



workload studies



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

A close-up photograph of a person's hands, which are dark-skinned, wearing metal handcuffs. The hands are positioned in front of the person's torso, with the fingers slightly curled. The person is wearing a dark grey or black t-shirt. The background is dark and out of focus.

They handle over
5.5 million
cases each year.

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



That number is
much higher in
some states.

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



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



Inadequate
Funding

Lack of
Independence

No Control
over Intake

But what's the **solution**?

The Missouri Project

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



Includes a National Blueprint for Future Workload Studies



**Workload Studies
have 2 parts:**

Time Study
(what is)

Delphi Process
(what should be)

A large, clear glass hourglass is positioned on the right side of the slide. It is filled with a dark, fine-grained sand. The sand is in the process of flowing from the upper bulb to the lower bulb, with a visible stream of sand falling through the narrow neck. The background is a solid black, which makes the glass and the sand stand out. The overall image conveys a sense of time passing.

Time Study

Case Type

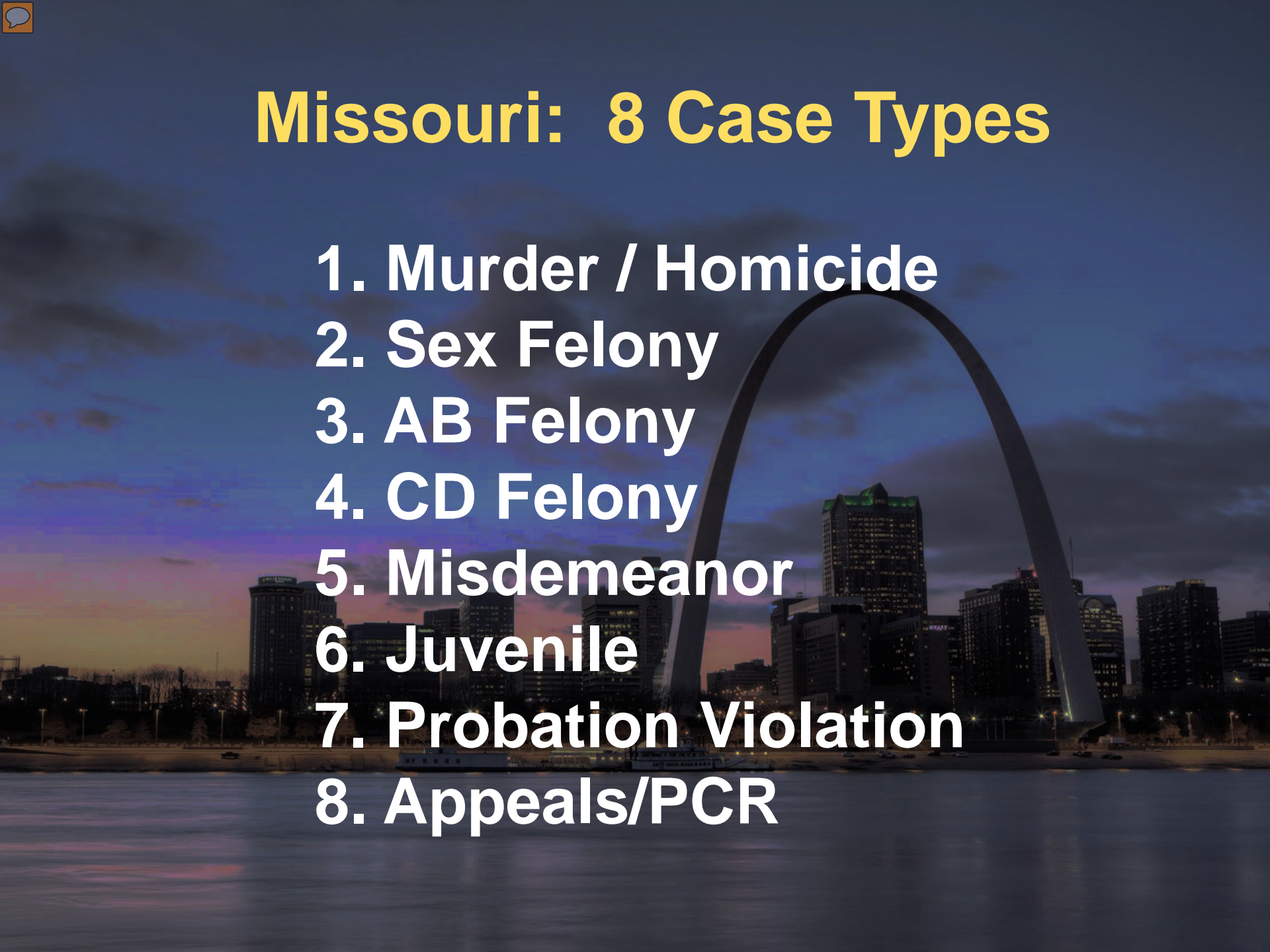
(e.g., homicide, sex offense, misdemeanor)

Case Task

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



Missouri: 8 Case Types

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



Missouri: 14 Case Tasks

Client Communication

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

Discovery/Investigation

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

Case Preparation

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



Time-keeping requires:

People

(attorneys, clerical, and IT)

Hardware

(computers, tablets,
phones)

Software

(commercial
or in-house)





Which software?

Home-grown

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

Commercial

(e.g., defenderData, JustWare)

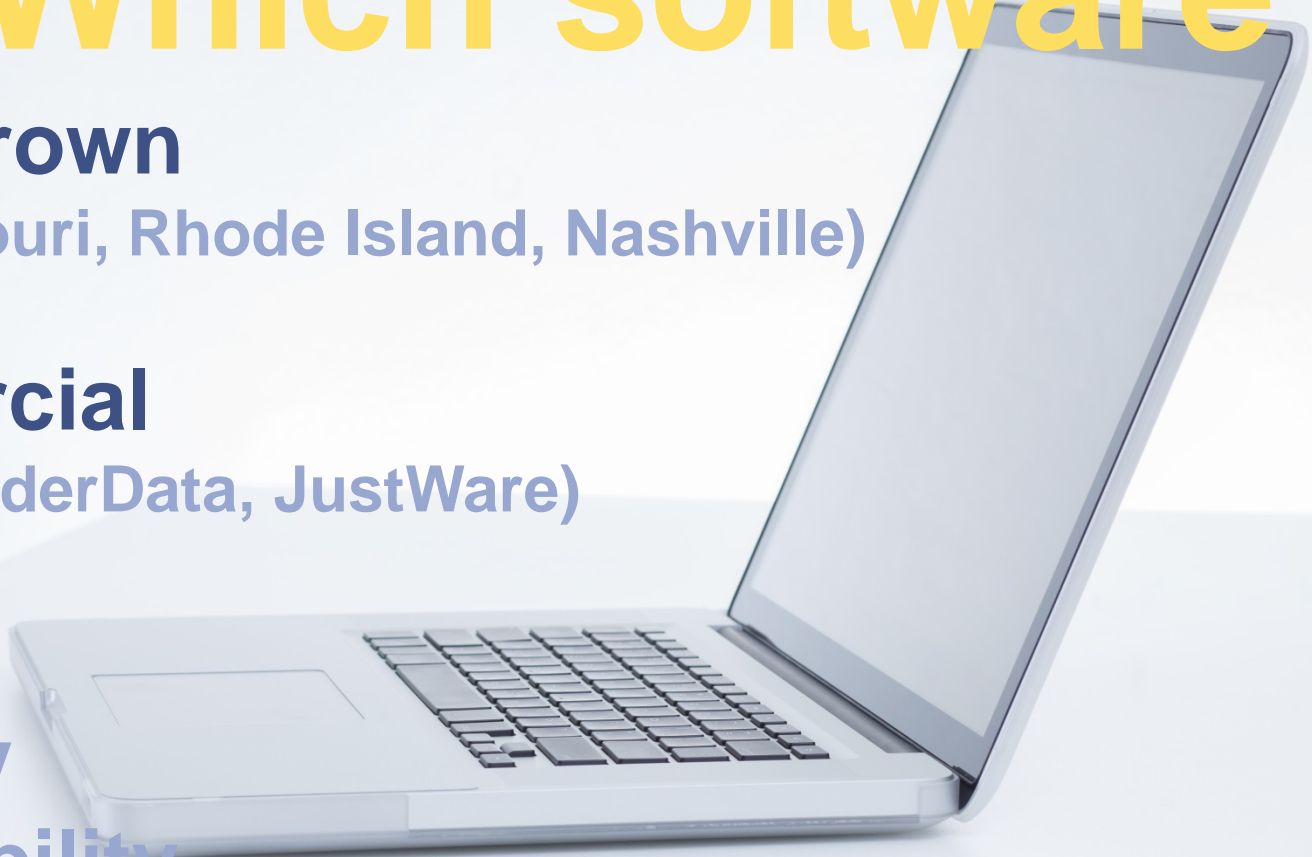
-Cost

-Mobility

-Adaptability

-Compatibility

-Ease of Use



Software Example: Missouri Public Defender

Case Management

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

Case Information

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

Time Logs...

- Create Time Logs
- View Time Logs
- Open Time Log Database

Date: 01/23/2013

Category	Task	Comments	Time on Task
5. Fact Finding	15.20 Witness interviews/Depos	Comment, if desired	2 Hrs 20 Min
			Hrs Min
			Hrs Min
			Hrs Min

Categories and Tasks

Choose the category and task from below:

Task	Description
15.45 Experts	Locating, retaining Also includes review
20. Legal Research & Writing	
20.05 Legal Research	Includes legal research there is no associated
20.10 Motions/Memoranda of Law	Includes proposed
20.15 Extraordinary Writs	Writs of Mandamus post-conviction DNA Testificandum/Pro
20.20 AP Brief - Opening	Appellant's brief in
20.25 AP Brief - Reply	Appellant's reply to
20.30 AP Brief - Respondent	Respondent's brief

Software Example: defenderData®

defenderData Web x

snoopy/dd/web/start/8001

Home Refresh Save Add Delete Help

Time Entries Timothy H Smith

Recent Entries Select Dates

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

Total hours: 02:45

Case Time

Keith Richey

Software Example: Nashville Public Defender

Metro Davidson Public Defender Information System

File Edit View Manage PD Utilities PD Administration Window Help

Metro Public Defender - PD Case Summary Defendant #:

General Information

Defendant No: Case Type: Case Status:
Indictment No: Court Type: Division:
Date Opened: Date Closed: Attorney:
Date Bound Over: BoundOver:
First: Middle: Last: Suffix:

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

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

Create Event Update Event Delete Event

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

A close-up, high-contrast photograph of an hourglass against a black background. The hourglass is made of clear glass, and the sand inside is a dark, fine-grained material. The top bulb is partially filled, and a thin stream of sand is captured mid-fall through the narrow neck, creating a delicate, curved path. The bottom bulb is mostly empty, with a small pile of sand at the base. The lighting highlights the edges of the glass and the texture of the sand.

How long must defenders keep time?

Permanently

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

Time Study uses 6 months of data
Plus a learning period



Delphi Process





Delphi Process

Multi-round survey

**Distill expert knowledge to
establish workload standards**



Delphi Process

Same Case Types

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

Same Case Tasks

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



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

Felony CD Cases

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

Please enter your response in minutes.

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

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

Minutes:

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

The slide features a background of radiating yellow and orange lines. At the top left, there is a small icon of a speech bubble with a question mark. The main title is centered at the top in a large, bold, black font. Below the title is a table with two columns: 'Case Type' and 'Delphi'. The table lists eight case types with their corresponding Delphi values. The text is bold and black, and the table is structured with a horizontal line under the 'Case Type' header.

Missouri Workload Standards

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



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have 2 parts:**

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(what is)

Delphi Process
(what should be)

The background of the slide features a sunburst pattern with rays emanating from the center. The text is in a bold, black, sans-serif font. The title is at the top, followed by a table with three columns: Case Type, Time Study, and Delphi. The table lists eight case types with their corresponding values for each study method.

Missouri Workload Study: Results

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

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QUESTIONS?