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~~X~~ AN OVERVIEW OF RECENT PROPOSALS
REGARDING THE PROVISION OF INDIGENT CRIMINAL
DEFENSE SERVICES IN THE DISTRICT OF COLUMBIA

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FOREWORD

This report has been prepared by LEAA's Criminal Courts Technical Assistance Project at The American University to provide the D.C. Bar's D.C. Court System Study Committee with an overview of the status of recent reform proposals regarding the provision of indigent criminal defense representation in the District of Columbia. The report was prepared in response to a request for technical assistance submitted to LEAA by the Committee's Staff Director, Samuel F. Harahan, and is designed to guide the deliberations of the Committee in this important aspect of its work.

The study upon which this report is based was conducted during the period of March-April 1979 by John Shortall, an attorney in the District of Columbia and previously on the staff of the National Legal Aid and Defender Association. The report is based upon a review of available studies relating to the provision of indigent defense services in D.C. as well as interviews with members of the bar and others involved with the provision of defense services. A list of the materials reviewed and individuals contacted is included in Appendix A.

This report was submitted in draft form to Mr. Harahan in May for review by Committee members and is now submitted in final form. A second phase of assistance to the Committee will begin shortly and will focus on proposals and issues raised in the area of indigent civil defense services.

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I. INTRODUCTION

A. Background

The D.C. Court System Study Committee of the D.C. Bar, chaired by Charles A. Horsky, was formed in 1977 to examine the impact of the D.C. Court Reform and Criminal Procedures Act of 1970 (P.L. 91-358), 84 Stat. 473) on the D.C. Court System. The 1970 Act, among other things, merged the three existing local courts -- General Sessions, Juvenile and Tax Court -- into a single Superior Court, with exclusive jurisdiction over "any criminal case under any law applicable exclusively to the District of Columbia."¹

Indigent criminal defense services in the District of Columbia are provided primarily through the Public Defender Service and D.C. Criminal Justice Act attorneys with limited additional services are provided through law school clinical programs.

The Public Defender Service was established by the Congress in 1970 as successor to the Legal Aid Society, which was founded in 1960. The purpose of PDS is to provide representation in criminal, juvenile and mental health commitment proceedings. PDS is also responsible for coordinating an effective and adequate system for appointment of private attorneys. With a \$2,666,800 appropriation and approximately forty-five staff attorneys, PDS is authorized to represent not more than 60% of those persons who are annually determined to be eligible for appointment of counsel.

¹D.C. Code 923(b)(2).

The District of Columbia Criminal Justice Act (P.L. 93-412) (D.C. Code, Section 1102601 et. seq. was enacted in 1974 to support CJA representation in D.C. Superior Court and the D.C. Court of Appeals. District of Columbia CJA funds are derived from the D.C. Government budget, with an ~~an~~ appropriation level of just over three million dollars.²

The CJA Act charges the Joint Committee on Judicial Administration³ with the responsibility for promulgating a plan for furnishing representation of indigents in criminal cases in the District of Columbia. Under the plan, counsel is to be provided to an indigent "(1) who is charged with a felony, or misdemeanor, or other offense for which the sixth amendment to the Constitution requires the appointment of counsel or for whom, in a case which he faces loss of liberty; (2) who is under arrest, when such representation is required by law; (3) who is charged with violating a condition of probation or parole in custody as a material witness, or seeking collateral relief, as provided in -- Section 23-110 of the District of Columbia Code (remedies on motion attaching sentence), (B) Chapter 7 of title 23 of the District of Columbia Code (extradition and fugitives from justice, (C) Chapter 19 of title 16 of the District of Columbia Code (habeas corpus), (D) Section 928 of the Act of March 8, 1901 (D.C. Code, sec. 24-302) (commitment of mentally ill person while serving sentence); (4) who is subject to proceedings pursuant to chapter 5 of title 21 of the District of Columbia Code (hospitalization of the mentally ill); (5) who is a juvenile and alleged to be delinquent or in need of supervision."⁴ The

²The FY 79 appropriation for the D.C. C.J.A. is \$3,239,600.

³The Joint Committee is composed of the Chief Judges of the D.C. Court of Appeals and the Superior Court, one associate judge of the Court of Appeals and two judges of the Superior Court, who are elected annually by the judges of the respective courts. D.C. Code, sec. 11-1701(a).

⁴D.C. Code, sec. 11-2601

statute indicates that the appointment of counsel is made by the court; in practice, the recommendations of the CJA Coordinator are given considerable weight.

Prior to enactment of the 1974 Act, indigent defense services in the District of Columbia were provided under The Federal Criminal Justice Act (18 U.S.C., Section 3006A) which governs representation of indigents accused of statutorily specified offenses and appearing in District Court and the U.S. Court of Appeals. Federal CJA funding is paid out of appropriations for the federal judicial system through the Administrative Office of the U.S. Courts.

Much of the recent interest in the area of indigent representation was prompted by a chain of events beginning in March of 1972 when the Administrative Office of the U.S. Courts sought an opinion from the General Accounting Office as to whether, in light of the 1970 Court Reorganization Act, federal CJA funds could be used to compensate attorneys appearing in the D.C. Superior Court and the D.C. Court of Appeals. Although the GAO indicated that federal CJA attorneys could so be used, the Judicial Conference, through the Administrative Office, notified the D.C. Courts that the FY 74 CJA budget request would not include any funds for counsel in the local D.C. Courts. This decision was subsequently supported by the Chief Justice of the United States, the Director of the Office of Management and Budget and the Chairman of the U.S. House of Representatives Appropriations Subcommittee. In the ensuing crisis, existing funds became exhausted, the regular CJA practitioners declined to accept cases without compensation, and the Court instituted a draft from among all members of the District of Columbia Bar in an effort to prevent a shut-down of the entire criminal justice system.

This stop-gap measure, however short-lived, sufficiently dramatized the need for action that, the following year, the District of Columbia's own Criminal Justice Act was passed by Congress. In addition, in the spring of 1974, the District of Columbia Bar and the District of Columbia Circuit Conference Joint Committee* on the Representation of Indigents was formed, under the co-chairmanship of David T. Austern and Daniel A. Rezneck. The Joint Committee's report, colloquially known as the Austern-Rezneck Report, was issued in April 1975 and is the benchmark by which to measure the current state of indigent criminal representation in the District of Columbia.

The Austern-Rezneck Report, now four years old, remains a progressive, but unrealized, blueprint for improving the system for indigent defense services in the District of Columbia. The Report sought as its basic objective to identify "...the essential elements of a system which will ensure that defendants who cannot afford to retain their own counsel are accorded full protection of their rights to the effective assistance of counsel under the 6th Amendment."⁵ The Committee presented twenty-six recommendations concerning the establishment of a D.C. Defender Agency, utilization of non-volunteer counsel, inclusion of law school clinics in the CJA budget, increasing CJA appropriations and raising levels of compensation, redefining the role of the Public Defender Service, and ensuring quality representation. A summary of the Committee's recommendations is included in Appendix B.

B. Present Provision of Indigent Criminal Defense Services in D.C.

The majority of indigent criminal defense services are provided by private attorneys compensated under the D.C. Criminal Justice Act. The

*The Committee is no longer in existence.

⁵Report on Criminal Defense Services in the District of Columbia by the Joint Committee of the Judicial Conference of the D.C. Circuit and the D.C. Bar (Unified), April 1975, p. iv.

Public Defender Service (PDS) handles 10-15% of the cases, with additional representation provided through clinical programs operated by area law schools. A summary of PDS and CJA expenditures and services provided during the period FY 76 - 78 is included in Appendix D.

There is no over-arching D.C. defender agency charged with the responsibility to administer both a CJA appointed counsel program and a Public Defender Service. There is no established mechanism by which all practicing members of the D.C. Bar who are not government employees or CJA "regulars" are required, for example, to represent one indigent defendant per year. Law school clinics are not funded under the D.C. Criminal Justice Act. CJA hourly compensation has stood still, notwithstanding four year's worth of inflation, although the annual limit for CJA attorneys practicing in D.C. Superior Court was raised from \$18,000 to \$27,000. The role of the Public Defender Service is virtually unchanged. There is no comprehensive strategy to ensure quality representation.

Two critical building blocks toward full implementation of the Austern-Rezneck Report have been lacking: money and consensus. Based upon a limited series of interviews with key actors in the local criminal justice system and private bar, it appears that money will remain a formidable obstacle to implementation in the near future. Nevertheless, there are signs of an emerging consensus within the criminal justice community regarding approaches toward improvement.

The time and resource limitations of this technical assistance effort did not permit a methodologically rigorous and comprehensive inquiry into all of the issues relating to indigent defense service needs in the District of Columbia. Indeed, such a study is not justified in light both of the overview purpose of the Bar's D.C. Court System Study Committee and the substantial

and significant investigations that are already underway by the CJA Committee of the Superior Court,⁶ chaired by Judge Leonard Braman, and by the D.C. Bar's Committee on the Appointment of Counsel in Criminal Cases⁷ which is chaired by Herbert Forrest, Esq. Therefore, the agreed upon methodology of this study has been to rely upon personal interviews with informed and knowledgeable representatives of various components of the criminal justice system. These individuals were specifically designated by Mr. Harahan, the D.C. Court System Study Committee's Staff Director with the anticipation that their comments would provide the Committee with reliable insights into the current status of indigent defense services in D.C.

⁶The CJA Committee of the Superior Court was selected by Judge Brannan in 1978 to develop a comprehensive plan for providing indigent defense services in the District of Columbia. This Committee -- composed of attorneys who are active and well-experienced in CJA practice -- will soon present recommendations to the Board of Judges. The Committee expects to address the following issues:

- (1) Criteria for qualifying attorneys for several CJA panels;
- (2) Removal of attorneys from CJA panels;
- (3) Mechanisms of appointment (including administration and structure of the system);
- (4) Removal of attorneys from cases;
- (5) Voucher approval;
- (6) Authorization of collateral services;
- (7) Caseload limits;
- (8) Bringing in the civil bar;
- (9) Standards of performance expected from counsel;
- (10) Continuing legal education requirements for CJA counsel;
- (11) Appointments in neglect cases in Family Court;
- (12) Monitoring of CJA performance;
- (13) Funding of CJA programs
- (14) Pilot projects allowing defendants some choice in selection of counsel.

⁷The D.C. Bar Committee, chaired by Herbert Forrest, was appointed by Bar President Robert Weinberg in May, 1978. The approach to the Forrest Committee has been to permit the Braman Committee to proceed with its own study and then to review/analyze the Braman Committee presentation.

II. AREAS OF CURRENT CONCERN

A. Financial Support

Simply stated, the existing appropriation level of \$6.5 million for representation of indigent criminal defendats in D.C. is not adequate. The Austern-Rezneck Report was a statement of an ideal system, presented with relatively little regard for political and financial realities. Indeed the report itself did not specifically address the question of cost, only the question of need. At the direction of D.C. Councilman David A. Clarke, in February 1977 the D.C. Office of Budget and Management Systems subsequently developed projections for implementation of the report and estimated a total additional cost of \$6,817,100.⁸ However, an assistant to Clarke indicates that it would be unlikely that the Council would accept such a figure and it seems therefore desirable that proponents of the Austern-Rezneck package look to alternative funding sources. Some of those interviewed also observed that the District of Columbia's traditional conformity to the lead of the federal system -- and subservience to the Congress -- poses a psychological and political barrier to obtaining compensation in excess of the federal CJA standards.⁹

B. Quality of Representation

Apart from money, several other problems have been frequently noted. First the problem with CJA representation appears to be quality, not quantity. There are more than enough lawyers ready and willing to cover the

⁸See appendix C.

⁹Particular attention is called to experiments which several jurisdictions have instituted to finance indigent defense services -- i.e., the mixed support methods of federal/local cost sharing used in Ottawa, Canada; support secured from interest on client security funds in several U.S. jurisdictions; prepaid legal services provided by labor unions, etc.

average number of appointments of counsel (fifty for adults, 4 for juveniles) required by the system each day. From the perspective of CJA staff, perhaps twenty percent render effective assistance; ten percent are rated as poor. As a rule, if an indigent criminal defendant is eligible to have an attorney appointed, one is provided, but without assurances as to competence.

Although there is clear agreement among interviewees regarding the existence of ineffective CJA counsel, the scope of the problem -- and the appropriate remedy -- is in dispute.

Some of those interviewed stated that they believe that there are a handful of hacks whose disproportionately large share of the caseload is a blight on the quality of CJA practice. If these "Dirty Dozen" were driven out, the quality would be palpably improved. Others stated that substandard performance is so widespread that it is characteristic of CJA practice. Where the truth lies between these two views is significant in that each description of the problem suggests different remedies. If there truly are a "Dirty Dozen", then the emphasis in improving the system should be on removal of the "bad apples". If the problem is epidemic, the emphasis should be upon upgrading the current "regulars" and, perhaps, recruiting non-regulars into CJA practice.

C. Role of the "Uptown Bar"

Another area of disagreement involves the appropriate role of the non-regular CJA bar. Among those interviewed in this regard, one view which emerged was that the "uptown" bar constitutes an untapped pool of competent legal talent. The local court system used to rely on "pro-bono" esprit and still can. The system should be organized to encourage and facilitate the participation of uptowners, for example, by reducing waiting time and by enabling the uptowners to enter the case after the rather bureaucratic and tedious preliminary matters -- like bail -- are completed. The

proponents of this position go on to say that a good lawyer with sufficient preparation time and focus on one case can do the job well. Even where the lawyer might lack trial experience she/he could be supervised by a senior attorney in the firm. The firm, not the individual attorney, could be appointed to represent the client and could be responsible for providing competent representation. Here, the implementation strategy would require a carefully-conceived and well-established orientation program specifically geared to the uninitiated.

The contrary view is that, with the increasing complexity of criminal law and procedure, the notion that "the good lawyer can do the job" may be anachronistic. The system should devote its meager resources to upgrading the performance of those private counsel who routinely practice under CJA and who handle most CJA cases. The system should not be restructured to accommodate the efficiency of the uptowner or to familiarize him/her with all the nuances of the local criminal justice system. Indeed, the "Cadre Plan"¹⁰ did not draw many new faces into the court, despite its rational processing of preliminary matters and subsequent transfer to other counsel in preparation for trial.

¹⁰On March 17, 1977, The Board of Judges of the D.C. Superior Court adopted a pilot program -- known as the "Cadre Plan" -- to handle a portion of felony cases in Superior Court. The Plan called for panels of five attorneys to serve in approximately six month rotations and to handle up to eight felony cases from presentment through to grand jury indictment. Cadre attorneys were responsible for presentment, line-up, investigation, preliminary hearings, pre-indictment pleas in appropriate cases, and any other matters which might arise between preliminary hearing and indictment. Upon return of the indictment, trial counsel would be appointed and the Cadre attorney would transfer the case file. The pilot program will expire on May 31, 1979.

D. P.D.S. Expansion

The Public Defender Service, designated an exemplary project by the Law Enforcement Assistance Administration, remains the object of high praise for its performance, although some question was raised in the course of the interviews as to whether its staff is sufficiently representative of the make-up of the D.C. community. PDS counters that it makes strenuous efforts to recruit and retain competent attorneys from diverse backgrounds. In fact, the quality of PDS representation is felt to be of such a high caliber that many would like to see it increase its present share (10-15%) of the indigent criminal defense caseload; the Austern-Reznek Report urged that PDS double its staff and caseload. PDS does not fear growth per se; it merely wishes to absorb growth naturally, not suddenly. Otherwise, the quality of its a-claimed training program and the resulting representation would be adversely affected.

E. Appointment of Counsel

Lawyers are appointed by the judges in collaboration with the Public Defender Service's CJA coordinator. There are no written, formal guidelines for matching attorneys to cases in accordance with the experience of the lawyer and the complexity of the case. The coordinators for adult and juvenile cases rely heavily upon informal feedback from judges, some comments from other lawyers and, infrequently, upon in-court, direct observation. Some minimal data on past experience is elicited by a questionnaire, but the critical factor appears to be reputation. In the juvenile area, an unwritten condition regarding eligibility for appointment is the willingness to accept neglect cases without compensation; thus the attorney is compelled to bear the cost of a public service.

Similarly, there are no formal guidelines or standards regarding removal from the appointment pool. Feedback, not rules, is determinative. The coordinators know who is acceptable and who is not. "Since appointments under the plan are not a matter of right and the courts are empowered (D.C. Code 11-2602) to select counsel from panels of attorneys designated and approved by the courts, there is at least implicit authority for the court to remove individual attorneys from further eligibility for appointment."

F. Administration

A final major area of concern can be denominated generally as "administration". This relates more specifically to the processing of compensation claims and orientation to CJA practice.

The judges approve the vouchers of appointed counsel. Voucher cutting is a common practice although only about 10% of the judges indicate justification for cuts in specific cases. Several of those interviewed said that voucher-cutting is done to control unnecessary claims for waiting time, to offset voucher-padding by the attorneys and to conserve the limited treasury of CJA funds.

The compensation form itself is the source of some controversy.¹¹ Attorneys claim that the minute-by-minute accounting requirement is demeaning and unnecessarily complicated. CJA administrative personnel claim that the form invites the attorney to exaggerate the claim, requires inordinate amounts of time to process and frequently (10%) is improperly filled out.

¹¹See appendix E.

The third problem area noted was attorney training. There is no systematic orientation to CJA practice. The Young Lawyers Section of the Bar, principally through PDS, presents the annual Criminal Practice Institute, a one and one-half day seminar. The D.C. Bar Continuing Legal Education program sponsors a series on criminal practice. In recent years, the Superior Court Trial Lawyers Association has provided some training seminars/retreats.

Most interviewees believe that, notwithstanding the quality of these programs, there should be more available. Scheduling should be geared to synchronize with the daytime routine of the attorneys. Training should stress the practical aspects of D.C. criminal practices. It was even suggested that such CLE be made mandatory for continuing participation in CJA. Several persons praised the PDS training program and wondered if it might be opened to other members of the bar. Given the size of the PDS training staff and budget, that seems infeasible.

Finally, waiting time drew a surprising amount of comment. Judges try to limit claims for waiting time on vouchers. Time spent waiting in court (for a case which can never be reached on the day set because of over-scheduling of court calendars) frustrates attorneys, defendants and witnesses and fosters a feeling of tedium and lassitude which is not in keeping with the importance of justice.

III. RECOMMENDATIONS

The absence of financial support is a discouraging factor regarding the future of indigent criminal defense services in the District of Columbia. Nevertheless, there are hopeful signs.

First, there is activity and discussion. The C.J.A. Committee of The Superior Court, chaired by Judge Leonard Braman, and, now, the unified Bar's Committee on Appointment of Counsel in Indigent Cases, chaired by Herb Forrest, are building a dialogue and a momentum which holds significant promise. The Braman Committee has undertaken an ambitious effort to design a comprehensive overhaul of the system of appointment and removal of attorneys.

A major issue for The Braman Committee is the removal of the front-line authority to operate and manage the overall plan for providing counsel to eligible defendants from the judges to some other body. This transfer of the appointment/removal and voucher-approval power would expedite the processing of vouchers, curtail judicial idiosyncrasies regarding voucher-cutting, mitigate the not-so-subtle influence of the judge-appointer-paymaster over the attorney-appointee-payee in the vigorous presentation of the defense case. It should be noted that the judges exercise no comparable authority or leverage over retained counsel, PDS or the prosecution. Also, such a transfer of power away from the judges would be in keeping with the ABA standards. The revised A.B.A. standards on Providing Defense Services -- which were approved by the House of Delegates on February 12, 1979 -- specifically state that "Compensation for assigned counsel should be approved by administrators of assigned counsel programs."¹² The accompanying

¹²A.B.A. Standards Relating to the Administration of Criminal Justice: Providing Defense Services, 2nd Edition, Standard S-2.4-Compensation.

commentary notes that:

Where the discretion to approve payment claims is vested in the judiciary, the necessary independence of counsel is compromised. Defense lawyers ought not to be placed in the position where the amount of their compensation may be influenced by the degree to which the court is pleased with their representation. Moreover, in jurisdictions where there are multiple judges passing upon voucher claims, the amounts of reimbursements paid to counsel may be exceedingly inequitable, depending upon which judge happens to approve the voucher.

The D.C. Court System Study Committee should support and encourage the collaborative efforts of the Braman and Forrest Committees.

The Joint Committee under the D.C. Criminal Justice Act, which has responsibility for promulgating a plan for indigent defense services, should be congratulated for involving the Bar, through the Forrest Committee, and the trial court, through the Braman Committee. The Joint Committee should be charged with a date certain to report to the public regarding the progress to date in developing a "comprehensive plan." The D.C. Court Study Committee can play a major role in encouraging support and implementation of the Braman Committee results.

A second hopeful sign is the imminent appointment of an LEAA-funded consultant to serve as a liason between the Braman and Forrest Committees. Working for both the bench and bar may be difficult diplomatically for the consultant, but, if successful, such coordination will greatly contribute to the momentum of consensus which is necessary if changes are to be made. It is anticipated that this bench-bar collaboration will produce and implement the comprehensive plan towards which the Austern-Rezneck Report pointed. In the meantime, there are several matters to which the D.C. Court Study Committee could profitably direct its attention. In the coming implementation effort, the major emphasis of the Committee should be upon identifying

and persuading available funding sources. It should place its weight and prestige squarely behind the need for adequate funding of defense services in D.C.¹³

The Bar should not devote its primary energy toward encouraging non-regulars to take on CJA cases. The evidence of the magnitude of the reservoir of uptown lawyers posed to leap into CJA practice is neither clear nor convincing. It is essential that the Committee maintain a lively interest in the criminal justice system. While this interest need not manifest itself in terms of having every attorney actually handling cases, it should be evidenced in the form of active support for an adequate defense service delivery system.

The Committee should also seek ways to help attorneys be better advocates. Mandatory continuing legal education may be one approach. A monitoring arm -- perhaps a peer review committee -- which intervenes and counsels even in the absence of formal disciplinary proceedings might be another useful strategy.

In addition, the Committee should encourage efforts to create a more formal orientation to CJA practice.¹⁴ There should be a packet of regulations and procedures governing the mechanisms of voucher approval; these instructions would help the finance office avoid delays in payment occasioned by the submission of incomplete vouchers. The voucher itself should

¹³See Recommendations and Commentary at p.253 of Guidelines for Legal Defense System in the U.S. (1976) NLADA, Washington, D.C.

¹⁴See Training of Defenders and Assigned Counsel, V (1)(5) of Standards for Defender Services (1976) NLADA, Washington, D.C.

be redesigned and revised to eliminate the minute-by-minute accounting now required. This would please both attorneys and auditors. There should also be available a brief "How To/Where To Go" introduction to CJA practice which could be distributed to novices. Perhaps this could be a joint venture of the Superior Court Trial Lawyers Association and PDS.

The Committee should support efforts to monitor attorney performance which apply to all lawyers and which emphasize remedial, rather than punitive objectives.¹⁵ The goal is to improve the quality of representation in D.C. Courts. This concern should affect all bar members, not just those who participate in CJA. Again, the Bar exists to serve the public interest and the profession.

Finally, the Committee should endorse the transfer by the judges of the front-line responsibility for appointing, removing and compensating counsel. These activities squander valuable judicial time for the sake of auditing, jeopardize, at least in appearance, the independence of defense counsel, and constitute a clear departure from recognized national standards.¹⁶

¹⁵See note 12

¹⁶See Recommendations and Commentary at p.440 ff. of Guidelines for Legal Defense Systems in the U.S. (1976) NLADA, Washington, D.C.

IV. SUMMARY

Based upon the interviews conducted for this study, it is apparent that the D.C. Court Study Committee must manifest continuing interest and concern as the Braman Committee and the Forrest Committee progress in their ambitious efforts to design and implement a comprehensive overhaul of indigent defense services in the District of Columbia.

The most appropriate role of the Committee can best be served by supporting the implementation of the Braman and Forrest Committees' recommendations. Alternative funding sources must be identified to support the cause of indigent defense and improvements must be made in the quality of service provided and in the internal administration of the appointed counsel system. Most of those interviewed agreed that the Committee should endorse the transfer of authority for appointing and compensating counsel from the judges to a separate body. Most individuals also felt that the Committee should support efforts to institute a more formal orientation program to CJA practice and to establish mechanisms for monitoring attorney performance which apply to all lawyers practicing in D.C. Courts and which stress remedial, rather than punitive, objectives.

The enthusiasm and openness of the individuals who were interviewed as part of this inquiry reflects both the high esteem in which the D.C. Bar's Committee is held and also the continuing interest which the issue of indigent defense services commands in the District of Columbia. There appears to be an emerging consensus concerning appropriate reforms and refinements. The D.C. Court Study Committee can contribute to and expedite this salutary development by continuing to express its strong interest in this area.

APPENDICES

- Appendix A: Materials Reviewed and List of Interviewees
- Appendix B: Summary of Recommendations Presented in the Austern-Rezneck Report
- Appendix C: Memorandum to Councilmember David A. Clarke, District of Columbia Council from Comer S. Coppie, Special Assistant to the Mayor, concerning Cost Projections for Implementation of Report on Criminal Defense Services, Feb. 1, 1977
- Appendix D: 1. C.J.A. Claims and PDS Expenditures, FY 76 - FY 77, and FY 78 (CJA only)
2. Indigent Defense Cases Handled, FY 76 - 78.
- Appendix E. Explanation of Claim for Services and Expenditures

APPENDIX A

1. Materials Reviewed

Report on Criminal Defense Services in the District of Columbia by the Joint Committee of the Judicial Conference of the D.C. Circuit and the D.C. Bar. (April, 1975)

Report of the Committee on Complaints of Ineffective Assistance of Counsel of the D.C. Bar. (June, 1977)

Interim Report of the Committee on the Appointment of Counsel in Criminal Cases of the D.C. Bar. (November, 1978)

Counsel for the Poor: Criminal Defense in Urban America, Robert Hermann, Eric Single and John Boston; 1977, D.C. Heath and Company, Lexington, Mass.

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Guidelines for Legal Defense Systems in the U.S., Report of the National Study Commission on Defense Services, 1976, NLADA, Washington, D.C.

Evaluation Design for the Offices of the Public Defender; Roberta Rovner-Pieczenik, Alan Rapaport, Martha Lane, 1976, NLADA, Washington, D.C.

Indigent Defense Systems Analysis Study; Shelvin Singer and Beth Lynch, 1978, NLADA, Washington, D.C.

Administration of the Criminal Justice Act by U.S. Courts and the D.C. Superior Court; Report by the Comptroller General of the United States, 1974, General Accounting Office, Washington, D.C.

Standards Relating to the Defense Function; American Bar Association Project on Standards for Criminal Justice, (2nd Edition Approved Draft, 1979)

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Report on Courts; National Advisory Commission on Criminal Justice Standards and Goals, 1973, LEAA, Washington, D.C.

Hearings Before the Committee on the District of Columbia, House of Representatives on the Administration of Criminal Justice, Serial No. 94-2, 1975, U.S. Government Printing Office, Washington, D.C.

Hearings . . . on Counsel for Indigent Criminal Defendants, Serial No. 93-13, 1974, U.S. Government Printing Office, Washington, D.C.

The D.C. Public Defender Service: An Exemplary Project; National Institute of Law Enforcement and Criminal Justice, 1974, LEAA, Washington, D.C.

Guide to Establishing a Defender System; Nancy Goldberg and Jay Lichtman, National Institute of Law Enforcement and Criminal Justice, 1978, LEAA, Washington, D.C.

2. List of Interviewees

Steffen W. Graae, Esq.	Attorney
J. William Erhardt	Director, Legal Assistance for D.C. Prisoner Project
Hon. Leonard Braman	Judge D.C. Superior Court
Herbert Forrest, Esq.	Chairman, Committee on the Appointment of Counsel in Criminal Cases of the D.C. Bar
Robert Weinberg, Esq.	President D.C. Bar Association
David Niblack, Esq.	D.C. Law Students in Court Program
James Doyle, Esq.	D.C. Law Students in Court Program
J. Patrick Hickey, Esq.	Director, Public Defender Service
Greg Mize, Esq.	Legislative Assistant D.C. City Councilman David A. Clarke
John Schultheis	Chief, Budget and Accounting Branch D.C. Superior Court
Mrs. Mary Reinhart	Supervisory Fees Examiner C.J.A. Program, D.C. Courts
Mrs. Jeannete Long	C.J.A. Coordinator Family Division, Superior Court Public Defender Service
Mr. Howard Hughes	C.J.A. Coordinator Adult Division, Superior Court Public Defender Services
Mr. Thomas Shupe	C.J.A. Statistical Assistant Public Defender Service

SUMMARY OF RECOMMENDATIONSEstablishment of a District of Columbia Defender Agency

Rec. 1.1. THE COMMITTEE RECOMMENDS THE ESTABLISHMENT OF A DISTRICT OF COLUMBIA DEFENDER AGENCY TO ADMINISTER, AS SEPARATE DIVISIONS, THE APPOINTED COUNSEL PROGRAM UNDER THE CRIMINAL JUSTICE ACTS FOR BOTH THE LOCAL AND FEDERAL COURTS AND THE EXISTING PUBLIC DEFENDER SERVICE.

Rec. 1.2. THE COMMITTEE RECOMMENDS THAT THE D.C. DEFENDER AGENCY BE GOVERNED BY AT LEAST AN 11 MEMBER BOARD OF TRUSTEES INDEPENDENT OF THE COURTS.

Rec. 1.3. THE BOARD OF TRUSTEES WOULD BE RESPONSIBLE FOR MAKING POLICY FOR THE AGENCY, HIRING THE EXECUTIVE DIRECTOR, AND SERVING AS FINAL ADMINISTRATIVE ARBITER OF GRIEVANCES AND COMPLAINTS BY APPOINTED COUNSEL AND DEFENDANTS.

Utilization of Non-Volunteer Counsel

Rec. 2.1. THE COMMITTEE RECOMMENDS THAT ALL PRACTICING MEMBERS OF THE DISTRICT OF COLUMBIA BAR WHO ARE NOT GOVERNMENT EMPLOYEES OR REGULAR PRACTITIONERS UNDER THE CRIMINAL JUSTICE ACTS BE APPOINTED TO REPRESENT AT LEAST ONE INDIGENT DEFENDANT OR RESPONDENT PER YEAR.

Rec. 2.2. THE COMMITTEE RECOMMENDS THE COMPILATION OF A COMPREHENSIVE LIST OF ALL ATTORNEYS AVAILABLE FOR APPOINTMENT; IT RECOMMENDS THE ADOPTION OF A RATING SYSTEM BASED ON ATTORNEYS' TRIAL EXPERIENCE; IT RECOMMENDS THE ADOPTION OF AN EQUITABLE ROTATION SYSTEM TO ENSURE THAT NO NON-VOLUNTARY ATTORNEY IS APPOINTED TO MORE CASES PER YEAR THAN ANY OTHER; AND IT RECOMMENDS COMPENSATION TO ALL SUCH ATTORNEYS APPOINTED UNDER THE CRIMINAL JUSTICE ACT.

Inclusion of Law School Clinics in the CJA Budget

Rec. 3.0. CLINICAL PROGRAMS HAVE BECOME AN INTEGRAL PART OF THE CRIMINAL JUSTICE SYSTEM IN THE DISTRICT OF COLUMBIA. THE COMMITTEE THEREFORE RECOMMENDS THAT THESE PROGRAMS BE FUNDED AT LEAST IN PART, UNDER THE D.C. CRIMINAL JUSTICE ACT.

APPENDIX BIncreasing CJA Appropriations and Raising Levels of Compensation

Rec. 4.1. APPROPRIATIONS FOR THE D.C. CRIMINAL JUSTICE ACT MUST BE INCREASED TO ENSURE THAT ATTORNEYS ARE ADEQUATELY COMPENSATED AND THAT DEFENDANTS RECEIVE EFFECTIVE REPRESENTATION. THE COMMITTEE STRONGLY SUPPORTS THE EFFORTS OF THE JOINT COMMITTEE ON JUDICIAL ADMINISTRATION OF SUPERIOR COURT AND THE D.C. COURT OF APPEALS TO OBTAIN INCREASED FUNDING.

Rec. 4.2. COVERAGE OF THE D.C. CRIMINAL JUSTICE ACT SHOULD BE EXPANDED TO INCLUDE COMPENSATION TO COUNSEL REPRESENTING INDIGENTS ACCUSED OF ALL PETTY OFFENSES IN WHICH THE APPOINTMENT OF COUNSEL IS CONSTITUTIONALLY REQUIRED.

Rec. 4.3. THE RATE OF COMPENSATION UNDER BOTH THE LOCAL AND FEDERAL CRIMINAL JUSTICE ACTS SHOULD BE RAISED TO NOT LESS THAN \$40 AN HOUR FOR BOTH IN-COURT AND OUT-OF-COURT TIME.

Rec. 4.4. COUNSEL SHOULD BE COMPENSATED FOR WORK PERFORMED IN ANY ASSIGNED CJA CASE, WHETHER OR NOT CHARGES ARE FILED.

Rec. 4.5. THE STATUTORY MAXIMUM COMPENSATION FOR MISDEMEANOR AND FELONY CASES SHOULD BE RAISED TO \$800 AND \$1600, RESPECTIVELY.

Rec. 4.6. THE MAXIMUM COMPENSATION FOR REPRESENTATION IN POST-TRIAL MATTERS SHOULD BE RAISED FROM \$250 TO \$800 IF THE UNDERLYING CASE WAS A MISDEMEANOR AND TO \$1600 IF THE UNDERLYING CASE WAS A FELONY.

Rec. 4.7. IN ANY CASE WHERE A DEFENDANT MUST PAY A CONTRIBUTION TOWARD HIS DEFENSE, SUCH CONTRIBUTION SHOULD BE PAID INTO THE REGISTRY OF THE PROPOSED D.C. DEFENDER AGENCY.

Rec. 4.8. THE \$18,000 ANNUAL LIMIT FOR CJA ATTORNEYS PRACTICING IN D.C. SUPERIOR COURT SHOULD BE ABOLISHED.

Rec. 4.9. PROCEDURES FOR PAYMENT OF EXCESS COMPENSATION SHOULD BE STREAMLINED AND LIBERALIZED. SPECIFICALLY, WE RECOMMEND THAT
- COUNSEL BE PAID THE STATUTORY MAXIMUM IN ANY CASE WHERE EXCESS COMPENSATION IS WARRANTED, I.E., COUNSEL SHOULD NOT HAVE TO AWAIT APPROVAL OF THE ENTIRE CLAIM IN ORDER TO BE PAID AT LEAST THE MAXIMUM;

- EXCESS COMPENSATION SHOULD BE PAID AT THE PROPOSED MAXIMUM RATE OF \$40 AN HOUR;

- IN ANY PROTRACTED TRIAL EXTENDING OVER SEVERAL MONTHS, COUNSEL SHOULD BE PAID AT LEAST THE STATUTORY MAXIMUM AT THE END OF EACH MONTH:

- CLAIMS FOR EXCESS COMPENSATION SHOULD BE TREATED LIKE ANY OTHER VOUCHERS; THAT IS, THEY SHOULD NOT BE SUBJECT TO APPROVAL OF THE TRIAL JUDGE AND REVIEW BY THE CHIEF JUDGE OF THE COURT. IF THE DISBURSEMENT AGENCY HAS QUESTIONS ABOUT A CLAIM, THESE MAY BE ADDRESSED TO THE TRIAL JUDGE AND THE ATTORNEY, BUT IT IS THE DISBURSEMENT AGENCY WHICH SHOULD HAVE FINAL AUTHORITY.

Rec. 4.10. THE \$300 LIMIT ON COMPENSATION FOR EXPERTS, INVESTIGATORS, AND OTHER OUTSIDE SERVICES SHOULD BE MITIGATED BY PROVISIONS FOR EXCESS COMPENSATION TO EXPERTS IN APPROPRIATE CASES. PROCEDURES FOR OBTAINING PRIOR APPROVAL SHOULD BE SIMPLIFIED AND AUTHORITY THEREFOR PLACED IN THE PROPOSED D.C. DEFENDER AGENCY.

The Role of the Public Defender Service

Rec. 5.1. THE COMMITTEE RECOMMENDS THE EXPANSION OF PDS'S CAPABILITY FOR PROVIDING TRAINING AND OTHER SIMILAR SERVICES TO THE PRIVATE BAR.

Rec. 5.2. THE COMMITTEE RECOMMENDS THAT ALL ADMINISTRATIVE RESPONSIBILITIES PERTAINING TO THE CRIMINAL JUSTICE ACT BE TRANSFERRED FROM PDS TO THE APPOINTED COUNSEL PROGRAM OF THE PROPOSED D.C. DEFENDER AGENCY.

Rec. 5.3. THE STAFF OF THE PUBLIC DEFENDER SERVICE SHOULD BE ENLARGED SO THAT THE AGENCY CAN AT LEAST DOUBLE ITS CAPACITY TO HANDLE CRIMINAL AND JUVENILE CASES IN SUPERIOR COURT.

Rec. 5.4: THE COMMITTEE RECOMMENDS THAT THE PUBLIC DEFENDER SERVICE, AS A DIVISION OF THE PROPOSED D.C. DEFENDER AGENCY, SHOULD CONTINUE TO FUNCTION IN THE FEDERAL COURTS IN THE DISTRICT OF COLUMBIA; A SEPARATE FEDERAL PUBLIC DEFENDER ORGANIZATION SHOULD NOT BE ESTABLISHED.

Ensuring Quality Representation

Rec. 6.1. THE COMMITTEE RECOMMENDS THAT THE PROPOSED D.C. DEFENDER AGENCY ESTABLISH CERTIFICATION STANDARDS AND CO-COUNSELING ARRANGEMENTS FOR NEW ATTORNEYS SEEKING APPOINTMENTS TO CJA CASES.

Sec. 6.2. THE COMMITTEE RECOMMENDS THAT THE PROPOSED D.C. DEFENDER AGENCY ESTABLISH A SYSTEM FOR MONITORING THE PERFORMANCE OF CJA COUNSEL AND DEVELOPING SEPARATE CJA ATTORNEY PANELS WHEREBY ASSIGNMENTS TO JUVENILE, MISDEMEANOR, AND FELONY CASES WOULD BE MADE ACCORDING TO COUNSEL'S ABILITY AND EXPERIENCE.

Rec. 6.3. THE COMMITTEE RECOMMENDS THAT THE PROPOSED D.C. DEFENDER AGENCY ESTABLISH AND ENFORCE MAXIMUM CASELOAD STANDARDS TO ENSURE THAT CJA COUNSEL ARE NOT OVER-EXTENDED AT THE EXPENSE OF QUALITY REPRESENTATION. CURRENT PDS CASELOAD STANDARDS SHOULD BE USED AS A GUIDE.

Rec. 6.4. THE COMMITTEE RECOMMENDS THAT THE PROPOSED D.C. DEFENDER AGENCY DEVELOP TRAINING PROGRAMS IN CRIMINAL LAW, PROCEDURE, AND EVIDENCE FOR ALL ATTORNEYS TAKING CJA CASES. ATTENDANCE AT TRAINING SESSIONS SHOULD BE VOLUNTARY DURING THE FIRST TWO YEARS OF OPERATION, BECOMING MANDATORY THEREAFTER.

Rec. 6.5. EFFECTIVE MACHINERY FOR HEARING AND RULING ON COMPLAINTS AND GRIEVANCES AGAINST ALL APPOINTED ATTORNEYS SHOULD BE ESTABLISHED WITHIN THE PROPOSED D.C. DEFENDER AGENCY.

Rec. 6.6. THE COMMITTEE RECOMMENDS THE ADOPTION OF A PILOT PROGRAM FOR SELECTION OF COUNSEL BY INDIGENT DEFENDANTS, INVOLVING 10% TO 15% OF ALL DEFENDANTS ELIGIBLE FOR APPOINTED COUNSEL, WITH A VIEW TO TESTING THE FEASIBILITY AND DESIRABILITY OF THE CONCEPT.

Memorandum © Government of the District of Columbia

TO: Councilmember David A. Clarke
District of Columbia
Council

FROM: Comer S. Coppie *CS*
Special Assistant to
the Mayor

SUBJECT: Cost Projections for Implementation of
Report on Criminal Defense Services

Department, Executive Office
Agency, Office: Budget and Management
Systems

FEB 1 1977

Date:

RECEIVED

FEB 1 1977

David Clarke
Councilmember Ward 1

Attached herewith are cost projections associated with implementation of the recommendations contained in the Report on Criminal Defense Service in the District of Columbia, April, 1975.

Several provisos need to be made in order to understand the limitations of the cost projections. The cost projections assume a dedicated and skilled staff for the Defender Agency, and also assumes major computer assistance from judicial or executive agencies. The projections do not take into account any savings or costs that may result from a thorough management analysis of the functions of the agency.

The cost projections do contain some guesses on the off-setting costs suggested by the Report's recommendations. Generally, however, the extent to which the costs of increasing the quality of criminal defense services can be offset by utilizing current resources for different purposes, or by increasing the involvement of the private bar, cannot be precisely determined.

The monetary incentives of the Report are clearly structured toward increasing the quality of representation. It is axiomatic that the cost-per-case under the Report recommendations will increase.

Please let me know if you require additional information on this matter.

Attachment

Cost Projections

Implementation of Report on Criminal Defense Services

Rec. 1.1: Establishment of District of Columbia Defender Agency +\$250.0

This projection assumes a staff of 5 for the Executive Office of the new Agency, and a staff of 3 for the Appointed Counsel Program of the Agency. The cost projection assumes a \$30,000 average salary, and \$10,000 for overhead costs.

The CJA Appointments and Voucher programs could be staffed by personnel currently operating in the Court System and the Public Defender Service.

Functions not currently performed by Court System and PDS personnel, such as administration of appointment and caseload standards, and investigation of grievances, can be performed from within the current complement of personnel, particularly as the payment system is streamlined and standards are developed.

This projection assumes heavy involvement by the Board of Trustees in standards development, and substantial computer assistance from the courts or executive agencies. The projection does not assume special staff for investigating grievances and training, as the dimensions of the workload cannot be determined.

Rec. 1.2: Establishment of a Board of Trustees +0

The Report does not recommend compensation for members of the Board.

Rec. 1.3: Board Duties +0

See Rec. 1.2

Rec. 2.1 Utilization of Non-Volunteer Counsel +0

This projection assumes most non-volunteers would not submit payment voucher. The cost of those who do submit vouchers are assumed to be offset by the savings of pro bono work. This projection also assumes standards government appointment are computerized.

- Rec. 2.2 Attorney Lists +0
- See Rec. 1.2, and Rec. 2.1
- Rec. 3.0 Law School Clinics +\$267.1
- Although no funding formula for law school clinics are recommended by the Report, the estimate assumes law schools will at least be subsidized to the extent of their estimated CJA savings, as identified in the Report, plus a growth factor of 10 percent.
- Rec. 4.1 Increase CJA Appropriations +0
- This recommendation does not by itself result in a cost increase.
- Rec. 4.2 Expansion of CJA Coverage \$2,000.0
- This estimate simply multiplies the 30,000 Corporation Counsel cases identified in the Report by the average Fiscal Year 1975 CJA juvenile misdemeanor payment of \$95. It should be noted that the estimate assumes all of the 30,000 Corporation Counsel cases would fall within the definition of "faces of loss of liberty." The estimate also has been reduced by \$850,000 to allow for use of an excessive CJA payment average.
- Rec. 4.3 Increase CJA rates +\$2,500.0
- This estimate was calculated by dividing the amount of Fiscal Year 1975 CJA payments for in-court work (\$632,248) by 30, to arrive at the number of in-court hours paid and adding \$10 per hour to the total paid. The same process was used for out-of-court payments. A growth factor was calculated to express the estimate in Fiscal Year 1978 terms.
- Rec. 4.4 Full Compensation +\$
- No information is available with which to develop a cost estimate for implementation of this recommendation. While some cost increase is implied in the recommendation, its magnitude cannot be determined.

- Rec. 4.5 Increase Maximum Compensation +\$
- See Rec. 4.4. This recommendation would increase CJA payments by virtue of its possibly allowing more time to be devoted to a given case. How many attorneys would avail themselves of the opportunity to increase the quality of CJA representation cannot be determined.
- Rec. 4.6 Increase Post-Trial Maximums +\$
- See Rec. 4.5
- Rec. 4.7 Contribution Orders Paid to Registry +\$ 0
- This estimate assumes no significant administrative work will be required to collect outstanding contributions. As of September 30, 1976, two percent of all Fiscal Year 1976 CJA payments had contributions ordered.
- Rec. 4.8 Abolition of \$18,000 ceiling +\$
- See Rec. 4.4. In general, estimates associated with increasing the quality of representation cannot be made, as there are too many variables involved. If more time can be devoted to a given case, caused either by raising compensation ceilings or imposing caseload per-attorney maximums, or any other factor, then the average CJA payment or the number of PDS attorneys will increase.
- Rec. 4.9 Payment Procedures Liberalized +\$700.0
- This estimate converts the amount of Fiscal Year 1975 CJA voucher reductions (\$365,700) to a \$40 an hour rate (or \$699,900), and assumes the impact of all increases in maximum compensation ceiling and liberalization of payment rules will result in a payout equal to the Fiscal Year 1975 voucher cuts. No growth factor has been applied to this estimate.
- Rec. 4.10 Abolition of Limit on Outside Services \$+ 0
- Other than the normal growth of CJA payments, of which outside services is a part, this recommendation is not assumed to create additional costs. See Rec. 4.4., 4.5., and 4.9

<u>Rec. 5.1</u>	Expand PDS Private Bar Services	<u>+\$100.0</u>
	This estimate assumes an expanded training and referral staff for private attorneys. As the inclusion of more of the private bar occurs, need for this office may diminish.	
<u>Rec. 5.2</u>	Transfer CJA Office from P.D.S.	<u>+\$ 0</u>
	See Rec. 1.1	
<u>Rec. 5.3</u>	Double PDS Capacity	<u>+\$1,000.0</u>
	This estimate is half of the current P.D.S. budget. The estimate assumes that the initial effect of doubling P.D.S. will be to reduce CJA payments, which would finance the balance of doubling P.D.S. However, as the maximum caseload standards are developed for private attorneys, private attorneys payment average may increase, creating a long-term increase for CJA. It should be noted that this estimate is based on the entire P.D.S. budget, which includes some administrative costs already transferred under Rec. 1.1, and Social Service and investigative costs.	
<u>Rec. 5.4</u>	Maintain PDS in Federal Court	<u>+\$ 0</u>
	This estimate assumes any Federal Court cost would be borne by the Federal government.	
<u>Rec. 6.1</u>	Standards for CJA practice	<u>+\$ 0</u>
	See Rec. 1.1 and 2.1	
<u>Rec. 6.2</u>	Monitor CJA performance	<u>\$ + 0</u>
	See Rec. 1.1 and 2.1	
<u>Rec. 6.3</u>	Caseload Standards	<u>+\$ 0</u>
	See Rec. 1.1 and 4.5	
<u>Rec. 6.4</u>	Training Program Expansion	<u>+\$ 0</u>
	See Rec. 1.1 and 5.3	
<u>Rec. 6.5</u>	Hearing Procedures	<u>+\$ 0</u>
	See Rec. 1.1	

Rec. 6.6

Pilot Program

+ \$ 0

This program could be undertaken at no additional cost as the Defender Agency develops computerized management information and payment processes.

Total Additional Cost

\$6,817,100

GBMS
1/22/77

APPENDIX D

1. C.J.A. CLAIMS AND PDS EXPENDITURES*, FY 76 - FY 77, and FY 78 (CJA ONLY)

1. Criminal Justice Act Claims Submitted and Paid to May 4, 1979

	<u>AMOUNT OF CLAIMS</u>	<u>NUMBER OF CLAIMS**</u>
FY 79	\$2,577,591.23 (10/1/78-5/4/79)	15,131
	7 mos.	
FY 78	\$3,259,662.05	17,676
FY 77	\$3,370,975.60	19,518

**includes claims for legal services, investigations, transcripts and expert services

2. Public Defender Expenditures

7/1/75 - 9/30/76 (15 mos.) \$2,403,878.00

10/1/76 - 9/30/77 \$2,021,582.00

*does not include expenditures for law student programs

APPENDIX D (cont.)

2. INDIGENT DEFENSE CASES HANDLED, FY 76 - 78

FY 76

	PDS		CJA		GRAND TOTAL
	TOTAL	TOTAL	PRIVATE ATTORNEYS	LAW STUDENTS	
FELONY	723 (12.2%)	5,215 (87.8%)	5,215 (87.8%)	0	5,938 100%
MISDEMEANOR	180 (3%)	5,901 (97%)	5,732 (94.2%)	169 (2.8%)	6,081 100%
FAMILY	579 (9.3%)	5,641 (90.5%)	5,317 (85.3%)	324 (5.2%)	6,230 100%

FY 77

	PDS		CJA		GRAND TOTAL
	TOTAL	TOTAL	PRIVATE ATTORNEYS	LAW STUDENTS	
FELONY	525 (10.5%)	4,497 (89.5%)	4,493 (89.5%)	4 (.1%)	5,022 100%
MISDEMEANOR	297 (5.0%)	5,602 (95.0%)	5,395 (91.5%)	207 (3.5%)	5,899 100%
FAMILY	733 (16.4%)	3,736 (83.6%)	3,503 (78.4%)	233 (5.2%)	4,469 100%

FY 78

	PDS		CJA		GRAND TOTAL
	TOTAL	TOTAL	PRIVATE ATTORNEYS	LAW STUDENTS	
FELONY	756 (14.7%)	4,391 (85.3%)	4,388 (85.3%)	3 (.1%)	5,147 100%
MISDEMEANOR	440 (7.2%)	5,689 (92.8%)	5,427 (88.5%)	262 (4.3%)	6,129 100%
FAMILY	816 (20.6%)	3,139 (79.4%)	2,911 (73.6%)	228 (5.8%)	3,955 100%

EXPLANATION OF CLAIM FOR SERVICES AND EXPENSES

(IF MORE SPACE IS NEEDED ADD SEPARATE SHEET)

Case Name: _____

Attorney's Name: _____

Docket Number _____

I. Time Spent in Open Court

Proceeding **A. ARRAIGNMENT/ INITIAL HEARING** Date _____ Time Began _____ Time Ended _____ Hours/Minutes _____ Amount \$ _____

SUBTOTAL (enter here and line I A page 1) \$ _____

B. BAIL HEARING Date _____ Time Began _____ Time Ended _____ Hours/Minutes _____ Amount \$ _____

SUBTOTAL (enter here and line I B page 1) \$ _____

C. PRELIMINARY HEARING Date _____ Time Began _____ Time Ended _____ Hours/Minutes _____ Amount \$ _____

SUBTOTAL (enter here and line I C page 1) \$ _____

D. MOTIONS & REQUESTS Specify Type _____ Date _____ Time Began _____ Time Ended _____ Hours/Minutes _____ Amount \$ _____

SUBTOTAL (enter here and line I D page 1) \$ _____

E. PLEA Date _____ Time Began _____ Time Ended _____ Hours/Minutes _____ Amount \$ _____

SUBTOTAL (enter here and line I E page 1) \$ _____

F. TRIAL Trial Judge _____ Date _____ Time Began _____ Time Ended _____ Hours/Minutes _____ Amount \$ _____

SUBTOTAL (enter here and line I F page 1) \$ _____

G. SENTENCING/ DISPOSITION Judge _____ Date _____ Time Began _____ Time Ended _____ Hours/Minutes _____ Amount \$ _____

SUBTOTAL (enter here and line I G page 1) \$ _____

H. APPEALS Date _____ Time Began _____ Time Ended _____ Hours/Minutes _____ Amount \$ _____

SUBTOTAL (enter here and line I H page 1) \$ _____

I. OTHER (Specify) _____ Date _____ Time Began _____ Time Ended _____ Hours/Minutes _____ Amount \$ _____

SUBTOTAL (enter here and line I I page 1) \$ _____

RATE SCHEDULE

MINUTES	IN COURT	OUT OF COURT	MINUTES	IN COURT	OUT OF COURT	MINUTES	IN COURT	OUT OF COURT
1	\$.50	\$.33	21	\$10.50	\$ 7.00	41	\$20.50	\$13.66
2	1.00	.66	22	11.00	7.33	42	21.00	14.00
3	1.50	1.00	23	11.50	7.66	43	21.50	14.33
4	2.00	1.33	24	12.00	8.00	44	22.00	14.66
5	2.50	1.66	25	12.50	8.33	45	22.50	15.00
6	3.00	2.00	26	13.00	8.66	46	23.00	15.33
7	3.50	2.33	27	13.50	9.00	47	23.50	15.66
8	4.00	2.66	28	14.00	9.33	48	24.00	16.00
9	4.50	3.00	29	14.50	9.66	49	24.50	16.33
10	5.00	3.33	30	15.00	10.00	50	25.00	16.66
11	5.50	3.66	31	15.50	10.33	51	25.50	17.00
12	6.00	4.00	32	16.00	10.66	52	26.00	17.33
13	6.50	4.33	33	16.50	11.00	53	26.50	17.66
14	7.00	4.66	34	17.00	11.33	54	27.00	18.00
15	7.50	5.00	35	17.50	11.66	55	27.50	18.33
16	8.00	5.33	36	18.00	12.00	56	28.00	18.66
17	8.50	5.66	37	18.50	12.33	57	28.50	19.00
18	9.00	6.00	38	19.00	12.66	58	29.00	19.33
19	9.50	6.33	39	19.50	13.00	59	29.50	19.66
20	10.00	6.66	40	20.00	13.33	60	30.00	20.00

END