

**DEPARTMENT OF ADMINISTRATION**

**Oversight and Review Unit**



**Review of the Efficiency and Effectiveness  
of the Public Defender Agency –  
Time Study**

**December 31, 2020**



# Executive Summary

## *Review of the Efficiency and Effectiveness of the Public Defender Agency – Time Study*

### RESULTS IN BRIEF

As part of a Review of the Efficiency and Effectiveness of the Public Defender Agency (PDA), we conducted a time study of the PDA. We tracked how attorneys spent their time on cases by categorizing their time into different tasks.

Tracking attorneys' time on a case provides empirical data to determine how long, on average, any given case takes an attorney to complete. Using this data, the PDA can determine how many positions are necessary to provide effective representation for clients.

Collected time data also provides objective information about case activities and outcomes. This will assist PDA managers' abilities to supervise staff and evaluate performance to improve client representation.

In addition, time data regarding workload levels provides objective information that can later be used to properly determine PDA funding. This includes budget and resource justifications.

We found that regularized data collection and analysis will help defender managers carry out their core managerial functions. They increase the ability to assess progress in meeting organizational goals and objectives which improves the program's effectiveness.

We determined a PDA case took an average of 13 hours from intake to disposition. Similar cases worked by the Office of Public Advocacy (OPA) took an average of 20 hours from intake to disposition.

We found on average each PDA attorney tracked and reported approximately 40 hours per week. These hours were spent on court-appointed cases and other non-case related categories of work.

Thirty-eight PDA attorneys tracked time for 5,445 cases during a 13-week period. This results in an average of 419 cases per week. Note: the number of cases does not capture the complexity of cases nor the number of attorneys working per week.

We determined that approximately 80% of tracked hours were categorized as court-appointed case activity by PDA attorneys. Approximately 20% of tracked hours were categorized as non-case related activity by both PDA and OPA attorneys. In the Review, we found all of the Legal Office Assistants and paralegals we interviewed stated they believed their positions could be better utilized to assist attorneys in a more meaningful manner by performing more substantive work and alleviating the workload on attorneys. It is likely this 20% could be reduced if support staff were better trained and utilized to assist attorneys.

We made a follow-up recommendation from our Review to improve the efficiency and effectiveness of the PDA:

- The PDA should begin utilizing a Time Management System and requiring attorneys to record their time and case activities.

## TABLE OF CONTENTS

<b>INTRODUCTION</b>	<b>1</b>
Purpose of Tracking PDA Time Data	1
Scope and Methodology	2
<b>FINDINGS OF THE REVIEW</b>	<b>5</b>
<b>RECOMMENDATION</b>	<b>17</b>
Appendix A: Case Tasks Tracked	25
Appendix B: Excel Spreadsheet	26

## INTRODUCTION

The State of Alaska is committed to both adequately fulfilling its obligation to provide public defense and making its Public Defender Agency (PDA) the primary defense agency in the State. The Department of Administration (DOA) Oversight & Review Unit (O&R) initiated a review of the efficiency and effectiveness of the PDA with former Public Defender, Quinlan Steiner and then continued the review with the new Public Defender, Sam Cherot. The objective of the review (Review) was to evaluate the efficiency and effectiveness of the PDA's management practices and operations by:

- Evaluating procedures to determine, manage, and track caseloads, attorney time and operational costs.
- Identifying opportunities for increased efficiency and effectiveness in staffing cases and managing operations; and
- Assessing current PDA practices to determine what recommendations or changes can be suggested, to improve the PDA's case management and operations.

The findings and recommendations in this Review were issued in November 2019 to assist the Governor, Alaska Legislature, DOA Commissioner, and Public Defender in determining funding decisions for the PDA, creating a more efficient PDA, and ensuring the PDA is best serving the indigent defendants of Alaska.

This report is a supplemental to the 2019 Review. We conducted a limited scope time survey of the PDA, gathering data on the number and types of cases worked by these attorneys to collect empirical support that could help determine adequate workload standards for PDA attorneys. This report provides findings about the PDA's time spent on their caseload and using that data to help determine adequate staffing. It includes recommendations for policy, process, or procedural revisions that could improve the efficiency of PDA operations.

### **Purpose of Tracking PDA Time Data<sup>1</sup>**

In today's environment of big data and performance-based budgeting, data drives decision-making. Within the criminal justice context, data-informed decision-making is a fundamental component of smart public defender management.

Data tracking is documentation of what was done for clients and how it was done. Data tracking and analysis allow public defense agencies to quantitatively measure things, rather than rely on intuition to know how things are going.

Data points are tracked by counting, consistently and over time, the same information about every case. To count, and make sense of those counts, requires an electronic case-tracking platform. Defense agencies should keep in mind that the system is only as good as the data entered and how

---

<sup>1</sup> NLADA; Basic Data Every Defender Program Needs to Track, 2014

it is used. Therefore, defense agencies should avoid selecting a system that requires staff or technical support they do not have.

Regularized data collection and analysis is a practice that will help public defender managers carry out their core managerial functions more effectively, assess progress in meeting organizational goals/objectives, and help improve their program's effectiveness. The collection and use of data can help public defenders be more responsive to staffing issues, advocate more persuasively for budgets and resources, and produce better outcomes for clients. Performance indicators also provide feedback on how well organizational goals are being achieved.

### **Scope and Methodology**

As part of our process for evaluating the PDA during the Review, we conducted a 13-week time study of PDA attorneys. Using a software program selected by the PDA, we gathered time data on how attorneys spend their time on cases and how long cases take from intake to disposition. During our review, attorneys tracked their time on criminal cases through a data entry system. Attorneys tracked time by case types and by case tasks. The case types are noted below, and the case tasks can be seen in Appendix A. Notably, this was the first time PDA attorneys had used case tracking software or tracked cases by types and tasks, so PDA reported to us that some of attorneys' time spent was longer than normal during this period because time-tracking consumed more administrative time than they usually spend.

In addition to tracking time for PDA attorneys, we also gathered time data for OPA attorneys and contractor attorneys working for OPA. While we were only able to obtain 13 weeks of data from PDA attorneys and 12 weeks of data from OPA attorneys for time tracking, we were able to obtain over 91 weeks of data from attorneys on contract to OPA. These data sets from OPA provided an informative comparison time study group for us to evaluate.

After the first couple weeks of the PDA time study (approximately 15% of the total time of the study), PDA leadership informed us they thought some of the attorneys were not properly trained on data tracking techniques and experienced difficulties with the time tracking software. They re-trained attorneys on how to properly enter data in the software and account for all time worked on case activity. This may have affected some of the time study data quality.

Findings from PDA cases in the time sample were extrapolated to estimate average time attorneys spent on tasks tracked for each of the offense levels. With this information, we were able to determine how long, on average, it would take an attorney to complete a case. We compared this data to how long it takes an OPA contract attorney to complete the same type of case. More specifically, time study analysis was completed based on three data sets provided by PDA and OPA:

- Time tracking data set from PDA attorneys over 13 weeks (07/01/2019 - 09/30/2019);
- Time tracking data set from OPA attorneys over 12 weeks (7/15/2019 - 10/7/2019);
- OPA contractors' hours by case type and expense code over 91 weeks (9/1/2018 - 5/31/2020).

Time tracking data sets contain the following information:

- Court Case Number
- Case Type
- Case Task
- Category of Work (when not case related)
- Open Date
- Closed Date (when available)
- Attorney ID
- Hours tracked during the time tracking period

OPA contracted cases data set contains the following information:

- OPA Case Number
- Case Type
- Expense Code
- Referral Date
- Closed Date (when available)
- Hours billed by private attorneys for contracted out cases

To estimate average hours spent on a court-appointed case from intake to disposition, the following methodology was used:

- Actual time on a case was calculated for cases where intake and disposition happened within the study period as described in “Group 1” below.
- Estimates were made for cases where the intake and/or disposition occurred outside the time tracking period, as described in “Group 2” and “Group 3” below.

#### Group 1

Cases were *opened and disposed of during* the time tracking.

#### Group 2

Cases were *opened before* the time tracking and were *disposed of during* the time tracking. Time for cases in Group 2 was estimated by first calculating the actual time spent each week on the case during the time tracking. This result was added to the average time spent each week during the time tracking, multiplied by the weeks the case was open outside of the time tracking.

#### Group 3

These cases may have been *opened before or during* the study and *were not disposed of before the end of the study*. Time for Group 3 was estimated by first calculating the actual time spent each week on the case during the time tracking. This number was added to the average time spent each week on the case during the time tracking and multiplied by the median weeks’ cases of the same type that were open in Groups 1 and 2. However, if the time tracked on a case was longer than the median calculation, the actual weeks outside of the time tracking was used as the multiplier. This methodology was recommended by a Texas study

that tracked time for 12 weeks.<sup>2</sup>

Upon completion of the estimation process, weekly time and duration values were available for all cases in the study. Actual average time expended for cases at each offense level could then be computed using the following formula:

$$\text{Average (Time/Week x Number of Weeks) = Actual Time per Offense Level}$$

This calculation, done separately for every offense level (case type), produced the final time estimates.

While this time study gives insight for the amount of time PDA attorneys are spending on cases, it is important to note that this is a limited scope study and therefore provides only limited insight. In examining the PDA for 25% of the year, which happened to overlap with some summer months, we were able to derive important findings, but cannot reach the same conclusions that would be possible if time were tracked year-round. Alaska's seasonal labor trends result in fewer trials during summer months, which allows for more normalized work schedules for attorneys. Trials, particularly jury trials, are the most labor intensive and time-consuming aspect of state litigators' time allocated to casework.

The timekeeping data recorded by the attorneys only represented a snapshot of the attorneys' work (with many cases beginning and/or concluding outside the timekeeping window), and only a portion of the data was able to be directly attributed to a specific case. Likewise, our analysis of timekeeping data does not assume that the time that was being spent on defense representation necessarily reflects the time that *should* be spent to provide reasonably effective assistance of counsel pursuant to prevailing professional norms. Rather, our analysis simply reflects actual time spent.

This report identifies what we found with respect to: 1) PDA attorneys, 2) OPA attorneys, and 3) OPA contractor attorneys; overall findings; and recommendations.

We are grateful to the attorneys at the PDA and OPA for their cooperation with this time study.

---

<sup>2</sup> Guidelines for Indigent Defense Caseloads, A Report to the Texas Indigent Defense Commission.

## FINDINGS OF THE REVIEW

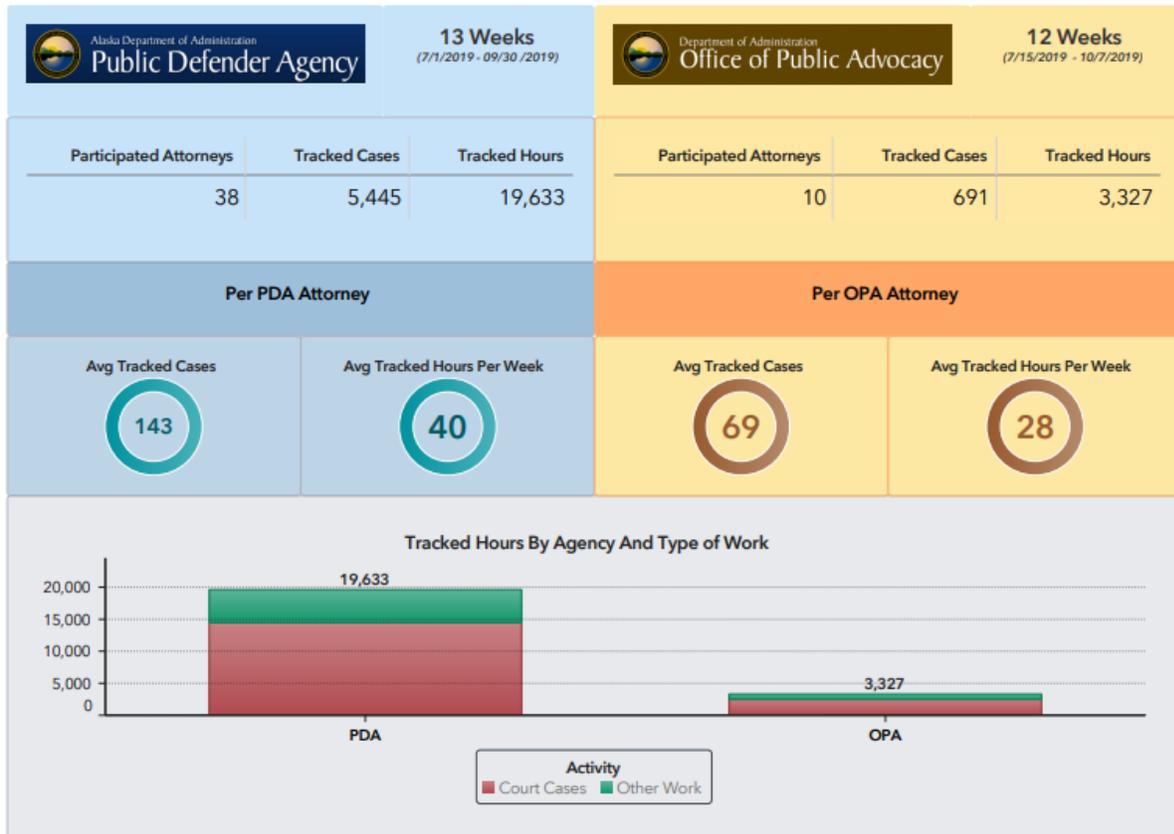
**PDA Time Study:** Out of 19,633 tracked hours, approximately 80% (15,566 hours) were categorized as a court-appointed case activity. Thirty-eight attorneys participated in the time study, and 5,445 cases were tracked. Based on the calculations described above, each PDA attorney tracked and reported an average of 40 hours per week. Case count distribution by group was as follows:

- Group 1: 640 cases were opened and disposed of during the time tracking.
- Group 2: 1,028 cases were opened before and disposed of during the time tracking.
- Group 3: 3,777 cases were not disposed of during the time tracking.

**OPA Time Study:** Out of 3,327 tracked hours, approximately 80% (2,600 hours) were categorized as a court-appointed case activity. Ten attorneys participated in the time study, and 691 cases were tracked. Based on the calculations described above, each OPA attorney tracked and reported an average of 28 hours per week. Case count distribution by group was as follows:

- Group 1: 6 cases were opened and disposed of during the time tracking.
- Group 2: 49 cases were opened before and disposed of during the time tracking.
- Group 3: 691 cases were not disposed of during the time tracking.

*Figure 1. PDA and OPA Time Study Overview*



a. PDA Court Cases

The number of cases tracked by PDA attorneys and estimated time averages by case type is provided in Table 1 below. The average varies from 1.3 to 80.8 hours per case by case type.

When the case type is Unclassified, Appeal, or Post Conviction Relief, the estimated average hours per case type is high (between 58 and 81 hours).

The most common case type is Misdemeanor (38% of all cases), followed by Class C Felony (23% of all cases).

Table 1. PDA Court Cases: Estimated Time Averages by Case Type<sup>3</sup>

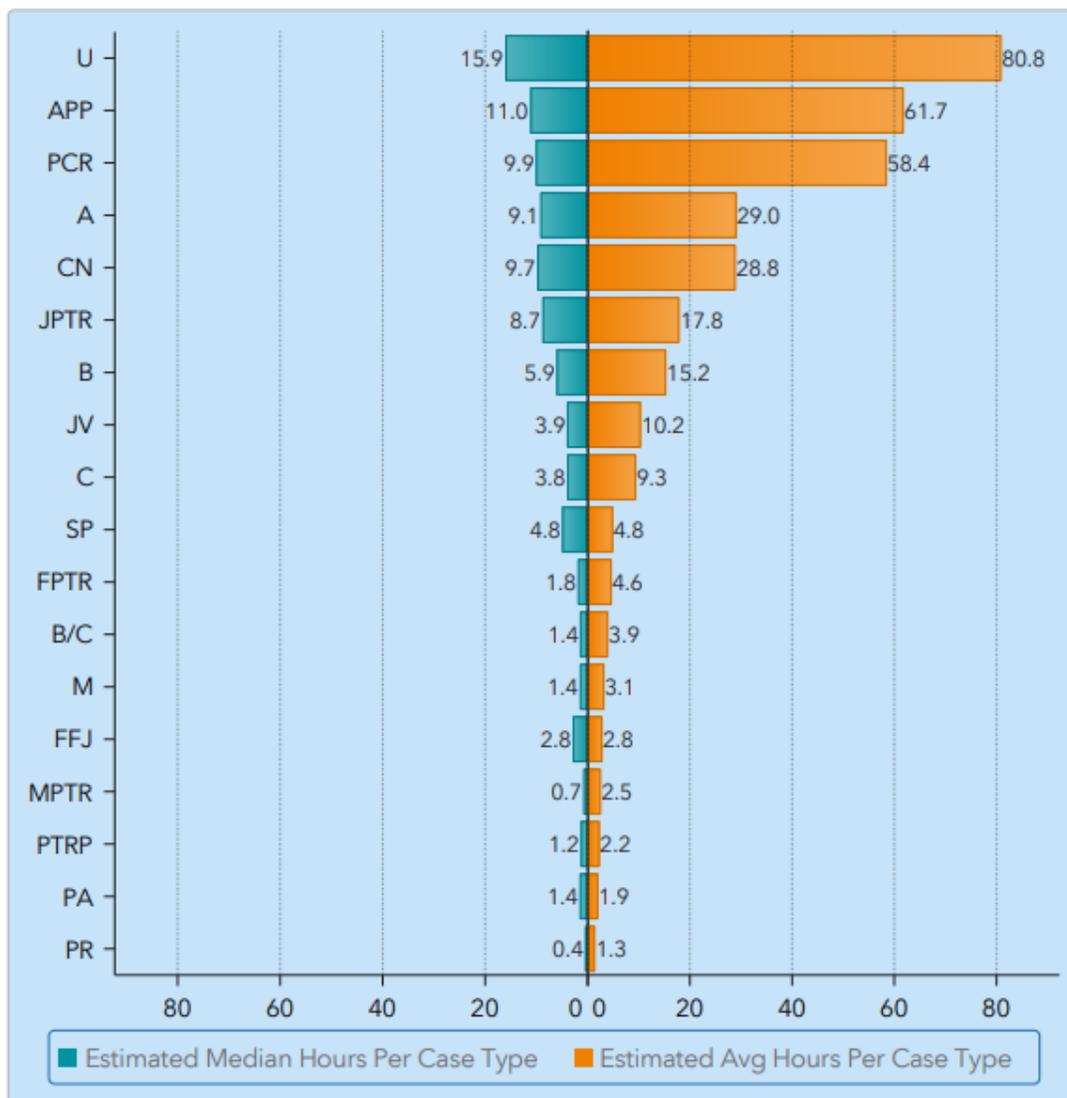
Case Type	Case Type Description	Number of Cases	Estimated Avg Hours Per Case Type	Estimated Avg Days Per Case Type
A	Class A Felony	167	29.0	340
APP	Appeal	40	61.7	610
B	Class B Felony	499	15.2	267
B/C	Class B or C Felony	19	3.9	154
C	Class C Felony	1,268	9.3	197
CN	Child in Need of Aid	397	28.8	454
FFJ	Fugitive from Justice (Misdemeanor)	1	2.8	134
FPTR	Felony Petition to Revoke Probation	455	4.6	142
JPTR	Juvenile Delinquency Petition to Revoke Probation	22	17.8	363
JV	Juvenile Delinquency	128	10.2	224
M	Misdemeanor	2,049	3.1	145
MPTR	Misdemeanor Petition to Revoke Probation	72	2.5	197
PA	Parole	17	1.9	130
PCR	Post-Conviction Relief	79	58.4	937
PR	Probate (Commitment)	40	1.3	45
PTRP	Petition to Revoke Probation	7	2.2	90
SP	Special Case Type, Not Specified	1	4.8	1,476
U	Unclassified Felony	184	80.8	482
		<b>Total: 5,445</b>	<b>Average: 12.5</b>	<b>Average: 226</b>

<sup>3</sup> This table does not reflect 1,060 hours attorneys reported covering for other attorneys' cases. These hours were recorded as "Coverage", but not recorded by Case Number.

A PDA case takes an average of 13 hours from intake to disposition. The median value for estimated hours per case is 3 hours. The difference between the estimated average and median is influenced by the outliers (approximately 12% or 648 cases).

The data may be skewed by cases with unusually long "open" periods combined with high activity within the time tracking period. Some cases evaluated were opened months or years before the time study. When spikes of activity occurred for these cases within the time study, calculations for groups 2 and 3 were affected by over-inflating the multiplier (average hours per day per case type) referenced in the methodology section above. Under these circumstances, the median gives a better representation of the central tendency. Median and average hours comparison by case type is provided in Figure 2 below.

Figure 2. PDA Court Cases: Median vs. Average Hours by Case Type<sup>4</sup>



<sup>4</sup> This table does not reflect 1,060 hours attorneys reported covering for other attorneys' cases. These hours were recorded as "Coverage", but not recorded by Case Number.

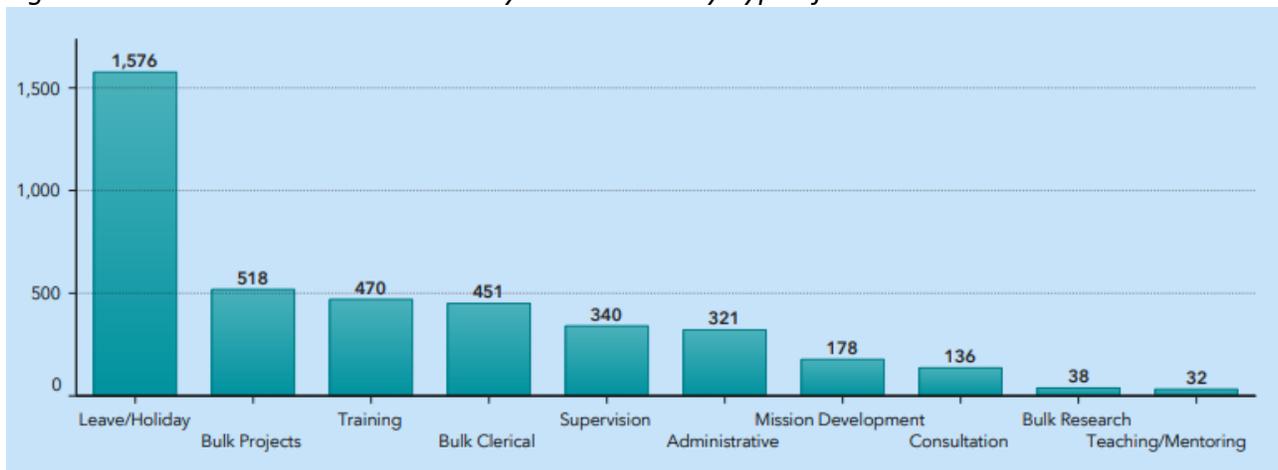
b. Hours Spent by PDA Attorneys on Non-case Related Type of Work

Out of 19,633 tracked hours, just over 20% (4,067 hours) were reported as non-case related activity. Approximately 312 hours per week were devoted to types of work other than court-appointed cases. On average, a PDA attorney spent 8 hours per week on non-case related activities. These included:

- Leave/Holiday, which accounted for 39% (1,576 hours) of total non-case related time (this likely was higher than other times of the year given the sample time period).
- Bulk Projects, Training, Bulk Clerical, Supervision, Administrative, Mission Development, Consultation, Bulk Research, Teaching/Mentoring, and other, which accounted for the remaining 61% (2,491 hours) of total non-case related time.

Total tracked hours by type of work are provided in Figure 3 below. Types of non-case related work are defined in the Appendix.

Figure 3. PDA Non-Case Related Activity: Total Hours by Type of Work



c. OPA Court Cases

The number of cases tracked by OPA attorneys and estimated time averages by case type are provided in Table 2. The average varies from 2.8 to 100.4 hours per case by case type.

When the case type is "Flores Appointment" and "Merit," the estimated average hours per case type is high (86.9 and 100.4 hours, respectively).

The most common case type is Child in Need of Aid (39% of all cases) followed by Class B/C Felony (28% of all cases).

Table 2. OPA Court Cases: Estimated Time Averages by Case Type<sup>5</sup>

Case Type	Case Type Description	Number of Cases	Estimated Avg Hours Per Case Type	Estimated Avg Days Per Case Type
5TH	5th Amendment	1	11.7	252
A	Class A Felony	28	39.4	466
B/C	Class B or C Felony	196	23.4	375
CN	Child in Need of Aid	267	19.0	505
FL	Flores Appointment	3	86.9	146
FPTR	Felony Petition to Revoke Probation	32	7.6	290
GR	Guardianship Respondent	31	12.4	301
JV	Juvenile Delinquency	2	6.6	117
M	Misdemeanor	91	7.5	336
MER	Merit	1	100.4	888
MPTR	Misdemeanor Petition to Revoke Probation	3	2.8	273
SP	Special Case Type, Not Specified	1	5.8	46
U	Unclassified Felony	35	42.1	370
		<b>Total:</b> 691	<b>Average:</b> 20.2	<b>Average:</b> 414

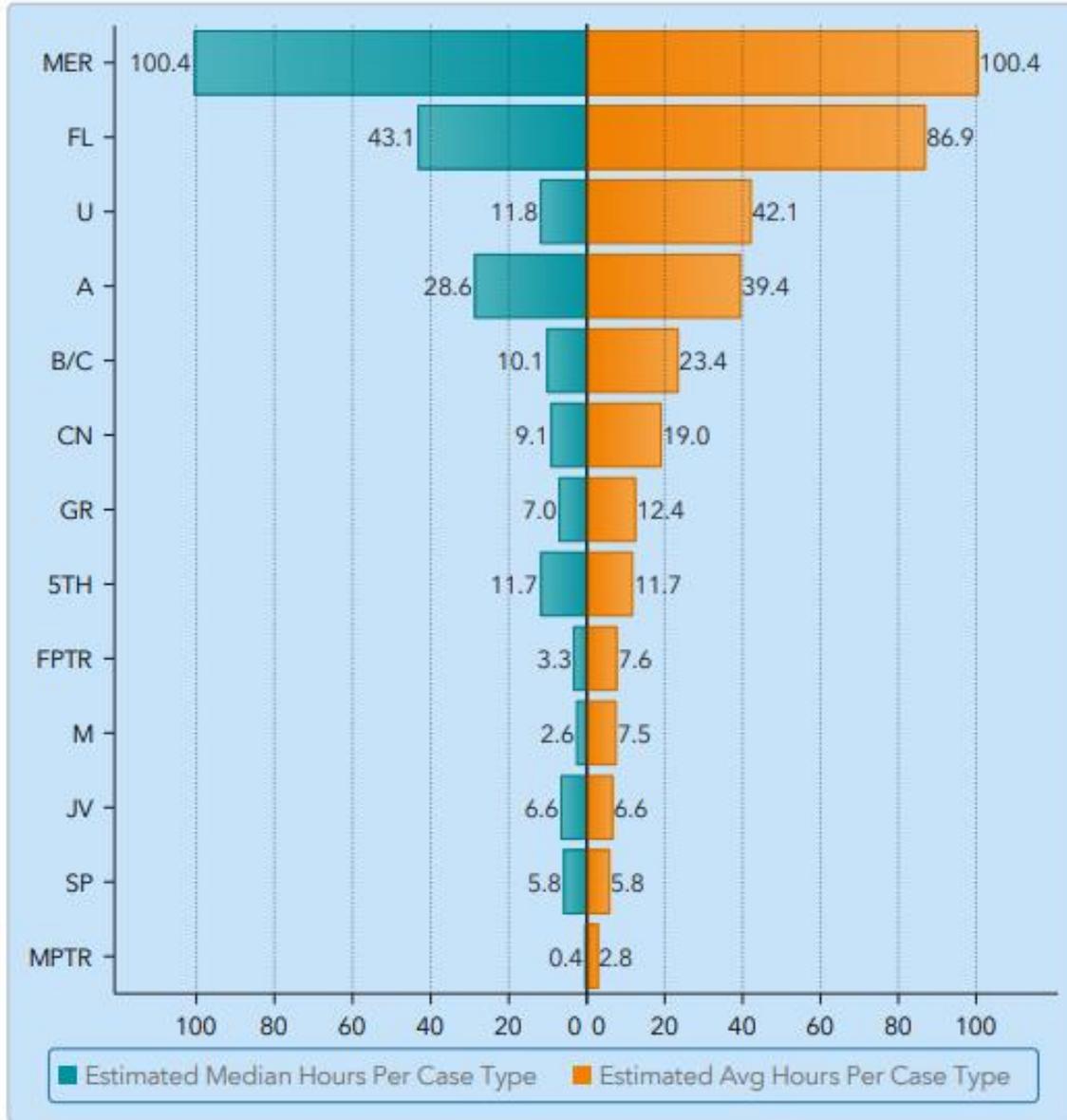
An OPA case takes an average 20 hours from intake to disposition. The median value for estimated hours per case is 7.7 hours. The difference between the estimated average and median is influenced by the outliers.

The data may be skewed by cases with unusually long "open" periods combined with high activity within the time tracking period. Some cases were opened months or years before the time study. When spikes of activity occurred for these cases within the time study, calculations for groups 2 and 3 were affected by over-inflating the multiplier (average hours per day per case type) referenced in the methodology section above. Under these circumstances, the median gives a better representation of the central tendency.

Median and average hours comparison by case type is provided in Figure 4 below.

<sup>5</sup> This table does not reflect 110 hours attorneys reported covering for other attorneys' cases. These hours were recorded as "Coverage", but not recorded by Case Number.

Figure 4. OPA Court Cases: Median vs. Average Hours by Case Type



d. Hours Spent by OPA Attorneys on Non-case Related Type of Work<sup>6</sup>

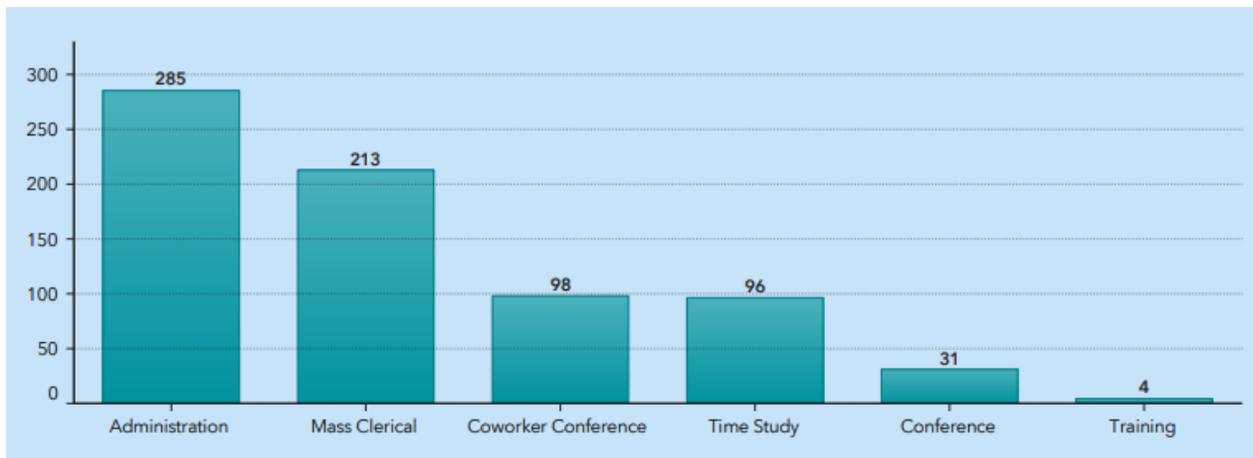
Out of 3,327 tracked hours, about 22% (727 hours) were reported as non-case related activity. Approximately 60 hours per week were devoted to types of work other than court-appointed cases. Each attorney spent an average 6 hours per week on non-case related activities. For example:

<sup>6</sup> OPA contracts with private attorneys to help with its caseload when necessary. Hours contracted to private attorneys are summarized in the following section.

- Administration accounted for 39% (285 hours) of total non-case related time. Approximately 2.4 hours per week per attorney was spent on administrative duties.
- Mass Clerical accounted for 29% (213 hours) of total non-case related time. Approximately 1.8 hours per week per attorney was spent on clerical duties covering more than one case.
- Coworker Conference, Time Study, Conference, and Training accounted for the remaining 32% (229 hours) of total non-case related time.

Total tracked non-case related hours by type of work are provided in Figure 5 below. Types of non-case related work are defined in the Appendix.

Figure 5. OPA Non-Case Related Activity: Total Hours by Type of Work



e. OPA Cases Contracted Out to Private Attorneys

OPA contractors bill for each court-appointed case based on expense code. The expense codes are the litigation codes from the American Bar Association.<sup>7</sup>

Total cases contracted out to private attorneys during the review period 9/1/2018 through 5/31/2020 was 4,531 and total hours billed was 75,430. As of 5/31/2020 when the data was extracted, 71% (3,228 cases) remained open, and 29% (1,303) were closed.

The most common case type was Guardianship Respondent (36% of all cases) followed by Misdemeanor (23% of all cases). These private attorneys billed an average 17 hours per case by case type.

<sup>7</sup> [https://www.americanbar.org/groups/litigation/resources/uniform\\_task\\_based\\_management\\_system/litigation\\_code\\_set/](https://www.americanbar.org/groups/litigation/resources/uniform_task_based_management_system/litigation_code_set/)

Table 3 below depicts the number of cases contracted out to private attorneys and the average hours expended by case type.

*Table 3. OPA Contractors' Hours: Number of Cases and Avg Hours by Case Type*

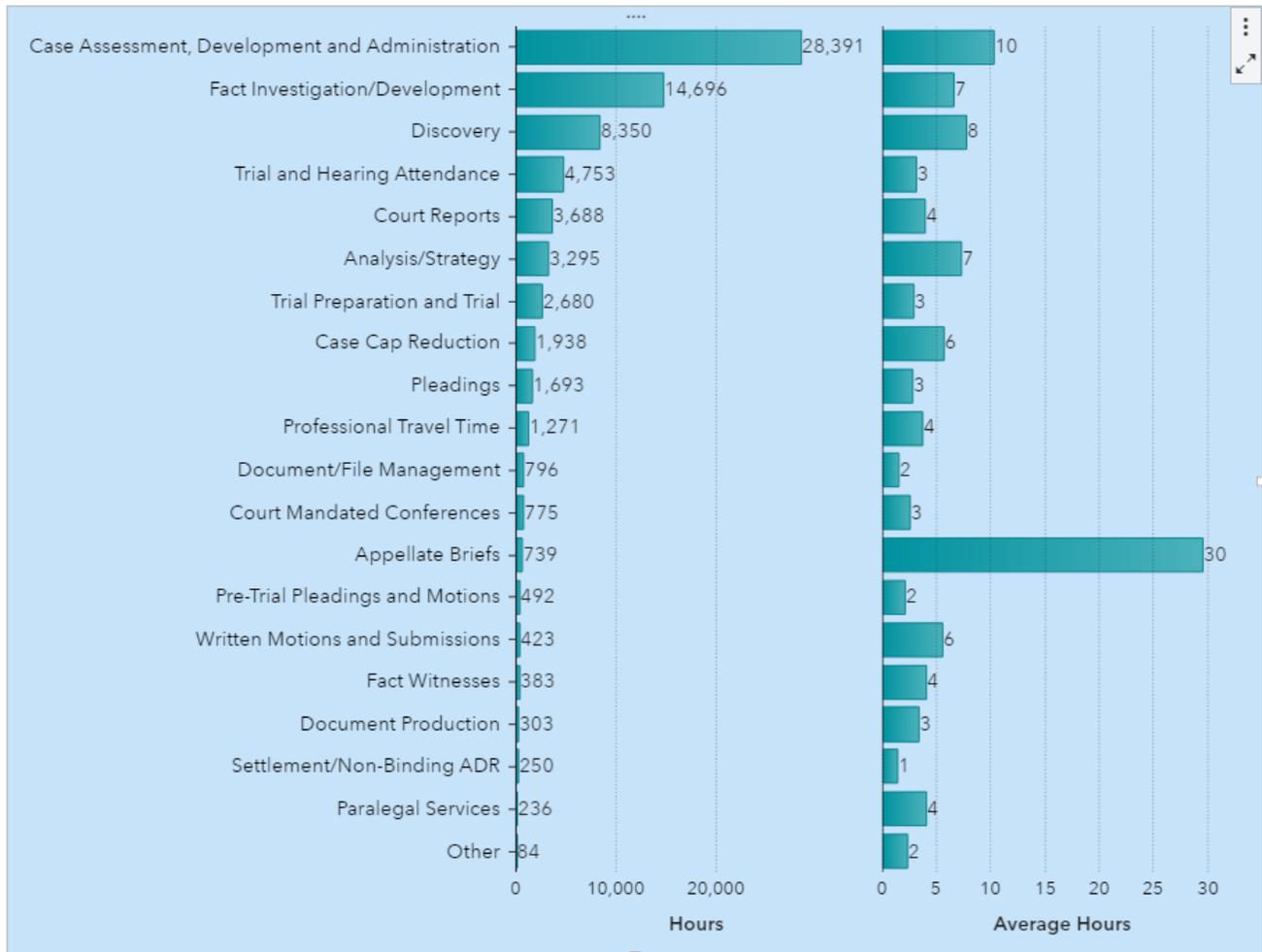
Case Type	Case Type Description	Number of Cases	Average Hours
STH	5th Amendment	5	12
A	Class A Felony	55	40
B/C	Class B or C Felony	648	22
CN	Child in Need of Aid	707	28
COM	Commitment	30	5
FL	Flores Appointment	1	48
FPTR	Felony Petition to Revoke Probation	136	12
GR	Guardianship Respondent	1,638	14
JPTR	Juvenile Delinquency Petition to Revoke Probation	14	10
JV	Juvenile Delinquency	12	9
M	Misdemeanor	1,057	10
MER	Merit	49	33
MPTR	Misdemeanor Petition to Revoke Probation	82	6
PCR	Post Conviction Relief	82	19
U	Unclassified Felony	15	60
		<b>Total:</b>	<b>Average:</b>
		<b>4,531</b>	<b>17</b>

From September 2018 to May 2020, most of the billed hours fell into the following expense categories:

- Case Assessment, Development, and Administration: 38% of total hours.
- Fact Investigation/Development: 19% of total hours.
- Discovery: 11% of total hours.

Figure 6 provides information by expense code about: a) total billed hours for all OPA contractor attorneys, and b) average hours per contractor attorney that billed in each category. The expense codes crosswalk is provided in the Appendix.

Figure 6. OPA Contractors' Cases: Hours and Average Hours by Expense Code

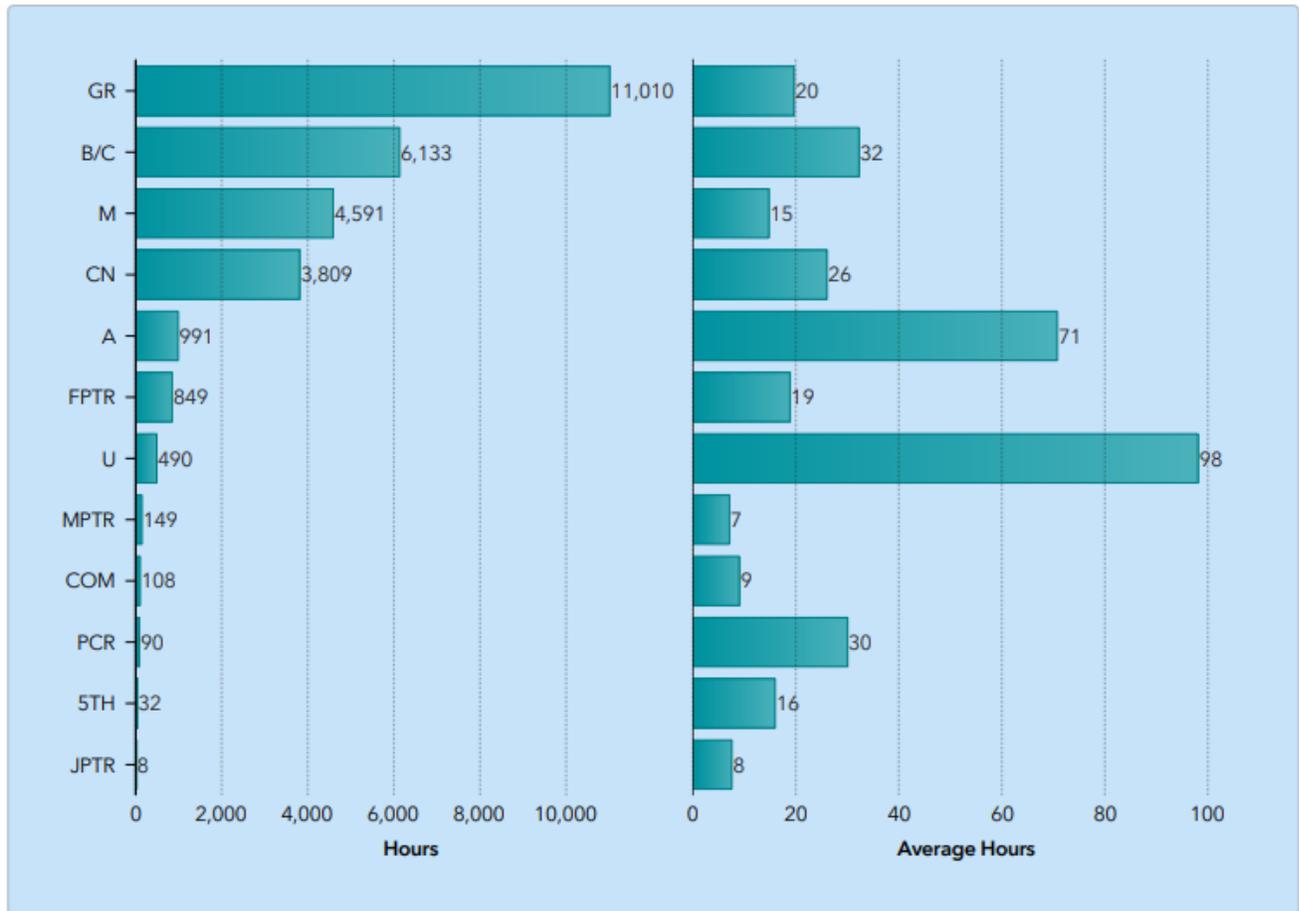


OPA cases contracted out to private attorneys take approximately 22 hours from intake to disposition (based on 1,303 cases with an available "closed" date). The average varies from 7 to 98 hours per case by case type. When the case type is "Unclassified" and "Class A Felony," the estimated average hours per case type is high (98 and 71 hours respectively).

The highest number of billed hours in OPA contractor cases were for the Guardianship Respondent case type (39% of hours billed), Class B/C Felony case type (22% of hours billed), and Misdemeanor case type (16% of hours billed).

Closed contracted cases provided the most reliable data to calculate how long these types of cases took from intake to disposition. Hours and Average Hours per case type are provided in Figure 7 below. Case type abbreviations are defined in the Appendix.

Figure 7. OPA Contractors' Closed Cases: Total Hours, Avg Hours by Case Type



## 1. Summary Findings

Findings are limited by the following factors:

- The time of year during which the time study was conducted may not have been representative of the annual workload if all case work or certain types of case work are cyclical.
- Before the time study, attorneys were not required to track their time, and many were not familiar with using time tracking tools. Some training was provided before the attorneys began tracking their time, but attorneys' ability to track their time may have been affected by their lack of experience.
- During the time study, the PDA was understaffed with many vacancies. This could have potentially required attorneys to spend less time on each case because of the additional workload, or required attorneys to spend more hours working per week than they would when the PDA is more fully staffed.
- The total caseload for each individual attorney participating in the study was not considered. For example, OPA only had 10 attorneys participate. Senior supervising attorneys may handle less total cases, but the cases they are handling are more complicated and resource intensive. Thus, data may have been skewed by OPA's small sample size.

Summary findings based on the limited scope of data collections include:

- On average each PDA attorney tracked and reported approximately 40 hours per week, and each OPA attorney tracked and reported approximately 30 hours per week<sup>8</sup>. These hours were spent on court-appointed cases and other non-case related categories of work.
- 38 PDA attorneys tracked time for 5,445 cases during a 13-week period. This results in an average of 419 cases per week. Note: the number of cases does not capture the complexity of cases nor the number of attorneys working per week.
- 10 OPA attorneys tracked time for 691 cases during a 12-week period. This results in an average of 58 cases per week. Note: the number of cases does not capture the complexity of cases nor the number of attorneys working per week.
- Approximately 80% of tracked hours were categorized as court-appointed case activity by both PDA and OPA attorneys.
- Approximately 20% of tracked hours were categorized as non-case related activity by both PDA and OPA attorneys. In the Review, we found all of the Legal Office Assistants and paralegals we interviewed stated they believed their positions could be better utilized to assist attorneys in a more meaningful manner by performing more substantive work and alleviating the workload on attorneys. It is likely this 20% could be reduced if support staff were better trained and utilized to assist attorneys.
- The estimated average time to complete a PDA case is 13 hours.
- The estimated average time to complete an OPA case is 20 hours.
- The average time billed by OPA contractor attorneys is 22 hours per case.
- Top 3 PDA case types based on estimated average length are:
  - Unclassified
  - Appeal
  - Post-Conviction Relief
- Top 3 OPA case types based on estimated average length are:
  - Merit
  - Flores Appointment
  - Unclassified
- Top 3 OPA Contractors case types based on calculated average length of closed cases are:
  - Unclassified
  - Class A Felony
  - Class B/C Felony

Figure 8 below shows the comparison of PDA and OPA estimated hours per case type alongside OPA Contractors' actual hours per case type.

---

<sup>8</sup> This does not mean these attorneys worked less than full-time. This means these were the hours they tracked. Follow-up focus groups or surveys would need to be conducted to determine whether the time keeping instrument accurately captured all hours worked during this period.

Figure 8. Average Hours per Case Type\*



\* PDA and OPA bar graphs represent estimated average hours calculated based on the methodology provided above. OPA Contractors' bar graph represents the actual average hours billed for all closed cases (Avg. Hours = Total Hours/Number of Cases). This calculation was done for each case type.

## RECOMMENDATION

In the Review, we recommended the PDA should begin regularly tracking attorneys' time on case matters using timekeeping software. We noted that tracking actual time spent on cases and other activities will allow the Legislature and any other interested party to see exactly how public defenders spend their time. This will protect the integrity of the PDA's data reporting and promote confidence about the PDA's caseloads and budgetary needs without the need for estimates or speculation. We make the following recommendation, continuing from that original recommendation:

### 1. Begin Utilizing a Time Management System in the PDA

According to the American Bar Association, public defenders who do not track their time are putting at risk their ability to effectively represent their clients.<sup>9</sup> Tracking time helps keep them informed about: a) how much time they put into handling cases and, b) whether that time is adequate.

Defenders are often asked to do more work with no additional resources and, without time records that tie into caseload standards, they have no substantiation of how the workload increases detrimentally affect their clients. To balance the increased workloads, defenders often will reduce time working on cases, risking ineffectively representing their clients.

To facilitate time tracking – since many public defender tasks are not done in the office, but in court, jail or the field – the state Chief Information Officer licensed a web-based version of its case management system and purchased iPads for each lawyer, legal support staff, and investigator, so they could track time contemporaneous to the performing of the activity. Contemporaneous time keeping substantially increases the reliability and accuracy of the data.

The payoff for defense agency efforts to collect data faithfully and accurately is the rich source of information agencies can now tap. As “Using Data to Sustain and Improve Public Defense Programs” noted, there are several uses of defender agency data, including:<sup>10</sup>

- Conduct intake and perform conflict checks.
- Continuously monitor and manage workload across staff.
- Track outcomes: acquittals, sentences, deferrals, etc.
- Document exactly what is done for clients (e.g., contacts made, motions filed, use of experts, etc.) to protect the record in case of appeal.
- Develop and apply workload standards and case weights.
- Track attorney time, as well as that of other case-handlers, including investigators and social workers.
- Manage with clear expectations and performance measures.

---

<sup>9</sup> [https://www.publicdefenders.us/blog\\_home.asp?display=23](https://www.publicdefenders.us/blog_home.asp?display=23).

<sup>10</sup> Using Data to Sustain and Improve Public Defense Programs 14 (August 31, 2012).

Once timekeeping is implemented across the agency, the PDA should periodically require a sample of attorneys to compare time keeping data on particular types of cases and compare sample results to existing standards to evaluate the need for changes.

As noted previously in the Review, when the PDA implements timekeeping, it will need adequate time for training and adaptation to timekeeping, and assistance from support staff to implement timekeeping statewide. The PDA will also need adequate funding for a case management system with robust time keeping capabilities.

## APPENDIX A

### Case Tasks Tracked

<b>Client Communication</b>
<ul style="list-style-type: none"> <li>• All client communication (mail, phone, in-person, etc.)</li> <li>• Communication with client family members (except communication of an investigatory nature, which falls under interviews/investigation)</li> </ul>
<b>Client Social Services</b>
<ul style="list-style-type: none"> <li>• Working with social services staff or outside agencies on behalf of the client</li> <li>• Handling medical/family/other issues affecting client</li> </ul>
<b>Case Preparation</b>
<ul style="list-style-type: none"> <li>• Reviewing, analyzing, and organizing case-related materials, discovery, and evidence</li> <li>• Dictating and editing case-related memos</li> <li>• Defense team meetings (unless related to a court appearance, which falls under court preparation)</li> <li>• Documenting case files</li> <li>• Sentencing mitigation and preparation</li> </ul>
<b>Records Collection &amp; Discovery</b>
<ul style="list-style-type: none"> <li>• Ordering and obtaining records, transcripts, discovery, and other case-related documents</li> <li>• Preparation of discovery requests, depositions etc.</li> </ul>
<b>Interviews and Investigation</b>
<ul style="list-style-type: none"> <li>• Viewing the scene and physical evidence</li> <li>• Interviewing and canvassing for witnesses</li> <li>• Serving subpoenas</li> <li>• Taking photos/videos, etc.</li> </ul>
<b>Experts</b>
<ul style="list-style-type: none"> <li>• Locating, retaining, corresponding, or consulting with, and reviewing reports of experts for the defense.</li> </ul>
<b>Legal Research and Writing</b>
<ul style="list-style-type: none"> <li>• Researching and drafting pleadings, briefs, etc.</li> </ul>
<b>Negotiations</b>
<ul style="list-style-type: none"> <li>• Discussions with a prosecutor or opposing counsel concerning case resolution.</li> </ul>
<b>Non-Court Advocacy</b>
<ul style="list-style-type: none"> <li>• Attend and advocate at meetings or nonjudicial proceedings on behalf of clients.</li> </ul>
<b>Court Preparation</b>
<ul style="list-style-type: none"> <li>• In court at a trial (bench or jury) or a hearing of any kind.</li> </ul>
<b>Post-Judgment</b>
<ul style="list-style-type: none"> <li>• Work performed post-disposition, including status court dates; correcting judgments/jail credit/expungements; property returns; troubleshooting lingering case-related matters, etc.</li> </ul>
<b>Clerical and Administrative Tasks</b>
<ul style="list-style-type: none"> <li>• Filing, printing &amp; copying</li> <li>• Mail</li> <li>• Service</li> <li>• Calendaring</li> <li>• Data-entry</li> </ul>

## APPENDIX B

### PDA Appendix 1

Type of Work as Referenced in the Report	Type of Work Original
Administrative	Admin Administrative SP Bulk Miscellaneous Work Central Calendar SP IndividualAdmin Meeting Office Time Management OfficeAdmin Responding to Surveys Wellness Court Administrative Tasks Wellness Court Pre-Meet
Bulk Clerical	BulkClerical ClericalBulk District Court Arraignments
Bulk Projects	Bulk Projects CourtTravel Edit ee Edit k General Case Staffing GeneralStaffing J.M. SOR SP
Bulk Research	Bulk Research (new cases, articles, etc.) Informal study Informal Study SP
Consultation	CaseConsult Consult Consult app Consult tr PCR Consultation SP
Coverage	Coverage
Leave/Holiday	Leave Leave Holiday Leave Holiday SP
Mission Development	AK Bar Board of Governors SP GrandJuryTraining MissionDevelopment NAAC Trainings NAAC Trainings SP
Supervision	Supervision
Teaching/Mentoring	Mentoring/teaching

Training

Training

**PDA Appendix 2**

Type of Work Original	Description
Admin/Administrative SP/Individual Admin/ Office Admin	Court observation Cyber security training Employee evaluations Inputting Time Tracking data Meetings Office Meetings Office moves Planning and prep work for upcoming work week Work not related to specific cases
AK Bar Board of Governors	Liaising/meeting with the Alaska Bar Board of Governors
Bulk Projects	Supply order, office set up, consulting, paper sorting & filing, observing hearings, covering hearings, reviewing calendar, sorting out technical issues.  Used as a catch-all for things that could be included in Admin, Consult, Clerical, & Coverage.
Bulk Research	Review new cases, articles, etc.
Central Calendar SP	Time spent with cases on the Post-Conviction Relief Central Calendar
Clerical/Clerical Bulk	Calendaring Data-entry Filing Mail Printing & copying Service
Consult App	Consulting with appellate attorneys about their cases
Consult Tr	Consulting with trial attorneys about their cases
Consult/Case Consult	Consulting with other agency attorneys about cases
Court Travel	Traveling to court for hearings
Coverage	Covering cases/hearings for other agency attorneys
District Court Arraignments	District Court Arraignments
Editing ee	Editing Appellate briefs for PDA Attorneys
Editing k	Editing Appellate briefs for Contract attorneys
General Staffing/General Case Staffing	Meeting and consulting with other agency attorneys about non-case specific issues, including about new legislation.
Grand Jury Training	Research and plan for grand jury training session for agency employees.
Informal Study	Law Review articles

	Reviewing recent opinions from the Court of Appeals and Supreme Court Work not directly related to a case
Leave/Leave Holiday/Leave Holiday SP	Leave Vacation
Meeting	Time spent in Meetings
Mentoring/Teaching	Providing mentoring/teaching to agency staff and attorneys
Mission Development	Consulting with outside organizations to enhance practice Creating reference materials for agency attorneys
NACC Trainings/NACC Trainings SP	Training with the National Association of Counsel for Children
Office Time Management	Inputting Time Tracking
PCR Consultation SP	Consulting with other agency attorneys about PCR cases
Responding to Surveys	Responding to surveys
SP	Admin, Agency Advice, Consult App, Consult Tr, Editing ee, Informal Study, Leave/Holiday, Legislation, Meeting, Training. Client contact with specific client who had cases open to a different agency attorney.
Supervision	Providing supervision to agency employees
Training	Attending training Includes CLE attendance
Wellness Court Pre-Meet/Wellness Court Administrative Tasks	Wellness Court Pre-Meet, quarterly meetings, training, and administrative tasks associated with Wellness Court.

### OPA Appendix 1

Type of Work	Description
Administration	Used for any work related activities not related to specific cases (reading email, reading case law, working with a program that is “having issues”, etc.)
Conference	Attending conference.
Coverage	Time spent covering a case that is not your own (Hearings, etc).
Coworker Conference	Conferring with a coworker on a case of theirs.
Mass Clerical	Time taken doing clerical work on multiple cases at one time.
Time Study	The additional time spent tracking and updating the Time Study data.
Training	Training preparation, providing training, or attending training.

### OPA Appendix 2

Expense Code Description Summarized	Expense Code Description Original	Expense Code
Analysis/Strategy	Analysis/Strategy	L120
Appellate Briefs	Appellate Briefs	L520

Appellate Motions and Submissions	Appellate Motions and Submissions	L510
Case Assessment, Development and Administration	Case Assessment, Development and Administration	L100
	Other Case Assessment, Development and Administration	L190
Case Cap Reduction	Case Cap Reduction	L601
Case Cap Reinstatement	Case Cap Reinstatement	L600
Court Mandated Conferences	Court Mandated Conferences	L230
Court Reports	Court Reports	L310
Depositions	Depositions	L330
Discovery	Discovery	L300
	Other Discovery	L390
Document Production	Document Production	L320
Document/File Management	Document/File Management	L140
Enforcement	Enforcement	L470
Expert Witnesses	Expert Witnesses	L420
Fact Investigation/Development	Fact Investigation/Development	L110
Fact Witnesses	Fact Witnesses	L410
Oral Argument	Oral Argument	L530
Other	Appeal	L500
	Discovery Motions	L350
	Dispositive Motions	L240
	Expert Discovery	L340
	Experts/Consultants	L130
	Preliminary Injunctions/Provisional Remedies	L220
Paralegal Services	Paralegal Services	L150
Pleadings	Pleadings	L210
Pre-Trial Pleadings and Motions	Pre-Trial Pleadings and Motions	L200
Private Investigators	Private Investigators	L125
Professional Travel Time	Professional Travel Time	L260
Settlement/Non-Binding ADR	Settlement/Non-Binding ADR	L160
Trial and Hearing Attendance	Trial and Hearing Attendance	L450
Trial Preparation and Trial	Other Trial Preparation and Support	L440
	Trial Preparation and Trial	L400
Written Motions and Submissions	Other Written Motions and Submissions	L250
	Post-Trial Motions and Submissions	L460
	Written Motions and Submissions	L430