

Texas Weighted Caseload Study Addendum: Juvenile and Appellate Cases

The Public Policy Research Institute
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Introduction

In 2014, the Texas Indigent Defense Commission (TIDC) released a weighted caseload study (WCL) entitled “Guidelines for Indigent Defense Caseloads.” The study, conducted by the Public Policy Research Institute (PPRI) at Texas A&M University, developed evidence-based recommendations for setting attorney caseload guidelines in adult trial-level cases. This proposal adapts the same framework to cover two new categories of cases: appellate felony cases and juvenile cases.

As with the initial WCL study, this research is composed of two major parts:

1. Attorney timekeeping to determine how much time IS currently being spent on different levels of cases.
2. Guided expert decision-making using the Delphi Process to determine how much time SHOULD be spent on cases with the goal of establishing recommended case limits.

Task 1: Identify and Recruit Participating Attorneys

Juvenile Cases: During the original WCL study, some data was collected on time required to defend juvenile cases. As a result, useable time records for 476 juvenile cases are available from Travis Juvenile PDO attorneys and another 312 cases were entered by private practice attorneys. Nonetheless, additional data from other sources is needed to improve validity and representativeness of the data.

In the interest of time and cost efficiency, new data collection will be limited to PDOs. However, because private practice juvenile attorneys will be largely excluded, study results cannot accurately be generalized to that population.

Among PDOs, representativeness of results will be improved if a majority of the state’s juvenile offices can be recruited to take part in the study. Table 1 shows Texas juvenile PDOs that will be asked to contribute new time records.

Felony Appeals Cases: Because no timekeeping data for appeals cases was collected in the original WCL study, all new data collection will be required to determine time being spent in this case category. The study will exclude misdemeanor appeals, as there were just 325 misdemeanor appeals statewide in FY 2014. Instead, timekeeping data will be contributed by a sample of attorneys that defend the

approximately 2,000 felony appeals cases tried in Texas each year. Data on at least 300 to 400 cases will be required to make good estimates of the time attorneys currently devote to cases.

The state’s four PDOs that have an appeals division will be asked to take part in the study. In addition, the research team will recruit from among the 20 private practice attorneys that defend 30 percent of felony appeals cases to take part in the timekeeping portion of the study.

Table 1. Proposed Sources of Timekeeping Data

	Juvenile	Appeals	Existing Time Records?
Bee	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Bexar		<input checked="" type="checkbox"/>	
Burnet	<input checked="" type="checkbox"/>		
Cameron	<input checked="" type="checkbox"/>		
Colorado	<input checked="" type="checkbox"/>		
Dallas	<input checked="" type="checkbox"/>		
Dickens	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
El Paso	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Harris	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Hidalgo	<input checked="" type="checkbox"/>		
Travis			
Webb	<input checked="" type="checkbox"/>		
Willacy	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Private Assigned Attorneys		<input checked="" type="checkbox"/>	

Automated Timekeeping Records: Where public defender offices already practice timekeeping, it is likely that existing records may be downloaded and imported directly into the study dataset. Where this can be done, the reporting burden on attorneys will be reduced and it may be also be possible to increase the sample size by extracting cases over a longer timeframe. However, because the format and content of each external data system will differ, these opportunities also increase the time required for the research team associated with data recoding and manipulation to integrate records into the study database.

Task 2: Attorney Time Data Collection and Analysis

Task 2a: Collect Attorney Time Data

Data Collection Strategy: PPRI proposes to contract with Justice Works to adapt custom online time-keeping system created for the original WCL study. To determine if modifications are needed, and what those modifications might be, PPRI will hold planning meetings with attorneys who specialize in juvenile and appeals cases. Once the timekeeping system is finalized, PPRI anticipates time data collection over a 12-week period beginning in August of 2015. Data will come from three different sources:

1. Public defender offices
 - a. Offices that will keep time in the contracted Defender Data system (offices that do not currently keep time).
 - b. Offices that will provide data from their own timekeeping system to PPRI to crosswalk and merge with Defender Data records.
2. Private assigned attorneys, all of whom will keep time in Defender Data.

Monitoring Data Quality: In order to maximize the quality of data collected through the automated online system, PPRI staff will conduct a training webinar to show attorneys how to use the Defender Data system. Throughout the data collection interval, PPRI will monitor the data to ensure that attorneys are using the system correctly and to detect attorneys who are not reliably keeping time. PPRI will circulate a weekly newsletter to encourage attorneys to continue collecting time. Attorneys who stop keeping time will be contacted and urged to continue.

Task 2b: Analyze Attorney Time Data

Compiling Data: PPRI will compile all data for the study. The Harris County PD office uses a variant of Defender Data, and Justice Works can provide PPRI with this time-keeping data but other offices use dissimilar systems and their data will have to be integrated on a case-by-case basis.

Analyzing Data: Using the same methods used in the initial WCL study, PPRI will determine how much time is currently devoted to specific tasks in juvenile and appellate cases based on all data collected.

Task 3: Delphi Process

Task 3a: Prepare for Delphi Panels

PPRI will identify about 20 attorneys for each Delphi panel (juvenile and appellate), and will work with them to schedule the Delphi panels. Prior to the panels, PPRI will conduct two rounds of online voting, where Delphi panel members state their initial beliefs about how much time cases should take and then refine those beliefs based on average data from the first round.

Task 3b: Conduct Juvenile and Appellate Delphi Panels

Both Delphi panels will be conducted in Austin. Based on attrition observed in the initial WCL study, we expect about 16 of the 20 attorneys we invite will actually attend each Delphi panel. Of the attorneys who do attend, we estimate eight on each panel will require a flight into Austin and overnight lodging, with the rest driving to the panel in their own vehicles. Each panel will take a few hours while members debate and vote on the appropriate amount of time for each case task in each case type. PPRI will take the results of the Delphi panels and use them to generate recommended caseloads for juvenile and appellate attorneys.

Task 4: Final Report

The time keeping process, Delphi process, and final findings will be summarized in an addendum to the initial WCL report. Using the various data we collect, PPRI will document the current amount of time attorneys spend on cases and present the recommended amount of time, as decided by the Delphi panels. The recommended amount of time will be used to develop yearly case load recommendations for the state of Texas.