</td>
<td>108</td>
<td>451</td>
</tr>
<tr>
<td>Felonious Assault</td>
<td>36</td>
<td>36</td>
<td>17</td>
<td>19</td>
<td>40</td>
<td>148</td>
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<tr>
<td>Burglary</td>
<td>266</td>
<td>473</td>
<td>598</td>
<td>450</td>
<td>519</td>
<td>2,306</td>
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</table>
## Dispositions by Charge Origin (cont.)

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<tbody>
<tr>
<td>Grand Larceny—Motor Vehicle</td>
<td>301</td>
<td>258</td>
<td>344</td>
<td>316</td>
<td>358</td>
<td>1,577</td>
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<tr>
<td>Grand Larceny</td>
<td>86</td>
<td>121</td>
<td>189</td>
<td>209</td>
<td>241</td>
<td>846</td>
</tr>
<tr>
<td>Narcotics</td>
<td>27</td>
<td>10</td>
<td>24</td>
<td>12</td>
<td>18</td>
<td>91</td>
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<tr>
<td>Other Felony</td>
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<td>46</td>
<td>36</td>
<td>37</td>
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### DISPOSITIONS BY CHARGE ORIGIN

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<tbody>
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<td>2</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>10</td>
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<tr>
<td>RAPE</td>
<td>5</td>
<td>3</td>
<td>5</td>
<td>8</td>
<td>8</td>
<td>29</td>
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<td>ROBBERY</td>
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<td>89</td>
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<td>101</td>
<td>108</td>
<td>451</td>
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<td>17</td>
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<td>BURGLARY</td>
<td>266</td>
<td>473</td>
<td>598</td>
<td>450</td>
<td>519</td>
<td>2,306</td>
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<tr>
<td>GRAND LARCENY-MOTOR VEHICLE</td>
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<td>258</td>
<td>344</td>
<td>316</td>
<td>358</td>
<td>1,577</td>
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<tr>
<td>GRAND LARCENY</td>
<td>86</td>
<td>121</td>
<td>189</td>
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<td>846</td>
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<td>10</td>
<td>24</td>
<td>12</td>
<td>18</td>
<td>91</td>
</tr>
<tr>
<td>OTHER FELONY</td>
<td>39</td>
<td>46</td>
<td>36</td>
<td>37</td>
<td>50</td>
<td>208</td>
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<tr>
<td>TOTAL</td>
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## 5-Year Average Percentage

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<th>Dismissal</th>
<th>Plea</th>
<th>Trial: Acquitted</th>
<th>Trial: Convicted</th>
<th>Other</th>
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</thead>
<tbody>
<tr>
<td>Murder and Manslaughter</td>
<td>10</td>
<td>50</td>
<td>10</td>
<td>20</td>
<td>10</td>
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<tr>
<td>Rape</td>
<td>17.2</td>
<td>55.2</td>
<td>6.9</td>
<td>13.8</td>
<td>6.9</td>
</tr>
<tr>
<td>Robbery</td>
<td>11.3</td>
<td>68.3</td>
<td>4.0</td>
<td>9.8</td>
<td>6.7</td>
</tr>
<tr>
<td>Felonious Assault</td>
<td>15.5</td>
<td>71.6</td>
<td>5.4</td>
<td>6.1</td>
<td>1.4</td>
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5-Year Average Percentage (cont.)

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<th>Plea</th>
<th>Trial: Acquitted</th>
<th>Trial: Convicted</th>
<th>Other</th>
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<tbody>
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<td>10.5</td>
</tr>
<tr>
<td>Narcotics</td>
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<td>53.8</td>
<td>8.8</td>
<td>13.2</td>
<td>4.4</td>
</tr>
<tr>
<td>Other Felony</td>
<td>10.1</td>
<td>63.5</td>
<td>7.2</td>
<td>10.1</td>
<td>9.1</td>
</tr>
</tbody>
</table>
FIVE YEAR-AVERAGE PERCENTAGE

( Key: Top number is percentage; number in parentheses is quantity.)

<table>
<thead>
<tr>
<th>CHARGE</th>
<th>DISMISSAL</th>
<th>PLEA</th>
<th>TRIAL ACQUITTED</th>
<th>TRIAL CONVICTED</th>
<th>OTHER</th>
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<tbody>
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<td>10</td>
<td>50</td>
<td>10</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>(1)</td>
<td>(5)</td>
<td>(1)</td>
<td>(2)</td>
<td>(1)</td>
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<tr>
<td>RAPE</td>
<td>17.2</td>
<td>55.2</td>
<td>6.9</td>
<td>13.8</td>
<td>6.9</td>
</tr>
<tr>
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<td>(5)</td>
<td>(16)</td>
<td>(2)</td>
<td>(4)</td>
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<tr>
<td>ROBBERY</td>
<td>11.3</td>
<td>68.3</td>
<td>4.0</td>
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<td>6.7</td>
</tr>
<tr>
<td></td>
<td>(51)</td>
<td>(308)</td>
<td>(18)</td>
<td>(44)</td>
<td>(30)</td>
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<tr>
<td>FELONIOUS ASSAULT</td>
<td>15.5</td>
<td>71.6</td>
<td>5.4</td>
<td>6.1</td>
<td>1.4</td>
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<tr>
<td></td>
<td>(23)</td>
<td>(106)</td>
<td>(8)</td>
<td>( )</td>
<td>(2)</td>
</tr>
<tr>
<td>BURGLARY</td>
<td>12.6</td>
<td>80.0</td>
<td>3.0</td>
<td>3.9</td>
<td>0.5</td>
</tr>
<tr>
<td></td>
<td>(290)</td>
<td>(1,844)</td>
<td>(69)</td>
<td>(91)</td>
<td>(12)</td>
</tr>
<tr>
<td>GRAND LARCENY MOTOR VEHICLE</td>
<td>9.7</td>
<td>69.8</td>
<td>4.3</td>
<td>6.8</td>
<td>9.3</td>
</tr>
<tr>
<td></td>
<td>(153)</td>
<td>(1,101)</td>
<td>(68)</td>
<td>(108)</td>
<td>(147)</td>
</tr>
<tr>
<td>GRAND LARCENY</td>
<td>10.4</td>
<td>52.2</td>
<td>9.6</td>
<td>11.2</td>
<td>10.5</td>
</tr>
<tr>
<td></td>
<td>(139)</td>
<td>(442)</td>
<td>(81)</td>
<td>(95)</td>
<td>(89)</td>
</tr>
<tr>
<td>NARCOTICS</td>
<td>19.7</td>
<td>53.8</td>
<td>8.8</td>
<td>13.2</td>
<td>4.4</td>
</tr>
<tr>
<td></td>
<td>(18)</td>
<td>(49)</td>
<td>(8)</td>
<td>(12)</td>
<td>(4)</td>
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<tr>
<td>OTHER FELONY</td>
<td>10.1</td>
<td>63.5</td>
<td>7.2</td>
<td>10.1</td>
<td>9.1</td>
</tr>
<tr>
<td></td>
<td>(21)</td>
<td>(132)</td>
<td>(15)</td>
<td>(21)</td>
<td>(19)</td>
</tr>
<tr>
<td>TOTAL</td>
<td>12.4</td>
<td>70.6</td>
<td>4.8</td>
<td>6.8</td>
<td>5.4</td>
</tr>
<tr>
<td></td>
<td>(701)</td>
<td>(4,003)</td>
<td>(240)</td>
<td>(386)</td>
<td>(306)</td>
</tr>
</tbody>
</table>
### WORKLOAD FORECASTING

#### Summary-Caseload Weighting

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>MURDER, MANSLAUGHTER</td>
<td>1(1)</td>
<td>-1(2)</td>
<td>3(3)</td>
<td>-2(4)</td>
<td>+1 4</td>
<td>0.25</td>
<td>0</td>
<td>2.25=Unweighted</td>
</tr>
<tr>
<td>RAPE</td>
<td>-2(1)</td>
<td>+2(2)</td>
<td>3(3)</td>
<td>0(4)</td>
<td>3 4</td>
<td>0.75</td>
<td>1.10</td>
<td>8.75</td>
</tr>
<tr>
<td>ROBBERY</td>
<td>+22(1)</td>
<td>-3(2)</td>
<td>15(3)</td>
<td>7(4)</td>
<td>41 4</td>
<td>10.25</td>
<td>8.90</td>
<td>118.25</td>
</tr>
<tr>
<td>FELONIOUS</td>
<td>0(1)</td>
<td>-19(2)</td>
<td>2(3)</td>
<td>21(4)</td>
<td>4 4</td>
<td>1</td>
<td>41</td>
<td>45.20</td>
</tr>
<tr>
<td>ASSAULT</td>
<td>+207(1)</td>
<td>+125(2)</td>
<td>-148(3)</td>
<td>+69(4)</td>
<td>253 4</td>
<td>62.25</td>
<td>28.9</td>
<td>581.25</td>
</tr>
<tr>
<td>GRAND LARCENY MOTOR VEHICLE</td>
<td>-43(1)</td>
<td>+86(2)</td>
<td>-28(3)</td>
<td>+42(4)</td>
<td>57 4</td>
<td>14.25</td>
<td>21.3</td>
<td>372.25</td>
</tr>
<tr>
<td>GRAND LARCENY</td>
<td>+35(1)</td>
<td>+68(2)</td>
<td>+20(3)</td>
<td>+32(4)</td>
<td>155 4</td>
<td>38.75</td>
<td>35.9</td>
<td>279.75</td>
</tr>
<tr>
<td>NARCOTICS</td>
<td>-17(1)</td>
<td>+14(2)</td>
<td>-12(3)</td>
<td>+6(4)</td>
<td>-9 4</td>
<td>-2.25</td>
<td>-0.10</td>
<td>15.75</td>
</tr>
<tr>
<td>FELONY</td>
<td>7(1)</td>
<td>-10(2)</td>
<td>1(3)</td>
<td>13(4)</td>
<td>11 4</td>
<td>2.75</td>
<td>4.20</td>
<td>52.75</td>
</tr>
<tr>
<td>TOTAL</td>
<td>210(1)</td>
<td>262(2)</td>
<td>-144(3)</td>
<td>+188(4)</td>
<td>516 4</td>
<td>129</td>
<td>105.4</td>
<td>1473</td>
</tr>
</tbody>
</table>

Note: The table above summarizes the caseload forecasting with weighted and unweighted averages for various crimes from 1975 to 1978, with projections for 1979.
(Budgeting)

WORKLOAD FORECASTING
Caseload Weighting I

<table>
<thead>
<tr>
<th></th>
<th>'75</th>
<th>'76</th>
<th>'77</th>
<th>'78</th>
<th>Unweighted Average</th>
<th>'79</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robbery</td>
<td>+22</td>
<td>-3</td>
<td>+15</td>
<td>+7</td>
<td>41/4 = 10.25</td>
<td>118.25</td>
</tr>
<tr>
<td>Burglary</td>
<td>+207</td>
<td>+125</td>
<td>-148</td>
<td>+69</td>
<td>253/4 = 62.25</td>
<td>581.25</td>
</tr>
</tbody>
</table>

EXAMPLE

\[
\text{Robbery} \quad \frac{+22 + (-3) + 15 + 7}{4} = \frac{41}{4} = 10.25
\]

1978 Disposition = +108.00
1979 Unweighted Projection = 118.25
## WORKLOAD FORECASTING

### Caseload Weighting II

<table>
<thead>
<tr>
<th></th>
<th>'75</th>
<th>'76</th>
<th>'77</th>
<th>'78</th>
<th>Weighted Average</th>
<th>'79</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robbery</td>
<td>+22</td>
<td>-3</td>
<td>+15</td>
<td>+7</td>
<td>$\frac{89}{10} = 8.90$</td>
<td>116.90</td>
</tr>
<tr>
<td></td>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burglary</td>
<td>+207</td>
<td>+125</td>
<td>-148</td>
<td>+69</td>
<td>$\frac{289}{10} = 28.9$</td>
<td>547.90</td>
</tr>
</tbody>
</table>

### EXAMPLE

Robbery

\[
\text{Years Weighted} = \frac{22 + (1) - 6 + 45 + 28 + (2) + 15 + (3) + 7 + (4)}{10} = \frac{89}{10} = 8.90
\]

1978 Disposition = +108.00

1979 Weighted Projection = 116.90
### WORKLOAD FORECASTING

**Caseload Weighting III**

<table>
<thead>
<tr>
<th></th>
<th>Unweighted Average</th>
<th>Weighted Average</th>
<th>'79 Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robbery</td>
<td>10.25</td>
<td>8.90</td>
<td>116.90 - 118.25</td>
</tr>
<tr>
<td>Burglary</td>
<td>62.25</td>
<td>28.90</td>
<td>547.90 - 581.25</td>
</tr>
</tbody>
</table>
WORKLOAD FORECASTING

Caseload Weighting - Staff Projections

1. 1978 weighted caseload divided by 1978 legal staff

2. Equals 1978 weighted caseload per legal staff member

3. 1979 projected caseload weighted and divided by #2

WORKLOAD FORECASTING

Initial Data Collection

<table>
<thead>
<tr>
<th></th>
<th>System Time (In Days)</th>
<th>Appearances (In Days)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mean</td>
<td>Median</td>
</tr>
<tr>
<td>Robbery:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dismissal</td>
<td>178</td>
<td>145</td>
</tr>
<tr>
<td>Plea</td>
<td>120</td>
<td>94</td>
</tr>
<tr>
<td>Trial</td>
<td>201</td>
<td>176</td>
</tr>
<tr>
<td>Sentence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guilty Plea</td>
<td>170</td>
<td>156</td>
</tr>
<tr>
<td>Trial</td>
<td>267</td>
<td>227</td>
</tr>
<tr>
<td>Burglary:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dismissal</td>
<td>149</td>
<td>140</td>
</tr>
<tr>
<td>Plea</td>
<td>111</td>
<td>101</td>
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<tr>
<td>Trial</td>
<td>188</td>
<td>165</td>
</tr>
<tr>
<td>Sentence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guilty Plea</td>
<td>151</td>
<td>139</td>
</tr>
<tr>
<td>Trial</td>
<td>238</td>
<td>202</td>
</tr>
</tbody>
</table>
### WORKLOAD FORECASTING

<table>
<thead>
<tr>
<th>CHARGE</th>
<th>TYPE OF DISPOSITION</th>
<th>CHARGE VOLUME (By Cases)</th>
<th>SYSTEM TIME (Median)</th>
<th>NUMBER OF APPEARANCES (Median)</th>
<th>= WORKLOAD WEIGHT</th>
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</thead>
<tbody>
<tr>
<td>Burglary</td>
<td>Dismissal</td>
<td>69</td>
<td>140</td>
<td>14</td>
<td>135,240</td>
</tr>
<tr>
<td></td>
<td>Plea</td>
<td>438</td>
<td>101</td>
<td>10</td>
<td>442,380</td>
</tr>
<tr>
<td></td>
<td>Trial</td>
<td>38</td>
<td>165</td>
<td>19</td>
<td>119,130</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td>731,592</td>
</tr>
</tbody>
</table>

| Robbery | Dismissal           | 13                       | 145                  | 14                            | 26,390           |
|         | Plea                | 81                       | 94                   | 8                             | 60,912           |
|         | Trial               | 16                       | 176                  | 20                            | 56,320           |
|         | Sentence            |                          |                      |                               |                  |
|         | Plea                | 81                       | 62                   | 3                             | 15,066           |
|         | Trial               | 12                       | 51                   | 2                             | 1,224            |
|         | TOTAL               |                          |                      |                               | 159,912          |

Caseload Ratio: \((1:4.64)\)  
(1 Robbery to every 4.64 Burglaries)

Workload Ratio: \((1:4.57)\)  
(1 Robbery to every 4.57 Burglaries)
## WEIGHTED WORKLOAD FORECASTING

<table>
<thead>
<tr>
<th>CHARGE</th>
<th>TYPE OF DISPOSITION</th>
<th>CHARGE VOLUME</th>
<th>SYSTEM TIME (Median)</th>
<th>NUMBER OF APPEARANCES (Median)</th>
<th>WEIGHTED WORKLOAD</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Project</td>
<td>(Median)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Robbery</td>
<td>Dismissal</td>
<td>13</td>
<td>145</td>
<td>14</td>
<td>3,298.75</td>
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<tr>
<td></td>
<td>Plea</td>
<td>81</td>
<td>94</td>
<td>8</td>
<td>7,614.00</td>
</tr>
<tr>
<td></td>
<td>Trial</td>
<td>16</td>
<td>176</td>
<td>20</td>
<td>7,040.00</td>
</tr>
<tr>
<td>Sentence</td>
<td>Plea</td>
<td>81</td>
<td>62</td>
<td>3</td>
<td>1,883.25</td>
</tr>
<tr>
<td></td>
<td>Trial</td>
<td>12</td>
<td>51</td>
<td>2</td>
<td>153.00</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>19,989.00</td>
</tr>
<tr>
<td>Burglary</td>
<td>Dismissal</td>
<td>69</td>
<td>140</td>
<td>14</td>
<td>8,452.50</td>
</tr>
<tr>
<td></td>
<td>Plea</td>
<td>438</td>
<td>101</td>
<td>10</td>
<td>55,297.50</td>
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<tr>
<td></td>
<td>Trial</td>
<td>38</td>
<td>165</td>
<td>19</td>
<td>14,891.25</td>
</tr>
<tr>
<td>Sentence</td>
<td>Plea</td>
<td>438</td>
<td>38</td>
<td>2</td>
<td>4,161.00</td>
</tr>
<tr>
<td></td>
<td>Trial</td>
<td>21</td>
<td>37</td>
<td>2</td>
<td>194.25</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>82,996.50</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Caseload Ratio</th>
<th>Workload Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1:4.64)</td>
<td>(1:4.15)</td>
</tr>
</tbody>
</table>

*EXAMPLE*

Robbery
*Dismissal*  
13 x 145 x .25 x 14 x .50 = 3,298.7
Goals of the Session

At the end of this session participants will have a better understanding of:

- A method of preparing cost forecasts by earmarking operating costs as major charge categories
- The need to address operating costs such as space, telephone, utilities, etc., as charges per staff member
- The need to determine all operating costs per staff person to insure sufficient budget requests to cover a new staff member.
COST FORECASTING EXAMPLE

The defender has been maintaining cost records by charge category for several major operating costs. He has noted the following:

1. Use of Expert Witnesses:

<table>
<thead>
<tr>
<th>Charge</th>
<th>Frequency</th>
<th>Average Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robbery</td>
<td>.05</td>
<td>$150</td>
</tr>
<tr>
<td>Felonious Assault</td>
<td>.03</td>
<td>$200</td>
</tr>
<tr>
<td>Narcotics</td>
<td>.10</td>
<td>$180</td>
</tr>
</tbody>
</table>

2. Purchase of Transcripts

<table>
<thead>
<tr>
<th>Charge</th>
<th>Frequency</th>
<th>Average Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robbery</td>
<td>.10</td>
<td>$200</td>
</tr>
<tr>
<td>Felonious Assault</td>
<td>.20</td>
<td>$150</td>
</tr>
<tr>
<td>Narcotics</td>
<td>.15</td>
<td>$190</td>
</tr>
</tbody>
</table>

Using his projections of caseload for 1979, by charge type, he can generate forecasts of his operating costs:

1. **Expert Witnesses**
   **Charge Volume**

<table>
<thead>
<tr>
<th>1978 X</th>
<th>Frequency X Average Cost</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robbery</td>
<td>.05 150</td>
<td>$876.75</td>
</tr>
<tr>
<td>Felonious Assault</td>
<td>.03 200</td>
<td>$271.20</td>
</tr>
<tr>
<td>Narcotics</td>
<td>.10 180</td>
<td>$322.20</td>
</tr>
</tbody>
</table>

2. **Purchase of Transcripts**
   **Charge Volume**

<table>
<thead>
<tr>
<th>1978 X</th>
<th>Frequency X Average Cost</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robbery</td>
<td>.10 200</td>
<td>$2,338.00</td>
</tr>
<tr>
<td>Felonious Assault</td>
<td>.20 150</td>
<td>$1,356.00</td>
</tr>
<tr>
<td>Narcotics</td>
<td>.15 190</td>
<td>$ 510.00</td>
</tr>
</tbody>
</table>
SESSION 11
DAY II
11:15 - 12:00 noon

"DELPHI" METHOD INTRODUCTION AND FORECASTING EXERCISE

Goals of the Session

By the end of this session participants will understand:

- The "Delphi" method of collecting data as an alternative method of workload forecasting

- How the "Delphi" method provides reliable information without a data tracking system.
**Table 1**
LENGTH OF TIME IN CRIMINAL JUSTICE SYSTEM
(Arrest to Disposition Including Sentencing Where Applicable)
(Uniform 10-Point Scale)

<table>
<thead>
<tr>
<th></th>
<th>LEAST TIME</th>
<th>MOST TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Murder</td>
<td>, , , , , , , , , ,</td>
<td></td>
</tr>
<tr>
<td>(B) Rape</td>
<td>, , , , , , , , , ,</td>
<td></td>
</tr>
<tr>
<td>(C) Robbery</td>
<td>, , , , , , , , , ,</td>
<td></td>
</tr>
<tr>
<td>(D) Assault</td>
<td>, , , , , , , , , ,</td>
<td></td>
</tr>
<tr>
<td>(E) Burglary</td>
<td>, , , , , , , , , ,</td>
<td></td>
</tr>
<tr>
<td>(F) Drugs</td>
<td>, , , , , , , , , ,</td>
<td></td>
</tr>
</tbody>
</table>

**KEY:**
A - Murder, Manslaughter  
B - Rape  
C - Robbery  
D - Assault with a Deadly Weapon  
E - Burglary  
F - Drug Sales, Possession for Sale
Table 2
NUMBER OF APPEARANCES
(Arraignment To Disposition)
(Uniform 10-Point Scale)

<table>
<thead>
<tr>
<th>Least Appearances</th>
<th>Most Appearances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td></td>
</tr>
<tr>
<td>Rape</td>
<td></td>
</tr>
<tr>
<td>Robbery</td>
<td></td>
</tr>
<tr>
<td>Assault</td>
<td></td>
</tr>
<tr>
<td>Burglary</td>
<td></td>
</tr>
<tr>
<td>Drugs</td>
<td></td>
</tr>
</tbody>
</table>

Key:  
A - Murder, Manslaughter  
B - Rape  
C - Robbery  
D - Assault with a Deadly Weapon  
E - Burglary  
F - Drug Sales, Possession for Sale
Table 3

DEFENDER PREPARATION TIME REQUIRED
(Uniform 10-Point Scale)

<table>
<thead>
<tr>
<th></th>
<th>LEAST PREP TIME</th>
<th>MOST PREP TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Murder</td>
<td>. . . . . . . . . .</td>
<td></td>
</tr>
<tr>
<td>(B) Rape</td>
<td>. . . . . . . . . .</td>
<td></td>
</tr>
<tr>
<td>(C) Robbery</td>
<td>. . . . . . . . . .</td>
<td></td>
</tr>
<tr>
<td>(D) Assault</td>
<td>. . . . . . . . . .</td>
<td></td>
</tr>
<tr>
<td>(E) Burglary</td>
<td>. . . . . . . . . .</td>
<td></td>
</tr>
<tr>
<td>(F) Drugs</td>
<td>. . . . . . . . . .</td>
<td></td>
</tr>
</tbody>
</table>

KEY:  
A - Murder, Manslaughter  
B - Rape  
C - Robbery  
D - Assault with a Deadly Weapon  
E - Burglary  
F - Drug Sales, Possession for Sale
Table 4
DEFENDER WORK PRODUCT DEVELOPED
(Uniform 10-Point Scale)

<table>
<thead>
<tr>
<th>Least Work Product</th>
<th>Most Work Product</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Murder</td>
<td></td>
</tr>
<tr>
<td>(B) Rape</td>
<td></td>
</tr>
<tr>
<td>(C) Robbery</td>
<td></td>
</tr>
<tr>
<td>(D) Assault</td>
<td></td>
</tr>
<tr>
<td>(E) Burglary</td>
<td></td>
</tr>
<tr>
<td>(F) Drugs</td>
<td></td>
</tr>
</tbody>
</table>

KEY:  A - Murder, Manslaughter  
      B - Rape  
      C - Robbery  
      D - Assault with a Deadly Weapon  
      E - Burglary  
      F - Drug Sales, Possession for Sale
## Table 5
CASE COMPLEXITIES
(Multiple Defendants, Defendant on Probation/Parole, Defendant an Alien)
(Uniform 10-Point Scale)

<table>
<thead>
<tr>
<th>LEAST COMPLEX</th>
<th>MOST COMPLEX</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Murder</td>
<td></td>
</tr>
<tr>
<td>(B) Rape</td>
<td></td>
</tr>
<tr>
<td>(C) Robbery</td>
<td></td>
</tr>
<tr>
<td>(D) Assault</td>
<td></td>
</tr>
<tr>
<td>(E) Burglary</td>
<td></td>
</tr>
<tr>
<td>(F) Drugs</td>
<td></td>
</tr>
</tbody>
</table>

**KEY:**
- A - Murder, Manslaughter
- B - Rape
- C - Robbery
- D - Assault with a Deadly Weapon
- E - Burglary
- F - Drug Sales, Possession for Sale
Table 6

SYSTEM DIFFICULTY
(Prosecutor Plea Negotiation Policies, Court's Sentencing Practices, Legislated Requirements: Mandatory Time)
(Uniform 10-Point Scale)

<table>
<thead>
<tr>
<th>LEAST SYSTEM DIFFICULTY</th>
<th>MOST SYSTEM DIFFICULTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Murder</td>
<td></td>
</tr>
<tr>
<td>(B) Rape</td>
<td></td>
</tr>
<tr>
<td>(C) Robbery</td>
<td></td>
</tr>
<tr>
<td>(D) Assault</td>
<td></td>
</tr>
<tr>
<td>(E) Burglary</td>
<td></td>
</tr>
<tr>
<td>(F) Drugs</td>
<td></td>
</tr>
</tbody>
</table>

KEY:  A - Murder, Manslaughter
      B - Rape
      C - Robbery
      D - Assault with a Deadly Weapon
      E - Burglary
      F - Drug Sales, Possession for Sale
### Table 7
FACTOR RANKING

<table>
<thead>
<tr>
<th></th>
<th>LEAST IMPORTANT</th>
<th>MOST IMPORTANT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length of Time</td>
<td>1.</td>
<td></td>
</tr>
<tr>
<td>Appearance</td>
<td>2.</td>
<td></td>
</tr>
<tr>
<td>Preparation</td>
<td>3.</td>
<td></td>
</tr>
<tr>
<td>Work Product</td>
<td>4.</td>
<td></td>
</tr>
<tr>
<td>Complexity</td>
<td>5.</td>
<td></td>
</tr>
<tr>
<td>System</td>
<td>6.</td>
<td></td>
</tr>
</tbody>
</table>

111
SESSION 12
DAY II
1:30 - 2:30 p.m.

GRANT FUNDING CHECKLIST/ PROGRAM BUDGETING--DEVELOPING PLANS AND GOALS

Goals of the Session

By the end of this session participants will:

- Understand why the traditional line-item budget format does not effectively illustrate a defender office's changing and increasing resource requirements

- Become familiar with the rationale and concepts of program budgeting

- Be able to develop goal statements into a program package that can be marketed to funding authorities

- Be able to set goal priorities for short- and long-range requirements as a means of educating funding authorities on immediate and future needs of defender offices

- Become more familiar with using national standards to support funding requests.
The public defender of Norfolk County answered a question on the evaluation form in the following manner.

QUESTION: Are you providing representation throughout all criminal and related proceedings at which an individual is faced with the possible deprivation of liberty?

SELF-EVALUATION CHECKLIST

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Uncertain</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is representation provided when an individual is charged with a misdemeanor offense and faces the possible deprivation of liberty?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Is representation provided when an individual is charged with a felony offense?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Is representation provided to individuals facing juvenile proceedings?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Is representation provided to individuals facing mental commitment proceedings?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>5. Is representation provided to individuals facing administrative proceedings involving parole?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>6. Is representation provided to individuals facing probation revocation proceedings?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Is representation provided to individuals facing formal proceedings involving diversion?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>8. Is representation provided to individuals facing civil and criminal contempt proceedings?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>9. Is representation provided to individuals facing extradition proceedings?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Is representation in disciplinary proceedings provided to your incarcerated clients?</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Are you aware of the institutional grievances of incarcerated clients?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>12. Do written office policies/procedures exist on the scope of representation provided to clients?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>13. Are office policies/procedures on the scope of representation provided to clients followed?</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
PLANS AND GOAL-SETTING EXERCISE

You are the public defender in Norfolk County. A state correctional facility institution, the Ulima River Center, is located in Norfolk County. Over the past year, the courts have been increasingly assigning your staff to represent prisoners who have filed habeas corpus writs pro se. These prisoners have lost "good time" because of a disciplinary infraction adjudged by correctional officials.

Although you are interested and concerned regarding the protection of prisoners' rights, the increased workload creates a problem, especially the loss of at least a half day each time a staff attorney goes out to Ulima River Center to interview a prisoner.

You presently have a staff of six attorneys, two investigators, and two secretaries, all of whom are working to capacity.

You have discussed the situation with your staff and have decided to set some goals for inclusion in your next budget submission.

Tasks

1. What information do you require to develop your goals as part of your budget presentation?

2. Draft one or more goal statements.

3. What benefits or justification can you project for funding authorities?

4. What preparatory steps would you take to develop a plan of action?
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td><em>Public Defender</em></td>
<td>A170.10</td>
<td>1</td>
<td>28,000</td>
<td>27,000</td>
<td>27,000</td>
<td>29,000</td>
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<tr>
<td><em>Assistant Public Defender</em></td>
<td>A170.110</td>
<td>5</td>
<td>100,000</td>
<td>88,000</td>
<td>87,000</td>
<td>100,000</td>
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<tr>
<td><em>Assistant Public Defender</em></td>
<td>A170.110</td>
<td>2</td>
<td>20,000</td>
<td></td>
<td>20,000</td>
<td>30,000</td>
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<tr>
<td><em>Defender Investigator</em></td>
<td>A170.140</td>
<td>2</td>
<td>22,000</td>
<td>20,000</td>
<td>20,000</td>
<td>23,000</td>
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<tr>
<td><em>Secretary</em></td>
<td>A170.170</td>
<td>2</td>
<td>19,000</td>
<td>17,000</td>
<td>16,000</td>
<td>19,000</td>
<td></td>
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<tr>
<td><em>Benefits</em></td>
<td>A170.200</td>
<td>11</td>
<td>32,800</td>
<td>30,400</td>
<td>30,000</td>
<td>35,700</td>
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</table>

**OFTPS**

<table>
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<tr>
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</thead>
<tbody>
<tr>
<td>Contractual Expense</td>
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<td>8,000</td>
<td>7,000</td>
<td>10,000</td>
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<tr>
<td>Telephone</td>
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<td>1,200</td>
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<td>1,500</td>
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<tr>
<td>Travel</td>
<td>A170.440</td>
<td>4,800</td>
<td>4,600</td>
<td>2,800</td>
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<tr>
<td>Postage</td>
<td>A170.450</td>
<td>500</td>
<td>400</td>
<td>400</td>
<td>600</td>
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### NORFOLK COUNTY PUBLIC DEFENDER

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<th></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td>EQUIPMENT</td>
<td>A170.800</td>
<td>850</td>
<td>850</td>
<td>850</td>
<td>950</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MISCELLANEOUS</td>
<td>A170,900</td>
<td>350</td>
<td>200</td>
<td>150</td>
<td>350</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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**RECAPITULATION:**

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>PERSONAL SERVICES</td>
<td>201,800</td>
<td>182,400</td>
<td>180,000</td>
<td>235,700</td>
<td></td>
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<tr>
<td>OTOPS</td>
<td>17,200</td>
<td>14,650</td>
<td>12,400</td>
<td>18,700</td>
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<tr>
<td>TOTAL</td>
<td>219,000</td>
<td>197,050</td>
<td>192,400</td>
<td>258,900</td>
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<td></td>
</tr>
</tbody>
</table>
STANDARDS

ABA Standard Relating to Providing Defense Services, 1978 (draft)

4.2 Collateral proceedings

Counsel should be provided in all proceedings arising from the initiation of a criminal action against the accused, including extradition, mental competency, postconviction, and other proceedings which are adversary in nature, regardless of the designation of the court in which they occur or classification of the proceedings as civil in nature.

Standard 2.1

Access to Courts

Each correctional agency should immediately develop and implement policies and procedures to fulfill the right of persons under correctional supervision to have access to courts to present any issue cognizable therein, including: (1) challenging the legality of their conviction or confinement; (2) seeking redress for illegal conditions or treatment while incarcerated or under correctional control; (3) pursuing remedies in connection with civil legal problems; and (4) asserting against correctional or other governmental authority any other rights protected by constitutional or statutory provision or common law.

1. The State should make available to persons under correctional authority for each of the purposes enumerated herein adequate remedies that permit, and are administered to provide, prompt resolution of suits, claims, and petitions. Where adequate remedies already exist, they should be available to offenders, including pretrial detainees, on the same basis as to citizens generally.

2. There should be no necessity for an inmate to wait until termination of confinement for access to the courts.

3. Where complaints are filed against conditions of correctional control or against the administrative actions or treatment by correctional or other governmental authorities, offenders may be required first to seek recourse under established administrative procedures and appeals and to exhaust their administrative remedies. Administrative remedies should be operative within 30 days and not in a way that would unduly delay or hamper their use by aggrieved offenders. Where no reasonable administrative means is available for presenting and resolving disputes or where past practice demonstrates the futility of such means, the doctrine of exhaustion should not apply.

4. Offenders should not be prevented by correctional authority or administrative policies or actions from filing timely appeals of convictions or other judgments; from transmitting pleadings and engaging in correspondence with judges, other court officials, and attorneys; or from instituting suits and actions. Nor should they be penalized for so doing.

5. Transportation to and attendance at court proceedings may be subject to reasonable requirements of correctional security and scheduling. Courts dealing
with offender matters and suits should cooperate in formulating arrangements to accommodate both offenders and correctional management.

6. Access to legal services and materials appropriate to the kind of action or remedy being pursued should be provided as an integral element of the offender's right to access to the courts. The right of offenders to have access to legal materials was affirmed in Younger versus Gilmore, 404 U.S. 15 (1971), which is discussed in Standard 2.3.

Standard 2.2

Access to Legal Services

Each correctional agency should immediately develop and implement policies and procedures to fulfill the right of offenders to have access to legal assistance, through counsel or counsel substitute, with problems or proceedings relating to their custody, control, management, or legal affairs while under correctional authority. Correctional authorities should facilitate access to such assistance and assist offenders affirmatively in pursuing their legal rights. Governmental authority should furnish adequate attorney representation, and where appropriate, lay representation to meet the needs of offenders without the financial resources to retain such assistance privately.

The proceedings or matters to which this standard applies include the following:

1. Postconviction proceedings testing the legality of conviction or confinement.

2. Proceedings challenging conditions or treatment under confinement or other correctional supervision.

3. Probation revocation and parole grant and revocation proceedings.

4. Disciplinary proceedings in a correctional facility that impose major penalties and deprivations.

5. Proceedings or consultation in connection with civil legal problems relating to debts, marital status, property, or other personal affairs of the offender.

In the exercise of the foregoing rights:

1. Attorney representation should be required for all proceedings or matters related to the foregoing items 1 to 3, except that law students, if approved by rule of court or other proper authority, may provide consultation, advice, and initial representation to offenders in presentation of pro se postconviction petitions.

2. In all proceedings or matters described herein counsel substitutes (law students, correctional staff, inmate paraprofessionals, or other trained paralegal persons) may be used to provide assistance to attorneys of record or supervisory attorneys.
3. Counsel substitutes may provide representation in proceedings or matters described in foregoing items 4 and 5, provided the counsel substitute has been oriented and trained by qualified attorneys or educational institutions and receives continuing supervision from qualified attorneys.

4. Major deprivations or penalties should include loss of "good time," assignment to isolation status, transfer to another institution, transfer to higher security or custody status, and fine or forfeiture of inmate earnings. Such proceedings should be deemed to include administrative classification or reclassification actions essentially disciplinary in nature; that is, in response to specific acts of misconduct by the offender.

5. Assistance from other inmates should be prohibited only if legal counsel is reasonably available in the institution.

6. The access to legal services provided for herein should apply to all juveniles under correctional control.

7. Correctional authorities should assist inmates in making confidential contact with attorneys and lay counsel. This assistance includes visits during normal institutional hours, uncensored correspondence, telephone communication, and special consideration for after-hour visits where requested on the basis of special circumstances.

Standard 2.11

Rules of Conduct

Each correctional agency should immediately promulgate rules of conduct for offenders under its jurisdiction. Such rules should:

1. Be designed to effectuate or protect an important interest of the facility or program for which they are promulgated.

2. Be the least drastic means of achieving that interest.

3. Be specific enough to give offenders adequate notice of what is expected of them.

4. Be accompanied by a statement of the range of sanctions that can be imposed for violations. Such sanctions should be proportionate to the gravity of the rule and the severity of the violation.

5. Be promulgated after appropriate consultation with offenders and other interested parties consistent with procedures recommended in Standard 16.2, Administrative Justice.

Correctional agencies should provide offenders under their jurisdiction with an up-to-date written statement of rules of conduct applicable to them.

Correctional agencies, in promulgating rules of conduct, should not attempt generally to duplicate the criminal law. Where an act is covered by administrative rules and statutory law, the following standards should govern:
1. Acts of violence or other serious misconduct should be prosecuted criminally and not be the subject of administrative sanction.

2. Where the State intends to prosecute, disciplinary action should be deferred.

3. Where the State prosecutes and the offender is found not guilty, the correctional authority should not take further punitive action.

Standard 2.12

Disciplinary Procedures

Each correctional agency immediately should adopt, consistent with Standard 16.2, disciplinary procedures for each type of residential facility it operates and for the persons residing therein.

Minor violations of rules of conduct are those punishable by no more than a reprimand, or loss of commissary, entertainment, or recreation privileges for not more than 24 hours. Rules governing minor violations should provide that:

1. Staff may impose the prescribed sanctions after informing the offender of the nature of his misconduct and giving him the chance to explain or deny it.

2. If a report of the violation is placed in the offender's file, the offender should be so notified.

3. The offender should be provided with the opportunity to request a review by an impartial officer or board of the appropriateness of the staff action.

4. Where the review indicates that the offender did not commit the violation or the staff's action was not appropriate, all reference to the incident should be removed from the offender's file.

Major violations of rules of conduct are those punishable by sanctions more stringent than those for minor violations, including but not limited to, loss of good time, transfer to segregation or solitary confinement, transfer to a higher level of institutional custody, or any other change in status which may tend to affect adversely an offender's time of release or discharge.

Rules governing major violations should provide for the following prehearing procedures:

1. Someone other than the reporting officer should conduct a complete investigation into the facts of the alleged misconduct to determine if there is probable cause to believe the offender committed a violation. If probable cause exists, a hearing date should be set.

2. The offender should receive a copy of any disciplinary report or charges of the alleged violation and notice of the time and place of the hearing.

3. The offender, if he desires, should receive assistance in preparing for the hearing from a member of the correctional staff, another inmate, or other authorized person (including legal counsel if available).
4. No sanction for the alleged violation should be imposed until after the hearing except that the offender may be segregated from the rest of the population if the head of the institution finds that he constitutes a threat to other inmates, staff members, or himself.

Rules governing major violations should provide for a hearing on the alleged violation which should be conducted as follows:

1. The hearing should be held as quickly as possible, generally not more than 72 hours after the charges are made.

2. The hearing should be before an impartial officer or board.

3. The offender should be allowed to present evidence or witnesses on his behalf.

4. The offender may be allowed to confront and cross-examine the witnesses against him.

5. The offender should be allowed to select someone, including legal counsel, to assist him at the hearing.

6. The hearing officer or board should be required to find substantial evidence of guilt before imposing a sanction.

7. The hearing officer or board should be required to render its decision in writing setting forth its findings as to controverted facts, its conclusion, and the sanction imposed. If the decision finds that the offender did not commit the violation, all reference to the charge should be removed from the offender's file.

Rules governing major violations should provide for internal review of the hearing officer's or board's decision. Such review should be automatic. The reviewing authority should be authorized to accept the decision, order further proceedings, or reduce the sanction imposed.
Goals of the Session

At the end of this session participants will have a better understanding of:

- The need to develop a contingency budget
- The method for developing a contingency budget through the calculation of "surprise events"
- The process for developing a statement of requirements for contingencies
- The continued use of the "Delphi" process to determine and evaluate criminal justice trends from the accumulated staff experience used to forecast those trends
- How to determine and plan for cost impact of new legislation affecting defender office operations.
CONTINGENCY BUDGETING

Calculating "Surprise Events"

I. List three "surprise events" relevant to your jurisdiction.

II. Using the chart provided to you, rate the likelihood of these events occurring in your jurisdiction within the next fiscal year:

A. Lowering the age of criminal responsibility, extending the range of criminal charges applicable to the youngest age group with criminal responsibility, or reducing juvenile court jurisdiction of "criminal" charges.

B. Enacting a death penalty statute or judicially affirming an existing death penalty statute.

C. Providing the prosecutor with funding under the Career Criminal Program or a similar selective and expedited prosecution grant.

D.

E.

F.
### Chart I

**Probability of Occurrence**

<table>
<thead>
<tr>
<th>VERY UNLIKELY</th>
<th>VERY LIKELY</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td></td>
</tr>
<tr>
<td>B.</td>
<td></td>
</tr>
<tr>
<td>C.</td>
<td></td>
</tr>
<tr>
<td>D.</td>
<td></td>
</tr>
<tr>
<td>E.</td>
<td></td>
</tr>
<tr>
<td>F.</td>
<td></td>
</tr>
</tbody>
</table>
III. Assess the impact on your workload for the "events" described in II according to the following:

For "event A," the impact on your felony workload and your juvenile workload if you are also required to provide representation to the latter group.

For "event B," the impact on your murder case workload.

For "event C," the impact on your felony workload.

For "event D," the impact on your workload.

For "event E," the impact on your workload.

For "event F," the impact on your workload.
<table>
<thead>
<tr>
<th>NO IMPACT</th>
<th>MAJOR IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Felony:</td>
<td><img src="chart" alt="" /></td>
</tr>
<tr>
<td>A. Juvenile:</td>
<td><img src="chart" alt="" /></td>
</tr>
<tr>
<td>B. Murder:</td>
<td><img src="chart" alt="" /></td>
</tr>
<tr>
<td>C. Felony:</td>
<td><img src="chart" alt="" /></td>
</tr>
<tr>
<td>D.</td>
<td><img src="chart" alt="" /></td>
</tr>
<tr>
<td>E.</td>
<td><img src="chart" alt="" /></td>
</tr>
<tr>
<td>F.</td>
<td><img src="chart" alt="" /></td>
</tr>
</tbody>
</table>
IV. Note the approximate composition of your caseload:

____ Murder: _________________________________ %

____ Felony: _________________________________ %

____ (Including Murder)

____ Misdemeanor: ____________________________ %

____ Juvenile: ________________________________ %

____ Other: _________________________________ %

____ (Mental Health, prisoner rights, etc.,)

V.

A. Combine your calculations in II and III:

   Likelihood X Impact

B. Apply to the categories in IV.

VI. The additions calculated can be transmitted into staff requirements and operating costs in an identical fashion to the way you prepared your regular budget.
FOUR-STEP PROCESS FOR DETERMINATION OF TOTAL IMPACT OF LEGISLATIVE PROPOSALS ON THE COURTS
Judicial Council of California, 1975

### Step One
READ THE BILL AND OBTAIN CERTAIN INFORMATION

- Is the latest version of the bill being analyzed?
- What does the bill provide?
- Does the bill make technical or substantive changes?
- What court(s) would be affected?
- When would the bill become operative?

### Step Two
DETERMINE HOW THE BILL WILL AFFECT THE COURTS

<table>
<thead>
<tr>
<th>COURT PROCEDURE</th>
<th>COURT ADMINISTRATION</th>
<th>COURT FINANCING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will the bill add new or modify established procedures for bringing a person to trial?</td>
<td>Will the bill affect the duties and/or responsibilities of court personnel?</td>
<td>Will new sources of revenue be provided?</td>
</tr>
<tr>
<td>Will the bill add new or modify established procedures for conducting a trial?</td>
<td>Will the bill authorize or require the hiring of additional court personnel?</td>
<td>Will existing sources of revenue be increased, decreased or eliminated?</td>
</tr>
<tr>
<td>Will the bill add new or modify established procedures for post-trial sentencing and appeal?</td>
<td>Will the bill require that certain court-related facilities shall be provided?</td>
<td>Will the allocation of existing revenue sources be changed?</td>
</tr>
<tr>
<td>Will the jurisdiction of a particular level of court (e.g., municipal, superior) be changed?</td>
<td>Will the bill require certain records to be kept and/or furnished to others?</td>
<td>Will the present financing responsibility of the state or counties be changed?</td>
</tr>
<tr>
<td>Will the jurisdiction of courts in general be changed (e.g., as a result of adding or removing matters from the court process)?</td>
<td>Will the bill specify operating hours for the courts?</td>
<td></td>
</tr>
<tr>
<td>Will the bill establish new or modify existing authority of judges?</td>
<td>Will the bill revise the organization of the courts?</td>
<td></td>
</tr>
</tbody>
</table>

### Step Three
DETERMINE THE IMPACT OF THE BILL ON THE COURTS

<table>
<thead>
<tr>
<th>CASELOAD IMPACT</th>
<th>CASE DISPOSITION IMPACT</th>
<th>FISCAL IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Will the bill make access to the court easier or more difficult?</td>
<td>Will the bill affect an element of the pre-trial process?</td>
<td>Will the bill require more or less personnel?</td>
</tr>
<tr>
<td>Will the bill shift a matter from one court to another?</td>
<td>Will the bill affect an element of the trial process?</td>
<td>Will the bill necessitate an increase or permit a decrease in services and supplies?</td>
</tr>
<tr>
<td>Will the bill increase or restrict appeal possibilities?</td>
<td>Will the bill affect an element of the post-trial process?</td>
<td>Will the bill necessitate additional capital outlay?</td>
</tr>
<tr>
<td>Will the bill expand or restrict matters presently subject to the court process?</td>
<td>Will the bill change the responsibility of the court, the judge, or non-judicial personnel?</td>
<td>Will the bill change the amount of revenue available to operate the court, or the manner in which it is allocated?</td>
</tr>
<tr>
<td></td>
<td>Will the bill increase or decrease court personnel and/or facilities?</td>
<td></td>
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</tbody>
</table>

### Step Four
PREPARE A WRITTEN ANALYSIS

- JUDICIAL IMPACT REPORT—ANALYSIS
- Bill type, number and author
- Date introduced
- Date last amended
- General description of provisions
- Affect on the courts
- Analysis of total impact
APPLICATION OF STANDARD COST MEASUREMENTS
TO THE ANALYSIS OF COURT-RELATED LEGISLATION

All that a court does and all that it spends pertains to the adjudication of cases. In this regard, it is possible to summarize standard costs in one of several ways, depending on the legislative proposal.

<table>
<thead>
<tr>
<th>Cost Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel Costs</td>
</tr>
<tr>
<td>Services and Supplies</td>
</tr>
<tr>
<td>Indirect Costs</td>
</tr>
</tbody>
</table>

### Average Costs of A Judicial Position:  
- Gives the average cost of each judicial position per year, per day, per hour and per minute.  
- These costs are used when analyzing a legislative proposal that would have a minor impact on judicial case-related time or the equivalent of less than one judicial position in most courts.

### Average Costs of A Nonjudicial Position:  
- Gives the average cost of each nonjudicial position per year, per day, per hour and per minute.  
- These costs are used when analyzing a legislative proposal that would increase or decrease nonjudicial case-related time.

### Average Costs Related to Courtroom Operations:  
- Summarizes the average cost of operating a courtroom on a yearly, daily, hourly and per minute basis.  
- These costs are used when analyzing a legislative proposal that would have a major impact on judicial case-related time, or the equivalent of one or more judicial positions in most courts.

### Total Court Costs Apportioned Among Judicial Positions Only:  
- Divides the total costs of courts among all judicial positions on a yearly, daily, hourly and per minute basis.  
- These costs are used when analyzing a legislative proposal that would require the creation or elimination of judicial positions in sufficient numbers to affect a fully staffed court.

### Total Court Costs Apportioned Among Nonjudicial Positions Only:  
- Divides the total costs of courts among all nonjudicial positions on a yearly, daily, hourly and per minute basis.  
- These costs are used when analyzing a legislative proposal that would require the creation or elimination of nonjudicial positions in sufficient numbers to affect a fully staffed court.

*Judicial Council of California, 1975*
SESSION 14
DAY II
2:45 - 3:00 p.m.

BUDGETING IMPLEMENTATION PLAN

Goals of the Session
At the end of this session participants will have a better understanding of:

- The budget changes that should be implemented in their offices
- The method of collecting budget information best suited to their offices
- The time frame required for implementing desired budget changes
- The obstacles likely to occur in making budget approach changes
- The possible solutions to overcome potential obstacles.

Training Process

1. Each participant will review the budgeting implementation checklist and check the appropriate column.

2. For those items checked for implementation, participants will indicate the obstacles to implementation and possible solutions.

3. Checklists are to be handed in for review and will be returned to participants at a later date by mail.
Using the information presented on budgeting, explain your plan to implement or (if not chief defender) plan to encourage implementation of the following:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>HAVE NOW</th>
<th>WILL HAVE IN 3 MOS.</th>
<th>WILL HAVE IN 12 MOS.</th>
<th>NOT NEEDED</th>
<th>OBSTACLES/SOLUTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. An evaluation of scope of services now provided</td>
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<tr>
<td>2. A plan to provide short- and long-term funding goals</td>
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<tr>
<td>3. Program budget</td>
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<tr>
<td>4. A plan to educate funding authority on office needs</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>5. Workload forecasting system using real data</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ITEM</td>
<td>HAVE NOW</td>
<td>WILL HAVE IN 3 MOS.</td>
<td>WILL HAVE IN 12 MOS.</td>
<td>NOT NEEDED</td>
<td>OBSTACLES/SOLUTIONS</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
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</tr>
<tr>
<td>6. Workload forecasting system using &quot;Delphi&quot; survey</td>
<td></td>
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<tr>
<td>7. A study to determine operating costs for each staff member</td>
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<tr>
<td>8. Contingency budget</td>
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<tr>
<td>9. Other budgeting change:</td>
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</tbody>
</table>
SESSION 15
DAY II
3:15 - 5:30 p.m.

PERSONNEL MANAGEMENT--SOCIODRAMATIZATION OF ISSUES

Goals of the Session

At the end of this session participants will:

- Have a better understanding of the personnel approaches and experiences of other participants in handling staff matters

- Understand methods and techniques for dealing with defender office staff more effectively

- Understand how management can turn potential confrontations with staff into constructive problem-solving sessions.
PERSONNEL MANAGEMENT

Personnel management is directed toward providing an adequate number of qualified employees to meet the agency needs, allocated and supervised in such a way as to carry out required functions as effectively and efficiently as possible.
**TOPIC:** PERSONNEL

**QUESTION:** Does your office have formal personnel policies?

**SELF-EVALUATION CHECKLIST**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Uncertain</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Does your office recruit personnel on an affirmative action basis?
2. Are personnel selection standards related to criteria for job performance?
3. Are personnel selection procedures based on equal employment opportunity criteria?
4. Are personnel tenure and promotion procedures based on merit?
5. Are personnel terminated only for good cause?
6. Are your salaries and benefits on par with those of competing organizations (e.g., prosecutors' offices)?
7. Do your personnel policies specify job descriptions?
8. Do your personnel policies specify reasonable workload standards?
9. Do case assignment policies take into consideration the experience and competence of staff?
10. Are your personnel evaluation procedures equitable?
11. Is your personnel manual comprehensive?
12. Are there formal procedures to ensure that the personnel policies are implemented?
13. Are policies/procedures reviewed regularly?
14. Are personnel policies/procedures known to staff?
THE MANAGER'S JOB:

MYTHS

• Managers are reflective, systematic planners.

• Managers organize, coordinate, and orchestrate the activities of their agencies and have few defined or regular duties.

• Managers depend on documented, aggregated information reports which they read, digest, and use in rational decisionmaking.

THE MANAGER'S JOB:

REALITIES*

• Managers work at an unrelenting pace.

• Daily activities are characterized by brevity, variety, and fragmentation.

• Managers prefer live action and face-to-face communication.

• Managers are attracted to and use the verbal media extensively.

• Much activity is divided between the office and organization on the one hand, and an external network of outside contacts, on the other.

• The open-ended nature of the job suggests that managers in general are unable to control the majority of their daily activities.

---

Formal Authority and Status

INTERPERSONAL ROLES

- Figurehead
- Leader
- Liaison

INFORMATIONAL ROLES

- Monitor
- Disseminator
- Spokesman

DECISIONAL ROLES

- Change Agent
- Disturbance Handler
- Resource Allocator
- Negotiator

THE TEN MANAGERIAL ROLES*

*The material here and on following pages related to the ten managerial roles is summarized or adapted from Mintzberg, The Nature of Managerial Work, Chapter 4.
## THE WORK OF MANAGERS:

### GENERAL INTERPERSONAL ROLES

### IDENTIFIABLE ACTIVITIES FROM STUDY OF CHIEF EXECUTIVES

<table>
<thead>
<tr>
<th>Ceremonial duties, status requests, solicitations</th>
<th>Symbolic head; obliged to perform a number of routine duties of a legal or social nature.</th>
<th>FIGUREHEAD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virtually all managerial activities involving subordinates</td>
<td>Responsible for the motivation and activation of subordinates; responsible for staffing and associated duties.</td>
<td>LEADER</td>
</tr>
<tr>
<td>Acknowledgements—mail and phone; external work involving outsiders</td>
<td>Maintains self-developed network of outside contacts who provide information.</td>
<td>LIAISON</td>
</tr>
</tbody>
</table>
### Identifiable Activities from Study of Chief Executives

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Handles all mail and contacts categorized as concerned primarily with receiving information.</td>
<td>Seeks and receives wide variety of special information (much of it current) to develop thorough understanding of organization and environment; emerges as nerve center of internal and external information about the organization.</td>
<td>Monitor</td>
</tr>
<tr>
<td>Forwards mail into organization for information purposes; makes verbal contacts involving information flow to subordinates; holds review sessions; uses instant communication flows to subordinates.</td>
<td>Transmits information received from outsiders or from other subordinates to members of the organization--some information is factual, some involves interpretation and integration diverse value positions.</td>
<td>Disseminator</td>
</tr>
<tr>
<td>Attends outside meetings; handles mail and contacts involving transmission of information to outsiders.</td>
<td>Transmits information to outsiders on organization's plans, policies, actions, results, etc.; serves as expert on organization's work.</td>
<td>Spokesperson</td>
</tr>
</tbody>
</table>
### THE WORK OF MANAGERS:

#### GENERAL DECISIONAL ROLES

<table>
<thead>
<tr>
<th>IDENTIFIABLE ACTIVITIES FROM STUDY OF CHIEF EXECUTIVES</th>
<th>DESCRIPTION</th>
<th>ROLES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conducts strategy and review sessions involving initiation or design of improvement projects.</td>
<td>Searches organization and its environment for opportunities to initiate &quot;improvement projects&quot; that can bring about change; supervises design of certain projects as well.</td>
<td>CHANGE AGENT</td>
</tr>
<tr>
<td>Conducts strategy and review sessions involving disturbances and crises.</td>
<td>Responsible for corrective action when organization faces important, unexpected disturbances.</td>
<td>DISTURBANCE HANDLER</td>
</tr>
<tr>
<td>Scheduling; requests for authorization; any activity involving budgeting and the programming of subordinates' work.</td>
<td>Responsible for the allocation of organizational resources of all kinds—in effect, makes or approves all significant organizational decisions.</td>
<td>RESOURCE ALLOCATOR</td>
</tr>
<tr>
<td>Negotiates.</td>
<td>Responsible for representing the organization at major negotiations.</td>
<td>NEGOTIATOR</td>
</tr>
</tbody>
</table>
CHARISMATIC/ENTREPRENEURIAL:

Strategy making rests with one powerful individual in an environment that is usually malleable or capable of being manipulated. Generally, the organization's activities are directed toward growth and strategy and can be shifted boldly at the "whim" of the leader. Or, the organization is in trouble and activities are directed toward survival rather than growth. To satisfy the condition of centralized power, the organization must have a powerful leader with a strong mandate who acts aggressively.

ADAPTIVE:

The organization faces a complex, rapidly changing environment and opposing internal forces. Goals cannot be agreed upon unless they are couched in "motherhood" terms. The organization is subjected to many controlling groups (formal and informal) which hold each other in check. Strategy making is tied to divisions of power among members of a complex whole of which the organization is but a part. The organization strategy making is in the form of reactive solutions to existing problems and decisions are incremental, serial steps.

SYSTEMATIC:

The organization faces an environment that is reasonably predictable and relatively stable, and is able to afford the costs of formal analysis. Organization does not face severe and unpredictable competition and its funding is generally assured. The power system is not diffuse but hierarchical; the environment can be controlled somewhat; and goals can be analyzed in order to design more stable and active strategies for the future.

SOCIODRAMA I

Setting: A Hiring Interview

The applicant is black, Latino, or a woman whom the defender wishes first to recruit so that he can then have the option of accepting or rejecting him or her. The interviewee is somewhat reluctant to accept a position due to low pay, long hours, and the insecurity of the job. At the same time, the defender wishes to determine in his own mind whether this is the kind of person that would make a topflight trial lawyer or appellate lawyer, according to his needs.

Also, the defender should be testing to see whether this applicant will "fit in" with the way his office is operated, whether his style of management is laissez-faire, democratic, or autocratic.

Applicant's Profile

The applicant is a minority person who has been sought after since graduation. He (or she) is bright, did well in school, and received a lot of money for the first job out of law school, higher than the defender pay scale being offered. The applicant has been a prosecutor and is pretty rigid about notions of right or wrong. He does not believe that defense lawyers should ever do anything shady or "kinky" (a prosecutorial term). He is not sure whether he could defend a criminal who told him he was guilty. (He views guilty defendants as "criminals"). He likes the prestige of a prosecutor and the emoluments that go along with it--private office, respect of the court, deference (at least publicly) of defense counsel, private secretary, adequate library and other facilities, unrestricted budget in the prosecution of a criminal case, etc. He is not sure he can give that up for less pay, less job security, fewer perks, etc.

The applicant is also used to adequate support staff, e.g., the state police and the state crime lab. He cannot imagine trying a case without investigators, use of experts, etc. He is also used to a very small caseload with the expectation of winning every case he tries. He is an excellent lawyer and will prepare every case thoroughly. He is also used to working nine to five, although he will work on weekends, if necessary.

Starter Script

Applicant: Good morning, Mr. Defender, I came here responding to your ad in our neighborhood paper, "The Latin Times." I note that it says here, you are an "equal opportunity" employer.

Chief Defender or Director of Personnel: We are. Could I see your resume? I note here that you have been out of law school approximately two years. What have you done during this period?

Applicant: I have been in the Attorney General's office as a prosecutor, in their criminal division.
Chief Defender: Well, you know we don't have the same emoluments on the defense side that you do on the state side. You might not have a private office here at first, you won't have a private secretary, you'll share one with others, our library is skimpy, and I usually only pay $20,000 to a person with your experience. Even that's high for this agency.

At this point the sociodrama proceeds with the chief defender trying to accomplish three things:

- Persuade the applicant to take the job if it is offered,
- Ask the kinds of questions which would help him decide if the applicant is the kind of person he wants in his office, e.g., is he a good speaker, quick thinking, or is he too prosecutorial-minded to make the change to the defense side.
- Try to see if the applicant will fit into the way he manages his office—will the applicant fill out forms, accept advice on cases if there is a supervisory system, do legal research and field preparation, get along with others, etc.

Group Discussion

The group will critique and discuss the questions the chief defender asks to see if they elicit the information he needs to make a decision, and also his approach. The group should discuss whether he meets his objectives in convincing the applicant to accept the job if offered. The group should note if the defender discusses, as he should, some of the tremendous personal rewards in defender work to counterbalance the insecurity, low pay, and pressures of the job.

Finally, the group will discuss whether the chief defender has effectively conveyed to the applicant his style of leadership and management expectations. If it's going to be a "laissez-faire" office where there is very little direction at the top, and the assistants are supposed to sink or swim on their own, is the applicant the kind of person, as determined by the interview, who can do that?

If the office is to be run in an "autocratic" style, in which every decision, for example, is made by the manager or chief defender, is this applicant the kind of person who will accept that authority and be comfortable with it?

If the office is to be run in a "democratic" style, is this applicant the kind of person who will accept supervision when it is offered and live up to his or her responsibilities vis-a-vis the office, and does he or she know what is expected after the interview is over?

In short, the group should discuss the goals of the initial hiring interview, that is, the first confrontation with a prospective employee, the method used by the chief defender to gain the information he needs to make a decision, and the technique by which he exercises this method.
SOCIODRAMA II

Setting: A Firing or Disciplinary Situation

The confrontation is required because the employee, a lawyer, is not working up to par. Cases are not documented sufficiently so that if the employee is sick, someone else can step into the case; requisite forms are not filled out; legal research is inadequate; attendance at training sessions and staff meetings is spotty; the employee's attitude is bad; he or she does not get along well with the supervisor; relations with the judges are poor; and cases are not prepared for court in a timely way.

The defender has been asked to deal with the problem by the lawyer's supervisor, and it is in the context of a review of the first three months of the employee's performance by the defender.

Profile of Ms. Jones:

For purposes of this problem, Ms. Jones will be a 26-year-old woman, a recent graduate of a good law school in which she did extremely well, and was order of the Coif. She was Phi Beta Kappa in college, also a good school. This is her first professional job, although she has been a camp counselor, given music lessons, and had a brief stint as a legal secretary one summer at a big law firm—an experience that made her decide to go to law school. Her father is a prominent lawyer in town.

She has worked hard in this job, since she had so much to learn. Although there are ongoing training sessions, they are too advanced for her; there was no orientation course when she first came to work in the defender office, or if there was one, she had no time for it, since she was thrown right into court with a heavy caseload, replacing a very experienced lawyer who left for Timbuctoo. Her excuse is that the work is simply too much for her to handle at this point. She feels she should have been given a small caseload to start and gradually built up her caseload as she gained experience. She also suffered from lack of any orientation procedure in which she was told exactly what was expected of her.

Her defense is that she feels she is not at fault, but the office which threw her into court without sufficient preparation is at fault. She feels if she is fired, the next person hired right out of law school for low wages will face the same problems, and rather than fire her, the defender should try to get at the root of the problem.

She is willing to fill out all the requisite forms, improve her legal research, provide proper documentation in each file, attend staff meetings, etc., if she can be given a lighter caseload, a basic orientation course reviewing all of the procedures she is supposed to be following, and also some basic training in criminal procedure and trial technique. She will try harder, but not with the present caseload.
Starter Script

Chief Defender: Good morning, Ms. Jones, I understand you're here to see me about your three-month review. Please sit down.

Attorney Jones: Thank you. I'm a little anxious. This is my first job, you know, and I hope that I'm doing as well as can be expected for a person who's been on the job only three months. It's been a difficult job of adjustment—meeting clients for the first time, being responsible for cases. It's a lot different from law school which was all theoretical. Real people's lives were not hanging in the balance.

Chief Defender: Well, the report from your supervisor does not augur well. It indicates that you have failed to fill out all of our forms, your preparation leaves a lot to be desired, research spotty, ....

Group Discussion

The group will critique the method by which the chief defender handles the situation. Members of the group may offer suggestions as to how they have handled similar situations, or how they would handle this one. The defender has several options. He may fire the person, in which case he must be aware of relevant state and federal laws, and should be sure that the person has had an opportunity to fairly state her case. Or he may choose to place the person on probation, giving her "another chance" for three months more. The defender may assume that his office has a personnel policy similar to the policies of his office in real life for purposes of this problem.

Again the subgroups should test the goals of such a confrontation against the method and technique employed by the role-playing "chief defender."

This confrontation could cause a crisis in the office and provide a very traumatic experience for the employee and employer alike, or it could result in a learning experience for both if the defender can get at the root of the problem and work out a mutually acceptable solution to the problem with Ms. Jones.
SOCIODRAMA III

Setting: A Problem of Retention of Personnel

Your top trial lawyer comes in to see you and announces that he has had it, he wants to quit and never see another courtroom again. He is sick of the daily grind, his stomach is in knots from the pressure, and he is going into private practice or teaching, or he doesn't know what as long as it's away from the courtroom. What do you do as chief defender? How does a defender manager handle the problem so as not to let the employee resign?

The chief defender should not be afraid to be resourceful here. He can assume that he has a 25-person office with support and clerical staff. He has no supervisory staff presently. Lawyers are assigned by courtroom in this court system and handle all cases arising in their courtroom or their county if they are assigned regionally.

There are also no specialists in this defender office, although it handles felony and misdemeanor cases. The defender has also been asked by prison officials to be available for a limited number of prison disciplinary cases, and parole and probation revocations. There is no organized bar system for the handling and representation of conflict of interest or multiple defendant cases.

Profile of Mr. Smith, Trial Lawyer:

Mr. Smith is 30 years old, a top trial lawyer who has been in the trial courts ever since he joined the office five years ago. He has handled murders, rapes, robberies, sex offenses, misdemeanors, juveniles, etc., and has even done a few appeals, which he rather enjoyed. He is simply sick and tired of the courtroom. He feels he has tried every kind of case and sees no need to prove himself any more. In addition, the daily grind of getting to the courtroom by 9:30 a.m. and sitting around all day just to do a plea bargain he considers beneath him at this time. He also feels he is not getting enough salary now, consistent with his experience and the pay scale in private practice. It should be noted for purposes of this problem that Smith is an excellent lawyer and has leadership potential. He would probably be designated as the next chief defender if the present defender should become a judge or decide to leave.

He would stay with the office if he got a raise, plus the responsibility to supervise others or specialize in certain kinds of cases such as murder or sale of narcotics cases. He also likes appeals, and would consider becoming head of a new appellate division in the defender office. First, however, he needs a leave of absence, not less than 30 days nor more than three months. He does not have to get paid for the leave of absence.
Starter Script

Chief Defender: Good morning, Tom. What can I do for you?

Tom Smith: Good morning, boss, I'm quitting. I've had it with the courtroom, this office, and with you. Goodbye!!

Chief Defender: Tom, what's the matter, is it anything I've done? If so, let me know, I'll correct it.

At this point the participants role playing this situation should continue on their own.

Group Discussion

Following resolution of the problem, the group should critique and discuss the chief defender's handling of the situation.

Group discussion should focus on the technique used by the defender-manager in dealing with the problem. One topic ought to be whether in these situations members of the group feel the lawyer should be allowed to resign since his usefulness to the office is at an end. Another question might relate to whether organization of the office along the lines of one general—all the rest privates—might not contribute to the problem. Another topic might be comment on the solution offered by the chief defender.
SOCIODRAMA IV

Setting: A Secretarial Confrontation

Your secretary comes to you with a number of complaints. First of all, she or he would like his or her title upgraded. Second, the lawyers are giving her too much typing without enough notice. Third, the other secretaries in the office are underused. The defender-manager must attempt to deal with the problems she raises and sort out those in which she’s right, those which present problems he must take up with the lawyers, and those in which he must explain to her why she has to accommodate herself to certain emergency situations. Finally, he has to deal with her emerging status problems or try to get at the root of the problem.

Profile of Ms. Thompson:

Ms. Thompson is 26 years old, a college graduate with excellent secretarial skills, and some managerial ability. She would prefer a system where she would be chief administrative secretary and all assignments would be given to her for distribution to the other secretaries. She would like to stay with the office and grow with it in an administrative capacity with a modest salary raise and a pay scale with normal incremental increases commensurate with responsibility and longevity. She is not a complainer, but since she is so efficient, it is true that at least 10 lawyers, including the boss, give all their work to her. She would like respect, less drudgery, and responsibility at this point in her career.

Starter Script

Chief Defender: Good morning, Ms. Thompson. You wanted to see me.

Ms. Thompson: Yes sir, Mr. Rodgers. I have a few complaints to make, and I had better get them off my chest. I have been putting up with this situation too long. There are five secretaries in this 20-lawyer office, and we are all overworked and exploited by the lawyers. First of all, none of the staff lawyers fills out forms after court the way they’re supposed to. They all hand their files to the secretaries with a few illegible notes on the side of the file and expect us to fill out the calendar book, daily court summary sheet, etc.

Secondly, some of them have private practices, and they expect us to do their private typing during office hours or sometimes after hours with no extra remuneration, or sometimes even a thank you. And you give me all your committee work for NLADA and the American Bar Association, which I consider extra. Moreover, although there are four other secretaries in this office, about ten of the lawyers consider me their exclusive property, including you, and some of the other women have nothing to do while I slave away.
Chief Defender: I was totally unaware of this situation. I'm sorry I...

Ms. Thompson: Let me finish, there's more. Whenever your lawyers have a jury trial, they will walk in at 5:00 p.m. and demand that some motion be typed so that it will be ready for court at 9:00 a.m. the next morning. Or they'll rush in during the day and demand that jury instructions be typed right away. Finally, they ask us to go on personal errands and ask us to buy presents for their wives or girlfriends, or book their airline reservations, get theater tickets, and cover for them when they're at the ball game. One of them even asks us to make his phone calls for him--he's too lazy to dial. Plus, we'd like to go out to lunch together just as you do every day, and not have to go out on a staggered schedule, two women at a time every hour. I'd like some of those two-hour lunches.

The last thing I will tell you is this, then you can fire me if you want. I'd like some respect from the lawyers. Without me to implement it, your entire office system would break down. I have to constantly remind the lawyers of office procedures which they ignore. I think I would have more respect and could do a more efficient job if I had the title of office administrator, and a little boost in salary, too. I've been here five years now, and that's veteran for this office.

Things to look for in the discussion are whether: (1) the chief defender should inform the secretaries that they are not to do private typing on office time for private practices, but point out the distinction to Ms. Thompson between that and pro bono committee work for bar associations, etc; (2) the director explains to Ms. Thompson the necessity for emergency procedures when the lawyers are on trial, and that sometimes they are simply not able to plan an instruction or a trial motion in advance; (3) he rearranges the office system into a pool with Ms. Thompson as administrator so that all work passes through her desk for assignment, or whether he allocates the secretaries, four to a lawyer, or does nothing even in the face of her complaints; and (4) he tries a modest raise and change in title and responsibility or whether he simply tries to mollify her with more money instead of trying to get at the root causes of her problem.

There are numerous other topics for the group to discuss, including why an effective manager would not have spotted some of these problems or have been made aware of them before.
SOCIODRAMA V

Setting: A Promotion Problem

There is an opening for head of the new Appellate Division. It will be located in a branch office near the appellate court, instead of in the main office near the trial court. It will mean an increase in salary, commensurate with responsibility. The person chosen will head a 15-attorney office with support staff. You have several applicants to choose from. One has been in your trial division and has been a competent trial lawyer, but has had no administrative experience. The other applicant is from a smaller office elsewhere in the state where he or she has been the deputy director and has had some appellate and supervisory experience. You have to choose one person to head the division. Who do you choose, and how do you decide?

Profile of Mr. Maxwell:

Mr. Maxwell, age 35, is a top-notch trial lawyer. He has been with the office five years. He has never had administrative responsibility in the office, although he had some management courses in school. He generally thinks offices can run themselves (laissez-faire approach) and believes that if he were to be placed in charge of the appellate office, he would be like an independent operator. His approach toward the chief defender would be that since the chief defender had enough confidence to put him in a branch office, he will run that office without interference. If the chief defender does not like the results, he can fire him, but if the results are favorable, he will run that office as he sees fit. He also doesn't think much of paperwork or forms and would like to minimize them as much as possible.

Mr. Maxwell is pleasant enough, but very direct and outspoken. He says what is on his mind whether or not it is tactful to do so.

Profile of Ms. Hopkins:

Ms. Hopkins is 30, has had administrative experience in a downstate county defender office, where as deputy director, she served as administrator. She is not heavy in trial skills, but she has done a few appeals, several of which were successful.

Her notions of management are autocratic. She will make every policy decision in the office, check every brief to make sure that it is of sufficiently high quality to be filed. She is very careful in her management and will review the budget for her office, fill out every form, be intensely loyal to whoever is the boss, and follow every regulation promulgated by the central office.

She likes everything organized well in advance, doesn't mind working late, weekends, or holidays. She is also very rigid and will not tolerate sloppy work from her subordinates. She was rated competent but rigid by her last boss who depended on her to do his job for him in a sense.

She is considered competent by all who know her.
Chief Defender: Come in, Mr. Maxwell. I understand you would like to apply for the new position as head of our branch office.

Mr. Maxwell: Yes sir, I would. I've been a trial lawyer now for five years in your office and have put up with all that administrative gobbledegook and forms. I'd like to determine policy now and head my own division.

Chief Defender: Well, do you feel competent to supervise others? What administrative experience have you had, if any? I know you're a good trial lawyer, but I don't know much about you beyond that.

Mr. Maxwell: I don't need a lot of administrative experience. I've been a courtroom lawyer, I've had to administer a caseload. If an office is set up right, it can pretty much run itself.

Moreover, I understand my competition is a lawyer from down-state. I hope you'll give first preference to someone from your own office. It's a question of morale, not just for me but for everyone in the office. The first time you get an opening, if you fill it from outside, it looks as if we're a bunch of dummies. I don't care if I get it or not, but I think the promotion should go to someone who's in the office, not an outsider.

At this point, the role players continue. The defender-manager should attempt to ask the kind of questions that would help him decide whether or not Mr. Maxwell is the right person or not. If he decides not to choose Mr. Maxwell, he has the additional problem of trying to assuage his feelings and prepare him for the possibility that he may not get it, without losing him as a staff lawyer.

After the interview with Mr. Maxwell, the defender interviews Ms. Hopkins, a downstate lawyer who has been deputy defender in a small town.

Chief Defender: Ms. Hopkins, good morning. I understand you have applied for a position with our office as head of appeals. What administrative experience have you had, and what appellate experience?

Ms. Hopkins: I have been deputy director of a three-person office. However, most of the administration fell upon me. I did a few appeals and some trial work, but the defender-director did most of the heavy trial work with the third lawyer in the office who was also an excellent trial lawyer.

At this point, the role players should continue and the participant playing the role of the defender-manager should elicit the kinds of information from the applicant that he needs to come to a decision. He ought to check on her views of the office management for one thing, and whether she could work with him in an arrangement where she's head of a branch office, located physically away from his office.
Group Discussion

The group should now discuss what the manager's decision ought to be, whether the best trial lawyers necessarily make the best managers, and what kinds of things to look for in making the decisions. For example, what kinds of relationship does Mr. Maxwell envision between himself, as head of the branch office, and the chief defender? What are each applicant's theories of management? Do they square with the chief defender's own style, etc.? 
## SCHEDULE

### DAY III

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<tr>
<th>Session 16</th>
<th>Developing Personnel Policies</th>
<th>9:00 - 10:00 a.m.</th>
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<tr>
<td>Session 17</td>
<td>External Office Relationships</td>
<td>10:00 - 11:00 a.m.</td>
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<tr>
<td></td>
<td>BREAK</td>
<td>11:00 - 11:15 a.m.</td>
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<tr>
<td>Session 18</td>
<td>Personnel Practices for Defender Staff</td>
<td>11:15 - 12:00 noon</td>
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<tr>
<td>Session 19</td>
<td>Personnel Management Implementation Plan</td>
<td>12:00 - 12:15 p.m.</td>
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<tr>
<td>Session 20</td>
<td>Summary and Workshop Evaluation</td>
<td>12:15 - 12:30 p.m.</td>
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SESSION 16
DAY III
9:00 - 10:00 a.m.

DEVELOPING PERSONNEL POLICIES

Goals of the Session

By the end of this session participants will have a better understanding of:

- Basic functions of personnel management in defender offices
- The requisites for performance of defender managers
- The basic personnel policies required to deal with staff effectively.
REQUISITES FOR PERFORMANCE

1. Determine employee skills needed to accomplish goals.
2. Know current labor market.
3. Develop recruitment program.
4. Develop orientation, on-the-job, and advanced supervisory training.
5. Understand budget needs.
6. Forecast personnel needs.
7. Determine work space need and equipment adequacy.
8. Understand career ladder and promotion.
9. Develop fringe programs to attract and maintain personnel.
PERSONNEL FUNCTIONS

- Recruitment
- Compensation
- Morale
- Motivation
- Orientation
- Training
- Retention
- Promotion
- Discipline
BASIC PERSONNEL POLICIES

- Position Classification System
  - Salary Ranges
  - Job Descriptions
  - Employee Qualifications
- Performance Evaluation and Review Procedure
- Sick Leave and Vacation Policies
- Affirmative Action Plans
- Appointment, Promotion, and Termination Policies
- Personnel Manual
### Interpersonal Roles

<table>
<thead>
<tr>
<th>Role</th>
<th>Observable Activities of Defenders as Managers</th>
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</thead>
<tbody>
<tr>
<td>FIGUREHEAD</td>
<td>Meets with individuals, civic groups, or govern­ernment officials; attends career events, e.g., swearings-in, graduations, promotions, presentations of awards; visits injured; attends weddings, etc.</td>
</tr>
<tr>
<td>LEADER</td>
<td>Works with subordinates on ethics and goals of organization; stimulates, motivates, and coordinates staff and line efforts; acts as a community leader; takes leadership role with city governing bodies regarding policies and plans; persuades others; related to formal and informal groups; exercises formal and earned leadership authority.</td>
</tr>
<tr>
<td>LIAISON</td>
<td>Interacts with individuals and organizations outside direct chain of command—other city departments, elements of the criminal justice system, juvenile justice, mental health organizations, community resource groups, other law enforcement agencies, professional associations; attends outside conferences and meetings related to law enforcement.</td>
</tr>
</tbody>
</table>
## Applications of the Ten Management Roles to Defenders

<table>
<thead>
<tr>
<th>Informational Roles</th>
<th>Observable Activities of Defenders as Managers</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MONITORING WITHIN OFFICE</strong></td>
<td>Seeks information by scanning the internal organization; seeks data about status of current or anticipated problems; seeks information on innovations in other organizations, e.g., interview tactics, new reporting systems; looks for adaptable procedures; searches for ways to prevent or lessen friction between individuals or units in organization; receives both formal written data as well as soft, oral information (access to individuals and units may not be by way of chain of command).</td>
</tr>
<tr>
<td><strong>DISSEMINATING INFORMATION WITHIN OFFICE</strong></td>
<td>Provides personnel with information in a timely, often oral, fashion to assist in stimulating of corrective actions, new plans, adaptable procedures, etc., since such information usually is not immediately and readily accessible to staff; alerts planning or budget units to possible changes in next budget with information to individuals and units who, by reason of time, area assignments, or staff relationships, may not have easy access to one another.</td>
</tr>
<tr>
<td><strong>SPOKESPERSON ON BEHALF OF OFFICE</strong></td>
<td>Public speaking engagements to promote value or ideas about role of defenders; lobbies on behalf of policies, procedures, and budget with governing bodies by acting as an expert spokesperson for the department; makes presentations, both formal and informal, to &quot;outside&quot; influencers of the office; uses leadership roles and informational roles to engage actively as a spokesperson in order to compete with other agencies for limited funding (it should be noted that other managers do the same).</td>
</tr>
<tr>
<td>Decisional Roles</td>
<td>Observable Activities of Defenders as Managers</td>
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<tr>
<td>CHANGE AGENT</td>
<td>As consequence of previous roles, has possibly obtained adequate information to initiate steps to improve the internal functioning of office; searches for opportunities in office to exercise leadership roles in order to plan for changes; mulls over possible adaptable procedures tried out in other agencies; considers pitfalls and problems of change; constantly searches within the organization for possible change agents who can assist the manager in planning, implementing, and maintaining changes; considers a whole host of &quot;mental&quot; plans; faces the problem or dilemma of delegation—how to explain to subordinates exactly what is intended.</td>
</tr>
<tr>
<td>DISTURBANCE HANDLER</td>
<td>Responds directly to resolve disruptive crises—some crises are routine, e.g., office runs out of forms, increases in caseload may create frictions, etc., while other crises are exceptional, e.g., a mass resignation, a major corruption scandal, etc.; uses formal authority to resolve conflicts, crises, and exceptional problems—in these instances most frequently, the buck stops at the manager's desk.</td>
</tr>
<tr>
<td>RESOURCE ALLOCATOR</td>
<td>Determines how much of the office's limited resources, including the time and schedule of the manager, should be allocated to each organizational unit or to individuals; uses resource allocation techniques and judgments in order to plan and coordinate the activities of the office; through resource allocation process, communicates the operational priorities of the office. Possibly, in most routine matters of the life of the manager, this role is the most crucial for the organization since it affects individuals, program plans for change, all organizational units, and, above all, the future of the organization.</td>
</tr>
</tbody>
</table>
APPLICATION OF THE TEN MANAGEMENT ROLES TO DEFENDERS

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<th>Decisional Roles</th>
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<tr>
<td>NEGOTIATOR</td>
<td>Acts to resolve grievances either directly or by delegation; assumes active role, if possible, in labor contract negotiations; negotiates with other law enforcement officials, criminal justice system actors, or community resource agents in order to effect more coordination and cooperation; negotiates internal conflicts between units; seeks to strike an effective balance, since negotiation is basically a trading-off of alternatives in real time.</td>
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THE MANAGER AS AN INFORMATION PROCESSING "SYSTEM"

Manager as MONITOR:
External Information (through liaison role)
from contacts, informers, peers, and experts

Manager as MONITOR:
Internal Information (through leader role)
from subordinates

Manager as NERVE CENTER

Manager as DISSEMINATOR
Information to subordinates

Manager as SPOKESMAN
Information to outsiders

Manager as STRATEGY-MAKER
Information for making models and plans: for identifying problems and making choices
MOST CRUCIAL DECISIONAL ROLES

- The manager alone takes full charge of the organization's decisionmaking.
- This role justifies his/her authority and his/her powerful access to information.
- As formal authority he/she is the only one allowed to commit the organization to new and important courses of action.
- As nerve center he/she can best ensure that significant decisions reflect current knowledge and organizational values.
- Strategic decisions can most easily be integrated into the organization by having one person control them all.

**ISSUE:** How, and how much, is organized information and intelligence used in the manager's decisional roles? What accounts for the patterns of use (or neglect) of such information and intelligence in the manager's decisional roles?
ISSUES:

There is little systematic evidence available that tells us how organizations make important decisions and how organizations link them together to form strategies.

Decisionmaking and the formulation of strategies is more complex and more difficult in the public sector than in the private sector.

STYLES:

Management and public administration literature describe general views on the subject of organizational decisionmaking and suggest three distinct groupings or styles:

- **CHARISMATIC OR ENTREPRENEURIAL**
  One strong leader takes bold, risky actions on behalf of the organization.

- **ADAPTIVE**
  The organization adapts in small, disjointed steps to a difficult environment.

- **SYSTEMATIC**
  Formal analysis is used to plan explicit, integrated strategies for the future.

*Mintzberg, Henry, "Strategy Making in Three Modes."
SYSTEMS ANALYSIS: OBSERVATIONS

• GENERAL:

Systems analysis is seen as many things, for example:

• A research strategy

• An application of quantitative and scientific methods to problems

• A practical philosophy to aid a decisionmaker who has complex problems to decide under uncertain conditions.

• OPERATIONAL DEFINITION FOR THE WORKSHOP:

A systematic approach to help a decisionmaker choose a course of action by investigating the full problem for the decisionmaker, searching out objectives and alternatives, and comparing them in the light of their consequences, using an appropriate framework—insofar as possible, analytic—to bring expert judgment and intuition to bear on the problem.

Systems Analysis and Policy Planning

E.S. Quade and
W.I. Boucher
1968
RAND Corporation
SYSTEMS APPROACH

Policy/Strategy Interaction

CURRENT STATUS
- Manager's Roles
- Organization's Direction
- Mission

TRANSLATION PHASE
- Constraints
- Indicators
- Capabilities

ANALYSIS PHASE
- Review
- Design
- Alternatives
- Consequences

TRADE-OFF PHASE
- Choice
- Criteria
- Choice

VERIFICATION PHASE
- Optional
- Test
- Evaluate
- Iterate as Needed
- Feedback

SYNTHESIS PHASE
- Integrate
- Develop Plans
- Operations
- Evaluation
- Feedback
PHASE I: CURRENT STATUS

- The entire approach begins with a self-conscious assessment of at least two parts of the defender office:
  - The manager and the roles performed by the manager
  - The direction in which the office seems to be headed.

- Essentially, this assessment should be able to answer the following types of questions:
  - Where are we now? What direction do we seem to be heading? What information, documented and undocumented, is available that will answer these questions?
  - How do I perform the varied roles of a manager? What are my weaknesses and strengths? How do these weaknesses and strengths relate to the previous question? Is the relationship positive or negative?
PHASE II: TRANSLATION STAGE

- The answers derived from the first phase form the basis or input into a second logical phase of this approach.

- In this second phase, an attempt is made to gather as much documented data as possible that will be used later to compare or analyze current status.

- Essentially, in this phase, you begin to translate both your perceptions about the organization and the job and the realities of the organization and the job.

- Three generic categories of data are collected for further analysis:

  - What are the constraints that affect the organization and its direction? Examples:
    - Statutory
    - Ordinances
    - Finances
    - Timing of Policies
    - Physical/Capital
    - Current Policies
    - Current Procedures
    - Personnel: Quality/Quantity

  - What are the current indicators that tell the organization about demands for the services of the organization? Examples:
    - Service demands
    - Crime rates, trial rates, temporal and geographic trends in services, etc.
    - Order maintenance demands

  - What are any new capabilities that can assist the organization in developing approaches to deal with the problems associated with constraints and demand indicators? Examples:
    - Available resources: time, personnel, money, other
    - Experiments and demonstrations: external to the agency
    - Administrative discretion: role of the manager
PHASE III: ANALYSIS

- The data about constraints, indicators, and capabilities are used as the input into the most difficult part of this approach, namely, analyzing and comparing this data with the current status of the organization and a future desirable state.

- Policy, program, and organizational analysis, which are specific terms for this general phase of analysis, are not easy and simple management activities.

- Analysis techniques may vary and may involve the use of mathematical models, such as the use of computer programs for resource allocation studies, or a simple review and adaptation of the results of evaluation done in another agency of a new tactical approach.

- In analysis, one essentially strives to look at the entire problem, as a whole and in context, and to compare alternative choices in light of their possible outcomes.

- The elements of analysis are:

  1. **The objective** or objectives: What objectives is the decisionmaker trying to attain through the options or alternative choices open to him or her?

  2. **The alternatives**: What are the means by which it is hoped that objectives can be achieved?

  3. **The costs**: The choice of a particular alternative for accomplishing the objective implies that certain specific resources can no longer be used for other purposes. These are the costs. Most costs can be measured in money, but, most often, their measurement must be made in terms of the opportunities that they preclude.

  4. **A model or models**: A model is a representation of reality that abstracts the features of the situation relevant to the set of questions being studied. It can be expressed mathematically or verbally; it can be based on hard data, soft judgment, or even intuition. It is used to estimate the consequences of choosing one of several options or alternatives.

  5. **A criterion**: This is a standard or a rule for ranking the alternatives in order of desirability and indicating the most promising of various alternatives.
**PHASE IV: TRADE-OFF CHOICES**

- Analysis presents options for achieving objectives; it does not make the choice.

- Choices are made by managers. They have the formal authority, power, information, and responsibility for committing the organization to certain courses of action.

- Through the use of analytic inputs, the manager chooses alternatives or options. The analysis may have weighted alternatives in terms of costs and criteria. Some of these costs and criteria may be expressed as mathematical formulas or soft judgments made by the analyst or the manager. Examples are:
  - Performance/Cost
  - Effectiveness/Cost
  - Timing/Cost
  - Risk/Cost
  - Policy/Cost
  - Procedures/Cost
  - Administrative Discretion/Cost

- What, how, and when the manager will choose one alternative over another is, to a large extent, dependent on the manager's perception of his or her roles, the manager's understanding of his or her verbal information-data bank, as well as the manager's trust of the analysis. In essence, choice involves both the selecting-in of an alternative, as well as the selecting-out of other alternatives; thus, the choice is always, in reality, a trade-off between alternatives.

**PHASE V: VERIFICATION**

- Some choices may affect the agency in a critical way. Thus, this phase may involve the manager in choosing to experiment with a choice in order to verify the correctness of the choice.

- This testing and evaluating of a particular choice may, if planned and programmed adequately, provide significant feedback to the manager (about choices), as well as information for the analysis (about alternatives, costs, and the quality of the analysis).

- In some instances, the experiment may have to be repeated, once or several times, in order to improve the chosen alternative before final integration of the choice throughout the agency.
PHASE VI: SYNTHESIS

• Up until this stage, systems analysis has been generally a staff function.

• Integrating a chosen alternative to accomplish an objective into the organization is as important a task for the manager and staff as the activities of the previous three phases.

• Usually, in the analysis and trade-off phase, the manager has acquired important analytic inputs which tell him or her much about the problem, objectives, alternatives, costs, experimental models, and choices. It may happen that little attention was given in these phases to the very soft issues of organizational climate for change and changes in employee roles that might occur as a consequence of choices made by the manager, as well as the human aspect of work within an organization.

• Assuming that the manager has had information and analysis, which takes into account the human side of the organization, then the last phase of the systems approach becomes operational.

• The major elements in this phase are:

  1. Development and distribution of a program plan, which translates the choice into program objectives, program activities, and program tasks.

  2. Design and implementation of a training program in order to facilitate agencywide understanding and agreement, particularly with supervisors and line personnel, about the chosen program.

  3. Design and assignment of authority statements, responsibility statements, and relationship statements, which are required to maintain the program, and distribution of these throughout the agency.

  4. Design and distribution of an evaluation process by which the program is monitored and, if needed, altered as a consequence of information received during this process.

• After implementation and maintenance, the manager can then begin to review again the new status of the organization and duplicate the systems approach.
DEFENDER OFFICE
FORMULATION AND EXECUTION

Example of Systems Approach

2.

→ Decision to Review Client Services

1. Evaluation of Policy Based Upon:
   - Court decisions
   - New legislation
   - Citizen complaints
   - Analysis of cases and client problems
   - Analysis of existing practices

3. Referral by appropriate authority to Chief Defender for study in cooperation with divisions and staff specialists

4. Referral of findings to staff for consideration

5. Consultation by staff with:
   - Chief Political Executive,
   - Advisory Committees,
   - Prosecution Court, Corrections, etc.

6. Reformulation of Client Services

7. To personnel through:
   - Training manual and orders

8. Promulgation of Policy to community through:
   - Published policy statements
   - Advisory Committee meetings

9. Execution of Policy by Personnel
   - Controlled through supervision and inspection

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SESSION 17
DAY III
10:00 - 11:00 a.m.

EXTERNAL OFFICE RELATIONSHIPS

Goals of the Session

At the end of this session participants will better understand:

- The need to set priorities on potential actions to take to provide a balanced approach to external office situations
- The more positive ways defender offices can interact with the various significant persons and groups with which they are in contact outside their offices
- The proactive impact defender offices can have on the public image of their offices
- The need to promote effective relationships to outside groups to enhance the efficiency and reputation of defender offices.
You are the Chief Defender for the public defender office for Grand County (population 500,000). Your office is located near the county courthouse in Pleasant Valley, the largest town in the county with a population of approximately 200,000 persons.

Until four years ago, counsel for indigent defendants in criminal cases was appointed on an "ad hoc" basis by the individual circuit court judges, of whom there are five. These judges were elected to three-year terms, and it was tacitly understood that attorneys who wanted to receive assignments would conspicuously contribute to various election campaign funds. This system naturally gave the judges a great deal of control over the criminal bar in Grand County, and, in one instance, a very competent attorney had been refused any further assignments by one judge because he insisted on taking a case to jury trial rather than accepting a plea bargain.

As a result of this incident and others, the Young Lawyers Committee of the Grand County Bar Association conducted a feasibility study on the advisability of creating a public defender system and assigned counsel panel which would be independent of the judiciary. Their study indicated that thousands of dollars could be saved by the implementation of such a mixed defender/assigned counsel system.

Over the vehement opposition of the judiciary and certain segments of the bar, the County Commissioners voted to create a public defender office in the county to be monitored by an advisory board. They likewise voted to create an organized assigned counsel panel, to be administered by a committee of the bar association.

The first public defender was a well-liked local attorney, who after three and a half years, had left to go into private practice. You have had the office for six months, coming to the position from a large city public defender office. When you assumed the position, the local police beat reporter did a feature story on your arrival, but since that time you have had little occasion for contact with the press.

Your office has a sympathetic advisory board which approves your budget and informally monitors and assists the office. It is composed of the following people:

The president of the local bar association
The president of the local minority bar association
A member of the city council
The local high school principal (Pleasant Valley H.S.)
An ex-offender
An accountant
A local philanthropist
The president of the local "umbrella" charity and volunteer organization
The dean of the local law school
A white attorney in private practice
A Hispanic attorney in private practice.
You have a deputy defender and five staff attorneys, two investigators (one of whom is an ex-offender), law student clerks, and volunteer help. Your budget only allows for two secretaries, which you feel to be insufficient. You likewise feel that a social worker should be added to the staff, but you have no funds.

Through your efforts, the entire staff, including volunteers, have undergone a rigorous in-house training program, with special emphasis in the area of professional ethics and responsibility. You lack funds, however, to send staff to national training programs or to purchase videotape equipment to improve your training program.

Since its inception, the office has been handling approximately 60 percent of the county's criminal felony caseload. (The office does not handle juvenile cases or misdemeanors.) The average caseload per attorney has averaged 130 to 150. Neither you nor your deputy maintains a full caseload, but step in to handle overloads when they occur. This has been necessary more and more frequently. The caseload is rising, and the backlog of cases has reached fairly serious proportions. (You have heard rumors that the court administrators and judges have held a series of meetings about this problem, but you have not been invited or notified as to the results.)

Since assuming the position, you have maintained a policy of refusing to accept all cases involving multiple defendants. It is likewise your policy that a single attorney maintain a continuing relation with each client, handling a case from initial interview through final disposition.

THE SETTING

You arrive at your office early on Monday morning, having been out of town the previous week to attend a Defender Office Management Training Seminar. Reviewing the items in your "in-box," you find the following matters for your attention. You proceed to rank them in importance and deal with them.

TASKS

1. Rank the items to be handled.
2. List your suggestions of appropriate responses or actions to take.
3. Determine additional proactive steps defender officers should take in the judicial community and community at large.
Mr./Ms. S. Justice
Public Defender for Grand County
100 Smith Street
Pleasant Valley, Eureka 10000

Dear Mr./Ms. Justice:

As you may have heard, our office has recently received sizable federal assistance in the attempt to deal with our serious backlog of criminal cases, some of which are over a year old. The technical assistance consultant team which reviewed our docket has recommended the addition of three new judges, as well as additional court and probation support staff. LEAA has agreed to provide seed money for this purpose.

The team made a number of other excellent suggestions, with which all the judges are in full support. Implementation of those recommendations will affect procedures throughout the criminal justice system, including the defense function. The judges have voted to implement the following changes:

1. Due to the increased caseload, 80 percent of all criminal cases will be assigned to your office.

2. All cases involving multiple defendants will be assigned to you (the judges were particularly supportive of this as it will help eliminate attorney scheduling conflicts and assist in moving the dockets).

3. It will no longer be necessary for your office to represent clients who are being considered for the prosecutor's diversion program; this will be handled completely by our court social worker.

4. It was determined that it would be most cost-effective to permanently assign one prosecutor and one defense counsel to each courtroom; they would handle all matters arising before each individual judge on a given day. (This will likewise avoid scheduling conflicts associated with so-called vertical representation.)

5. In line with our desire to effect speedy trials, no adjournments of trial dates will be granted due to attorney illness or absence. Your office will be expected to provide substitute counsel on the date set for trial.

6. All courtrooms shall begin proceedings at 8:00 a.m., and continue to 6:00 p.m., with one hour for lunch.

7. Prisoners will not be brought over from the jail for routine pretrial hearings in the courtrooms.
I thank you for your cooperation in this matter. It is anticipated that these changes will go into effect one month from this date.

Yours truly,

Howard Smith
Court Administrator
Mr./Ms. S. Justice  
Public Defender for Grand County  
100 Smith Street  
Pleasant Valley, Eureka  10000  

Dear S,  

The Assigned Counsel Panel of the bar is in an absolute uproar! The Court Administrator announced yesterday that the judges have voted to cut the assigned counsel panel caseload by 20 percent (and giving those cases to your office) and they are cutting our fees—both for pretrial motions and for jail visits.

Our committee voted unanimously last night to request that your office refuse to accept the added caseload (and we would appreciate any help you might give us on the fee issue).

As you know, we have consistently supported your office and want to continue to do so, but this situation is causing a severe backlash among a number of private practitioners. Please let me hear from you as soon as possible.

Yours truly,  

Linda/  
Linda Practioner  

P.S. I understand that the prosecutor’s office has received a $500,000 grant to assist them in coping with this "crash program." Have you received an equivalent?
Mr./Ms. S. Justice
Public Defender for Grand County
100 Smith Street
Pleasant Valley, Eureka 10000

CONFIDENTIAL

Dear Mr./Ms. Justice:

I have received information from a reliable source in the prosecutor's office, whose name I cannot reveal, that one of your attorneys (June Adams) and your ex-offender investigator (William Dunne) questioned several jurors about occurrences in the jury room during their deliberations in the Jackson murder case, now on appeal from conviction. This is unethical.

I might add that, in the course of that trial, Ms. Adams verged on contempt on more than one occasion from her barrage of pretrial motions, to her endless voir dire, and continuous objections on trivial evidentiary matters. She made the case a nightmare for me. I believe that she should be terminated immediately from employ by your office. If this is not done, please do not expect me to permit anyone else from your office to appear before me again. I might add that should you fail to take appropriate steps, I will be obliged to reveal the character of your staff to the news media. I hope I will not have to take that action.

Yours truly,

The Honorable George Kronk
Circuit Judge
Court of Appeals
State of Eureka

People of the State of Eureka,
Plaintiff.

vs.

Case No. 78-10037

James Jackson,
Defendant

=/

PER CURIAM OPINION

BY: Judges: Williams, Jones, Bradshaw; Judge Bradshaw writing the unanimous opinion of the bench.

Appeal was taken by the defendant Jackson from his murder conviction on August 8, 1978, trial being had before the Honorable George Kronk, Circuit Judge for the County of Grand.

Numerous issues were raised by counsel on appeal. This Court, however, need decide only on the issue of whether or not the trial judge abused his discretion in failing to declare a mistrial on motion of the defense when it was brought to his attention by both a juror and a bailiff that several jurors had read newspaper articles concerning the trial during the course of their deliberations.

Proofs added to the record on appeal indicated that, not only were such stories read by several jurors, but their contents were discussed by these jurors with the rest of the jury panel. The trial judge improperly refused to voir dire the jurors on this issue after the trial was completed.

For all the foregoing, the trial court having found to have abused its discretion in failing to declare a mistrial, the case is reversed and the defendant released.

Judge J. Bradshaw, for the Court

Dated:

180
Mr./Ms. S. Justice  
Public Defender for Grand County  
100 Smith Street  
Pleasant Valley, Eureka 10000

Dear Mr./Ms. Justice:

I am a senior at Pleasant Valley High School. A number of students, both juniors and seniors, are interested in becoming lawyers, especially public defenders. We would like to know if it would be possible to have someone from your office come speak with us about public defense and criminal law. (We would like to set up a club for future lawyers.) Also, we would really like to see what your office is like. Would a tour be possible? Several persons asked me to inquire as well as to whether you have part-time jobs available (some of us are eligible for federal subsidies), or perhaps you would take volunteers?

Thank you so much for taking the time for this if you can.

Yours truly,

Jonathan Stern

P.S. We would also like to know what our rights are as students. The high school principal recently impounded an issue of our student newspaper because he said it contained a poem with a dirty word. It was a really good poem, and we were very upset about it. Again, thanks for your help.
Goals of the Session

By the end of this session participants will have a better understanding of:

A. Personnel Manual
   - The need for a personnel manual that is clear and comprehensive
   - The language of personnel policies to cover the issues required to have an effective personnel manual.

B. Support Personnel
   - The range of possible support staff available to defender offices
   - The appropriate ratios of attorney and support staff and what those ratios represent in terms of functions
   - The required goals for effective use of support staff.

C. Training Program Development
   - The requirements for establishing training in a defender office
   - The means of using staff as trainers
   - The process of training that is sensitive to needs, timing, and workload of staff.
PERSONNEL MANUAL

Personnel Manual

I. Introduction
II. Office Organization
III. General Personnel Policies
IV. Employee Benefits
V. Compensation Program
VI. Personal Conduct
Personnel Manual (2)

VII. Duplicating Services

VIII. Financial Management

IX. Communication Systems

X. Support Personnel Responsibilities

XI. Information Systems

XII. Office Security

XIII. Miscellaneous Guidelines
DEFENDER LEAVE POLICY

Each employee shall have 12 days of sick leave annually and 12 days of vacation.
SUPPORT PERSONNEL

Justification For Support Staff

Cost Effectiveness
Specialization
Defender Burn-Out
Effective Representation
DEFENDER SUPPORT STAFF AVAILABILITY

1. How many offices have no full-time investigators (or full-time equivalent) on staff?

2. How many have no more than one full-time (or full-time equivalent) investigator on staff?

3. How many have more than one full-time investigator?

4. How many have more than five full-time (or full-time equivalent) investigators?

5. How many have a chief investigator in a supervisory capacity?

187
6. How many offices present have other support personnel in addition to secretarial staff?  

<p>| | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>a. Social workers</td>
<td></td>
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<tr>
<td>b. Job development workers</td>
<td></td>
</tr>
<tr>
<td>c. Ex-offenders</td>
<td></td>
</tr>
<tr>
<td>d. Paralegals (who do quasi-legal work)</td>
<td></td>
</tr>
<tr>
<td>e. Law students</td>
<td></td>
</tr>
<tr>
<td>f. Social work students</td>
<td></td>
</tr>
<tr>
<td>g. Supervisory personnel for secretaries</td>
<td></td>
</tr>
<tr>
<td>h. Supervisory personnel for social service staff</td>
<td></td>
</tr>
<tr>
<td>i. Fiscal or accounting staff</td>
<td></td>
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<tr>
<td>j. Lay business manager other than accountant</td>
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</tbody>
</table>
## Defender Investigator Backgrounds

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Do any of your investigators have at least a B.A. degree?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Do any of your investigators have a master's in criminal justice or other degree beyond a B.A.?</td>
<td></td>
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</tr>
<tr>
<td>3. Do any of your investigators have a particular expertise--photography, polygraph, etc.?</td>
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</tbody>
</table>
4. Have any of your investigators taken outside instruction—fire investigators' school, Eastman Kodak school, etc.?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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</table>

5. Are some or all of your investigators law students?  

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<tr>
<th>Yes</th>
<th>No</th>
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</table>

6. Do some or all of your investigators work less than 35 hours a week?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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</thead>
</table>
7. Are any of your investigators members of state defender associations or of the National Defender Investigators Association?  

Yes  

No  

8. Have any of your investigators previously worked in police or sheriff's departments?  

Yes  

No
INVESTIGATOR EVALUATION

NAME: ___________________________ OFFICE: ___________________________

On a scale from 1 to 5, 1 is the best possible grade.

A. INTERVIEWING: (obtaining relevant facts; interviewing skills; interrogation skills; rapport with clients; flexibility)
   Grade: __________
   Comments:

B. INVESTIGATION: (street sense, witness preparation, thoroughness, following through on locating witnesses, reliability, dedication)
   Grade: __________
   Comments:

C. RESEARCH: (searching civic files, community resources, etc.)
   Grade: __________
   Comments:

D. RELATIONSHIP: (to students, lawyers, and social workers)
   Grade: __________
   Comments:
INVESTIGATOR EVALUATION (cont.)

E. KNOWLEDGE OF CRIMINAL LAW: (is it sufficient to operate?)

Grade: 1 ____ 2 ____ 3 ____ 4 ____ 5 ____

Comments:

F. FILES: (organization, comprehensive diary sheets; prompt recording of activities; good case files--adequate for someone else to work from)

Grade: 1 ____ 2 ____ 3 ____ 4 ____ 5 ____

Comments:

G. TESTIFYING IN COURT: (e.g. well-prepared notes)

Grade: 1 ____ 2 ____ 3 ____ 4 ____ 5 ____

Comments:

H. REPORTS - WRITTEN: (clear, concise, each case diary complete)

Grade: 1 ____ 2 ____ 3 ____ 4 ____ 5 ____

Comments:
## INVESTIGATOR EVALUATION (cont.)

### I. TRAINING:

(ability to comprehend and utilize information from sessions and seminars)

<table>
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<tr>
<th>Grade</th>
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<tbody>
<tr>
<td>1</td>
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<td>2</td>
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<td>3</td>
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<td>4</td>
<td></td>
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<tr>
<td>5</td>
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</tbody>
</table>

Comments:

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**Signature of Evaluator:**

**Date:**

**Signature of Investigator:**

**Date:**
SOCIAL WORK CLOSING FORM

CLIENT'S NAME ______________________________  OFFICE ______________________________

AGE ______  DATE ______  FILE NO. __________________

CHARGE(S) ____________________________________________

VERDICT/SENTENCE __________________________________

DATE OF FIRST SOCIAL WORK INTERVIEW ________________

SOCIAL WORKER'S NAME __________________  ATTORNEY'S NAME __________________

REASON FOR REFERRAL ________________________________________________

_____________________________________________________________________

PRESENTING PROBLEM ________________________________________________

_____________________________________________________________________

_____________________________________________________________________

SOCIAL WORK CONTRACT _____________________________________________

_____________________________________________________________________

I. Interviewing

   A. Initial Intake/Diagnostic Assessment

   B. Short-Term Therapy
      1. At County Jail, House of Corrections, Hospital, Other Residential Setting, Other
      2. In Office
      3. Home Visits

   C. Family Members
      1. In Office
      2. At Home
      3. At Court

   Number of Times   Number of Hours

195
II. Advocacy

A. Courtroom Appearances
   1. Testifying for Client/Plea Bargaining
   2. In-Chambers Conference with Judge
   3. Bond Reduction
   4. Emotional Support for Client and Family

B. Probation Officers
   1. Telephone Conversations
   2. Meetings

C. Parole Officers
   1. Telephone Conversations
   2. Meetings

D. Jail Administrators/Personnel
   1. Telephone Conversations
   2. Meetings

E. Social Agency Personnel
   1. Interdisciplinary Staffings
   2. Telephone Conversations
      a. Social Workers, Psychologists, Psychiatrists
      b. Caseworkers, i.e., Public Aid, DCFS, Mental Health, DVR, other

F. Written Psycho/Social Assessments and Recommendations
   1. For Court Personnel, Judges, P.O.'s, etc.
   2. For Social Agency Referrals

III. Referrals of Clients for:

   (Indicate name of agency, address, phone number, contact person, date of referral, in "Comments" below)

A. Educational and/or Vocational Counseling
   1. Diagnostic Evaluation
   2. Job Training
   3. Job Referral
   4. Educational Program
SOCIAL WORK CLOSING FORM (cont.)

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Number of Times</th>
<th>Number of Hours</th>
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<tbody>
<tr>
<td><strong>B. Medical Care</strong></td>
<td></td>
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<tr>
<td>1. In-Patient</td>
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<tr>
<td>2. Out-Patient</td>
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<tr>
<td><strong>C. Individual Psychiatric Care (long term)</strong></td>
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<tr>
<td>1. Evaluation and Testing</td>
<td></td>
<td></td>
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<tr>
<td>2. In-Patient</td>
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<td></td>
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<tr>
<td>3. Out-Patient Clinic</td>
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<tr>
<td><strong>D. Marital and/or Family Treatment</strong></td>
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<tr>
<td><strong>E. Drug Program</strong></td>
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<td></td>
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<tr>
<td>1. Residential</td>
<td></td>
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<tr>
<td>2. Out-Patient Clinic</td>
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<tr>
<td><strong>F. Alcoholism Treatment</strong></td>
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<tr>
<td>1. Residential</td>
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<td></td>
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<tr>
<td>2. Out-Patient Clinic</td>
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<tr>
<td><strong>G. Public Aid</strong></td>
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<tr>
<td><strong>H. Unemployment Compensation/Social Security</strong></td>
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<tr>
<td><strong>I. Housing</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>J. Half-Way House</strong></td>
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<tr>
<td><strong>K. Legal Aid</strong></td>
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<tr>
<td><strong>IV. Followup</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>A. Phone Calls</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. To Client and/or Family</td>
<td></td>
<td></td>
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<tr>
<td>2. To Agency Staff Personnel</td>
<td></td>
<td></td>
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<tr>
<td><strong>B. Meetings with CDC Staff Personnel</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>C. Letters and Written Reports</strong></td>
<td></td>
<td></td>
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<tr>
<td>1. To Client</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. To Agency Staff Personnel</td>
<td></td>
<td></td>
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<tr>
<td><strong>V. Consultations with Lawyer</strong></td>
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</table>

OUTCOME OF SOCIAL WORK INTERVENTION

- 
- 
- 

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### TRAINING PROGRAM DEVELOPMENT

#### TRAINERS

Does your office:

1. Have a training director?
   - Part time?
   - Full time?
2. Use senior attorneys to train?
3. Use junior attorneys to prepare topics?
4. Use support staff in some training functions?
5. Use volunteer speakers?
RECOMMENDATION:

Training Staff Attorneys in a Defender System

(a) The training of defenders should be systematic, comprehensive, and at least equal in scope to that received by prosecutors. Every defender office should provide an orientation program for new staff attorneys. Intensive entry-level training should be provided at the state or local level and, to the extent possible, defender hiring practices should be coordinated to facilitate any entry-level training program during which newly hired attorneys are not assigned to regular office duties.

(b) In-service training programs for defender attorneys should be provided at the state and local level so that all attorneys are kept abreast of developments in criminal law, criminal procedure, and the forensic sciences. As a part of in-service training, defender attorneys should be required to read appellate slip opinions, looseleaf services, and legal periodicals.

(c) Every defender office should seek to enroll staff attorneys in national and statewide training programs and courses that have relevance to the development of trial advocacy skills.

(d) Defender offices should provide training for investigative staff.

Training Assigned Counsel

(a) A single person or organization should assume the responsibility for training of assigned counsel panel members. Where there is an administrator, that individual should bear the responsibility.

(b) Training programs should take into consideration the prior experience and skills of the attorneys. Special programs should be established for those less experienced attorneys who wish to qualify for the assigned counsel panel.

(c) Formal training programs stressing lectures, demonstrations, and supervised participant involvement should be regularly scheduled. Joint sponsorship of such programs by defender organizations, local bar groups, and/or national organizations should be encouraged.

(d) Reasonable attendance at training programs should be required of attorneys in order to remain on the panel.

(e) If the operating budget is not sufficient, funds should be requested from outside sources to initiate formal training or to further develop formal training programs.

(f) Assigned counsel should be encouraged to attend periodically other criminal law-related seminars in addition to the regular formal training programs.
(g) Facilities for training programs should include audio and videotapes. Further, a national organization should consider providing, as a service, such tapes to defender offices and bar associations concerned with training attorneys who regularly accept appointments in criminal cases.

(h) In addition to formal training programs, those responsible for the adequacy of assigned counsel performance should make the following resources available: an apprenticeship program, an initial hand-out or package of materials, an evaluation procedure, a motion and brief bank, a complete law library, information on experts, a newsletter, access to other attorneys for consultation, and law student assistance.
PRIVATE BAR PARTICIPANTS
IN DEFENDER TRAINING PROGRAM

Phone:

REGISTRATION FORM
Defense Training Program Series

NAME
Last First Middle Initial

FIRM

BUS. ADDRESS

BUS. PHONE

Year Graduated from Law School 19

Predominant Type of Current Practice of Law
(e.g., criminal, personal injury, corporate, tax)

Previous Experience in Criminal Representation:
1. Number of Felony Juries
2. Number of Misdemeanor Juries
3. Number of Felony Bench Trials
4. Number of Misdemeanor Bench Trials
5. Approximate Number of Criminal Cases Handled
6. Approximate Number of Indigent Criminal Cases Handled

AGREEMENT TO REPRESENT INDIGENTS:
I, ___________________________, certify that I
signature
intend to represent indigents in future criminal cases.
STUDENT'S REPORT ON DEFENDER OFFICE

EVALUATION REPORT ON __________________ NEIGHBORHOOD OFFICE

Student's Name ____________________________________________ Date __________________

Length of Time You Participated in Program _______________________ weeks

Number of Cases and Type of Cases on Which You Worked ________________

Type of Work Done (e.g., interviews, research, investigation, supervised practice in court) __________________________________________

Number of Attorneys and Names of Attorneys with Whom You Worked ________________

Evaluation of Office in Which You Worked __________________________________________

Reactions to the Neighborhood Office Program ________________________________

Additional Comments ____________________________________________

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ATTORNEY'S REPORT ON STUDENT

NAME OF STUDENT ________________________ Consortium Office ________________________

A. Interviewing (e.g., establishing an attorney-client relationship and obtaining relevant facts from the client)

Name of case(s) ________________________

________________________

________________________

*Grade: 1 ______ 2 ______ 3 ______ 4 ______ 5 ______
Comments:

B. Counseling (e.g., meaningful explanation of applicable law, explanation of alternatives and expectations, keeping client advised--orally and in writing--sound referrals)

Name of case(s) ________________________

________________________

________________________

*Grade: 1 ______ 2 ______ 3 ______ 4 ______ 5 ______
Comments:

*On a scale of 1 to 5, 1 is the best possible grade.
C. Fact Investigation (e.g., witness preparation, thoroughness, obtaining and preserving documents)

Name of Case(s)


*Grade: 1 ___ 2 ___ 3 ___ 4 ___ 5 ___

Comments:

D. Research (e.g., thoroughness, creativity, use of research tools, reliability)

Name of case(s)


*Grade: 1 ___ 2 ___ 3 ___ 4 ___ 5 ___

Comments:

*On a scale of 1 to 5, 1 is the best possible grade.
E. **Negotiation** (e.g., preparation of facts and legal argument, development of strategy, handling actual negotiation)

Name of Case(s) ___________________________________________________________

________________________________________________________________________

________________________________________________________________________

*Grade: 1 ___ 2 ___ 3 ___ 4 ___ 5 ___

Comments:

F. **Writing** (e.g., initial fact memos, opinion letters, correspondence, memos for office use, pleadings, motions, legal memos, trial briefs, appeal briefs. In discussing any of these consider, for example, clarity, legal sufficiency, application of facts to law, strategic judgment).

Name of Case(s) ___________________________________________________________

________________________________________________________________________

________________________________________________________________________

*Grade: 1 ___ 2 ___ 3 ___ 4 ___ 5 ___

Comments:

*On a scale of 1 to 5, 1 is the best possible grade.*
G. **File Keeping** (e.g., organization, comprehensive fact sheet, summary of strategy, prompt recording of activity, adequate for someone else to work from)

Name of Case(s) ________________________________________________________________

____________________________________________________________________________

*Grade: 1 ___ 2 ___ 3 ___ 4 ___ 5 ___

Comments:

H. **Trial and Administrative Practice**

NOTE: This subheading is broken down into 4 parts. In completing this subheading, include administrative hearings as well as court experiences.

1. **Trial Plans** (e.g., legal preparation, witness preparation, anticipating objections, proposed cross-examination, preparation of demonstrative evidence, preparation of argument)

Name of Case(s) ________________________________________________________________

____________________________________________________________________________

*Grade: 1 ___ 2 ___ 3 ___ 4 ___ 5 ___

Comments:

*On a scale of 1 to 5, 1 is the best possible grade.
2. **Discovery** (e.g., interrogatories, dispositions, production of documents, admissions. In discussing any of these consider, for example, strategic judgment, comprehensiveness, developing impeachment, handling objectives)

Name of Case(s) ____________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

*Grade: 1 ___  2 ___  3 ___  4 ___  5 ___

Comments:__________________________

3. **Arguing Motions** (e.g., persuasiveness, handling questions, controlling argument, making a record)

Name of Case(s) ____________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

*Grade: 1 ___  2 ___  3 ___  4 ___  5 ___

Comments:__________________________

*On a scale of 1 to 5, 1 is the best possible grade.
4. **Trials and Hearings** (e.g., jury selection, opening statement, direct examination, cross-examination, objections, jury instructions, closing argument, ability to handle the unexpected)

Name of Case(s) ________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

*Grade: 1 ___ 2 ___ 3 ___ 4 ___ 5 ___

Comments:

I. **Appellate Practice** (e.g., strategy, familiarity with record, oral argument)

Name of Case(s) ________________________________________________________________

____________________________________________________________________________

____________________________________________________________________________

*Grade: 1 ___ 2 ___ 3 ___ 4 ___ 5 ___

Comments:

Signature of Evaluator __________________________________________________________

Date ____________________________________________________________

*On a scale of 1 to 5, 1 is the best possible grade.
SESSION 19
DAY III
12:00 - 12:15 p.m.

PERSONNEL MANAGEMENT IMPLEMENTATION PLAN

Goals of the Session

At the end of this session participants will understand better:

- The relationship of the training sessions on personnel management to their own office needs
- Areas of personnel management they will seek to improve
- The areas of personnel management that are already effectively handled in their offices
- The obstacles that will provide resistance to any planned changes in the personnel management system
- Possible solutions to overcoming obstacles in the implementation of personnel management changes.
PERSONNEL MANAGEMENT IMPLEMENTATION

Using the information presented on personnel management, explain your plan to implement or (if not a chief defender) plan to encourage implementation of following:

<table>
<thead>
<tr>
<th>ITEM</th>
<th>HAVE NOW</th>
<th>WILL HAVE IN 3 MOS.</th>
<th>WILL HAVE IN 12 MOS.</th>
<th>NOT NEEDED</th>
<th>OBSTACLES/SOLUTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Appoint Personnel Director</td>
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<td>2. Review Personnel Policies</td>
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<td>3. Assess Personnel Management Procedures against Standards and Evaluation Book</td>
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<td>4. Establish Performance Review System for Staff</td>
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<td>5. Review Existing Personnel Manual</td>
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<td>ITEM</td>
<td>HAVE NOW</td>
<td>WILL HAVE IN 3 MOS.</td>
<td>WILL HAVE IN 12 MOS.</td>
<td>NOT NEEDED</td>
<td>OBSTACLES/SOLUTIONS</td>
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<td>7. Design Compensation Schedule to include Job Descriptions</td>
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<td>8. Establish Orientation Program</td>
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<td>9. Perform Training Needs Assessment</td>
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<td>10. Designate Training Director</td>
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<td>11. Employ new training techniques</td>
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<td>12. Hire additional categories of Support Staff</td>
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SESSION 20
DAY III
12:15 - 12:30 p.m.

SUMMARY AND WORKSHOP EVALUATION

Goals of the Session

At the end of this session participants and trainers will have a better understanding of:

- The training and materials most relevant to defender offices present
- The training areas requiring additional information.
APPENDICES

Appendix A. Selected Bibliography
Appendix B. Addresses of State Planning Agencies
Appendix A

SELECTED BIBLIOGRAPHY


Appendix B

ADDRESSES OF STATE PLANNING AGENCIES

ALABAMA
Robert G. Davis, Director
Alabama Law Enforcement Planning Agency
2863 Fairlane Drive
Building F, Suite 49
Executive Park
Montgomery, AL 36116
205/277-5440 FTS 534-7700

ALASKA
Charles G. Adams, Executive Director
Office of Criminal Justice Planning
Pouch 4J
Juneau, AK 99801
907/465-3535 FTS 399-0150
Thru Seattle FTS 206/442-0150

AMERICAN SAMOA
Judith A. O'Connor, Director
Territorial Criminal Justice Planning Agency
Office of the Attorney General
Government of American Samoa
Box 7
Pago Pago, American Samoa 96799
633-5222 (Overseas Operator)

ARIZONA
Ernesto G. Munoz, Executive Director
Arizona State Justice Planning Agency
Continental Plaza Building, Suite M
5119 North 19th Avenue
Phoenix, AZ 85015
602/271-5466 FTS 765-5466

ARKANSAS
Gerald W. Johnson, Executive Director
Arkansas Crime Commission
1515 Building
Suite 700
Little Rock, AR 72202
501/371-1305 FTS 740-5011

CALIFORNIA
Douglas R. Cunningham, Executive Director
Office of Criminal Justice Planning
7171 Bowling Drive
Sacramento, CA 95823
916/445-9156 FTS 465-9156

COLORADO
Paul G. Quinn, Executive Director
Division of Criminal Justice
Department of Local Affairs
1313 Sherman Street, Room 419
Denver, CO 80203
303/839-3331 FTS 327-0111

CONNECTICUT
William H. Carbone, Executive Director
Connecticut Justice Commission
75 Elm Street
Hartford, CT 06115
203/566-3020

DELAWARE
Christine Harker, Executive Director
Governor's Commission on Criminal Justice
1228 North Scott Street
Wilmington, DE 19806
302/571-3431

DISTRICT OF COLUMBIA
Arthur Jefferson, Executive Director
Office of Criminal Justice Plans and Analysis
Munsey Building, Room 200
1329 E Street, NW
Washington, D.C. 20004
202/629-5063
Appendix B (cont'd)

FLORIDA
Charles R. Davoli, Bureau Chief
Bureau of Criminal Justice Planning and Assistance
620 S. Meridian Street
Tallahassee, FL 32304
904/488-6001 FTS 946-2011
(Auto. Tel. 487-1725)

GEORGIA
Jim Higdon, Administrator
Office of the State Crime Commission
3400 Peachtree Road, NE, Suite 625
Atlanta, GA 30326
404/894-4410 FTS 285-0111

GUAM
Alfred F. Sablan, Director
Territorial Crime Commission
Office of the Governor
Soledad Drive
Amistad Bldg., Room 4, 2nd Floor
Agana, GU 96910
472-8781 (Overseas Operator)

HAWAII
Irwin Tanaka, Director
State Law Enforcement and Juvenile Delinquency Planning Agency
1010 Richards Street
Kamamalu Building, Room 412
Honolulu, HI 96813
808/548-3800 FTS 556-0220

IDAHO
Kenneth N. Green, Bureau Chief
Law Enforcement Planning Commission
700 West State Street
Boise, ID 83720
208/384-2364 FTS 554-2364

ILLINOIS
James B. Zagel, Executive Director
Illinois Law Enforcement Commission
120 South Riverside Plaza, 10th Floor
Chicago, IL 60606
312/454-1560

INDIANA
Frank A. Jessup, Executive Director
Indiana Criminal Justice Planning Agency
215 North Senate
Indianapolis, IN 46202
317/633-4773 FTS 336-4773

IOWA
Allen Robert Way, Executive Director
Iowa Crime Commission
Lucas State Office Building
Des Moines, IA 50319
515/281-3241 FTS 863-3241

KANSAS
Thomas E. Kelly, Executive Director
Governor's Committee on Criminal Administration
503 Kansas Avenue, 2nd Floor
Topeka, KS 66603
913/296-3066 FTS 757-3066

KENTUCKY
Ronald J. McQueen, Executive Director
Executive Office of Staff Services
Kentucky Department of Justice
State Office Building Annex, 2nd Floor
Frankfort, KY 40601
502/564-3251 FTS 352-5011

LOUISIANA
Wingate M. White, Director
Louisiana Commission on Law Enforcement and Administration of Criminal Justice
1885 Wooddale Boulevard, Room 615
Baton Rouge, LA 70806
504/389-7515
MAINE
Ted T. Trott, Executive Director
Maine Criminal Justice Planning
and Assistance Agency
11 Parkwood Drive
Augusta, ME 04330
207/289-3361

MARYLAND
Richard C. Wertz, Executive Director
Governor's Commission on Law
Enforcement and Administration of
Justice
Executive Plaza One, Suite 302
Cockeysville, MD 21030
301/666-9610

MASSACHUSETTS
Robert J. Kane, Executive Director
Committee on Criminal Justice
110 Tremont Street, 4th Floor
Boston, MA 02108
617/727-5497

MICHIGAN
Noel Bufe, Administrator
Office of Criminal Justice
Programs
Lewis Cass Building, 2nd Floor
Lansing, MI 48913
517/373-6655  FTS 253-3992

MINNESOTA
Jacqueline Reis, Executive Director
Crime Control Planning Board
444 Lafayette Road, 6th Floor
St. Paul, MN 55101
612/296-3133  FTS 776-3133

MISSISSIPPI
Latrelle Ashley, Executive Director
Miss. Criminal Justice Planning
Division
Suite 400, 723 North President Street
Jackson, MS 39202
601/354-4111  FTS 490-4211

MISSOURI
Jay Sondhi, Executive Director
Missouri Council on Criminal
Justice
P.O. Box 1041
Jefferson City, MO 65101
314/751-3432  FTS 276-3711

MONTANA
Michael A. Lavin, Administrator
Board of Crime Control
1336 Helena Avenue
Helena, MT 59601
406/449-3604  FTS 587-3604

NEBRASKA
Harris R. Owens, Executive Director
Nebraska Commission on Law Enforce-
ment and Criminal Justice
State Capitol Building
Lincoln, NE 68509
402/471-2194  FTS 867-2194

NEVADA
James A. Barrett, Director
Commission on Crime, Delinquency and
Corrections
430 Jeanell - Capitol Complex
Carson City, NV 89710
702/885-4404

NEW HAMPSHIRE
Roger J. Crowley, Jr., Director
Governor's Commission on Crime and
Delinquency
169 Manchester Street
Concord, NH 03301
603/271-3601
Appendix B (cont'd)

NEW JERSEY
John J. Mullaney, Executive Director
State Law Enforcement Planning Agency
3535 Quaker Bridge Road
Trenton, NJ 08625
609/477-5670

NEW MEXICO
Charles E. Becknell
Executive Director
Governor's Council on Criminal Justice Planning
425 Old Santa Fe Trail
Santa Fe, NM 87501
505/827-5222 FTS 476-5222

NEW YORK
William T. Bonacum, Director
Division of Criminal Justice Services
80 Centre St.
New York, N.Y. 10013
212/488-3896

NORTH CAROLINA
Gordon Smith
N.C. Dept. of Crime Control and Public Safety
P.O. Box 27687
Raleigh, NC 27611
919/733-7974 FTS 672-4020

NORTH DAKOTA
Oliver Thomas, Director
North Dakota Combined Law Enforcement Council
Box B
Bismarck, ND 58505
701/224-2594 FTS 783-4011

OHIO
Bennett J. Cooper
Deputy Director
Ohio Dept. of Economic and Community Development
Administration of Justice
30 East Broad Street, 26th Floor
Columbus, OH 43215
612/466-7610 FTS 942-7610

OKLAHOMA
O. Ben Wiggins
Acting Executive Director
Oklahoma Crime Commission
3033 North Walnut
Oklahoma City, OK 73105
405/521-2821 FTS 736-4011

OREGON
Keith Stubblefield
Administrator
Law Enforcement Council
2001 Front Street, N.E.
Salem, OR 97303
503/378-4347 FTS 530-4347

 PENNSYLVANIA
Thomas J. Brennan
Executive Director
Governor's Justice Commission
Department of Justice
P.O. Box 1167
Federal Square Station
Harrisburg, PA 17108
717/787-2040

PUERTO RICO
Flavia Alfaro de Quevedo
Executive Director
Puerto Rico Crime Commission
G.P.O. Box 1256
Hato Rey, PR 00936
809/783-0398
CONTINUED

3 OF 4
Appendix B (cont'd)

RHODE ISLAND
Patrick J. Fingliss, Executive Director
Governor's Justice Commission
197 Taunton Avenue
E. Providence, R.I. 02914
401/277-2620

SOUTH CAROLINA
John S. Parton, Acting Executive Director
Office of Criminal Justice Programs
Edgar A. Brown State Office Building
1205 Pendleton Street
Columbia, SC 29201
803/758-3573 FTS 677-5011
(Manual Tel. 758-8940)

SOUTH DAKOTA
Elliott Nelson, Director
Division of Law Enforcement Assistance
200 West Pleasant Drive
Pierre, S.D. 57501
605/224-3665 FTS 782-7000

TENNESSEE
Harry D. Mansfield
Executive Director
Tennessee Law Enforcement Planning Agency
4950 Linbar Drive
The Browning-Scott Building
Nashville, TN 37211
615/741-3521 FTS 852-5022

TEXAS
Robert C. Flowers, Executive Director
Criminal Justice Division
Office of the Governor
411 West 13th Street
Austin, TX 78701
512/475-4444 FTS 734-5011

TRUST TERRITORIES OF THE PACIFIC ISLANDS
Dennis Lund, Administrator
Office of the High Commissioner
Justice Improvement Commission
Saipan, Mariana Islands 96950

UTAH
Robert B. Andersen, Director
Utah Council on Criminal Justice Administration
255 South Third Street - East
Salt Lake City, UT 84111
801/533-5731 FTS 588-5500

VERMONT
William H. Baumann
Executive Director
Governor's Commission on the Administration of Justice
149 State Street
Montpelier, VT 05602
802/832-2351

VIRGINIA
Richard N. Harris, Director
Division of Justice and Crime Prevention
8501 Mayland Drive
Parham Park
Richmond, VA 23229
804/786-7421

VIRGIN ISLANDS
Troy L. Chapman, Administrator
Virgin Islands Law Enforcement Planning Commission
Box 280 - Charlotte Amalie
St. Thomas, V.I. 00801
809/774-6400
Appendix B (cont'd)

WASHINGTON
Donna Schram, Acting Administrator
Law and Justice Planning Office
Office of Community Development
General Administration Bldg., Rm. 206
Olympia, WA 98504
206/753-2235  FTS 434-2235

WEST VIRGINIA
Ray N. Joens, Director
Criminal Justice and Highway Safety
Division
Morris Square, Suite 321
1212 Lewis Street
Charleston, W.V. 25301
304/348-8814

WISCONSIN
Charles M. Hill, Sr., Executive Director
Wis. Council on Criminal Justice
122 West Washington
Madison, WI 53702
608/266-3323  FTS 366-3323

WYOMING
William Penn, Administrator
Governor's Planning Committee on Criminal Administration
Barrett Building, 4th Floor
Cheyenne, WY 82002
307/777-7716  FTS 328-9716

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