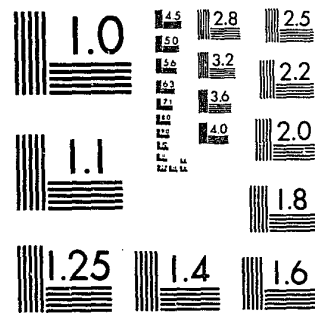


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THE BURNABY, BRITISH COLUMBIA EXPERIMENTAL PUBLIC DEFENDER PROJECT: AN EVALUATION REPORT

REPORT I: SUMMARY

PATRICIA L. BRANTINGHAM

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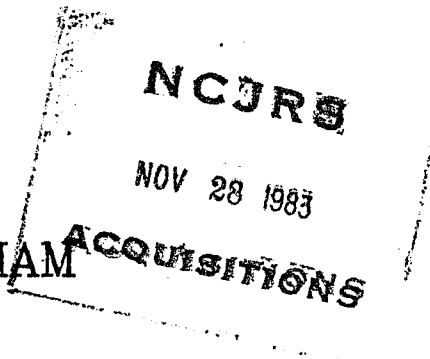
REPORT I

THE BURNABY, BRITISH COLUMBIA EXPERIMENTAL
PUBLIC DEFENDER PROJECT: AN EVALUATION

SUMMARY

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DECEMBER 1981



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NOTE

THE BURNABY, BRITISH COLUMBIA EXPERIMENTAL
PUBLIC DEFENDER PROJECT: AN EVALUATION

IS REPORTED IN SEVEN DIFFERENT VOLUMES:

- I PROJECT SUMMARY
- II EFFECTIVENESS ANALYSIS
- III COST ANALYSIS
- IV CLIENT SATISFACTION ANALYSIS
- V TARIFF ANALYSIS
- VI PUBLIC DEFENCE/COURT RELATIONSHIP ANALYSIS
- VII DISTRIBUTIONAL IMPACT ANALYSIS

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PREFACE

So many people were involved in providing information and assistance during this project that it is impossible to mention all of them by name. Special mention must be given to members of project staff who spent many long hours. Mention should also be made of the cooperation received from staff of the Legal Services Society of British Columbia. Final thanks must be given to the members of the Private Bar in British Columbia who, through interviews and written comments, provided information necessary for the design and execution of this evaluation.

U.S. Department of Justice
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Project Summary

Overview

During 1979 and 1980 an experimental public defence office was established in Burnaby, British Columbia. The office was established to answer certain questions about the comparative impact and cost of delivering criminal legal aid through staff lawyers or through members of the private bar paid by public funds. This report presents a summary of the results of the evaluation of this experimental operation.

Background to the Evaluation

Criminal legal aid is provided to individuals within the Province of British Columbia who cannot afford to retain private counsel and might experience severe penalties if no representation were provided. Criminal legal aid representation is primarily provided by members of the private bar who receive payment under a general fee-for-service tariff. The delivery of legal aid, the maintenance of lists of lawyers, the assignment of counsel and the payment of counsel is administratively controlled by the Legal Services Society of British Columbia.

The Legal Services Society was brought into existence in 1979 by the Legal Services Society Act. This act amalgamated the Legal Services Commission and the Legal Aid Society. Prior to the amalgamation, the Legal Aid Society administered legal aid in the province. Funds for the provision of legal aid and operation of the Legal Services Society are provided by the Provincial government and the Federal government. The Federal government provides funds to the Provincial government under a general Legal Aid agreement which is in effect in all the provinces. The Provincial government, in turn, provides funds to the Legal Services Society.

In 1978, the Legal Aid Society, the administrators at that time of legal aid in the Province of British Columbia, became interested in exploring the relative costs and benefits of various methods of delivering legal aid. The Society approached the Department of Justice about the feasibility of exploring the cost effectiveness of two major methods of delivering legal aid: the judicare method and the public defence method. The term judicare is applied to the legal aid delivery mode in which members of the private bar are paid by public funds to represent individual legal aid clients. The public defence mode uses staff lawyers who provide legal aid as one of their duties.

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The Department of Justice initiated a stepped procedure for exploration of the comparative impact and cost of the judicare and public defence modes of delivering legal aid. The first step involved a detailed review of the debate surrounding methods of delivering legal aid. A report and a bibliography were produced. The second step involved design of an experimental project and a concurrent evaluation strategy. The third step consisted of setting up an experimental public defence office and evaluating this experimental operation over a two and one-half year period.

Evaluation Structure

The experimental public defence operation was set up under the general administrative control of the Legal Services Society (the Legal Aid Society before amalgamation). A management committee composed of people from within and without the Legal Services Society was struck to supervise the operation. An advisory committee with membership from the broader criminal justice community was also formed.

The goals of the evaluation were formulated during a week long conference between invited participants from the legal community and the evaluation research community, and representatives from the Department of Justice and the Legal Services Society. The evaluation was designed on the basis of goals defined at this meeting and was carried out by independent evaluators. The evaluation was designed before the experiment started and was ongoing throughout the experimental period.

The evaluators worked under contract with the Department of Justice and periodically reported to a supervisory committee consisting of representatives from the Legal Services Society, the Federal Department of Justice, the legal community and the British Columbia Corrections Branch. The Supervisory committee made suggestions, but the evaluators were independent and not part of either the Department of Justice or the Legal Aid Society.

Goals of the Evaluation

There were six major goals in the evaluation:

- Analysis of the relative effectiveness of a public defence mode and a judicare mode of delivering criminal legal aid;
- Analysis of the relative costs of delivering legal aid under the two modes;

- Determination of client satisfaction with public defence counsel and judicare counsel representation;
- Analysis of the time spent by lawyers providing criminal legal aid and an analysis of possible alternative tariff structures;
- Determination of the relationships that develop between public defence counsel, Crown counsel and judges;
- Projection of the impact of the introduction of a broader network of criminal defence offices on the private bar.

The results relating to each of the major goals in the evaluation analyses are presented in separate reports and are available upon request. A list of the titles of the reports can be found in the appendix. A brief summary of the actual evaluation experiment and the results of its major segments will be presented in this report.

Description of Legal Aid in British Columbia

Criminal legal aid in British Columbia is primarily provided by members of the private bar who are paid under a fee-for-service tariff. There are approximately 1,000 lawyers in the Province of British Columbia who represent criminal legal aid clients. During the course of a year, there are over 17,000 separate cases handled by legal aid lawyers. Most of the 1,000 lawyers who accept criminal legal aid cases handle very few cases. Only a few lawyers handle a substantial number of legal aid cases.

A person receives legal aid in British Columbia if he or she applies for legal aid and meets eligibility criteria. The eligibility criteria are flexible, not absolute. To be accepted, a person must be unable to obtain legal representation (the usual reason being lack of financial resources), and must be accused of an offence for which a sentence to a term of incarceration might be imposed or for which the accused might experience substantial harm if convicted. No absolute income cutoff is used in assessing financial eligibility, though cutoffs are suggested.

A person can apply for legal aid several ways. The Legal Services Society maintains a network of offices where a potential client can go in person to apply for legal aid. Staff in these offices evaluate the applications and either reject the applicant, accept the applicant under a partial payment scheme in which Legal Services Society picks up part of the cost, or accept the applicant for full legal aid

picking up the full cost of providing legal representation. The accepted applicant is then referred to private counsel with the option of requesting a specific lawyer. Participating lawyers have the option of accepting or rejecting specific cases. The Legal Services Society maintains lists of lawyers who are willing to accept criminal legal aid cases. Some criminal legal aid cases are handled by staff lawyers in the regional offices, but the vast majority are referred to private counsel. At the termination of the case, and occasionally during the course of excessively long cases, assigned counsel submits a bill for services. The services which are paid for, and the amounts paid, are defined in a fixed tariff.

Persons can also make application for legal aid through various representatives of the Legal Services Society. Persons in custody may make applications for criminal legal aid through duty counsel in courts, or through Salvation Army personnel who visit jails. In areas without a Regional Office, applications are accepted by designated lawyers called Regional Directors.

The general pattern of delivery of legal aid in British Columbia is a judicare pattern in which private counsel accept individual legal aid cases, act for legal aid clients, then bill according to a tariff for legal services delivered. The tariff in British Columbia is a block tariff where lawyers are paid one fee for a group of services. For example, under the tariff, a lawyer is usually paid one fee for a case which ends in a guilty plea. The fee covers all court appearances and preparation.

Description of the Criminal Defence Office

The experimental Public Defence Office was a small criminal legal aid office set up near the Provincial Court in Burnaby. The office staff included three full-time staff lawyers, one paralegal and one secretary. The office functioned primarily as a general, non-specialized, criminal defence office. All lawyers handled all types of criminal cases. All lawyers handled all components of cases, from first appearance through to disposition. All lawyers provided duty counsel services. The paralegal supplemented the lawyers' activities by interviewing clients, assisting lawyers, and providing entry point social services for clients by making referrals to social agencies.

The office structure was representative of the structures which could be set up in other cities in the Province if the public defence mode of delivering legal aid were to

be more widely adopted. Most cities in British Columbia could support only a small office such as the office in Burnaby.

In an experimental operation it is particularly important to select staff counsel who are representative of the general pool of lawyers who might be employed as public defenders. The Legal Services Society and the Department of Justice were well aware of this. The three lawyers hired as staff counsel had varying levels of courtroom and criminal law experience. One public defender was well respected as an administrator, but had little courtroom experience. The second public defender had several years experience as a general legal aid staff counsel, with some minor experience in handling criminal legal aid cases. The third public defender had more criminal law experience, having worked as a criminal lawyer for several years. The legal skills of the three public defenders were not so high as to make it unlikely that similar skill levels could be easily found in the bar as a whole.

Evaluation Design

The evaluation of the public defence operation involved a comparison of public defence counsel cases with cases handled by judicare counsel in the Burnaby, New Westminster, and Vancouver Courts. The public defence counsel represented clients primarily in Burnaby Provincial Court. To a lesser extent, they acted for clients in the County Court and Supreme Court in New Westminster. For comparison purposes, two groups of judicare cases were used. The Public Defence Office in Burnaby did not handle all criminal legal aid clients in Burnaby. Some clients were referred to private counsel. Cases were referred to private counsel when the public defenders were fully booked or when conflicts occurred between co-accused. Caseload or volume referrals were made in blocks. For short periods, two or three weeks, all clients accepted through the Burnaby office would be referred to judicare counsel. When public defender caseloads decreased, all cases would be kept within the criminal defence office. The referrals out were administratively even-handed. Individual cases were not examined prior to referral. Referrals of co-accused were made randomly. The Burnaby cases referred to private counsel were used in the evaluation. These cases were heard in the same courts, Burnaby Provincial Court and New Westminster County Court, as the cases handled by public defence counsel. Cases handled by judicare counsel in the Vancouver Provincial, County and Supreme Courts were also used for comparison purposes.

The evaluation examined all cases handled by public defence counsel and all cases referred to private counsel from the Burnaby Criminal Defence Office, as well as a sample of cases referred to private counsel in Vancouver. Information was collected about cases from several sources. Counsel handling cases included in the analysis were asked, and were paid, to fill out detailed case record forms and case time logs. The detailed case record forms traced the procedures followed and outcomes for every charge within a case. The forms, in addition, contained information about case characteristics, sentencing, and discussion patterns. The information from the case record forms was supplemented by court record searches. The time logs included a breakdown of time per case spent preparing for court, spent doing research, and spent in court. Various socio-demographic data about individual clients was collected from legal aid application forms. Through these data sources complete pictures of individual clients and legal aid cases were created.

The evaluation included additional analysis of judicare and public defence counsel through the examination of their practice characteristics, educational background and legal experience. Judicare counsel filled out questionnaires about their practices. Interviews were conducted with public defence counsel, judicare counsel, clients, judges and Crown counsel. Multiple data sources were used to identify potential differences between the two modes of legal aid delivery.

The data permitted analyses at several levels. Judicare cases in Burnaby and Vancouver were compared jointly and separately with public defence cases. Case comparisons were made at levels ranging from individual charges to all charges against individuals in multiple charge cases. Comparisons were made of court procedures, outcomes and factors influencing outcomes. Analyses also compared the performance of each public defence counsel with the other public defence counsel. Analyses were specifically performed to determine whether differences between judicare and public defence performance could be attributed to the performance of individual public defence counsel or whether there were strong office patterns. More general questionnaire and interview data were used to give additional substance to relationships uncovered in the case by case analysis and to permit the analysis of non-quantifiable opinions and subjective impressions. A summary of the results of the analyses are presented in the following sections.

Summary of Effectiveness Analysis

Court Procedures

Criminal legal aid practice is a practice which takes place primarily in provincial courts and involves a limited number of procedures. Cases overwhelmingly followed the same pattern: there was a first appearance, an adjournment to fix the date of the trial, and an appearance at trial date where either a stay or plea was entered or a trial took place. Both judicare counsel and public defence counsel followed similar patterns. Disposition decisions were made on the day trial was scheduled. Few adjournments occurred except to fix a date; relatively few dispositions were made before trial date.

Criminal legal aid cases involved few court appearances. Rarely did public defender or judicare cases include a competency hearing, charge or co-accused severance, any type of writ or bail review. Bail hearings did occur. Elections to County Court occurred relatively infrequently, but when they did, they occurred at different rates. Judicare counsel elected to take cases to County Court more often than public defence counsel. Criminal legal aid practice, even with a slightly higher election rate for judicare cases, is still primarily a lower court practice, with few court appearances and a limited range of procedures.

Client Contact

Public defence counsel made contact with clients earlier than judicare counsel, more frequently first meeting a client as duty counsel and working with that same client until disposition. In particular, public defence counsel clients more frequently had the same lawyer at the bail hearing as at disposition. Judicare clients much more frequently had different counsel acting for them at different points in the process. Public defence clients were also more frequently released after the bail hearing than judicare clients. The pattern of public defence provided more continuity of counsel for the client.

Outcomes

The rate at which clients plead or are found guilty is an important benchmark for assessing defence performance. Clients of public defence counsel and judicare counsel received guilty outcomes at about the same rate, but there were differences in the procedures which were used to reach determinations of guilt. Public defence counsel pleaded

their clients guilty more frequently than judicare counsel. Judicare counsel went to trial more often. However, when guilty pleas and determinations of guilt at trial were combined, there was little difference between the overall rate of guilty outcomes for the two modes of legal aid delivery. Both modes of criminal legal aid experienced guilty outcomes in about 60% of all cases.

Sentences

There were differences in the pattern of sentences imposed on public defence and judicare clients. In cases which involved single charges against an individual, 40% of judicare clients who were found guilty were sentenced to some form of imprisonment; 30% of public defence clients received terms of imprisonment. In cases involving multiple charges and multiple informations, there was no difference between the aggregate incarceration patterns for the two modes of legal aid delivery. However, single charge cases were more frequent and, overall, public defence clients received sentences of imprisonment less frequently than judicare clients. This differential sentencing pattern has obvious impact on clients. It also has cost impact on the criminal justice system, in particular the correctional systems.

Public defence counsel clients received more terms of probation than judicare clients. Twenty-four percent of judicare clients who were found guilty received probation, community work, or restitution; while 40% of public defence clients received probation, community work, or restitution. More judicare counsel clients received absolute discharges (11% versus 2%).

Discussions

The differential sentencing patterns for public defence counsel and judicare counsel cases can be tied back to differential discussion patterns with Crown Counsel and differential guilty plea patterns.

Public defence counsel engaged in more discussions with Crown. The discussions resulted in more guilty pleas and Crown recommendations for sentences. The overall pattern of justice under the public defence mode was one of more negotiations, more guilty pleas, but fewer incarceration sentences than under the judicare mode. The differences in pleas, negotiations and sentences occurred within generally similar total patterns of guilty and non-guilty outcomes.

Lawyer Patterns

Generally, strong office patterns which were similar for all three public defence counsel, were found. There were a few individual patterns. The public defenders took cases to trial at different rates; they had different trial outcome patterns; and they spent different amounts of time in case preparation. In terms of ultimate client outcomes, the three public defenders were more similar than dissimilar, having outcome patterns which can be clearly distinguished from the patterns exhibited by judicare counsel.

Summary of Relative Costs

Unadjusted Average Costs

Under the experimental structure in Burnaby, the average costs per case for public defender cases was \$9 more than for judicare cases in Burnaby, but \$25 less than judicare cases in Vancouver. The average cost for judicare cases in Burnaby was \$225; in Vancouver, \$264. The average cost for a public defender case was \$235. The difference between costs of cases handled by judicare and public defence counsel in Burnaby was not substantial. The Public Defence Office in Burnaby was a relatively small operation with only three lawyers. With a small operation, small increases in the number of cases can reduce costs significantly.

Projected Legal Aid Costs

Analysis was also performed to project costs under increased tariffs and under projected staff salary increases. Generally, the staff model of delivering legal aid was found to be cost competitive with the judicare mode under expected tariff increases.

A small public defence operation appears to be a cost efficient method of delivering legal aid if case loads are maintained. One risk in a small office is that, uncontrolled, staff counsel might opt, consciously or unconsciously, for very light case loads. This possibility was costed hypothetically. Under light case loads, with slack time, and given the small size of the operation, costs increase rapidly and a public defence mode becomes relatively less cost efficient. The converse is also true, relatively small increases in the average number of cases handled by staff counsel in a small office reduce costs rapidly and make such an office very cost efficient. The continued or expanded operation of criminal defence offices would require monitoring of caseloads to maintain cost efficiency.

Projected Criminal Justice System Costs

Judicare clients whose cases involved single charges were sentenced to jail more frequently than public defender clients. Single charge cases account for 50% of all cases. The differences in incarceration patterns for these cases has a major impact on correctional costs. For every 1,000 single charge cases handled by judicare counsel, the correctional costs could be as much as \$200,000 above the costs for 1,000 cases handled by public defence counsel.

Summary of Client Satisfaction

Clients of public defenders and judicare lawyers were both reasonably well satisfied with the performance of their lawyers. Neither mode of legal aid delivery presented major problems in client satisfaction. If anything, clients of public defence lawyers were marginally more satisfied with the services they received.

Summary of Time/Tariff Analysis

Average Time per Case

The average time spent on a case by a public defender was about 5 hours and 40 minutes. The average time spent by judicare counsel was around 7 hours. The major component of time spent was time travelling to, waiting at, and appearing in court. About 4 hours per case were spent in court-related activities by judicare counsel. About one hour and 20 minutes was spent with clients. Little time was spent in preparation or research.

Equivalent Hourly Rate

The equivalent hourly rate (tariff payment/time spent) received by judicare counsel was \$34 per hour under the tariff in operation during the project. Lawyers received approximately the same equivalent hourly rate for major tariff services. Cases which ended by clients' "failure to appear", by guilty pleas, by stays and by trials were paid at the same equivalent hourly rate. Lawyers received a higher equivalent hourly rate for cases with multiple informations or indictments than for cases with only one information or indictment. This occurred because multiple information cases often resulted in billings for two or more procedures, say two or more stays, while the time for multiple information cases was not much increased.

Summary of Public Defence/Court Relationships

It was generally felt by judges and Crown counsel in Burnaby that the presence of public defence counsel in the court had improved the quality of representation for legal aid clients. Crown counsel, in particular, felt that the presence of public defence counsel made their job easier. Both Crown counsel and the judges felt free to call upon public defence counsel to perform "on the spot" legal services for individuals. They saw them as part of the court system and their general availability as a major strength of a public defence office.

The public defence counsel felt that Crown was willing to give them good "deals" for their clients, better than the "deals" the Crown would give for clients of judicare counsel. Crown, defence and judges all believed that this improved ability to communicate and obtain good sentences was the result of public defence counsel being present in the court regularly. No private defence counsel were present in court as often as the public defence counsel, and no close working relationships were reported between private counsel and Crown counsel.

The public defence counsel, while acknowledging that Crown made them offers which were very good for their clients, gave the impression that they did not like the feeling that Crown or judges would call upon them for special services such as stand-in representation in court or impromptu discussions with accused persons. The pattern of open accessibility of the public defenders whenever in court which Crown and the judges liked was not uniformly liked by the public defenders.

Public defence counsel, if they are to remain independent, must have their independence continually reinforced by the Legal Services Society and must learn ways to limit their accessibility for general, non-duty counsel, court representation services. Under the current arrangements, it was generally agreed that the quality of defence had greatly improved, but that public defence counsel are likely to burn out rapidly.

Summary of Distributional Impact Analysis

It would be possible to set up several small public defence offices in the Province without having a major impact on the private criminal bar. There are around 1,000 lawyers in British Columbia who accept criminal legal aid cases. Most of these, however, handle only a few cases at a time. Only six lawyers in the whole province who accept

criminal legal aid cases average as many criminal legal aid cases as staff counsel did in Burnaby. Sixty-three percent of the lawyers accepting criminal legal aid handle less than one criminal legal aid case a month.

Small criminal legal aid offices could be set up in 10 communities in British Columbia without any substantial economic impact on the practices of most lawyers in these communities. A 10 lawyer office could be set up in Vancouver without much impact on the criminal legal aid bar in Vancouver.

Overall Summary

The evaluation study found that:

1. The Criminal legal aid practice of both judicare and public defence counsel consists primarily of cases which end in stays, guilty pleas or trials without specialized procedures such as competency hearings, writs or severance, or many adjournments.
2. Both judicare and public defence counsel resolve most of their cases on the date trial is scheduled. Stays and guilty pleas are mostly entered on trial date.
3. Public defenders provided more continuity of representation than judicare counsel. They made first contact with clients sooner and more frequently acted for their client at all proceedings. Particularly, public defence counsel acted for more of their clients at bail hearings and more public defence clients were released after bail hearings.
4. Under the public defence mode there were more guilty pleas and fewer trials than under the judicare mode.
5. Under a public defence mode there were more discussions with Crown and more discussions which ended in a guilty plea being entered than under the judicare mode.
6. Public defence counsel clients received fewer jail sentences than judicare clients. The reduction in jail sentences potentially produces substantial reductions in correctional costs.
7. Public defence counsel clients received more probation than judicare counsel clients. Judicare counsel clients more frequently received absolute discharges.

8. The Public Defence cases were marginally more expensive than judicare cases in Burnaby, but were less expensive than Vancouver judicare cases.
9. If case loads are maintained, a public defence operation could be expected to be cost competitive with a judicare operation.
10. Clients were generally well pleased with both public defence representation and judicare representation.
11. Court personnel were well pleased with what was viewed as an improvement in justice in the court produced by the introduction of public defence counsel.
12. Public defence counsel developed a close working relationship with Crown counsel, but kept what they considered a professional distance.
13. Crown and public defence counsel entered into more discussions and reached more agreements than judicare counsel.
14. Few private counsel handle many criminal legal aid cases. Legal aid is spread across approximately 1,000 lawyers in B.C. but most average one or fewer criminal legal aid cases a month.
15. Public defence offices could be introduced in the Province in a limited way with a limited disruption of private practice.

Conclusions

Several levels of conclusions can be drawn from the evaluation study. The Burnaby Public Defence Office was prototypical of defence offices which might be introduced in other British Columbia cities. The patterns found in Burnaby can be considered similar to patterns which would be likely to occur in other offices in other locations. Some Burnaby experiment patterns were very strong and would almost certainly appear in other public defence offices. The evaluation also revealed some weaker patterns which might appear in other public defender offices. The evaluation also uncovered data which suggest possible future patterns. Both strong and weak conclusions will be reported. Strong conclusions are those which are drawn assuming that the dominant patterns found in the evaluation would be repeated in other settings. Weak conclusions are those which can be drawn with less certainty, but represent inferences which should not be ignored. Strong patterns are reported as level 1 conclusions; more tentative conclusions are reported as level 2 conclusions.

1. The public defence mode of legal aid delivery provides a different type of service to clients than the judicare mode. There are more discussions with Crown, more guilty pleas and fewer jail sentences. The public defence mode produces more negotiated justice which results in lighter sentences for clients. (Level-1)
2. Lighter jail sentences for clients within the public defence mode have economic impact on the correctional system. The judicare mode produces more jail days and consequently greater correctional system costs. (Level-1)
3. The two modes of legal aid delivery might, however, result in similar court system costs. The public defence mode produced more guilty pleas than the judicare mode, but most pleas were entered on trial date. If the court scheduled cases with the expectation that a high proportion of public defence cases would not actually go to trial on trial date, that is, if court system personnel overbooked in expectation of cases collapsing on trial date, then court system costs for the public defence mode would be lower than associated judicare system costs. If the court did not overbook in expectation that cases would collapse, the costs would be similar. (Level-1)
4. The costs to legal aid for a public defence delivery mode can be controlled if caseloads are maintained. With adequate caseload monitoring structures, public defence offices can be made cost equivalent to the judicare mode of delivering legal aid. (Level-1)
5. Costs are best controlled in a public defence office and the economic impact of the office reduced if the public defence system exists concurrently with a judicare system. If a public defence office refers cases to the private bar in high volume periods, workloads can be levelled and costs controlled. If cases are referred to the private bar, even when a public defence office exists, the economic impact on the private bar of reduced legal aid case flows is reduced. (Level-2)
6. There was some individual variability in the performance of the public defenders. The variability in performance points out a potential problem with the public defence mode of delivering legal aid. If a limited number of staff lawyers handle most legal aid cases, the performance of each staff lawyer affects a larger proportion of legal aid clients. In order to maintain

quality representation in a public defence operation, performance of individual lawyers must be monitored and quality controlled. (Level-1)

7. The public defence mode of legal aid delivery produces a structure where clients come in contact with their lawyers sooner and receive more continuity of representation. The continuity of representation does not seem to affect overall client satisfaction, but it does produce better outcomes at bail hearings. Continuity of representation is potentially an important characteristic of the public defence delivery mode. (Level-1)
8. Judicare counsel follow strong practice patterns which differ from public defence patterns. Judicare counsel take more cases to trial independent of patterns of outcome at trial. Judicare counsel elect to take more cases to higher court. It is possible that these patterns are related to the tariff structure in British Columbia where more is paid for procedures in higher courts and more is paid for trials. The tariff analysis revealed that the equivalent hourly rate is the same for the general tariff categories. If a lawyer has all his time committed, then he will be economically rewarded equally for all combinations of procedures. If a lawyer has spare time and does not have a full practice, then the economic reward varies by procedures followed. With excess time, a lawyer's income for a fixed number of cases increases as the number of trials increase and increases as the number of cases heard in county or supreme court increases. The evaluation raises the possibility that procedures chosen depend on tariff payments. (Level-2)
9. Neither public defence counsel nor judicare counsel cases include severance procedures, writs or competency hearings in any measurable amount. Legal aid cases are streamlined cases. The evaluation analyzed only legal aid cases, so it was impossible to determine whether these procedures are used more frequently in non-legal aid cases. The restricted range of procedures used raises the possibility that the type of representation made available is more restrictive than non-legal aid representation. (Level-2)
10. Public defence counsel develop close working relationships with court personnel. These close relationships seem inevitable with increased frequency of contact. The relationships become tied to ease of discussion with Crown and a general pattern of more negotiations. (Level-1)

11. Public defence counsel are seen by court personnel to be continuously on call or resident duty counsel. Their accessibility improves negotiation power but produces stresses which most likely will lead to a high turn over in staff counsel. (Level-1)
12. If a high turn over is not desired, special training and support will have to be provided to public defence counsel to help them adapt to the pressures of constantly being considered duty counsel. (Level-2)

The public defence mode of legal aid delivery offers a cost effective means of providing legal services if caseloads are maintained and quality of representation monitored. With a public defence mode there should be reduced correctional system costs and, possibly, reduced court system costs. Clients should receive fewer sentences to jail and should be generally satisfied with the representation they receive. The public defence mode would be most cost efficient if imbedded within a more general judicare system. The public defence mode is a reasonable additional mode of delivering legal aid and would fit well within the legal aid structure in the Province.

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