

**Juvenile Dependency: Court Appointed Counsel Funding Allocation Methodology  
Joint Subcommittee  
Resources for Discussion of Workload Model  
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# Court-Appointed Dependency Counsel

Workload and Funding Methodology

June 2015

# Steps to the Caseload Funding Model

1989	Dependency counsel included in state court funding
2000	SB 2160 requires caseload standards
2001	Judicial Council directs staff to study attorney caseload statewide and develop draft standards
2004	Court-Appointed Counsel Caseload Study Working Group reports on attorney caseload
2004	Council implements Dependency Representation, Administration, Funding and Training (DRAFT) program to further study caseload standards and performance
2007	Council approves caseload funding model recommended by DRAFT Pilot Program Implementation Committee

# Developing the Caseload Funding Model

Two week time study of all dependency attorneys in state

Data analyzed to produce median time by task and hearing, and dependency case workload weighted over multiple years

Expert focus groups reviewed the data and developed time standards for each category

Committee reviewed focus group results and approved a caseload standard of 188 cases per full-time attorney when supported by a half-time investigator

# What Goes Into the Methodology

1. Workload standards
2. Client counts
3. Salary and cost computations

# Time Attorneys Spend on Tasks

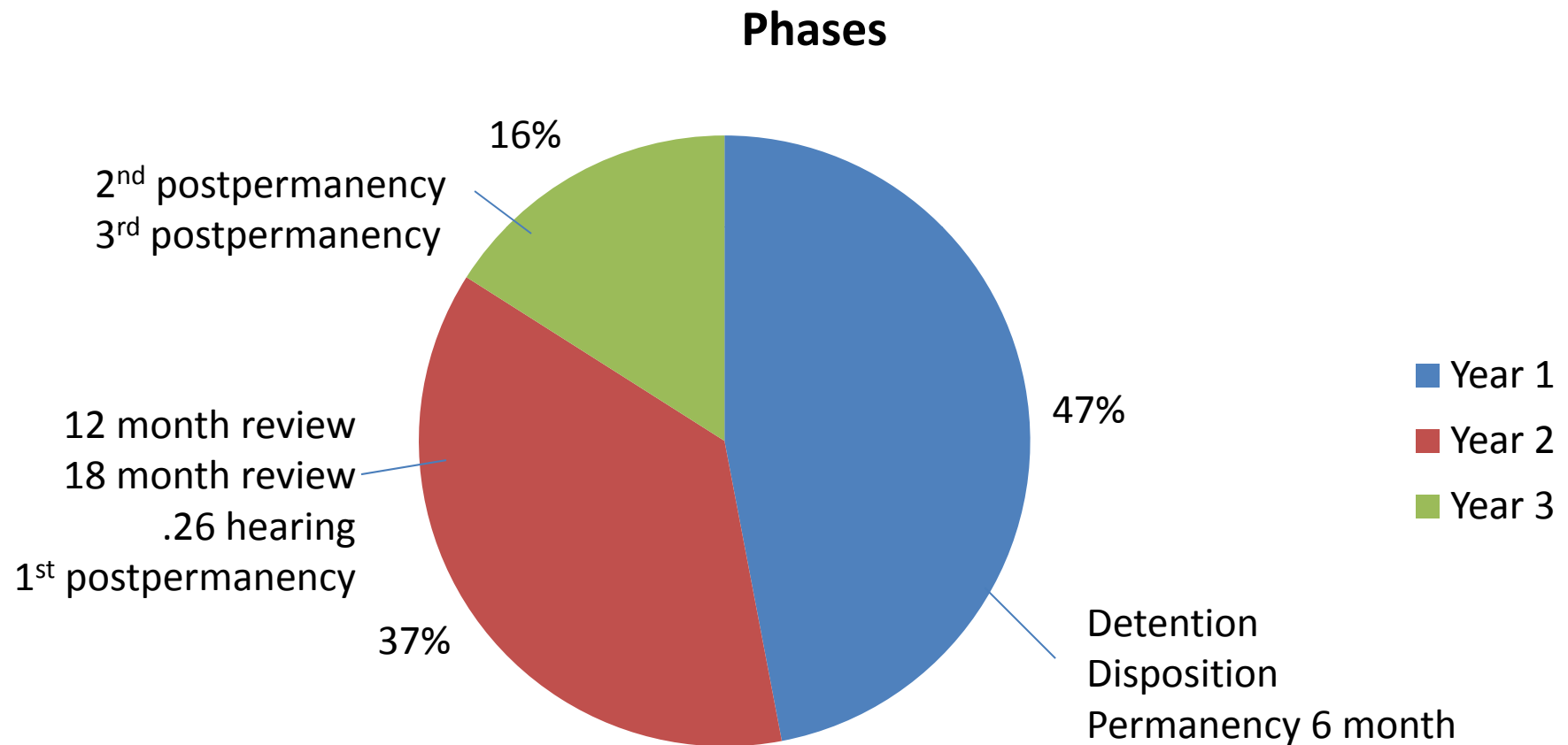
The working group developed three models of total attorney time spent on a case:

1. Using the data reported by the time study, which reflected very high caseloads
2. Using an optimal set of time standards derived from the focus groups
3. Using a set of time standards designed to provide case services at a basic level of competent practice (also derived from focus groups)

# Summary of basic time standard for child's attorney

Case Phase	Attorney Hours Required
Detention	3.04
Disposition	4.49
Permanency 6 month review	4.15
12 month review	2.96
18 month review	1.25
.26 hearing	1.92
First post permanency hearing	1.92
Second post permanency hearing	1.92
Third post permanency hearing	1.92
Writ	11.25
Travel	3.20

# The case phases are weighted by the proportion of cases in each phase





The weighted time standard  
*per case* then looks like this

Year	Time requirement	Weighted to year	Weighted annual hours
One	11.69	47%	5.52
Two	8.72	37%	3.18
Three	3.84	16%	.63
Total			9.32
Adjustment for Travel and writs			1.07
Total			10.39

## Then there are two steps to the caseload standard

- Derive number of cases per attorney by dividing the total annual hours available for case work (1,476) by hours per case ( $\sim 10.5$ ) = 141 cases per attorney.
- Adjust for services of .5 investigator (.33) = 188 cases per attorney + investigator.

# Client Counts

Caseload funding model uses case data from the state child welfare system.

Each county has a mandate and receives federal funding to report accurate data on children in child welfare.

This includes children at home (family maintenance), both court supervised and not court supervised.

Data is provided to researchers at UC Berkeley School of Social Work who create longitudinal files and post updates quarterly.

# Client Counts

Caseload funding model uses each county's snapshot count of court supervised child welfare cases

The model uses a moving three year average to adjust for short term fluctuations

The model uses a multiplier derived from the 2002 study of .82 parent cases per child case to estimate a total count of dependency clients

# Client Counts

Year	Children	Est. Parents	Total
2012	68,445	56,125	124,570
2013	70,968	58,194	129,162
2014	76,156	62,448	138,604
2015*	77,730	63,739	141,469
Average 2012-2013			130,780

# Salary and cost computations

Counties were classified in 4 economic “regions” based on an economic study, a survey of county counsel salaries, and economic indicators from the census.

For each region, salaries were set at an average, median county counsel salary.

The salary for investigators is set at \$55,000 statewide.

# Salaries by region

Region 1	\$67,143
Region 2	\$79,539
Region 3	\$95,892
Region 4	\$114,800
Investigators	\$55,000

# Other costs

- Benefits for attorneys and investigators are assigned at 25% of salary
- Overhead costs equal 33% of the personnel total, and are expected to cover supervising and clerical time, rent and other operating costs.



# Statewide funding calculation

Average child welfare cases 2012-2014	71,857
Parent multiplier .82	58,923
Total cases	130,780
Attorneys at 188 cases per attorney	695.6
Average salary for attorney	\$90,738
Investigators at .5 per 188 cases	347.8
Salary for investigators	\$55,000
Total attorney cost	\$63,117,717
Total social worker cost	\$19,129,000
Total salary	\$82,246,717
Benefits @ 25%	\$20,561,679
Total personnel	\$102,808,396
Operations @ 33%	\$34,269,465
Total funding need	\$137,077,860

# Sources

The data and detailed computations for the following slides can be found in the Judicial Council Report to the Legislature:

**Dependency Counsel Caseload Standards,**  
April 2008.

# Sources

The slides from this presentation, the Report to the Legislature, and other source material will be posted on the web pages for the Family and Juvenile Law Advisory Committee and the Trial Court Budget Advisory Committee:

<http://www.courts.ca.gov/familyjuvenilecomm.htm>

<http://www.courts.ca.gov/tcbac.htm>

**Juvenile Dependency: Court Appointed Counsel Funding Allocation Methodology  
 Joint Subcommittee  
 Sources for Discussion of Workload Model**

	Workload model component	Resources
1.	Whether attorney salaries should continue to be based on an average salary by region, or whether another method should be used	Current funding model chart Compared to county counsel or public defender salaries Compared to BLS data Survey of attorney providers
2.	Whether the attorney salaries used in the model should be updated	Same
3.	Whether the calculation for benefit costs in the model is accurate or if it should be changed	Current funding model Compared to county counsel or public defender benefits Compared to BLS data Survey of attorney providers
4.	Whether the calculation for overhead costs in the model is accurate or if it should be changed	Current funding model Survey of attorney providers
5.	Whether the state child welfare data reported through UC Berkeley accurately represents caseload or another source be used	Presentation and Q&A with UC Berkeley principal investigator on data project Chart comparing UCB numbers with JBSIS numbers Chart summarizing DRAFT provider caseload numbers Survey of courts on dependency caseloads
6.	Whether the ratio used to estimate parent clients in the model is accurate or if it should be changed	Current funding model number Chart summarizing DRAFT provider caseload numbers Survey of attorney providers
7.	Whether a modified methodology should be used for funding small courts	
8.	Whether dependency counsel funding should be a court or county obligation	Legislative history

**Juvenile Dependency: Court Appointed Counsel Funding Allocation Methodology  
 Joint Subcommittee  
 Stakeholder input plan**

<b>Method</b>	<b>Audience</b>	<b>Month</b>	<b>Objectives</b>
Survey	CAC managers/ Sole proprietors	July	Current caseloads and workforce Business model Economic factors: salaries, benefits, overhead costs
Survey	Open ended – posted on courts website (judges, attorneys, advocates)	July – August	Factors impacting CAC workload since 2002 timestudy Impact of CAC on parents Impact of CAC on children Impact of CAC on court process CAC needs
Focus group	2 focus groups with attorneys	July – August	Detailed review of time standards for hearings and other workload factors
Focus group	1 focus group with judicial officers	August	Review of time standards for hearings Best practices in court appointed counsel
Discussion	Child Welfare Council: social services, advocates, philanthropy	July	Briefing on process and collect input through discussion

## Background on dependency counsel and court funding in California

Government Code 77003: CAC defined as part of court operations	<a href="http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&amp;division=&amp;title=8.&amp;part=&amp;chapter=13.&amp;article=1">http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&amp;division=&amp;title=8.&amp;part=&amp;chapter=13.&amp;article=1</a>
California Rules of Court 10810: CAC defined as part of court operations	<a href="http://www.courts.ca.gov/cms/rules/index.cfm?title=ten&amp;linkid=rule10_810">http://www.courts.ca.gov/cms/rules/index.cfm?title=ten&amp;linkid=rule10_810</a>
Welfare & Institutions Code 317	<a href="http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC&amp;sectionNum=317">http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=WIC&amp;sectionNum=317</a>
California Rules of Court 5.660	<a href="http://www.courts.ca.gov/cms/rules/index.cfm?title=five&amp;linkid=rule5_660">http://www.courts.ca.gov/cms/rules/index.cfm?title=five&amp;linkid=rule5_660</a>
Judicial Council Report: adoption of caseload standard (2007)	<a href="http://www.courts.ca.gov/documents/102607itemF.pdf">http://www.courts.ca.gov/documents/102607itemF.pdf</a>
Report to Legislature: Dependency Counsel Caseload Standards	<a href="http://www.courts.ca.gov/documents/DependencyCounselCaseloadStandards2008.pdf">http://www.courts.ca.gov/documents/DependencyCounselCaseloadStandards2008.pdf</a>
Judicial Council Report: reallocation of dependency counsel funding	<a href="http://www.courts.ca.gov/documents/jc-20150417-itemI.pdf">http://www.courts.ca.gov/documents/jc-20150417-itemI.pdf</a>

## Timeline of Court Appointed Dependency Counsel Funding in California

Year	Action
1961	The juvenile court given the authority to appoint counsel for indigent parents and children in juvenile court cases (Welf. & Inst. Code 634.)
1965	Indigent parents in California afforded statutory right to appointed counsel in trial court proceedings to terminate parental rights (Civil Code 237.5.)
1987	Senate Bill 243 added the requirement in Welf. & Inst. Code 317(b) that counsel be appointed for an indigent parent when the child had been placed in out-of-home care or the agency was recommending out-of-home placement.
1989	Court-appointed dependency counsel becomes a state fiscal responsibility through the Brown-Presley Trial Court Funding Act (SB 612/AB 1197; Stats. 1988, ch. 945) which added section 77003 to the Government Code, defined “court operations” in that section as including court-appointed dependency counsel, and made an appropriation to fund trial court operations.
1989	Section 317 was added by SB 243 (Stats. 1987, ch. 1485, sec. 21). It included (b), the requirement that counsel be appointed for a parent if the child was removed or if the department was recommending removal, and (c), the requirement that the court appoint counsel for the child <u>if it appeared to the court that the child would benefit from the appointment.</u>
1997	Lockyer-Isenberg Trial Court Funding Act (AB 233; Stats. 1997, ch. 850). In the transition to state funding, most trial court systems maintained the existing dependency counsel service delivery models of their respective counties.
2000	SB 2160 amends Welfare and Institutions Code section 317 to require that (1) the court appoint counsel for the child <u>unless the court finds that the child would not benefit from the appointment of counsel</u> ; (2) appointed counsel have caseloads and training that ensure adequate representation of the child; and (3) the Judicial Council promulgate rules establishing caseload standards, training requirements, and guidelines for appointment of counsel for children.
2001	Judicial Council incorporates caseload standards, training requirements and guidelines for appointment of counsel for children into California Rules of Court 5.660; and directs Judicial Council staff to undertake a study to identify caseload standards for attorneys representing both parents and children. (April 17, 2001: Counsel for Children (amend Cal. Rules of Court, rule 1438).
2001	Judicial Council implements fiscal policies that restrict the use of any amount appropriated to fund court-appointed counsel to that purpose and implement reimbursement funding for court-appointed counsel. (August 24, 2001: Court-Appointed Counsel Expenditures)
2002	Judicial Council contracts with the American Humane Association to conduct a quantitative caseload study of court-appointed dependency counsel based on an assessment of the duties required as part of representation and

	the amount of time needed to perform those tasks. Study overseen by Judicial Council Court-Appointed Counsel Caseload Study Working Group.
2004	Judicial Council receives study and acts to implement the DRAFT (Dependency Representation, Administration, Funding and Training) pilot program where Judicial Council provides direct administration of CAC on behalf of the court. Program implementation overseen by Judicial Council DRAFT Pilot Program Implementation Committee (June 15, 2004: Court-Appointed Counsel: Caseload Standards, Service Delivery Models, and Contract Administration).
2004	PEW Commission on Children in Foster Care, a national, bipartisan panel of experts, issues a report with recommendations for improving the nation's foster care system, including strengthening court oversight of juvenile dependency.
2006	Chief Justice appoints the California Blue Ribbon Commission on Children in Foster Care to provide recommendations on how courts and their partners can improve child welfare and fairness outcomes.
2006	Judicial Council reviews DRAFT pilot implementation and directs staff to develop court-appointed counsel caseload, compensation and performance standards. (October 25, 2006: Juvenile Dependency: DRAFT Pilot Program and Court-Appointed Counsel).
2007	Judicial Council adopts court-appointed counsel caseload standard of 188 clients per attorney with .5 investigator complement; and based on the caseload standard adopts caseload funding model which calculates funding requirement for each trial court. Council also expands DRAFT pilot program to 20 courts and requests the Trial Court Budget Working Group to develop an allocation methodology to allocate any Statewide Appropriation Limit (SAL) funding or other new funding to courts by need. (October 26, 2007: DRAFT Pilot Program and Court-Appointed Counsel).
2008	Blue Ribbon Commission releases report and recommendations including the recommendation to reduce judicial officer and attorney caseloads.
2008	Judicial Council Executive and Planning Committee adopts the Trial Court Budget Working Group recommendations to use the council-approved caseload funding model, adopted in 2007, as the methodology to allocate SAL increases.
2008	Judicial Council submits report to the California Legislature on <i>Dependency Counsel Caseload Standards</i> . The report acknowledges the need to reduce attorney caseloads to improve the quality of representation for children and parents, thereby enhancing the likelihood of improved permanency and well-being outcomes for children and families; but also highlights the need for significant additional funding to implement the standards.
2009	Assembly Bill 131 (Stats. 2009, ch. 413) requires the Judicial Council to "establish a program to collect reimbursements from the person liable for the costs of counsel appointed to represent parents or minors" under section



	903.1 in dependency proceedings. The program must include guidelines for assessing the person's ability to pay.
2010	Council adopts Trial Court Budget Working Group recommendation to reduce court-appointed counsel funding to a baseline of \$103.7 million in a two-year phased reduction.
2011	Trial Court Budget Working Group recommends a budget reduction model based on court's percentage of identified funding need, using the attorney caseload-based funding methodology approved in 2007.
2012	Judicial Council approves the Family and Juvenile Law Advisory Committee's recommended <i>Guidelines for the Juvenile Dependency Counsel Collections Program</i> . (October 26, 2012: Juvenile Dependency Counsel: Collections Program).
2013	Council approves allocation of dependency counsel collections to courts with caseload funding needs, based on the caseload funding model. (August 23, 2013): Report to the Judicial Council.
2014	Chief Justice funding blueprint for trial courts includes \$33.1 million in CAC funding.
2015	Judicial Council approves recommendations of the Trial Court Budget Advisory Committee to reallocate funding for court-appointed counsel among the trial courts based on the caseload funding model. Recommendations include a joint subcommittee of the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee to review and recommend revisions to the caseload funding model by April, 2016. (April 17, 2015: Juvenile Dependency: Court-Appointed Counsel Funding Reallocation).

## Dependency Attorney Practice Guidelines and Other Resources

ABA model act	<a href="http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/empowerment/model_act_final.authcheckdam.pdf">http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/empowerment/model_act_final.authcheckdam.pdf</a>
ABA Standards for child attorneys	<a href="http://www.americanbar.org/content/dam/aba/migrated/family/reports/standards_abuseneglect.authcheckdam.pdf">http://www.americanbar.org/content/dam/aba/migrated/family/reports/standards_abuseneglect.authcheckdam.pdf</a>
ABA A lawyer for every child	<a href="http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/empowerment/white_paper_exec_summary_final.authcheckdam.pdf">http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/empowerment/white_paper_exec_summary_final.authcheckdam.pdf</a>
ABA Indicators of success for parent representation	<a href="http://www.americanbar.org/content/dam/aba/administrative/child_law/ParentRep/Indicators-of-Success.authcheckdam.pdf">http://www.americanbar.org/content/dam/aba/administrative/child_law/ParentRep/Indicators-of-Success.authcheckdam.pdf</a>
ABA Standards for parent attorneys	<a href="http://www.americanbar.org/content/dam/aba/administrative/child_law/ParentStds.authcheckdam.pdf">http://www.americanbar.org/content/dam/aba/administrative/child_law/ParentStds.authcheckdam.pdf</a>
NACC Standards for child attorneys	<a href="http://c.ymcdn.com/sites/www.naccchildlaw.org/resource/resmgr/Standards/NACC_Standards_and_Recommend.pdf">http://c.ymcdn.com/sites/www.naccchildlaw.org/resource/resmgr/Standards/NACC_Standards_and_Recommend.pdf</a>
U Mich Quality Improvement Center Child Representation standards	<a href="http://www.improvechildrep.org/DemonstrationProjects/QICChildRepBestPracticeModel.aspx">http://www.improvechildrep.org/DemonstrationProjects/QICChildRepBestPracticeModel.aspx</a>
MS Study of parents representation	<a href="http://www.ncjfcj.org/sites/default/files/MS%20Parent%20Representation%20Follow-up%20Report%20(1).pdf">http://www.ncjfcj.org/sites/default/files/MS%20Parent%20Representation%20Follow-up%20Report%20(1).pdf</a>

# Dependency Counsel Caseload Standards

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A REPORT TO THE CALIFORNIA  
LEGISLATURE

APRIL 2008



JUDICIAL COUNCIL  
OF CALIFORNIA

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# DEPENDENCY COUNSEL CASELOAD STANDARDS

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## Executive Summary

Senate Bill 2160 (Stats. 2000, ch. 450) amended section 317 of the Welfare Institutions Code to require that (1) counsel be appointed for children in almost all dependency cases; (2) appointed counsel have caseloads and training that ensure adequate representation; and (3) the Judicial Council promulgate rules establishing caseload standards, training requirements, and guidelines for appointment of counsel for children. In 2001, the Judicial Council took action to implement SB 2160. In addition to adopting a rule that mandated the appointment of counsel for children subject to dependency proceedings in all but the rarest of circumstances, the council directed staff to undertake a study to identify caseload standards for attorneys representing both parents and children.

Pursuant to the legislative mandate, a comprehensive Caseload Study of court-appointed dependency counsel was conducted in 2002. A key premise underlying the Caseload Study was that dependency counsel are motivated to provide quality legal services but may be constrained in so doing by workload levels. The Caseload Study attempted to quantify quality representation and resulted in a recommendation that a maximum caseload of 141 clients per full-time dependency attorney be the base-level standard of performance; a maximum caseload of 77 clients was identified as necessary for an optimal, or best practice, standard of performance.<sup>1</sup> The Caseload Study results compared to a statewide average, at the onset of the caseload study, of 273 clients per attorney.

Due to concerns about the fiscal viability of either the basic or optimal caseload standard, as well as a desire to ensure that attorneys were sufficiently trained and supported, such that reduced caseloads would actually result in improved practice, the Judicial Council did not adopt the recommended maximum caseload standard in 2002, but instead directed Administrative Office of the Courts' staff to pilot implementation as part of the Dependency Representation, Administration, Funding, and Training (DRAFT) program. The DRAFT program, initiated in July 2004, was established by the Judicial Council as a response to a number of co-occurring challenges, including inconsistent quality of attorney representation, escalating costs, and difficulty in securing sufficient numbers of attorneys to provide legal services to parents and children in the dependency system. DRAFT centralizes the administration of court-appointed counsel services within the Administrative Office of the Courts, for courts that voluntarily participate in the program. Centralized administration has enabled systematic caseload reduction and compensation standard implementation, as well as the provision of coordinated training and technical assistance efforts designed to improve the legal services provided to dependent children and their parents.

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<sup>1</sup> It should be noted that national standards, promulgated by the American Bar Association and the National Association of Counsel for Children, recommend caseload maximums of 100 clients per full-time practitioner. This recommendation was followed by the U.S. District Court, Northern District of Georgia in *Kenny A. ex. Rel. Winn v. Perdue*, 218 F.R.D. 277 (N.D. Ga. 2005) in a decision that mandated a 100-client caseload maximum for dependency attorneys in Georgia.

Under the auspices of the DRAFT program, the basic caseload standard was modified to reflect the impact of nonattorney staffing (namely investigators and social workers) on requisite attorney time.<sup>2</sup> These modifications were necessary in order to account for the important work of investigators and social workers, whose services enhance the advocacy of court-appointed counsel and also serve to reduce the amount of attorney time needed on discrete aspects of any given case. The modified caseload standard is 188 clients per attorney (versus 141), with a 0.5 FTE investigator/social worker complement for each full-time attorney position. It is important to emphasize the underlying meaning of the caseload figure – the figure reflects the maximum number of cases that a full-time attorney may carry based upon assumptions regarding the type, frequency, and duration of tasks to be performed in the course of representation. The Judicial Council adopted the revised caseload standard in October 2007.

Although a caseload standard has been formally adopted, there is widespread recognition that there is not currently sufficient funding available to implement that standard; the estimated cost of implementation totals \$57.14 million, a 58 percent increase over the current state appropriation for court-appointed counsel services.

Although the initial investment would be significant, there is evidence that statewide implementation of the caseload standard would reduce annual program growth after initial implementation costs were realized. With respect to DRAFT implementation, average annual provider increases subsequent to the initial contract year have been *less* than the State Appropriations Limit (SAL); further, annual contract increases in DRAFT courts average less than half the rate realized in non-DRAFT courts.<sup>3</sup>

Further, investment in attorney representation has initially proven to be a cost effective way of improving permanency and well-being outcomes for children and families in the dependency system. As highlighted by a recent *San Jose Mercury News* series, current funding levels result in underpaid and overworked lawyers who often cannot effectively and appropriately advocate for their parent and child clients. Viewed in that light, the recommended caseload standard and related implementation costs are more than reasonable, and in fact reflect the minimum funding level needed to provide adequate legal services. The caseload standard adopted by the Judicial Council is significantly higher than the caseload standards promulgated by the American Bar Association and numerous other legal advocacy organizations. While not optimal, the California judicial branch caseload standard reflects a pragmatic fiscal realism regarding the court-appointed counsel program. At the same time, the caseload standard has been thoughtfully conceived so as to ensure improved outcomes.

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<sup>2</sup> The basic, as opposed to optimal, caseload standard was piloted as part of DRAFT implementation; although this figure is significantly higher than national standards, fiscal realities dictated utilization of the basic standard.

<sup>3</sup> SAL increases have averaged between four and five percent. The average annual contract increase in DRAFT courts is three percent; in non-DRAFT courts, eight percent.

The link between caseload reduction, compensation standardization, and quantifiable, measurable outcome improvements for children and families has been initially established through evaluation of the DRAFT program. DRAFT attorneys convened in June 2006 to review the federal outcome measures being used to evaluate state child welfare systems and were asked to identify those measures most directly affected by attorney performance; specifically, attorneys were asked to identify those outcomes most likely to be affected given reasonable caseloads. The following outcome measures were selected by participating attorneys:

- Time to reunification<sup>4</sup>
- Reentry<sup>5</sup>
- Time to guardianship<sup>6</sup>
- Placement with kin
- Placement with some or all siblings

The analysis of the effect of the DRAFT program on the selected outcome measures was based on a comparison of DRAFT and non-DRAFT courts. At the onset of the program, the DRAFT courts significantly underperformed non-DRAFT courts in all selected measures other than sibling placement. At the conclusion of DRAFT’s initial three-year pilot period, DRAFT courts outperformed non-DRAFT courts on several measures, including kin placement and reunification rates. Most importantly, DRAFT courts improved during the pilot period on all measures, other than sibling placement, at rates exceeding their non-DRAFT counterparts:

**Reunification**

	October 2003 – September 2004	July 2005 – June 2006
DRAFT Counties	34.7%	37.1%
	Change	2.4%
Non-DRAFT Counties	40.9%	42.9%
	Change	2.0%

**Reentry**

	October 2002 – September 2003	January 2005 – December 2005
DRAFT Counties	12.1%	11.2%
	Change	-0.9%
Non-DRAFT Counties	12.0%	12.8%
	Change	0.8%

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<sup>4</sup> Of children who entered foster care during a specified 12-month period, the percent that were reunified within 12 months of entry into care.

<sup>5</sup> Of children who entered foster care during the specified 12-month period and were reunified within 12 months of entry, the percent that reentered care within 12 months of reunification.

<sup>6</sup> Of children who entered foster care during a specified 12-month period, the percent who exited to guardianship within 24 months of entry into care.

**Guardianship**

	October 2002 – September 2003	January 2004 – December 2004
DRAFT Counties	2.3%	2.5%
	Change	0.2%
Non-DRAFT Counties	4.3%	3.7%
	Change	-0.6%

**Placement with Kin**

	July 2005	July 2007
DRAFT Counties	39.8%	42.2%
	Change	2.4%
Non-DRAFT Counties	36.6%	37.0%
	Change	0.4%

These outcome improvements, though modest, represent potentially significant aggregate cost savings with respect to out-of-home placement costs; importantly, these improvements were realized even absent full implementation of the recommended caseload standard – the average caseload in DRAFT courts is 191, and the full investigator complement has not been achieved. It remains to be seen at what level systemic outcome improvements might be realized should the resources needed to fully fund the caseload standard be provided.

**Conclusion**

The Judicial Council has made a tremendous effort in recent years to address the related problems of overworked, underpaid court-appointed counsel and inconsistent, and in some instances poor-quality, representation. The Judicial Council’s efforts have occurred even in light of considerable fiscal constraints; those constraints have necessarily called for a measured and thoughtful approach. Initial work in this regard centered on the establishment of caseload standards; initial caseload standards developed pursuant to legislation were subsequently modified as part of the Judicial Council’s DRAFT program. Attorney compensation standards were also developed under the auspices of the DRAFT program; implementation of both the caseload and compensation standards would require a resource infusion of approximately \$57 million. While this level of funding is significant, initial evaluation results suggest a correlation between caseload reduction and improved permanency and well-being outcomes for dependent children and their families. Thus it is expected that implementation of caseload standards that reduce caseloads will improve the quality of representation and result in the saving of costs related to out-of-home placements. This relationship will be explored by the Judicial Council in subsequent work involving expansion of the DRAFT program to include additional court systems in the budget year.

## INTRODUCTION

This report is in response to the following requirement:

On or before January 1, 2008, the Judicial Council shall report to the Legislature the following information regarding caseload standards established pursuant to Section 317 of the Welfare and Institutions Code: (a) Steps taken and progress made toward developing caseload standards; (b) The efforts made and the efficacy of putting caseload standards in place for counsel representing dependent children; (c) any resources, support, or recommendations that might help propel these efforts and ensure implementation statewide of reasonable caseloads for dependency attorneys.<sup>7</sup>

This report outlines the Judicial Council's efforts to develop and implement caseload standards and to identify the resources needed to ensure reasonable caseloads for dependency attorneys statewide.

## CASELOAD STUDY AND DEPENDENCY COUNSEL CASELOAD STANDARDS

Senate Bill 2160 (Stats. 2000, ch. 450) amended section 317 of the Welfare and Institutions Code to require that (1) counsel be appointed for children in almost all dependency cases; (2) appointed counsel have caseloads and training that ensure adequate representation; and (3) the Judicial Council promulgate rules establishing caseload standards, training requirements, and guidelines for appointment of counsel for children. In 2001, the Judicial Council took action to implement SB 2160. In addition to adopting a rule that mandated the appointment of counsel for children subject to dependency proceedings in all but the rarest of circumstances, the council directed staff to undertake a study to identify caseload standards for attorneys representing both parents and children, including an analysis of multiple service delivery models for dependency counsel.

In 2002, the AOC contracted with the American Humane Association to conduct a quantitative caseload study (Caseload Study) of trial-level court-appointed dependency counsel based on an assessment of the duties required as part of representation and the amount of time needed to perform those duties.

The Caseload Study was designed to identify maximum per-attorney caseloads for court-appointed dependency counsel based upon quantifiable standards of practice.<sup>8</sup> Caseload Study results indicated an *optimal practice standard* maximum caseload of 77 cases or clients per full-time dependency attorney and a *basic practice standard* caseload of 141 clients per full-time dependency attorney; these recommended standards compared to a statewide average number, at the onset of the Caseload Study, of 273 clients per attorney. For purposes of the

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<sup>7</sup> This language was proposed as part of AB 2480 (Evans) as it was amended on May 26, 2006. Subsequent amendments removed this language from the bill before it was chaptered, but the Judicial Council agreed to provide a report to the Legislature on a voluntary basis that would be consistent with this language.

<sup>8</sup> Unless otherwise noted, all references to court-appointed counsel refer to trial counsel; the Caseload Study did not address appellate counsel practice or caseload standards.

Caseload Study results, one client is equivalent to one case; each sibling of a sibling group is counted as an individual case.<sup>9</sup>

A detailed description of the Caseload Study is provided as Appendix 1.

#### DRAFT Pilot Program: Caseload Standard Adjustment and Compensation Model Development

Because of the obvious fiscal implications of caseload reduction as significant as that implicated by the Caseload Study results, and given the fact that the impact of nonattorney support staffing on attorney case-carrying capacity was not addressed by the Caseload Study, the Judicial Council did not immediately adopt a caseload standard pursuant to the Caseload Study results, but instead directed staff to pilot the basic-practice standard, or caseload reduction, as part of the Dependency Representation, Administration, Funding, and Training (DRAFT) pilot program.<sup>10</sup>

The goal of the DRAFT pilot program, originally implemented for a three-year period beginning July 1, 2004 and recently made permanent by the Judicial Council, is to improve the quality of attorney representation for parents and children in dependency cases in as cost effective a manner as possible. DRAFT comprises a partnership between the Administrative Office of the Courts (AOC) and participating courts, wherein court-appointed counsel are jointly selected by the courts and the AOC, with the AOC entering into direct contractual relationships with selected attorney providers. One of the initial challenges faced by the Implementation Committee charged with overseeing DRAFT was to develop an adjusted caseload standard reflecting the impact of nonattorney staffing, specifically social workers and investigators (both groups hereinafter referred to, collectively, as investigators), on attorney case-carrying capacity.

#### **Caseload Standard Adjustment**

The caseload standard adjustment process initially involved identifying those attorney tasks most commonly performed by investigators and determining the attorney time-savings associated with investigator activity.

In August 2005, a survey, designed to solicit information about the use of investigators, was sent to organizational juvenile dependency providers (e.g. for-profit law firms, nonprofit organizations, and government agencies) throughout the state. Responses were received from 21 of the 48 organizations to which the survey was sent. Among the questions asked of organizations was whether they employed investigators and, if so, what tasks those investigators performed that would, absent such staff, be performed by attorneys.

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<sup>9</sup> Comments were solicited regarding the determination that one child was equivalent to one case (and thus that sibling groups would be treated as individual cases). Feedback supported the notion that, while sibling groups generally require less attorney time than an equal number of unrelated cases, the numerous confounding variables affecting the workload associated with sibling representation suggest a one-to-one correlation.

<sup>10</sup> Staff recommended piloting of the basic, as opposed to the optimal, caseload standard because of concerns about the fiscal viability of optimal standard implementation. It should be noted that national standards, promulgated by the American Bar Association and the National Association of Counsel for Children, recommend caseload maximums of 100 clients per full-time practitioner. This recommendation was followed by the U.S. District Court, Northern District of Georgia in *Kenny A. ex. Rel. Winn v. Perdue*, 218 F.R.D. 277 (N.D. Ga. 2005) in a decision that mandated a 100-client caseload maximum for dependency attorneys in Georgia.

Organizational provider survey results were used to modify the recommended caseload standard as follows:

**A. Identification of Support Staff Tasks**

First, attorney tasks from the Caseload Study were identified as “Support Staff Tasks” if at least three organizations indicated that investigators performed that task. Following is a list of tasks, as classified in the Caseload Study (see Appendix 1) that meet that criterion:

- Notes to file
- Communicate with client in person
- Communicate with client
- Communicate with child welfare worker
- Communicate with others
- Investigation
- Other case management activity

**B. Modification of Caseload Standard Based on Support Staff Tasks**

Second, the time attributed to Support Staff Tasks in the caseload standard model was adjusted to reflect the contribution of support staff to the completion of those specified tasks. The following illustrative scenarios are based on the sample task outlined in Table 10, Communicate With Client in Person, at the Case Phase Beginning Through Detention Hearing:

<b>Table 10: Sample Task From Caseload Study</b>	
<b>Case Phase</b>	Beginning Through Detention Hearing
<b>Task</b>	Communicate With Client in Person
<b>Task Duration</b>	38 minutes
<b>Task Frequency</b>	83 percent (or the task should occur under the Caseload Standard model in 83 percent of cases)
<b>Weighted Task Duration</b>	32 minutes (38 minutes multiplied by 83 percent)

*Scenario 1: 25 Percent Support Staff Completion*

If it is assumed that investigators complete the task “Communicate With Client in Person” 25 percent of the time, then it is assumed that the attorney completes the task 75 percent of the time. The amount of attorney time required for this task is then multiplied by 75 percent; the frequency of the task remains constant. Therefore, the weighted attorney time for the task “Communicate With Client in Person” when investigators complete the task 25 percent of the time, is 24 (38 minutes x 0.75 x 0.83), as opposed to 32, minutes.

*Scenario 2: 50 Percent Support Staff Completion*

If it is assumed that investigators complete the task “Communicate With Client in Person” 50 percent of the time, then it is assumed that the attorney completes the task 50 percent of the time. The amount of attorney time required for this task is multiplied by 50 percent; the frequency of the task remains constant. Therefore, the weighted time for the task “Communicate With Client in Person” when investigators complete the task 50 percent of the time is 16 (38 minutes x 0.50 x 0.83), as opposed to 32, minutes.



*Scenario 3: 100 Percent Support Staff Completion*

If it is assumed that investigator staff completes the task “Communicate With Client in Person” 100 percent of the time, then the amount of attorney time required for the task would be 0 minutes.

The scenarios depicted above were developed for each Support Staff Task, and for each case phase, in order to derive a composite adjusted caseload standard reflecting the impact of support staff utilization.

Using this methodology, four adjusted caseload standards were derived, each one reflecting different levels of Support Staff Task time that could be attributed to investigators versus attorneys, as follows:

<b>Table 11: Caseload Levels With Investigator Support</b>	
<b>Time Attributed to Investigators</b>	<b>Caseload per FTE Attorney<sup>11</sup></b>
0% (Basic Practice Caseload Standard)	141
25%	161
50%	188
75%	228
100%	299

Organizations providing dependency representation throughout the state were surveyed to determine the ratio of investigator staffing necessary to achieve the percentages of investigator contribution outlined above. That is, they were asked how many investigators per full-time attorney would be required to complete the Support Staff Tasks at the identified rate. Table 12 on the following page summarizes organizational provider responses.

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<sup>11</sup> The impact of Support Staff Tasks on the caseload standard is nonlinear due to the complexity of the underlying data.

<b>Table 12: Investigator Staffing Ratios</b>		
<b>Investigator Rate<sup>12</sup></b>	<b>Investigator Staffing Required<sup>13</sup></b>	<b>Maximum Caseload<sup>14</sup></b>
0%	0	141
25%	0.5	161
50%	0.75	188
75%	1.0	228
100%	1.5	299

Subsequent to the development of the adjusted caseload standard, staff analyzed workload data submitted by attorneys and investigators under DRAFT contracts.<sup>15</sup> That data analysis resulted in staff modification of the model; specifically, staff found that a 0.5 investigator position more appropriately correlates with an attorney caseload of between 188 and 200 clients. The revised caseload standard reflects staff's findings and is highlighted in gray in the table on the next page. The caseload increase associated with the addition of investigator staffing essentially means that a 0.5 FTE investigator increases an attorney's case-carrying capacity by 33 percent. Because of the cost differential between attorney and investigator salaries, the use of investigator staffing to reduce the number of attorneys needed in any given jurisdiction is fiscally prudent. Further, the use of investigators represents an important enhancement to the services that appointed counsel can provide; investigators often have specialized education and experience in the areas of client communication and service needs assessments that supplement the more traditional legal work of court-appointed counsel.

The revised caseload standard was adopted by the Judicial Council in October 2007.

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<sup>12</sup> Percentage of time that investigators perform Support Staff Tasks in lieu of attorneys.

<sup>13</sup> Amount of full-time equivalent (FTE) investigator staffing per FTE attorney necessary to complete the Support Staff Task at the identified rate.

<sup>14</sup> Adjusted caseload per FTE attorney at identified support rate.

<sup>15</sup> DRAFT attorneys are required to submit detailed workload data on a quarterly basis. The workload data provides information about individual case activity and hearing outcomes.

<b>Table 13: Impact of Investigator Staffing on Attorney Caseloads</b>	
<b>Investigator/Attorney Ratio (Investigator Full-Time Equivalent [FTE])</b>	<b>Maximum Attorney Caseload<sup>16</sup></b>
0	141
0.5	161
0.75	188
1.0	228
1.5	299

### **Compensation Standard Development**

The DRAFT Implementation Committee was also charged with developing attorney compensation standards. Compensation standards are a critical component of the effort to improve the quality of appointed counsel representation that served as the impetus for the Caseload Study. The development of compensation standards enables us to answer the question of what constitutes appropriate and reasonable compensation for court-appointed counsel, as well as to identify the cost of caseload standard implementation.

At the onset of its work in this area, the Implementation Committee made a policy decision regarding the development of regional versus statewide appointed-counsel rates. Staff used a combination of data sources to develop proposals for regional rates. These sources included (1) the Watson-Wyatt study of court employees conducted as a precursor to the transition of court staff from county to court employees; (2) county counsel salary information; (3) census data on median home value; and (4) census data on median income. Staff began its regional rate analysis with the four regions identified by the Watson-Wyatt study; court affiliation with any particular region was then adjusted as census and county counsel salary data were taken into account. Specifically, staff averaged each court's ranking among the data sources (Watson-Wyatt, county counsel salary, and census data) and rounded up to generate court regional rankings.

The regional ranking of court systems statewide is provided in Appendix 2.

Subsequent to determining court regional rankings, staff addressed the issue of developing compensation levels for each region. Implementation Committee members made another important policy decision at this juncture, determining that court-appointed counsel salaries (not including benefits) should be pegged to those of county counsel. This decision reflects equity and recognition principles underlying the DRAFT pilot program's goal of improving the quality of court-appointed counsel practice.

County counsel salary data for entry-, mid- and high-level positions were analyzed to create regional court-appointed counsel rates; tiers have been developed to reflect these three salary

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<sup>16</sup> Adjusted caseload per FTE attorney at identified support rate.

levels. Hourly rates, reflecting the hourly equivalent of regional salary levels, were also developed<sup>17</sup>:

<b>Table 14: Regional Rates</b>			
<b>Region</b>	<b>Tier</b>	<b>Annual Salary</b>	<b>Hourly Rate</b>
<b>Region 1</b>	1	\$49,049	\$59
	2	\$67,143	\$65
	3	\$85,237	\$70
<b>Region 2</b>	1	\$59,047	\$70
	2	\$79,539	\$75
	3	\$100,031	\$81
<b>Region 3</b>	1	\$60,451	\$81
	2	\$95,892	\$86
	3	\$131,333	\$92
<b>Region 4</b>	1	\$74,658	\$92
	2	\$114,800	\$97
	3	\$154,942	\$102

Attorney salaries and benefits are only one portion of an overall court-appointed counsel compensation model. The other primary components are supervisory and secretarial staffing ratios and overhead (indirect) rates. For these components of the compensation model, data was analyzed according to provider type; provider types are administered panel, firm (nonprofit or private), government agency, and solo practitioner. These provider types derive from a fiscal analysis of the cost structure of DRAFT providers and reflect the most important distinctions between organizational structures as related to cost; data regarding supervisory and support staffing ratios and organizational overhead costs is provided in the tables on the following page.

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<sup>17</sup> The hourly rates reflect an equivalent of salary plus the costs of benefits and other overhead.

<b>Table 15: Supervisory and Support Staffing Ratios</b>		
	<b>Supervising Attorneys to Line Attorneys</b>	<b>Secretarial Staff to Line Attorneys</b>
<b>Administered Panel</b>	0.01	0.5
<b>Firm (Nonprofit or Private)</b>	0.2	0.4
<b>Government Agency</b>	0.1	0.3
<b>Solo Practitioner</b>	0	0.2
<b>Recommended Levels (Averages)</b>	0.15	0.35

<b>Table 16: Overhead by Provider Type<sup>18</sup></b>				
	<b>Average by Provider Type</b>		<b>Recommended Ratio (Average)</b>	
	Direct	Indirect	Direct	Indirect
<b>Administered Panel</b>	79%	21%	76%	24%
<b>Firm</b>	72%	28%		
<b>Government Agency</b>	75%	25%		
<b>Nonprofit</b>	67%	34%		
<b>Solo Practitioner</b>	82%	18%		

For both supervising attorney and secretarial staffing ratios, and direct/indirect cost apportionment, the Implementation Committee determined that average rates should be reflected in the finalized compensation model.<sup>19</sup>

An illustration of the fully implemented compensation model is provided in Table 17, on the following page.

<sup>18</sup> For the purpose of the compensation model, overhead costs include supervising attorneys, support staff, and all operating and facility costs. Direct costs include case-carrying attorneys (staff or contract), investigators (staff or contract), bar dues, attorney training costs, interpreters, travel costs associated with client visitation, and experts.

<sup>19</sup> With respect to both ratios, the recommended staffing levels reflect the average of the government agency and firm ratios; neither administered panel or solo practitioner representation models reflect comparable utilization of either supervising attorneys or support staff. Thus, the figures related to these provider types were not included in the analysis.

<b>Table 17: Applied Compensation Model</b>			
<b>Region: 3</b>			
<b>Number of Clients: 800</b>			
<b>Required Staffing</b>	<b>Number of Positions (FTEs)</b>	<b>Annual Salary per FTE</b>	<b>Total Annual Cost</b>
Attorneys	4.3	\$95,892	\$408,051
Supervising Attorneys	0.6	\$131,333	\$83,830
Social Workers/Investigators	2.1	\$55,000	\$117,021
Support	1.5	\$30,000	\$44,681
<b>Net Salaries</b>			\$653,583
<b>Benefits @ 25%</b> <sup>20</sup>			\$163,396
<b>Total Core Staff Costs</b>			\$816,978
<b>Overhead Costs</b> <sup>21</sup>			\$57,826
<b>Grand Total</b>			\$874,804
<b>Cost per Client</b>			\$1,094

#### Statewide Implementation: Compensation Model

The cost of statewide implementation would total approximately \$57.14 million, a 58 percent increase above the current statewide funding level, as detailed in Appendix 3.

Although the initial investment would be significant, there is evidence that statewide implementation of the court-appointed counsel compensation model would reduce annual program growth after initial implementation costs were realized. With respect to DRAFT implementation, average annual provider increases subsequent to the initial contract year have been *less* than the State Appropriations Limit, as outlined in Table 18.

<sup>20</sup> A standardized benefit rate of 25 percent is used for all DRAFT contracts.

<sup>21</sup> This figure does not include supervising attorney or support staff salaries and benefits, which are overhead costs but are separated out in the table for illustrative purposes.

<b>Table 18: Cost Stabilization Over Time</b>			
	<b>Average Funding Level per Child</b>	<b>Range in Funding Level per Child</b>	<b>Average Annual Cost Increases</b>
Non-DRAFT Counties	\$1,182	\$200–\$4,500	8%
DRAFT Counties	\$2,189	\$1,200–\$3,500	3% <sup>22</sup>

This table reflects the average funding level for compensation standard implementation on a per child basis, for both DRAFT and non-DRAFT courts; while the unit cost associated with compensation model implementation is significantly higher, annual contract increases average less than half the rate realized in non-DRAFT courts.

### Why Are Standards Important?

In assessing the viability of a resource infusion this significant, particularly during difficult budget times, it is critical to assess the anticipated outcome, or result of standards implementation—an answer to the question, what can we expect to gain? An analysis of the initial results of the DRAFT pilot program suggests that caseload reduction and compensation enhancement lead to measurable improvements for children and families in the dependency system. Specifically, DRAFT evaluation results suggest that an infusion of resources in appointed counsel services results in improved permanency and well-being outcomes for dependent children and their families.

The evaluation of the DRAFT pilot program comprises both qualitative and quantitative components, as described below.

#### *Qualitative Evaluation*

The Spangenberg Group, a Boston, Massachusetts, consulting firm specializing in improving the quality of legal services provided to indigent clients, conducted pre- and post-DRAFT implementation surveys, interviews, and focus groups in which judicial officers and attorneys in each DRAFT-participating court were asked to identify their concerns about attorney representation in their respective jurisdictions. The Spangenberg Group’s findings are summarized in Table 19, on the following page.

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<sup>22</sup> SAL increases have averaged between four and five percent.

<b>Table 19: Qualitative Evaluation Findings</b>			
<b>Pre-DRAFT Court Opinions</b>	<b>Post-DRAFT Court Opinions</b>	<b>Pre-DRAFT Attorney Opinions</b>	<b>Post-DRAFT Attorney Opinions</b>
<p><i>Challenges</i></p> <ul style="list-style-type: none"> <li>• Inadequate funding</li> <li>• Lack of attorney preparation</li> <li>• Inconsistent attorney availability</li> <li>• Insufficient child client visitation</li> <li>• Insufficient identification of WIC §317(e) issues</li> <li>• Frequent continuances</li> <li>• High attorney turnover</li> <li>• Insufficiently trained attorneys</li> </ul>	<p><i>Improvements</i></p> <ul style="list-style-type: none"> <li>• Resolution of funding issues</li> <li>• Increased attorney preparedness and knowledge of the law</li> <li>• Reduced continuances</li> <li>• Decreased turnover</li> <li>• Increase in dedicated children’s attorneys</li> <li>• Increased client contact</li> <li>• Improved attorney communication</li> <li>• Reduced caseloads</li> </ul>	<p><i>Challenges</i></p> <ul style="list-style-type: none"> <li>• High caseloads</li> <li>• Disparity in pay between court-appointed and county counsel</li> <li>• Lack of dedicated dependency assignments</li> <li>• Inadequate time to meet with clients</li> <li>• Lack of available training</li> </ul>	<p><i>Improvements</i></p> <ul style="list-style-type: none"> <li>• Increased ability to visit child clients in placement settings</li> <li>• Increased client contact</li> <li>• Increased availability of high-quality training</li> </ul>

Qualitative interview and focus group data suggest that DRAFT has resulted in several important improvements from participating courts’ perspectives, and universally perceived improvement in the area of client contact, including increased frequency of in-placement child client visitation.

This qualitative finding regarding client contact is supported by an analysis of DRAFT workload data. An analysis of that data reflects significant increases in the amount of time spent by DRAFT attorneys on specific activities, including client communication (in-person and other), investigation, legal research, and trial preparation. The baseline measure for task time is the Caseload Study workload data; Table 20 on the following page, illustrates the impact of DRAFT on client communication.



<b>Table 20: Impact of Reduced Caseloads on Attorney Case Time</b>		
<b>Activity</b>	<b>Average Time per Hearing:<sup>23</sup> Caseload Study</b>	<b>Average Time per Hearing: DRAFT</b>
In-Person Client Communication	28 minutes	75 minutes
Other Client Communication	23 minutes	37 minutes

*Quantitative Evaluation*

A central premise of the DRAFT pilot program has been that caseload reduction and compensation standardization will result in quantifiable, measurable outcome improvements for children and families in participating dependency courts. DRAFT attorneys convened in June 2006 to review the federal outcome measures being used to evaluate state child welfare systems and were specifically asked to identify those measures most directly affected by attorney performance. The following outcome measures were selected by DRAFT providers for evaluation purposes:

- Time to reunification<sup>24</sup>
- Reentry<sup>25</sup>
- Time to guardianship<sup>26</sup>
- Placement with kin
- Placement with some or all siblings

The analysis of the outcome’s effect on the DRAFT program centered on a before and after comparison of the selected outcome measures in DRAFT court systems with those in to non-DRAFT court systems, both before and after the implementation of the DRAFT program. At the onset of the program, the DRAFT courts<sup>27</sup> significantly underperformed non-DRAFT courts in all selected measures other than sibling placement. At the conclusion of DRAFT’s initial three-year pilot period, DRAFT courts outperformed non-DRAFT courts on several measures, including kin placement and reunification rates. Most importantly, DRAFT courts improved during the pilot period on all measures, other than sibling placement, at rates exceeding their non-DRAFT counterparts.

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<sup>23</sup> Time spent per statutory hearing; this includes time associated with hearing preparation, the hearing itself, immediate post-hearing activity, and travel time to visit child clients in their placement settings.

<sup>24</sup> Of children who entered foster care during a specified 12-month period, the percent that were reunified within 12 months of entry into care.

<sup>25</sup> Of children who entered foster care during the specified 12-month period and were reunified within 12 months of entry, the percent that reentered care within 12 months of reunification.

<sup>26</sup> Of children who entered foster care during a specified 12-month period, the percent who exited to guardianship within 24 months of entry into care.

<sup>27</sup> Los Angeles is not included in the quantitative evaluation as DRAFT contracts were not finalized in Los Angeles until January 1, 2007.

**Reunification**

	October 2003 – September 2004	July 2005 – June 2006
DRAFT Counties	34.7%	37.1%
	Change	2.4%
Non-DRAFT Counties	40.9%	42.9%
	Change	2.0%

**Reentry**

	October 2002 – September 2003	January 2005 – December 2005
DRAFT Counties	12.1%	11.2%
	Change	-0.9%
Non-DRAFT Counties	12.0%	12.8%
	Change	0.8%

**Guardianship**

	October 2002 – September 2003	January 2004 – December 2004
DRAFT Counties	2.3%	2.5%
	Change	0.2%
Non-DRAFT Counties	4.3%	3.7%
	Change	-0.6%

**Placement with Kin**

	July 2005	July 2007
DRAFT Counties	39.8%	42.2%
	Change	2.4%
Non-DRAFT Counties	36.6%	37.0%
	Change	0.4%

Because the outcomes analysis is based on complex data, and given variances in the timing of DRAFT contract implementation, the full impact of DRAFT on system outcomes will not be realized for another 12–24 months; the preliminary outcomes findings present a compelling argument for sustaining and expanding DRAFT. In reality, caseload reduction, compensation standardization, and enhanced training and technical assistance are simply important inputs. The evaluation of DRAFT suggests that these inputs are having a quantifiable, positive impact on system outcomes — outcomes for children and families under the jurisdiction of our juvenile courts.

**Conclusion**

The Judicial Council has made a tremendous effort in recent years to address the related problems of overworked, underpaid court-appointed counsel, and inconsistent, and in some instances poor-quality, representation. The Judicial Council’s efforts have occurred

even in light of considerable fiscal constraints; those constraints have necessarily called for a measured and thoughtful approach. Initial work in this regard centered on the establishment of caseload standards; initial caseload standards developed pursuant to legislation were subsequently modified as part of the Judicial Council's DRAFT program. Attorney compensation standards were also developed under the auspices of the DRAFT program; implementation of both the caseload and compensation standards would require a resource infusion of approximately \$57 million. While this level of funding is significant, initial evaluation results suggest a correlation between caseload reduction and improved permanency and well-being outcomes for dependent children and their families. Thus it is expected that implementation of caseload standards that reduce caseloads will improve the quality of representation and result in savings in costs related to out-of-home placements. This relationship will be explored by the Judicial Council in subsequent work involving the expansion of the DRAFT program to include additional court systems in the budget year.

### DEPENDENCY COUNSEL CASELOAD STUDY

Senate Bill 2160 (Stats. 2000, ch. 450) amended section 317 of the Welfare and to require that (1) counsel be appointed for children in almost all dependency cases; (2) appointed counsel have caseloads and training that ensure adequate representation; and (3) the Judicial Council promulgate rules establishing caseload standards, training requirements, and guidelines for appointment of counsel for children. In 2001, the Judicial Council took action to implement SB 2160. In addition to adopting a rule that mandated the appointment of counsel for children subject to dependency proceedings in all but the rarest of circumstances, the council directed staff to undertake a study to identify caseload standards for attorneys representing both parents and children, including an analysis of multiple service delivery models for dependency counsel.

In 2002, the AOC contracted with the American Humane Association to conduct a quantitative caseload study (Caseload Study) of trial-level court-appointed dependency counsel based on an assessment of the duties required as part of representation and the amount of time needed to perform those duties.

The Caseload Study was designed to identify maximum per-attorney caseloads for court-appointed dependency counsel based upon quantifiable standards of practice.<sup>1</sup> A Caseload Study Working Group was established to facilitate the initial development of the Caseload Study design and to advise both the AOC and the lead contractor selected for the project, the American Humane Association,<sup>2</sup> as to the nature of dependency counsel work and the interpretation of data collected during the course of the Caseload Study.

Through consultation with the Caseload Study Working Group it became apparent that the scope of the Caseload Study would have to be expanded to include certain types of attorney support staffing, given that these staff are not uniformly available and that their availability affects attorney workload.

Specified support staff was therefore included in the Caseload Study in order to measure the case services support staff provide and to determine what, if any, impact such staff have on the case service time of the attorneys with whom they work.

### CASELOAD STUDY DESIGN

The Caseload Study consisted of four primary components:

- Defining dependency counsel work in terms of discrete actions attorneys take in providing services to clients;

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<sup>1</sup> Unless otherwise noted, all references to court-appointed counsel refer to trial counsel; the Caseload Study did not address appellate counsel practice or caseload standards.

<sup>2</sup> In May 2002, the American Humane and its collaborating partners, the National Center for State Courts, the National Center for Youth Law, and North American Legal Services, entered into a contractual relationship with the AOC to conduct the Caseload Study. The American Human Association was selected as the primary contractor for the Caseload Study specifically because of its role as project lead for the State of California's Child Welfare Services Workload Study, conducted pursuant to Senate Bill 2030 in 1999.

- A Workload Study to measure the time it currently takes to provide these services;
- Conducting structured estimation focus groups to determine the amount of time attorneys should spend providing case services, based on two standards of performance; and
- Developing models to identify caseload standards based on structured estimation results.

### Defining Dependency Counsel Work

The initial stage of the Caseload Study involved the development of a list of services describing attorney work in dependency cases. This list of services was designed to serve two functions:

- As a listing of all possible dependency case-related services on which standards of practice could be based; and
- As a finite listing of discrete case-related services that formed the basis of the data collection instrument used in the workload study component of the Caseload Study.

AOC staff developed an initial list of dependency counsel activities and tasks in conjunction with members of the Caseload Study Working Group. This list was then refined by six “Standards Setting” focus groups comprising parents and children’s counsel, juvenile court judicial officers, and appellate attorneys from all parts of the state. In all focus groups, it was clearly stated that the list was not only designed to reflect current practice, but also to provide the AOC with a document that described all possible activities and tasks that an attorney could or should do to provide quality legal services in all cases.

After completion of the six focus groups, the resulting activity and task list was sent out for comment to practitioners statewide; further modifications were made based on the results of that comment period. In addition, AOC staff separately conducted two support staff focus groups designed to ensure that the task list was comprehensive enough to reflect not only all possible attorney activities, but also the casework performed by nonattorney support staff.

### **The Organization of Dependency Counsel Work: The Activity/Task List**

The activity and task list is organized into major headings, called Hearing Classifications, based on statutorily required dependency hearings. Within each of these Hearing Classifications, three stages of casework related to those hearings are delineated. These stages, or Case Phases, are Pre-Hearing, At Hearing, and Post-Hearing.

Hearing Classifications and Case Phases together create the following general structure for defining dependency counsel work:

- I. Hearing Classification: Beginning Through Detention Hearing
  - a. Pre-Hearing
  - b. At Hearing
  - c. Post-Hearing
- II. Post-Detention Hearing Through Disposition Hearing

- a. Pre-Hearing
  - b. At Hearing
  - c. Post-Hearing
- III. Post-Disposition Through End of Reunification Services and/or In-Home Dependency
- a. Pre-Hearing
  - b. At Hearing
  - c. Post-Hearing
- IV. 39.1B Writ Preparation Through Completion of the Selection and Implementation (WIC § 366.26) Hearing
- a. Pre-Hearing
  - b. At Hearing
  - c. Post-Hearing
- V. Post-Permanent Plan Hearings
- a. Pre-Hearing
  - b. At Hearing
  - c. Post-Hearing

Although these Hearing Classifications are generally designed to suggest the “trajectory” of a case through the dependency court system from detention through post-permanency, the list is not chronological within each Hearing Classification, nor does it assume that every case reaches each classification.

Within the structure of Hearing Classifications and Case Phases, specific actions are detailed. These specific actions, or *Activities*, were defined to be mutually exclusive and of limited duration so that workload study participants could easily determine when they began and ended any Activity on the list. Because some Activities were broad in scope (for example, Case Preparation, Investigation, and Management), an additional level of detail was included, called *Tasks*. Taken together, the Hearing Classifications, Case Phases, Activities, and Tasks constitute a list of services that can be utilized to describe dependency counsel work as a whole, and are referred to as the *Activity and Task List* (Appendix 1a).

For workload study purposes, another “classification” category was created to capture non-court-appointed dependency work. This category, called “Other Legal and Administrative Activities,” was designed to capture both administrative functions and attorney casework unrelated to court-appointed dependency work.

### Workload Study Methodology, Training, and Implementation

#### **Methodology**

The workload study was designed to be a self-report study. Participants were asked to self-report what activities or tasks, picked from the Activity and Task List, they were performing, and how long those activities or tasks took to perform, over a two-week period. Whenever possible, participants were to record this information as they were completing each activity, so that workload study results would be as accurate as possible. A software data-collection tool was developed to facilitate accurate and timely reporting. Based on the Delphi programming language, this software, called the TimeDataCollector, was loaded with the Activity and Task List developed by the Standards Setting focus groups. It also contained special screens for collecting information about participants and their cases including:

#### *Client/Case Information*

- Whether the client was a child, parent, or “de facto” parent<sup>3</sup>
- Whether parent client was a minor
- The number of siblings associated with a single child case number
- The number of dependent children associated with a parent case

#### *Workload Study Participant Information*

- Job type (attorney, social worker/investigator, paralegal, or “other”) and
- Primary county of practice (one in which a majority of dependency cases are handled)

#### **Training and Implementation**

Workload study trainings were conducted to ensure accurate use of data collection instruments. Sixty-five attorney trainings were held in 24 counties — a level of coverage deemed necessary to ensure accurate time reporting and encourage overall participation. Attorneys and support staff attorneys identified as time study participants were contacted by the AOC and encouraged to attend a workload study training.<sup>4</sup> Workload study implementation was conducted in “stair step”

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<sup>3</sup> Rule 5.502(10) of the California Rules of Court defines a “de facto parent” as a person who is the current or recent caretaker of a child and who has been found by the court to have assumed, on a day-to-day basis, the role of a parent to the child, fulfilling both the child’s physical and psychological needs for care and affection. Rule 5.534(e) allows the juvenile court to grant de facto parent status to those persons, thereby giving them standing to appear as parties in disposition hearings and any hearing thereafter at which the status of the dependent child is at issue. De facto parents may be present at hearings, may be represented by retained counsel or, at the discretion of the court, by appointed counsel, and may present evidence.

<sup>4</sup> AOC staff worked with dependency counsel providers in order to identify criteria for support staff inclusion in the Caseload Study; several determinations were made as to which types of support staff to include (and exclude). First, the category support staff was initially narrowed to include only social workers/investigators and paralegals. Practitioner feedback resulted in the addition of a third group, “Others,” which included a broad array of employee classifications that did not fit into the other groups. Criteria for inclusion in any of the support staff categories was based upon a determination of whether a particular individual was doing “legal” work (e.g. client interviews, investigation activities). Study participation was further limited to staff, rather than contractual or ad-hoc support.

fashion, with the state divided into five contiguous zones and participants in each zone beginning to record data for a 14-day period following implementation in the previous zone.

The workload study was designed as a “100 percent work study”; that is, 100 percent of all work time was recorded (whether administrative, court-appointed dependency related, or related to other casework, and whether weekday or weekend work time), and 100 percent of all eligible participants were asked to participate. This design resulted in a complete picture of work time, capturing both case and noncase work time for attorneys and specified support representing all practice types and compensation models statewide.

**Workload Study Results**

**Participation Rates: Respondents, Time Captured, and Cases Touched**

The number of electronic and paper log data submissions is detailed in Table 1. Seven hundred and twenty-two participants submitted workload study data. The results show broad participation in the workload study, but not at levels that would suggest participation much above a numeric majority of possible participants. Obviously, the intended participation rate for the study — approaching 100 percent of attorneys and specified support — was not achieved. AOC data identified the number of attorneys eligible for the study (i.e. court-appointed dependency counsel) at 1,065, so that the 591 attorneys who submitted data represented only 56 percent of all eligible attorneys in the state. The data does not indicate that those submitting workload study data differed in any systematic way from the general court-appointed dependency counsel population; further, in terms of sampling statistics, a sample of 56 percent is considered to be very powerful for determining results that speak for all members of a study population.

<b>Table 1: Participation in the Workload Study:</b>		
<b>Participant Type</b>	<b>Participant Number</b>	<b>Percent of Total Sample</b>
<b>Attorney</b>	591	81.85%
<b>Social Worker/Investigator</b>	74	10.25%
<b>Paralegal</b>	29	4.02%
<b>Other</b>	28	3.88%

The workload study was designed to derive data concerning services to cases (child or parent clients). Thus, a count of cases worked on during the study is helpful in determining the breadth of data collected. Table 2 shows the number of cases for which data was submitted by county. From the perspective of data robustness, Table 2 shows a generally good coverage of counties and generally good numbers of court-appointed cases —10,846 child cases, 7,983 parent cases,



and 172 de facto parent cases, for a total of 19,002 cases for which workload study data was submitted. This count of cases is somewhat inflated, since if more than one attorney (or an attorney and attorney support) worked on the same case during the study, that case would be counted twice. The actual unduplicated case count for the study is 17,385 child, parent, and de facto parent cases across 53 counties.<sup>5</sup>

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<sup>5</sup> There are five counties for which no workload study data was submitted : Alpine, Napa, Placer, Sutter, and Trinity.

**Table 2: Number of Workload Study Cases by County**

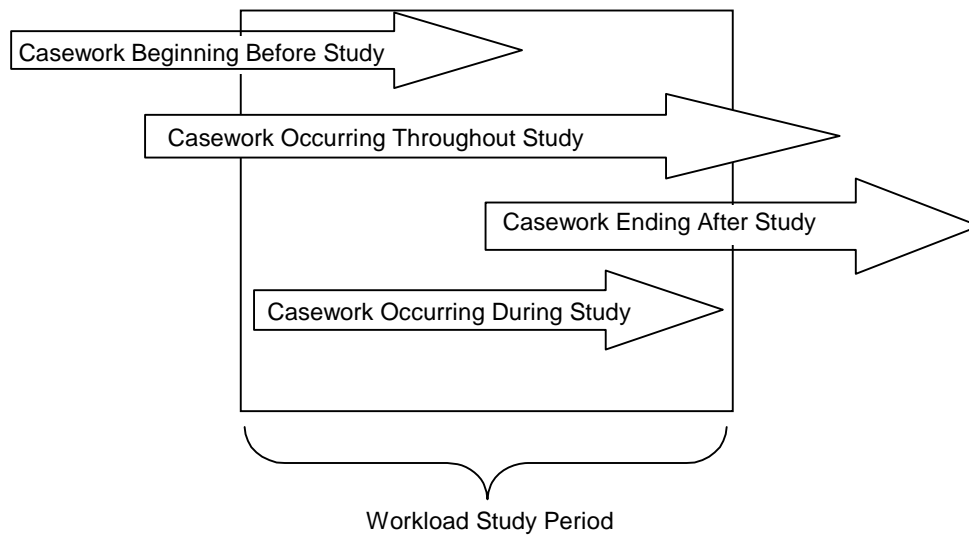
County	Child Cases	Parent Cases	De Facto Parent Cases	Total	County	Child Cases	Parent Cases	De Facto Parent Cases	Total
Alameda	514	159	2	675	Orange	763	748	10	1521
Amador	25	0	0	25	Plumas	8	13	0	21
Butte	162	310	13	485	Riverside	306	422	2	730
Calaveras	21	4	0	25	Sacramento	545	535	7	1087
Colusa	9	2	0	11	San Benito	9	25	0	34
Contra Costa	369	353	3	725	San Bernardino	286	315	3	604
El Dorado	51	46	4	101	San Diego	1468	706	1	2175
Fresno	408	250	13	671	San Francisco	240	189	6	435
Glenn	5	10	0	15	San Joaquin	191	217	4	412
Humboldt	97	79	4	180	San Luis Obispo	71	108	0	179
Imperial	28	27	0	55	San Mateo	66	73	2	141
Inyo	8	24	0	32	Santa Barbara	72	38	1	111
Kern	447	292	2	741	Santa Clara	1050	558	3	1611
Kings	58	38	2	98	Santa Cruz	53	44	0	97
Lake	47	27	0	74	Shasta	68	119	0	187
Lassen	0	6	0	6	Sierra	1	0	0	1
Los Angeles	2627	1349	68	4045	Siskiyou	34	50	0	84
Madera	0	25	0	25	Solano	99	10	0	109
Marin	56	42	2	100	Sonoma	144	177	3	324
Mariposa	9	10	1	20	Stanislaus	22	81	2	105
Mendocino	35	28	2	65	Tehama	18	18	0	36
Merced	94	92	5	191	Tulare	64	75	1	140
Modoc	2	2	2	6	Tuolumne	0	40	0	40
Mono	2	1	0	3	Ventura	73	107	2	182
Monterey	13	1	0	14	Yolo	100	111	0	211
Nevada	3	20	2	25	Yuba	5	7	0	12
					Total	10846	7983	172	19002

Another way to look at numbers of cases for which work was completed in the workload study is to break down the number of cases by statutory hearing classification and case phase, as is shown in Table 3. Note that the number of cases in Table 3 is larger than in the county-by-county count because the count in Table 3 is “duplicative”; that is, cases changing status during the workload study are counted twice — once in the original hearing classification and again in the new hearing classification after status change. As shown in Table 3, cases worked on were most commonly at the review hearing (39.8 percent) or post-permanent plan phase (24.45 percent). Almost 20 percent of cases were at the jurisdiction/disposition stage, while fewer cases were at detention or the “.26 hearing” stage.

### Casework Duration and the Representativeness of Data

For any workload study of limited duration, a question is raised as to how representative the data is to the actual flow and duration of casework. In a two-week study it is possible that only a portion of overall casework is captured, requiring a weighting or other modification of captured time. The logical possibilities of casework duration in relation to the workload study time frame can be found in Figure 1.

**Figure 1: Patterns of Case Work Relative to the Workload Study**



The assumption of a workload study of broad representation (involving a large sample across the state) is that work is evenly distributed, so that case services begun before the start of the study (but included in the study period) and case services ending after the study (but included in the study period) are evenly represented across all case service types. Of greater concern is the possibility that case service duration is greater than the two-week study period, meaning that

case service work both begins and ends outside the scope of the workload study, which would leave some services that are routine to cases unmeasured.

In order to determine if case service work routinely is of long duration, an analysis was conducted of the number of consecutive days that cases received services. All casework was recorded on “log sheets” (for the electronic TimeDataCollector, a type of spreadsheet entry; for those completing a paper log, a literal log sheet), which specified the date on which an Activity or Task was completed. By analyzing the number of days that the same cases were worked on, the duration (in days) of case service work was computed.

Table 3: Count of Workload Study Cases, by Case Phase, Case Type

Case Phase		Child Cases	Parent Cases	De Facto Parent Cases	Total
Pre-Detention	<b>Count</b> % of Case Type	<b>598</b> 3.70%	<b>543</b> 4.30%	<b>3</b> 1.10%	<b>1144</b> 3.93%
At Detention	<b>Count</b> % of Case Type	<b>483</b> 3.00%	<b>511</b> 4.00%	<b>5</b> 1.80%	<b>999</b> 3.43%
<i>Detention Total</i>	<b>Count</b> % of Case Type	<b>1081</b> 6.70%	<b>1054</b> 8.30%	<b>8</b> 2.90%	<b>2143</b> 7.36%
Pre-Juris/Dispo	<b>Count</b> % within Case Type	<b>1657</b> 10.30%	<b>1800</b> 14.10%	<b>22</b> 7.90%	<b>3479</b> 11.95%
At Juris/Dispo	<b>Count</b> % within Case Type	<b>1110</b> 6.90%	<b>1193</b> 9.30%	<b>14</b> 5.00%	<b>2317</b> 7.96%
Dispos. Appeal	<b>Count</b> % within Case Type	<b>3</b> 0.00%	<b>4</b> 0.00%	<b>0</b> 0.00%	<b>7</b> 0.02%
<i>Juris/Dispo Total</i>	<b>Count</b> % within Case Type	<b>2770</b> 17.20%	<b>2997</b> 23.40%	<b>36</b> 12.90%	<b>5803</b> 19.93%
Pre-Review	<b>Count</b> % within Case Type	<b>4412</b> 27.50%	<b>3277</b> 25.70%	<b>59</b> 21.10%	<b>7748</b> 26.62%
At Reviews	<b>Count</b> % within Case Type	<b>1831</b> 11.40%	<b>1947</b> 15.30%	<b>38</b> 13.70%	<b>3816</b> 13.11%
Review Appeal	<b>Count</b> % within Case Type	<b>6</b> 0.00%	<b>16</b> 0.10%	<b>0</b> 0.00%	<b>22</b> 0.08%
<i>Review Total</i>	<b>Count</b> % within Case Type	<b>6249</b> 38.90%	<b>5240</b> 41.10%	<b>97</b> 34.80%	<b>11586</b> 39.80%
Pre-“.26”	<b>Count</b> % within Case Type	<b>788</b> 4.90%	<b>739</b> 5.80%	<b>18</b> 6.50%	<b>1545</b> 5.31%
At “.26”	<b>Count</b> % within Case Type	<b>400</b> .50%	<b>440</b> .40%	<b>6</b> 2.20%	<b>846</b> .91%
“.26” Appeal	<b>Count</b> % within Case Type	<b>16</b> 0.10%	<b>53</b> 0.40%	<b>0</b> 0.00%	<b>69</b> 0.24%
<i>“.26” Total</i>	<b>Count</b> % within Case Type	<b>1204</b> 7.50%	<b>1232</b> 9.60%	<b>24</b> 8.70%	<b>2460</b> 8.45%
Pre-P.Perm	<b>Count</b> % within Case Type	<b>3269</b> 20.40%	<b>1340</b> 10.50%	<b>68</b> 24.40%	<b>4678</b> 16.07%
At P.Perm	<b>Count</b> % within Case Type	<b>1479</b> 9.20%	<b>886</b> 6.90%	<b>46</b> 16.50%	<b>2411</b> 8.28%
P.Perm Appeal	<b>Count</b> % within Case Type	<b>10</b> 0.10%	<b>19</b> 0.10%	<b>0</b> 0.00%	<b>29</b> 0.10%
<i>P.Perm Total</i>	<b>Count</b> % within Case Type	<b>4758</b> 29.70%	<b>2245</b> 17.50%	<b>114</b> 40.90%	<b>7118</b> 24.45%
Totals	<b>Count</b> % within Case Type	<b>16062</b> 100.00%	<b>12768</b> 100.00%	<b>279</b> 100.00%	<b>29110</b> 100.00%

**Table 4: Casework Duration in Days and Time per Case**

Count of Days	Number of Cases	Percent of Cases	Cumulative Percent of Cases	Mean Time per Case	Median Time per Case	Mean Time Increase (percent)
1	13322	63.80%	63.80%	0:31:00	0:20:00	
2	5059	24.23%	88.02%	1:02:00	0:40:00	200.00%
3	1515	7.26%	95.28%	1:53:00	1: 17:00	182.26%
4	568	2.72%	98.00%	2:50:00	2:05:00	150.44%
5	236	1.13%	99.13%	4:22:00	3:13:00	154.12%
6	105	0.50%	99.63%	6:07:00	4:50:00	140.08%
7	35	0.17%	99.799%	7:54:00	5:31:00	129.16%
8	25	0.12%	99.919%	10:09:00	8:30:00	128.48%
9	13	0.06%	99.981%	16: 13:00	10:50:00	159.77%
10	2	0.01%	99.990%	44:09:00	44:09:00	272.25%
11	1	0.00%	99.995%	5:01:00	5:01:00	—
13	1	0.00%	100.000%	30:08:00	30:08:00	—
Total	20882	100.00%		0:55:00	0:30:00	

As can be seen in Table 4, over 95 percent of cases received all services during three days of the study measurement period, and 98 percent received services within four days. Given this, it is unlikely that significant case service time was unmeasured during the workload study. Further, the relative increase in case service time per day does not increase uniformly with additional days: although the increase in time per case doubles from one day of service to two (a 200 percent increase), there is only a 150 percent increase from a third to fourth day of service, and the proportional increase in service time reduces further subsequently. It can therefore be said that the workload study captured most of the work within a hearing classification for most of the cases “touched” during the workload study. The likelihood that large amounts of case service time were unmeasured due to a long duration of service (beginning before the study period and ending after the study period) is small in terms of both numbers of cases and associated case service time.

### Dependency Case Time vs. NonCase Time

Any analysis of workload must take into account the fact that not all work time is related to casework. This additional “noncase time” refers to any attorney work not related to court-appointed dependency cases, administrative duties (such as supervision of employees and billing), and time off. An analysis of dependency case time and other time is found in Table 5. Workload study results indicated that 66.3 percent of all attorney time, statewide, was spent on casework. This is a finding parallel to many public and private organizations in terms of the proportion of work to administrative and leave time.

**Table 5: Mean Per-Attorney Case and NonCase Time**

	Mean Time	% of Total Time
Dependency Case Time	37:57	48.10%
NonDependency Case Time	22:00	18.20%
Lunch, Leave, Vacation, Holiday, etc.	22:43	22.20%
Administrative Tasks (Copying, Filing, etc.)	5:46	6.00%
Supervision (Reviewing Work, Performance Review)	5:23	1.80%
Time to Complete Workload Study	3:34	3.70%
Dependency Plus NonDependency Case Time	59:57	66.3%
NonCase Total	13:26	33.70%

In order to avoid inflating the amount of noncase time associated with dependency practice, “administrative time” was redefined to a higher standard. The category “Lunch, Leave Vacation, Holiday, etc.” was removed from the analysis, in order to focus on only administrative and supervisory activities. Additionally, the analysis of case vs. noncase time was limited to those attorneys who submitted at least 35 hours per workload study week of dependency casework and administrative time combined. Table 6 shows an analysis of case vs. noncase-related activities for full-time dependency attorneys.

**Table 6: Case vs. Non Case Time, Full-Time Dependency Attorneys Only**

<b>Per Attorney Dependency Case/Non-Dependency Case Time</b>	<b>Number</b>	<b>Mean Time</b>
Dependency Case Time	278	53:29:44
Administrative Tasks (Copying, Filing, Billing, etc.)	248	5:08:10
Leave, Vacation, Holiday	263	20:19:20
Nondependency Case Time	162	9:53:34
Supervising (Reviewing Work, Performance Reviews)	78	3:24:50
Time to Complete Workload Study)	250	4:18:45

	<b>Time</b>	<b>% of Total</b>
Dependency Plus Non-dependency Case Time	63:23:18	83.13%
Admin Time (administrative, supervisory, workload study)	12:51:45	16.87%
Total Non-Leave Time	76:15:03	100.0%

By defining administrative time to omit “leave” or “time gaps” used broadly by workload study participants, casework time, or “case time,” is derived as a percentage of time available for dependency plus nondependency casework, with “administrative time” narrowly defined as pure administrative work, supervision, and time to complete the workload study. This leads to a ratio of case to noncase time of 83 percent. Given that the “leave” category could be used in ways other than to depict the amount of actual leave time, the figure of 83 percent available dependency case time is used in caseload model building as outlined later in this report, as it is a more well defined case-service time value.

### **Workload Study Data**

Attorney workload study data is provided in detail in Appendix 1B. The results are most useful for comparing the actual times given to activities and tasks with the suggested times identified by structured estimation focus group participants and reflected in caseload standards, as outlined in the following section.

### **Structured Estimation**

The workload study was designed to quantify current practices; alternative methods were required to identify the amount of time required for improved practice levels. A key assumption of the Caseload Study was that dependency counsel are motivated to provide quality legal services but may be constrained in so doing by current workload levels. In order to determine how much additional time, on average, would be needed to ensure improved practice, the Caseload Study included a component designed to quantify attorney performance based on two hypothetical standards: 1) a “basic practice standard,” where all mandated activities are completed to a base level of performance; and 2) an “optimal practice standard,” where enough time is available to provide each case with the complete complement of needed legal services. To determine the time values for these two standards, groups of attorneys met in a series of



Structured Estimation focus groups and identified both the amount of time required to complete case service actions (taken from the Activity and Task List) under the two standards and the percentage of their caseloads that would require specific activities to be performed in order to meet both standards. This process resulted in four measures that apply to parent and child cases:

1. The amount of time required to provide case services at a basic, minimum standard of competent practice;
2. How often that service would be required to meet a minimum standard of practice, expressed as a percentage of the total attorney caseload to which the action would apply;
3. The amount of time required to provide case services at an optimum best practice standard; and
4. How often that service would be required to meet an optimum standard of practice, expressed as a percentage of the total attorney caseload to which the activity would apply.

### **Development of the Structured Estimation Tool**

The Activity and Task List is a very detailed listing of case services — so detailed, in fact, that the resulting list, across all hearing classifications, contains over 200 unique items — too many for focus group participants to have addressed as part of the structured estimation process. In order to reduce the size of the list under consideration many tasks from the Activity and Task List were collapsed into their larger respective activity categories. For instance, for all hearing classifications, time estimates were made for the activity “Trial Preparation” as a whole, rather than for the specific tasks contained within that activity. This combining of tasks created larger “service units” that were easier to manage for estimation purposes.

### **Structured Estimation Focus Group Methodology**

In the majority of the structured estimation focus groups, participants were split into two subgroups, with one group utilizing workload study results to inform its estimations (“informed” group) and one group developing estimations absent those results (“blind” group).

Participants of the focus groups (both blind and informed) were asked to provide numerical estimates for each structured estimation service unit addressing the time required to complete each service unit and the frequency of its occurrence. Although participants were provided with worksheets listing the units of service for estimation, each group ultimately developed a single group estimation product.

Analysis of the difference between blind and informed estimates showed that blind estimates were systematically higher than informed estimates. This was generally consistent for type of client, child or parent, and for type of estimate, basic or optimal. Since this effect was generally equivalent across the factors of interest in the structured estimation results (rather than systematic for one or a few factors), the results for blind and informed groups were pooled; that is, all analyses of structured estimation data for both basic and optimal practice standards are based on the average scores of blind and informed groups.

### **Structured Estimation Results**

The results of the structured estimation process identified both the time required to perform specific services and the likelihood that any given case would require that service, for both “basic” and “optimal” practice standards.

Modeling requisite attorney case service time from the structured estimation results required taking into account the service unit times estimated by the structured estimation groups and the likelihood (represented by a percentage) that any given service unit would be required for a case. Therefore, for each service unit, the estimated attorney time required was multiplied by the percentage of cases for which the service was considered applicable. This produced weighted hearing classification case times for the basic and optimal conditions of estimation, based on the likelihood that each particular service would be performed. Table 7 illustrates this point for the hearing classification End of Disposition through Permanency; structured estimation results for each hearing classification follow.

**Table 7: Annotated Example from Structured Estimation, Base Standard, End of Disposition through Permanency**

	Child Blind		Child Informed		Blind and Informed Reconciled		Weighted Time (% * Time)
	% of Cases	Time in minutes	% of Cases	Time in minutes	% of Cases	Time in minutes	
	Two estimations were made: one for the percentage of cases that should receive a service, and one for the number of minutes the service should take.						
<b>Activity 1</b>							
<b>Case Preparation</b>							
Document review and Obtain and review discovery	100%	38	96%	72	98%	55	53.9
Notes to file and Draft orders	81%	38	74%	28	77%	33	25.4
Legal research	20%	33	29%	31	25%	32	8.0
Communicate with client (in-person)	94%	49	75%	63	84%	56	47.0
Communicate with client (other)	64%	48	57%	34	60%	41	24.6
Communcate with child welfare worker	90%	81	95%	35	92%	57	52.4
Communicate with other counsel	100%	40	89%	41	94%	41	38.5
Communicate with others	90%	82	83%	155	86%	119	102.3
Other investigation or case management activity	66%	46	66%	34	66%	40	26.4
<b>Activity 2</b>							
<b>Motions and Other Hearings</b>	68%	105	59%	75	63%	90	56.7
<b>Activity 3</b>							
<b>Review Hearing Trial Prep</b>	30%	135	40%	120	35%	128	44.8
<i>Phase B: Statutory Review</i>							
Conduct hearing (witnesses testify)	14%	98	10%	98	12%	98	11.8
Conduct hearing (witnesses do not testify)	66%	17	54%	26	60%	22	13.2
<i>Termination of Reunification</i>							
Conduct hearing (witnesses testify)	21%	173	6%	203	14%	188	26.3
Conduct hearing (witnesses do not testify)	5%	21	6%	34	5%	28	1.4
<i>Phase C: File Notice of Appeal or Writ</i>							
Prepare and file notice of appeal	5%	15	2%	33	3%	24	0.7
Prepare/file/respond/argue writ	2%	525	4%	560	3%	543	16.3
	<b>Total Minutes</b>						549.9
	<b>Total Hours</b>						9.16

Units of service were established to combine some activities/tasks from the workload study into larger categories for structured estimation service units.

Two estimations were made: one for the percentage of cases that should receive a service, and one for the number of minutes the service should take.

Half of the focus groups were "blind" to workload study results, half informed of results. The products of the two groups were averaged.

By multiplying times by percentages indicated, a weighted time value was created.

Summing the weighted time for each service unit yields a total time, in minutes, that each hearing classification should take. That value is converted into hours.

## Structured Estimation Data: Version 1

### Beginning Through Detention Hearing; Basic

	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time
<b>Activity 1</b>						
<b>Case Preparation</b>						
Document review and obtain and review discovery	100%	20	100%	20	20	20
Notes to file and draft orders	52%	9	76%	11	5	9
Legal research	7%	44	10%	23	3	2
Communicate with client (in-person)	83%	38	92%	43	31	39
Communicate with client (other)	24%	10	38%	18	2	7
Communicate with child welfare worker	75%	22	73%	22	17	16
Communicate with other counsel	84%	25	93%	19	21	18
Communicate with others	66%	45	63%	29	29	18
Other investigation or case management activity	100%	18	91%	19	18	18
<b>Activity 2</b>						
<b>Motions and Other Hearings</b>	19%	21	2%	22	40	46
<b>Activity 3</b>						
<b>Detention Hearing Trial Prep</b>	29%	69	26%	181	20	48
<b>Phase B. At Initial/Detention Hearing</b>						
Conduct hearing (witnesses testify)	10%	103	11%	119	11	13
Conduct hearing (witnesses do not testify)	90%	35	89%	38	31	33
<b>Phase C. File Notice of Appeal or Writ</b>						
Prepare and file notice of appeal						
Prepare/file/respond to/argue writ	1%	210	1%	390	1	4
<b>Total</b>						
Case Time (in minutes)		669		953	210	245
<b>Hours</b>		11.2		15.9	3.50	4.08

### Beginning Through Detention Hearing; Optimal

	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time
<b>Activity 1</b>						
<b>Case Preparation</b>						
Document review and obtain and review discovery	100%	33	100%	36	33	36
Notes to file and draft orders	59%	15	81%	17	9	14
Legal research	14%	52	15%	51	7	7
Communicate with client (in-person)	89%	48	94%	59	42	55
Communicate with client (other)	28%	13	39%	32	4	12
Communicate with child welfare worker	88%	28	83%	30	24	25
Communicate with other counsel	90%	31	100%	28	28	28
Communicate with others	83%	55	79%	48	46	38
Other investigation or case management activity	100%	24	93%	28	24	26
<b>Activity 2</b>						
<b>Motions and Other Hearings</b>	3%	26	3%	26	82	81
<b>Activity 3</b>						
<b>Detention Hearing Trial Prep</b>	35%	82	33%	333	29	111
<b>Phase B. At Initial/Detention Hearing</b>						
Conduct hearing (witnesses testify)	18%	107	20%	122	19	24
Conduct hearing (witnesses do not testify)	82%	40	80%	43	33	34
<b>Phase C. File Notice of Appeal or Writ</b>						
Prepare and file notice of appeal						
Prepare/file/respond to/argue writ	1%	225	3%	390	1	12
<b>Total</b>						
Case Time (in minutes)		778		1,241	300	424
<b>Hours</b>		12.97		20.69	5.00	7.06

For both Basic and Optimal columns, the results of the blind and informed structured estimation focus groups are averaged, with respect to both the frequency of service unit occurrence (percent) and the time required per service unit. The Corrected Time columns reflect the frequency of service unit occurrence (percent) multiplied by the time required for the service unit.

## Structured Estimation Data: Version 1

### End of Detention Through Juris/Dispo; Basic

	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time
	Percent	Time	Percent	Time		
<b>Phase A. Before Hearing</b>						
<b>Activity 1</b>						
<b>Case Preparation</b>						
Document review and obtain and review discovery	100%	37	100%	41	37	41
Notes to file and draft orders	91%	20	79%	11	18	8
Legal research	28%	28	33%	30	8	10
Communicate with client (in-person)	90%	32	91%	46	29	42
Communicate with client (other)	23%	11	65%	20	3	13
Communicate with child welfare worker	99%	21	76%	20	21	15
Communicate with other counsel	94%	14	93%	17	13	16
Communicate with others	81%	41	66%	30	34	20
Other investigation or case management activity	56%	29	43%	40	16	17
<b>Activity 2</b>						
<b>Motions and Other Hearings</b>						
	58%	80	58%	84	46	49
<b>Activity 3</b>						
<b>Juris/Dispo Trial Prep</b>						
	37%	131	38%	247	48	94
<b>Phase B. At Hearing</b>						
<b>Juris Only</b>						
Conduct hearing (witnesses testify)	10%	135	10%	208	13	21
Conduct hearing (witnesses do not testify)	30%	9	30%	19	3	6
<b>Dispo Only</b>						
Conduct hearing (witnesses testify)	12%	192	13%	225	23	29
Conduct hearing (witnesses do not testify)	28%	12	27%	22	3	6
<b>Juris/Dispo Combined</b>						
Conduct hearing (witnesses testify)	9%	241	11%	241	22	25
Conduct hearing (witnesses do not testify)	36%	32	40%	32	12	13
<b>Phase C. File Notice of Appeal of Writ</b>						
Prepare and file notice of appeal	2%	9	7%	14	0	1
Prepare/file/respond to/argue Writ	1%	443	3%	750	5	26
<b>Total</b>						
Case Time (in minutes)	1516.38		2095.72		353	450
<b>Hours</b>	<b>25.27</b>		<b>34.93</b>		<b>5.88</b>	<b>7.50</b>

### End of Detention Through Juris/Dispo; Optimal

	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time
	Percent	Time	Percent	Time		
<b>Phase A. Before Hearing</b>						
<b>Activity 1</b>						
<b>Case Preparation</b>						
Document review and obtain and review discovery	100%	77	100%	75	77	75
Notes to file and draft orders	97%	23	97%	30	23	29
Legal research	34%	54	39%	54	18	21
Communicate with client (in-person)	99%	61	97%	83	60	80
Communicate with client (other)	33%	23	100%	37	7	37
Communicate with child welfare worker	100%	36	94%	41	36	39
Communicate with other counsel	96%	35	96%	34	33	33
Communicate with others	95%	63	87%	56	59	49
Other investigation or case management activity	62%	46	60%	64	29	38
<b>Activity 2</b>						
<b>Motions and Other Hearings</b>						
	69%	114	69%	120	78	82
<b>Activity 3</b>						
<b>Juris/Dispo Trial Prep</b>						
	33%	274	35%	521	89	182
<b>Phase B. At Hearing</b>						
<b>Juris Only</b>						
Conduct hearing (witnesses testify)	10%	244	11%	238	23	26
Conduct hearing (witnesses do not testify)	39%	30	30%	24	12	7
<b>Dispo Only</b>						
Conduct hearing (witnesses testify)	13%	266	14%	259	35	35
Conduct hearing (witnesses do not testify)	33%	32	26%	31	10	8
<b>Juris/Dispo Combined</b>						
Conduct hearing (witnesses testify)	10%	345	9%	300	35	27
Conduct hearing (witnesses do not testify)	41%	39	47%	40	16	19
<b>Phase C. File Notice of Appeal of Writ</b>						
Prepare and file notice of appeal	3%	14	8%	14	0	1
Prepare/file/respond to/argue Writ	3%	1,223	6%	1,238	37	69
<b>Total</b>						
Case Time (in minutes)	2,998		3,260		679	858
<b>Hours</b>	<b>49.96</b>		<b>54.33</b>		<b>11</b>	<b>14</b>

For both Basic and Optimal columns, the results of the blind and informed structured estimation focus groups are averaged, with respect to both the frequency of service unit occurrence (percent) and the time required per service unit. The Corrected Time columns reflect the frequency of service unit occurrence (percent) multiplied by the time required for the service unit.

## Structured Estimation Data: Version 1

	End of Disposition Through Permanency; Basic				End of Disposition Through Permanency; Optimal							
	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time
<b>Activity 1</b>												
<b>Case Preparation</b>												
Document review and obtain and review discovery	98%	55	98%	29	54	28	98%	49	105	48		
Notes to file and draft orders	77%	33	74%	17	26	12	75%	25	55	19		
Legal research	25%	32	28%	41	8	12	41%	63	24	26		
Communicate with client (in-person)	84%	56	81%	45	47	36	92%	84	123	77		
Communicate with client (other)	60%	41	91%	41	25	37	98%	67	53	65		
Communicate with child welfare worker	92%	57	86%	46	53	40	97%	64	91	63		
Communicate with other counsel	94%	41	95%	42	39	40	97%	74	79	72		
Communicate with others	86%	119	70%	57	102	40	94%	110	224	103		
Other investigation or case management activity	66%	40	60%	28	26	17	76%	57	69	38		
<b>Activity 2</b>												
<b>Motions and Other Hearings</b>												
	63%	90	52%	101	57	52	83%	124	104	80		
	0				0							
	35%	128	33%	139	45	46	37%	238	90	85		
<b>Activity 3 Review Hearing Trial Preparation</b>												
<b>Phase B. Statutory Review Hearing</b>												
Conduct hearing (witnesses testify)	12%	98	12%	104	12	12	18%	126	18	20		
Conduct hearing (witnesses do not testify)	60%	22	61%	20	13	12	56%	22	13	13		
Termination of reunification												
Conduct hearing (witnesses testify)	14%	188	11%	186	26	20	12%	239	22	28		
Conduct hearing (witnesses do not testify)	5%	28	5%	26	1	1	4%	29	1	1		
<b>Phase C. File Notice of Appeal or Writ</b>												
Prepare and file notice of appeal	3%	24	5%	18	1	1	8%	18	1	1		
Prepare/file/respond/ to/argue writ	3%	543	3%	573	17	19	4%	980	41	39		
Total												
Case Time (in minutes)	1,591		1,511		549	425	2,444	2,367	1114	777		
Hours	26.52		25.18		9.16	7.09	40.74	39.44	18.56	12.96		

For both Basic and Optimal columns, the results of the blind and informed structured estimation focus groups are averaged, with respect to both the frequency of service unit occurrence (percent) and the time required per service unit. The Corrected Time columns reflect the frequency of service unit occurrence (percent) multiplied by the time required for the service unit.

## Structured Estimation Data: Version 1

### .26 Hearing/39.1B Writ; Basic

### .26 Hearing/39.1B Writ; Optimal

#### Activity 1 Case Preparation

Document review and obtain and review discovery  
Notes to file and draft orders  
Legal research  
Communicate with client (in-person)  
Communicate with client (other)  
Communicate with child welfare worker  
Communicate with other counsel  
Communicate with others  
Other investigation or case management activity

#### Activity 2 Motions and Other Hearings

#### Activity 3 39.1B Writs

Prepare and file notice of intent to file  
Request preparation and/or augmentation of record  
Review record  
Preparation and filing of pleadings  
Oral argument  
Draft settlement/order language

#### Activity 4 .26 Hearing Trial Preparation

Conduct hearing (witnesses testify)  
Conduct hearing (witnesses do not testify)

#### Phase B. At .26 Hearing: Adoption Indicated 50%

Conduct hearing (witnesses testify)  
Conduct hearing (witnesses do not testify)

#### Phase C. File Notice of Appeal or Writ

Prepare and file notice of appeal  
Prepare/file/respond to/argue writ

	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time
	perc	time	perc	time			perc	time	perc	time		
Document review and obtain and review discovery	100%	80	100%	80	80	80	100%	139	100%	92	139	92
Notes to file and draft orders	76%	42	76%	30	32	22	76%	38	76%	35	29	27
Legal research	51%	46	57%	55	24	31	52%	108	59%	63	57	37
Communicate with client (in-person)	87%	43	74%	43	37	32	97%	88	87%	61	86	53
Communicate with client (other)	69%	29	82%	30	20	24	74%	33	93%	43	25	40
Communicate with child welfare worker	92%	39	71%	15	36	11	100%	56	87%	33	56	29
Communicate with other counsel	94%	39	94%	27	37	25	100%	70	100%	45	70	45
Communicate with others	96%	46	72%	43	44	31	96%	113	81%	81	109	65
Other investigation or case management activity	90%	39	62%	41	35	26	88%	169	62%	71	148	44
Motions and Other Hearings	57%	87	67%	230	49	155	61%	195	74%	315	120	233
Prepare and file notice of intent to file	16%	50	33%	23	8	8	16%	45	38%	26	7	10
Request preparation and/or augmentation of record	17%	35	27%	32	6	9	17%	75	29%	41	13	12
Review record	32%	140	46%	365	45	167	32%	320	45%	450	104	204
Preparation and filing of pleadings	17%	260	43%	650	43	276	17%	840	43%	830	139	355
Oral argument	2%	110	3%	98	2	3	2%	193	4%	118	4	5
Draft settlement/order language	1%	80	1%	45	1	0	1%	60	1%	45	0	1
.26 Hearing Trial Preparation	27%	20	27%	85	5	23	23%	175	23%	100	41	23
Conduct hearing (witnesses testify)	8%	20	8%	65	2	5	17%	28	1%	68	5	1
Conduct hearing (witnesses do not testify)	17%	20	17%	10	3	2	0%	—	2%	11	0	0
Phase B. At .26 Hearing: Adoption Indicated 50%												
Conduct hearing (witnesses testify)	15%	20	0%	—	3	0	10%	390	0%	—	39	0
Conduct hearing (witnesses do not testify)	10%	20	0%	—	2	0	15%	28	0%	—	4	0
Phase C. File Notice of Appeal or Writ												
Prepare and file notice of appeal	0.5%	20	0%	—	0	0	1%	8	0%	—	0	0
Prepare/file/respond to/argue writ	2%	20	0%	—	0	0	2%	590	0%	—	12	0
<b>Total</b>												
Case Time (in minutes)	1,284		1,966		514	931	3,761		2,527		1,205	1,275
<b>Hours</b>	<b>21.40</b>		<b>32.77</b>		<b>8.56</b>	<b>15.51</b>	<b>62.68</b>		<b>42.12</b>		<b>20.08</b>	<b>21.25</b>

For both Basic and Optimal columns, the results of the blind and informed structured estimation focus groups are averaged, with respect to both the frequency of service unit occurrence (percent) and the time required per service unit. The Corrected Time columns reflect the frequency of service unit occurrence (percent) multiplied by the time required for the service unit.

**STRUCTURED ESTIMATION DATA: Version 1**

**End of Permanency Hearing Through Post-Perm Plan; Basic**

	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time
<b>Activity 1</b>						
<b>Case Preparation</b>						
Document review and obtain and review discovery	100%	16	100%	23	16	23
Notes to file and draft orders	59%	8	88%	11	5	10
Legal research	8%	31	14%	29	2	4
Communicate with client (in-person)	90%	50	25%	30	45	8
Communicate with client (other)	57%	58	53%	15	33	8
Communicate with child welfare worker	68%	60	60%	15	41	9
Communicate with other counsel	32%	23	88%	13	7	11
Communicate with others	95%	70	23%	44	67	10
Other investigation or case management activity	80%	43	45%	44	34	20
<b>Activity 2</b>						
<b>Motions and other Hearings</b>						
	104%	107	20%	158	111	32
<b>Activity 3 Review Hearing Trial Preparation</b>						
<b>Phase B. At post-perm plan hearing</b>						
Conduct hearing (witnesses testify)	3%	110	2%	105	3	2
Conduct hearing (witnesses do not testify)	76%	18	63%	24	13	15
<i>Phase B. At post-perm plan hearing: adoption indicated</i>						
Conduct hearing (witnesses testify)	0%	155	0%	-	0	0
Conduct hearing (witnesses do not testify)	7%	12	0%	-	1	0
<b>Phase C. File Notice of Appeal or Writ</b>						
Prepare and file notice of appeal	1%	10	3%	14	0	0
Prepare/file/respond to/argue writ	17%	700	1%	300	119	2
Total Case Time (in minutes)		1,698		928	620	155
<b>Hours</b>		<b>28.30</b>		<b>15.46</b>	<b>10.33</b>	<b>2.58</b>

**End of Permanency Hearing Through Post Perm-Plan; Optimal**

	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time
<b>Activity 1</b>						
<b>Case Preparation</b>						
Document review and obtain and review discovery	100%	32	100%	38	32	38
Notes to file and draft orders	92%	13	91%	24	12	22
Legal research	13%	37	20%	43	5	9
Communicate with client (in-person)	99%	130	70%	40	129	28
Communicate with client (other)	70%	85	54%	25	60	13
Communicate with child welfare worker	100%	65	75%	25	65	19
Communicate with other counsel	35%	28	90%	18	10	16
Communicate with others	95%	90	45%	58	86	26
Other investigation or case management activity	86%	88	50%	73	75	36
<b>Activity 2</b>						
<b>Motions and other Hearings</b>						
	29%	137	20%	188	39	38
<b>Activity 3 Review Hearing Trial Preparation</b>						
<b>Phase B. At post-perm plan hearing</b>						
Conduct hearing (witnesses testify)	4%	280	3%	158	12	5
Conduct hearing (witnesses do not testify)	4%	115	2%	113	4	2
Conduct hearing (witnesses do not testify)	77%	20	52%	28	15	14
Conduct hearing (witnesses testify)	0%	160	0%	0	0	0
Conduct hearing (witnesses do not testify)	7%	14	0%	0	1	0
<b>Phase C. File Notice of Appeal or Writ</b>						
Prepare and file notice of appeal	1.1%	10	3%	14	0	0
Prepare/file/respond to/argue writ	0.8%	900	1%	1,200	8	12
Total Case Time (in minutes)		2,202		2,040	552	276
<b>Hours</b>		<b>36.71</b>		<b>34.00</b>	<b>9.21</b>	<b>4.61</b>

For both Basic and Optimal columns, the results of the blind and informed structured estimation focus groups are averaged, with respect to both the frequency of service unit occurrence (percent) and the time required per service unit. The Corrected Time columns reflect the frequency of service unit occurrence (percent) multiplied by the time required for the service unit.



Several significant modifications to the structured estimation data were made as part of the caseload modeling process. These modifications focused on additional structured estimation time adjustments or weights needed in order to take into account: 1) the likelihood that any given case entering the dependency system will reach each hearing classification; and 2) the proportional case-type distribution of attorney caseloads. Additional task specific modifications were made as follows: 3) the inclusion of attorney time associated with writ preparation based upon feedback received during the report comment period; 4) the substitution of workload study in-court time (at hearing) for parallel structured estimation data; and 5) the addition of travel time to the structured estimation data as determined by comments received subsequent to the issuance of the interim report. Each of these modifications is discussed below.

### Development of Caseload Models

#### **Model Building I: Case-Flow and Standardizing Structured Estimation Results**

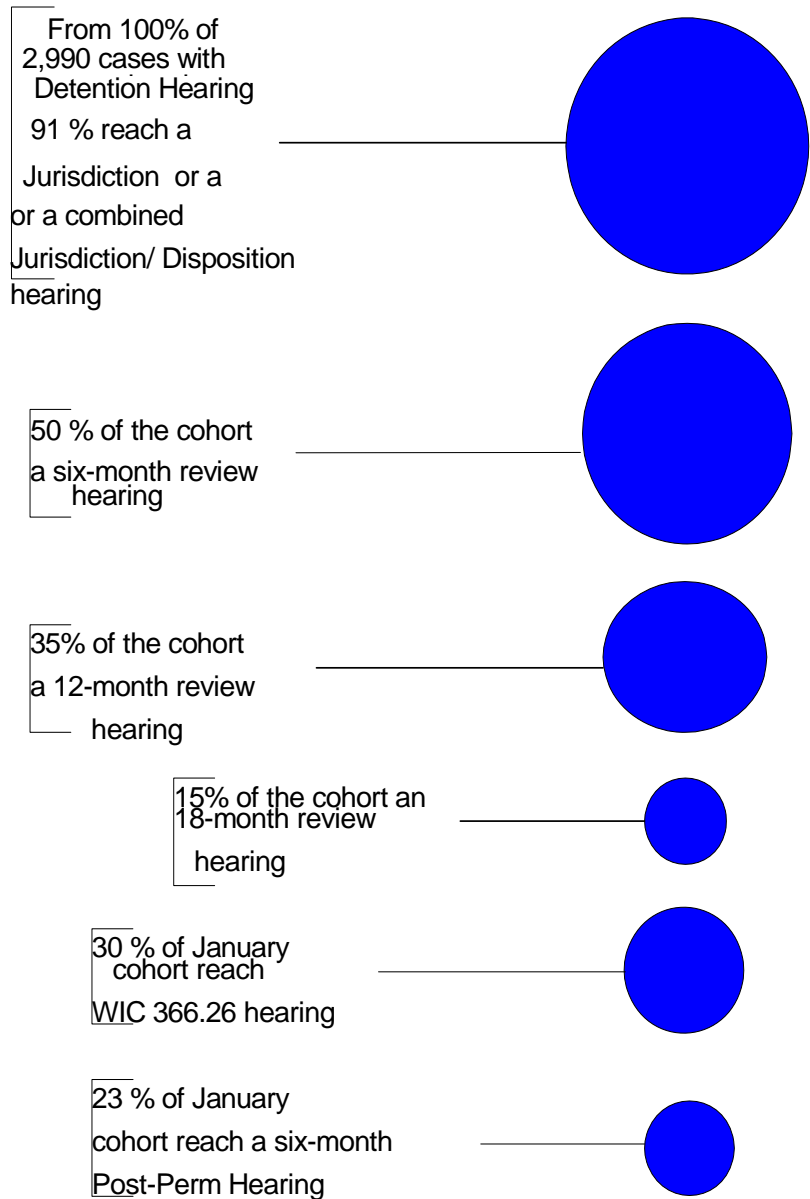
Structured estimation focus group participants did not definitively determine the percentage of cases that would reach each specific hearing classification. Just as not all dependency cases require all services listed in the Activity and Task List, neither do all cases reach every stage in the process — for instance, many children are returned home after a period of dependency, and their cases do not require a hearing to terminate parental rights.

In order to correct for the fact that not all cases reach every statutory stage in the process outlined in the Activity and Task List, data was obtained from a study of California’s Child Welfare Services Case Management System (CWS/CMS) conducted by the University of California, Berkeley, Center for Social Services Research, California Children’s Services Archive. Fields within CWS/CMS include dates of statutory hearings and the numbers of cases reaching those hearings. All cases with a scheduled detention hearing in January, 2001 — 2,990 cases in all — were tracked through the system to the present day. By tracking the number of cases from that group that reach each subsequent statutory milestone, a rate of “survival” from one milestone to the next can be measured.

Figure 2 shows the relative survival of cases from one statutory milestone to the next, following the case flow from detention through the first post-permanency hearing

**Figure 2:**

Dependency Case Flow Across Hearing Classifications from CWS/CMS



Data from the CWS/CMS case-flow analysis was used to prorate structured estimation results so that all focus group estimates reflected the percentage of cases surviving to that hearing classification. To illustrate this proration with an example:

Structured estimation results indicated that “Document Review” should be completed for 100 percent of cases that reach the “End of Disposition through Permanency” stage; that number was converted to 49.9 percent, the number indicated by the CWS/CMS analysis. All other service unit frequencies were then prorated to reflect that the maximum frequency within “Review Hearing” was 49.9 percent. For example, “Legal Research” was indicated as a task that should be conducted for a quarter of child cases within the “Review Hearing” stage (indicated as 25 percent in the original structured estimation data<sup>6</sup>); the prorated frequency is 12.5 percent — a quarter of the 49.9 percent of cases reaching this stage of the dependency process.

This example is particularly relevant given that for most focus groups, “Document Review” was considered a necessary precursor for all work within a hearing classification. Therefore, “Document Review” was set at 100 percent, meaning that all cases should receive document review. This 100 percent was then modified to match the percentage of cases reaching the hearing classification in question, and other service units were prorated from that new value. In this way, all values were modified to reflect the actual likelihood that a given case would require that service out of the 100 percent of cases for which there was a scheduled detention hearing, while maintaining the proportionality contained within the groups’ work product.

Structured estimation results as modified by CWS/CMS survival data are provided as Structured Estimation Data: Version II, on the following pages.

### Model Building II: Composition of Attorney Caseloads

In translating structured estimation data into caseload standards it is important to take into account the relative proportion of each case type in an average attorney’s caseload, with “case type” being defined by stage of dependency proceeding or hearing classification. The case service time requirements for each hearing classification vary significantly; it is critical not to assume that caseloads consist of an equal distribution of cases at each hearing stage.

Table 3 (page 15) detailed workload study submissions by case type. A summary is provided below:

- 7.36 percent of the cases worked on during the workload study were at Beginning Through Detention Hearing;
- 19.93 percent were at Post-Detention through Jurisdiction/Disposition Hearing;
- 39.8 percent were at Review Hearing;
- 8.45 percent were at the .26 Hearing stage; and
- 24.45 percent were at Post-Permanent Plan Hearing.

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<sup>6</sup> Average of blind and informed frequencies.

## Structured Estimation Data: Version 2

### Beginning Through Detention Hearing; Basic

### Beginning Through Detention Hearing; Optimal

#### Activity 1 Case Preparation

Document review and obtain and review discovery  
 Notes to file and draft orders  
 Legal research  
 Communicate with client (in-person)  
 Communicate with client (other)  
 Communicate with child welfare worker  
 Communicate with other counsel  
 Communicate with others  
 Other investigation or case management activity

#### Activity 2

Motions and Other Hearings

#### Activity 3

Detention Hearing Trial Prep

Phase B. At Initial/Detention Hearing

Conduct hearing (witnesses testify)

Conduct hearing (witnesses do not testify)

Phase C. File Notice of Appeal or Writ

Prepare and file notice of appeal

Prepare/file/respond to/argue writ

	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled	
	perc*	time	perc*	time
Document review and obtain and review discovery	100%	20	100%	20
Notes to file and draft orders	52%	9	76%	11
Legal research	7%	44	10%	23
Communicate with client (in-person)	83%	38	92%	43
Communicate with client (other)	24%	10	38%	18
Communicate with child welfare worker	75%	22	73%	22
Communicate with other counsel	84%	25	93%	19
Communicate with others	66%	45	63%	29
Other investigation or case management activity	100%	18	91%	19
Motions and Other Hearings	2%	21	2%	22
Detention Hearing Trial Prep	29%	69	27%	182
Conduct hearing (witnesses testify)	10%	103	11%	119
Conduct hearing (witnesses do not testify)	90%	35	89%	38
Prepare and file notice of appeal				
Prepare/file/respond to/argue writ	1%	210	1%	390

Total Case Time (in minutes) 669 953

Hours 11.2 15.9

Child Corrected Time	Parent Corrected Time
perc*time	perc*time
20	20
5	9
3	2
31	39
2	7
17	16
21	18
29	18
18	18
0	0
20	48
11	13
31	33
1	4

Total Case Time (in minutes) 210 245

Hours 3.50 4.08

Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled	
perc*	time	perc*	time
100%	33	100%	36
59%	15	81%	17
14%	52	15%	51
89%	48	94%	59
28%	13	39%	32
88%	28	83%	30
90%	31	100%	28
83%	55	79%	48
100%	24	93%	28
3%	26	3%	26
35%	83	34%	333
18%	107	20%	122
82%	40	80%	43
1%	225	3%	390

Total Case Time (in minutes) 778 1,241

Hours 12.97 20.69

Child Corrected Time	Parent Corrected Time
perc*time	perc*time
33	36
9	14
7	7
42	55
4	12
24	25
28	28
46	38
24	26
1	1
29	112
19	24
33	34
1	12

Total Case Time (in minutes) 300 424

Hours 5.00 7.06

For both Basic and Optimal columns, the results of the blind and informed structured estimation focus groups are averaged, with respect to both the frequency of service unit occurrence (percent) and the time required per service unit. The Corrected Time columns reflect the frequency of service unit occurrence (percent) multiplied by the time required for the service unit.

## Structured Estimation Data: Version 2

	End of Detention Through Juris/Dispo; Basic				Child Corrected Time perc*time	Parent Corrected Time perc*time	End of Detention through Juris/Dispo; Optimal				Child Corrected Time perc*time	Parent Corrected Time perc*time
	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled				Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled			
<b>Phase A. Before Hearing</b>												
<b>Activity 1 Case Preparation</b>												
Document review and obtain and review discovery	90%	37	90%	41	33	37	90%	77	90%	75	70	68
Notes to file and draft orders	83%	20	71%	11	16	7	88%	23	88%	30	21	27
Legal research	25%	28	30%	30	7	9	31%	54	35%	54	17	19
Communicate with client (in-person)	82%	32	82%	46	26	38	89%	61	88%	83	55	73
Communicate with client (other)	21%	11	59%	20	2	12	30%	23	90%	37	7	33
Communicate with child welfare worker	89%	21	69%	20	19	14	90%	36	85%	41	32	35
Communicate with other counsel	85%	14	84%	17	11	15	87%	35	87%	34	30	30
Communicate with others	74%	41	60%	30	30	18	86%	63	79%	56	54	44
Other investigation or case management activity	50%	29	39%	40	15	15	56%	46	54%	64	26	35
<b>Activity 2 Motions and Other Hearings</b>												
	53%	80	53%	84	42	44	62%	114	62%	120	71	75
<b>Activity 3 Juris/Dispo Trial Prep</b>												
	33%	131	34%	247	43	85	29%	274	32%	521	81	165
<b>Phase B. At Hearing</b>												
<b>Juris Only</b>												
Conduct hearing (witnesses testify)	9%	135	9%	208	12	19	9%	244	10%	238	21	23
Conduct hearing (witnesses do not testify)	27%	9	27%	19	3	5	35%	30	27%	24	11	7
<b>Dispo Only</b>												
Conduct hearing (witnesses testify)	11%	192	12%	225	21	26	12%	266	12%	259	32	32
Conduct hearing (witnesses do not testify)	25%	12	25%	22	3	5	29%	32	24%	31	9	7
<b>Juris/Dispo Combined</b>												
Conduct hearing (witnesses testify)	8%	241	10%	241	20	23	9%	345	8%	300	31	24
Conduct hearing (witnesses do not testify)	33%	32	36%	32	11	11	37%	39	43%	40	14	17
<b>Phase C. File Notice of Appeal of Writ</b>												
Prepare and file notice of appeal	2%	9	6%	14	0	1	3%	14	7%	14	0	1
Preparefile/respond to/argue writ	1%	443	3%	750	5	23	3%	1,223	5%	1,238	36	62
Total Case Time (in minutes)	1516.38		2095.72		320	408	2,998		3,260		617	777
Hours	25.27		34.93		5.33	6.80	49.96		54.33		10	13

For both Basic and Optimal columns, the results of the blind and informed structured estimation focus groups are averaged, with respect to both the frequency of service unit occurrence (percent) and the time required per service unit. The Corrected Time columns reflect the frequency of service unit occurrence (percent) multiplied by the time required for the service unit.

## Structured Estimation Data: Version 2

### End of Disposition Through Permanency; Basic

### End of Disposition Through Permanency; Optimal

#### Activity 1 Case Preparation

Document review and obtain and review discovery  
Notes to file and draft orders  
Legal research  
Communicate with client (in-person)  
Communicate with client (other)  
Communicate with child welfare worker  
Communicate with other counsel  
Communicate with others  
Other investigation or case management activity

#### Activity 2 Motions and Other Hearings

#### Activity 3 Review Hearing Trial Preparation

#### Phase B. Statutory Review Hearing

Conduct hearing (witnesses testify)  
Conduct hearing (witnesses do not testify)  
Termination of reunification  
Conduct hearing (witnesses testify)  
Conduct hearing (witnesses do not testify)

#### Phase C. File Notice of Appeal or Writ

Prepare and file notice of appeal  
Prepare/file/respond to/argue writ

	Child Blind and Informed Reconciled				Parent Blind and Informed Reconciled				Child Corrected Time perc*time		Parent Corrected Time perc*time		Child Blind and Informed Reconciled				Parent Blind and Informed Reconciled				Child Corrected Time perc*time		Parent Corrected Time perc*time							
	49%	55	49%	29					27	14	44%	107	44%	49					47	21	34%	72	34%	25					25	8
	39%	33	37%	17					13	6	18%	61	18%	63					11	11	42%	130	41%	84					55	35
	12%	32	14%	41					4	6	37%	65	44%	67					24	29	44%	93	44%	64					41	28
	42%	56	40%	45					24	18	44%	81	43%	74					35	32	42%	238	42%	110					101	46
	30%	41	46%	41					12	19	34%	91	30%	57					31	17	37%	126	29%	124					47	36
	46%	57	43%	46					26	20	17%	243	16%	238					40	38	8%	101	7%	126					8	9
	47%	41	47%	42					19	20	25%	24	26%	22					6	6	5%	195	5%	239					10	13
	43%	119	35%	57					51	20	2%	33	2%	29					1	1	2%	33	2%	29					1	1
	33%	40	30%	28					13	8	5%	195	5%	239					10	13	2%	24	4%	18					1	1
	31%	90	26%	101					28	26	2%	760	2%	980					18	17	2%	24	4%	18					1	1
	17%	128	16%	139					22	23	Total		Total						40	38	Total	2,444	2,367	Total	500	349				
	6%	98	6%	104					6	6	Total Case Time (in minutes)		Total Case Time (in minutes)						8	9	Total Case Time (in minutes)			Total Case Time (in minutes)						
	30%	22	30%	20					6	6	Hours	26.52	25.18	Hours	4.57	3.54	Hours	40.74	39.44	Hours	8.33	5.82	Hours	8.33	5.82					
	7%	188	5%	186					13	10																				
	3%	28	3%	26					1	1																				
	2%	24	3%	18					0	0																				
	2%	543	2%	573					8	9																				

For both Basic and Optimal columns, the results of the blind and informed structured estimation focus groups are averaged, with respect to both the frequency of service unit occurrence (percent) and the time required per service unit. The Corrected Time columns reflect the frequency of service unit occurrence (percent) multiplied by the time required for the service unit.

## Structured Estimation Data: Version 2

### .26 Hearing/39.1B Writ; Basic

### .26 Hearing/39.1B Writ; Optimal

#### Activity 1

#### Case Preparation

Document review and obtain and review discovery  
Notes to file and draft orders  
Legal research  
Communicate with client (in-person)  
Communicate with client (other)  
Communicate with child welfare worker  
Communicate with other counsel  
Communicate with others  
Other investigation or case management activity

	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time
	Percent	Time	Percent	Time		
Document review and obtain and review discovery	30%	80	30%	80	24	24
Notes to file and draft orders	23%	42	23%	30	10	7
Legal research	15%	46	17%	55	7	9
Communicate with client (in-person)	26%	43	22%	43	11	10
Communicate with client (other)	21%	29	25%	30	6	7
Communicate with child welfare worker	28%	39	21%	15	11	3
Communicate with other counsel	28%	39	28%	27	11	8
Communicate with others	29%	46	22%	43	13	9
Other investigation or case management activity	27%	39	19%	41	10	8

#### Activity 2

#### Motions and Other Hearings

	17%	87	20%	230	15	47
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#### Activity 3

#### 39.1B Writs

Prepare and file notice of intent to file  
Request preparation and/or augmentation of record  
Review record  
Preparation and filing of pleadings  
Oral argument  
Draft settlement/order language

	5%	50	10%	23	2	2
Request preparation and/or augmentation of record	5%	35	8%	32	2	3
Review record	10%	140	14%	365	14	50
Preparation and filing of pleadings	5%	260	13%	650	13	83
Oral argument	1%	110	1%	98	1	1
Draft settlement/order language	0%	80	0%	45	0	0

#### Activity 4

#### .26 Hearing Trial Preparation

Conduct hearing (witnesses testify)  
Conduct hearing (witnesses do not testify)

	8%	20	8%	85	2	7
Conduct hearing (witnesses testify)	2%	20	2%	65	0	2
Conduct hearing (witnesses do not testify)	5%	20	5%	10	1	1

#### Phase B. At .26 Hearing: Adoption Indicated 50%

Conduct hearing (witnesses testify)  
Conduct hearing (witnesses do not testify)

	4%	20	0%	-	1	0
Conduct hearing (witnesses testify)	4%	20	0%	-	1	0
Conduct hearing (witnesses do not testify)	3%	20	0%	-	1	0

#### Phase C. File Notice of Appeal or Writ

Prepare and file notice of appeal  
Prepare/file/respond to/argue writ

	2%	20	0%	-	0	0
Prepare and file notice of appeal	2%	20	0%	-	0	0
Prepare/file/respond to/argue writ	1%	20	0%	-	0	0

Total Case Time (in minutes)	1,284	1,966	Total Case Time (in minutes)	155	280	

	21.40	32.77
Hours	21.40	32.77

	2.58	4.67
Hours	2.58	4.67

	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time
	Percent	Time	Percent	Time		
Document review and obtain and review discovery	30%	139	30%	92	42	28
Notes to file and draft orders	23%	38	23%	35	9	8
Legal research	16%	108	18%	63	17	11
Communicate with client (in-person)	29%	88	26%	61	26	16
Communicate with client (other)	22%	33	28%	43	7	12
Communicate with child welfare worker	30%	56	26%	33	17	9
Communicate with other counsel	30%	70	30%	45	21	14
Communicate with others	29%	113	24%	81	33	20
Other investigation or case management activity	26%	169	19%	71	45	13

	18%	195	22%	315	36	70
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	5%	45	11%	26	2	3
Prepare and file notice of intent to file	5%	45	11%	26	2	3
Request preparation and/or augmentation of record	5%	75	9%	41	4	4
Review record	10%	320	14%	450	31	61
Preparation and filing of pleadings	5%	840	13%	830	42	107
Oral argument	1%	193	1%	118	1	1
Draft settlement/order language	0%	60	0%	45	0	0

	7%	175	7%	100	12	7
Conduct hearing (witnesses testify)	7%	175	7%	100	12	7
Conduct hearing (witnesses do not testify)	5%	28	0%	68	1	0
	0%	-	1%	11	0	0

	3%	390	0%	-	12	0
Conduct hearing (witnesses testify)	3%	390	0%	-	12	0
Conduct hearing (witnesses do not testify)	5%	28	0%	-	1	0

	0%	8	0%	-	0	0
Prepare and file notice of appeal	0%	8	0%	-	0	0
Prepare/file/respond to/argue writ	1%	590	0%	-	4	0

Total Case Time (in minutes)	3,761	2,527	Total Case Time (in minutes)	363	384	

	62.68	42.12
Hours	62.68	42.12

	6.04	6.39
Hour	6.04	6.39

For both Basic and Optimal columns, the results of the blind and informed structured estimation focus groups are averaged, with respect to both the frequency of service unit occurrence (percent) and the time required per service unit. The Corrected Time columns reflect the frequency of service unit occurrence (percent) multiplied by the time required for the service unit.

## Structured Estimation Data: Version 2

### End of Permanency Hearing Through Post-Perm Plan; Basic

### End of Permanency Hearing Through Post-Perm Plan; Optimal

	End of Permanency Hearing Through Post-Perm Plan; Basic				End of Permanency Hearing Through Post-Perm Plan; Optimal							
	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time
<b>Activity 1</b>												
<b>Case Preparation</b>												
Document review and obtain and review discovery	23%	16	23%	23	4	5	23%	32	23%	38	7	9
Notes to file and draft orders	14%	8	20%	11	1	2	21%	13	21%	24	3	5
Legal research	2%	31	3%	29	1	1	3%	37	5%	43	1	2
Communicate with client (in-person)	21%	50	6%	30	11	2	23%	130	16%	40	30	7
Communicate with client (other)	13%	58	12%	15	8	2	16%	85	13%	25	14	3
Communicate with child welfare worker	16%	60	14%	15	10	2	23%	65	18%	25	15	4
Communicate with other counsel	8%	23	20%	13	2	3	8%	28	21%	18	2	4
Communicate with others	22%	70	5%	44	16	2	22%	90	11%	58	20	6
Other investigation or case management activity	19%	43	11%	44	8	5	20%	88	12%	73	18	8
<b>Activity 2</b>												
<b>Motions and other Hearings</b>	24%	107	5%	158	26	7	7%	137	5%	188	9	9
<b>Activity 3</b>												
<b>Review Hearing Trial Preparation</b>	12%	230	1%	105	29	1	1%	280	1%	158	3	1
<b>Phase B. At post-perm plan hearing</b>												
Conduct hearing (witnesses testify)	1%	110	0%	105	1	0	1%	115	0%	113	1	0
Conduct hearing (witnesses do not testify)	18%	18	15%	24	3	3	18%	20	12%	28	4	3
<i>Phase B At post perm plan hearing: adoption indicated</i>												
Conduct hearing (witnesses testify)	0%	155	0%	—	0	0	0%	160	0%	—	0	0
Conduct hearing (witnesses do not testify)	2%	12	0%	—	0	0	2%	14	0%	—	0	0
<b>Phase C. File Notice of Appeal or Writ</b>												
Prepare and file notice of appeal	0%	10	1%	14	0	0	3%	10	1%	14	0	0
Prepare file/respond to/argue writ	4%	700	0%	300	28	0	2%	900	0%	1,200	2	3
<b>Total</b>												
Case Time (in minutes)	1,698		928		145	36	2202.33		2040.00		129	65
<b>Hours</b>	<b>28.30</b>		<b>15.46</b>		<b>2.42</b>	<b>0.60</b>	<b>36.71</b>		<b>34.00</b>		<b>2.15</b>	<b>1.08</b>

For both Basic and Optimal columns, the results of the blind and informed structured estimation focus groups are averaged, with respect to both the frequency of service unit occurrence (percent) and the time required per service unit. The Corrected Time columns reflect the frequency of service unit occurrence (percent) multiplied by the time required for the service unit.



The workload study data then suggests a composite statewide attorney caseload where there are few cases at system entry (Beginning Through Detention) and a majority of cases at either the Review or Post-Permanent Plan Hearing stages. This proportional distribution of cases is used in caseload modeling; in an effort to simplify the modeling process, the hearing classifications were aggregated for caseload development purposes as follows:

- Beginning Through Detention + Post-Detention through Jurisdiction/Disposition + 6-Month Review Hearing ► case type = Year One
- 12-Month Review Hearing + 18-Month Review Hearing + .26 Hearing + First Post-Permanent Plan Hearing ► case type = Year Two
- Two Post-Permanent Plan Hearings ► case type = Year Three and Beyond

The terms “Year One,” “Year Two,” and “Year Three” are descriptive of case types — the analysis then becomes determining the proportion of an average attorney’s caseload that is in Year One, Year Two, or Year Three (and beyond) as opposed to the proportion of cases at each hearing classification stage. The annual cutoffs were determined by a review of the CWS/CMS survival data, which revealed that, at *most*, a case could go through detention, jurisdiction, disposition, and one review hearing within 365 days of entry,<sup>7</sup> two review hearings, a .26 hearing, and one post-permanent plan hearing within the next 365 day period, and two post-permanent plan hearings at six-month intervals thereafter.

Applying the workload study case type distribution to the Year One/Year Two/ Year Three clusters leads to the following conclusion as to proportional case type distribution for an average attorney’s caseload:

- 47.19 percent of cases are in Year One (7.36+19.93+19.9<sup>8</sup> percent)
- 36.5 percent of cases are in Year Two (13.93+5.97+8.45+8.15<sup>9</sup> percent)
- 16.31 percent of cases are in Year Three and beyond (8.15+8.15 percent)

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<sup>7</sup> Other than cases where a WIC §366.26 hearing was ordered at Disposition, which was the case in slightly less than 10 percent of the sample, and only accounting for statutorily required hearings (i.e., not hearings pursuant to motions, etc.).

<sup>8</sup> Thirty-nine-point-eight percent of workload study cases at the Review Hearing stage. CWS/CMS ratios are applied to this figure to identify percentages for 6-, 12- and 18-month reviews (per CWS/CMS, 50 percent of cases have a 6-month, 35 percent a 12-month, and 15 percent an 18-month review).

<sup>9</sup> The UC Berkeley sample contains data through the first post-permanency hearing only; for the purposes of caseload modeling we assume the same frequency of occurrence for each of three post-permanent plan hearings modeled (and those thereafter). Therefore, 24.45 percent was divided by three to get percent values for each of the three post-permanent plan hearings included in the model.

**Model Building III: Removal of Structured Estimation Data for Writ Work**

Structured estimation data did not include time requirements for writ work; because of the infrequent yet highly resource-intensive nature of writ work, AOC staff determined that the impact of this activity on attorney caseloads could not be accurately captured by the caseload model. Comments were solicited as to how best to account for writ work in a caseload model; those comments, in conjunction with Court of Appeals statistics regarding the frequency of writ filings, were used to determine an appropriate factor for accounting for the impact of writ work on attorney time.

The current caseload model reflects an assumption that one writ will be prepared annually by each full-time dependency practitioner and that those writs will require approximately 12.25 hours of attorney time.

**Model Building IV: Substitution of Workload Study for Structured Estimation Hearing Times**

A comparison of Structured Estimation Data: Version I hearing times with those evidenced in the workload study data reveals that structured estimation focus group participants identified, on average, significantly longer hearing times for both contested (in which witnesses testify) and uncontested hearings at both basic and optimal practice standards than in hearings as currently conducted. Participants in several focus groups engaged in substantive discussions as to the impact of increased case service time outside of court (in case management and investigation activities and tasks) on both the frequency of incidence of contested versus uncontested hearings and on how long those hearings would take. Whereas hearing-frequency estimates identified by focus group participants remain in the caseload model, hearing-time estimates were substituted with data as identified by the workload study. The amount of time available to attorneys for both contested and uncontested hearings is ultimately dependent on judicial and court resources; these issues are outside the immediate parameters of the Caseload Study, and therefore the caseload model as developed is based on actual available court time.

Modified structured estimation data, absent time associated with writ preparation and including workload study hearing times, is provided as Structured Estimation Data: Version III, on the following pages.

### Structured Estimation Data: Version 3

#### Beginning Through Detention Hearing; Basic

#### Beginning Through Detention Hearing; Optimal

##### Activity 1

##### Case Preparation

Document review and obtain and review discovery  
 Notes to file and draft orders  
 Legal research  
 Communicate with client (in-person)  
 Communicate with client (other)  
 Communicate with child welfare worker  
 Communicate with other counsel  
 Communicate with others  
 Other investigation or case management activity

##### Activity 2

##### Motions and Other Hearings

##### Activity 3

##### Detention Hearing Trial Prep

##### Phase B. At Initial/Detention Hearing

Conduct hearing (witnesses testify)  
 Conduct hearing (witnesses do not testify)

##### Phase C. File Notice of Appeal or Writ

Prepare and file notice of appeal  
 Prepare/file/respond to/argue writ

	Beginning Through Detention Hearing; Basic				Beginning Through Detention Hearing; Optimal									
	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time		
Document review and obtain and review discovery	100%	20	100%	20	20	20	100%	33	100%	36	33	36		
Notes to file and draft orders	52%	9	76%	11	5	9	59%	15	81%	17	9	14		
Legal research	7%	44	10%	23	3	2	14%	52	15%	51	7	7		
Communicate with client (in-person)	83%	38	92%	43	31	39	89%	48	94%	59	42	55		
Communicate with client (other)	24%	10	38%	18	2	7	28%	13	39%	32	4	12		
Communicate with child welfare worker	75%	22	73%	22	17	16	88%	28	83%	30	24	25		
Communicate with other counsel	84%	25	93%	19	21	18	90%	31	100%	28	28	28		
Communicate with others	66%	45	63%	29	29	18	83%	55	79%	48	46	38		
Other investigation or case management activity	100%	18	91%	19	18	18	100%	24	93%	28	24	26		
Motions and Other Hearings	2%	21	2%	22	0	0	3%	26	3%	26	1	1		
Detention Hearing Trial Prep	29%	69	27%	182	20	48	35%	83	34%	333	29	112		
Conduct hearing (witnesses testify)	10%	20	11%	20	2	2	18%	107	20%	122	19	24		
Conduct hearing (witnesses do not testify)	90%	15	89%	15	13	13	82%	40	80%	43	33	34		
Prepare and file notice of appeal														
Prepare/file/respond to/argue writ	1%		1%				1%	225	3%	390	0	12		
<b>Total Case Time (in minutes)</b>	356		442		183		778		1,241		300		424	
<b>Hours</b>	5.9		7.4		3.04		12.97		20.69		5.00		7.06	

For both Basic and Optimal columns, the results of the blind and informed structured estimation focus groups are averaged, with respect to both the frequency of service unit occurrence (percent) and the time required per service unit. The Corrected Time columns reflect the frequency of service unit occurrence (percent) multiplied by the time required for the service unit.

### Structured Estimation Data: Version 3

	End of Detention Through Juris/Dispo; Basic					End of Detention Through Juris/Dispo; Optimal						
	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time
<b>Phase A. Before Hearing</b>												
<b>Activity 1</b>												
<b>Case Preparation</b>												
Document review and obtain and review discovery	90%	37	90%	41	33	37	90%	77	90%	75	70	68
Notes to file and draft orders	83%	20	71%	11	16	7	88%	23	88%	30	21	27
Legal research	25%	28	30%	30	7	9	31%	54	35%	54	17	19
Communicate with client (in-person)	82%	32	82%	46	26	38	89%	61	88%	83	55	73
Communicate with client (other)	21%	11	59%	20	2	12	30%	23	90%	37	7	33
Communicate with child welfare worker	89%	21	69%	20	19	14	90%	36	85%	41	32	35
Communicate with other counsel	85%	14	84%	17	11	15	87%	35	87%	34	30	30
Communicate with others	74%	41	60%	30	30	18	86%	63	79%	56	54	44
Other investigation or case management activity	50%	29	39%	40	15	15	56%	46	54%	64	26	35
<b>Activity 2</b>												
<b>Motions and Other Hearings</b>												
	53%	80	53%	84	42	44	62%	114	62%	120	71	75
<b>Activity 3</b>												
<b>Juris/Dispo Trial Prep</b>												
	33%	131	34%	247	43	85	29%	274	32%	521	81	165
<b>Phase B. At Hearing</b>												
<b>Juris Only</b>												
Conduct hearing (witnesses testify)	9%	45	9%	45	4	4	9%	244	10%	238	21	23
Conduct hearing (witnesses do not testify)	27%	13	27%	15	4	4	35%	30	27%	24	11	7
<b>Dispo Only</b>												
Conduct hearing (witnesses testify)	11%	45	12%	45	5	5	12%	266	12%	259	32	32
Conduct hearing (witnesses do not testify)	25%	13	25%	15	3	4	29%	32	24%	31	9	7
<b>Juris/Dispo Combined</b>												
Conduct hearing (witnesses testify)	8%	45	10%	45	4	4	9%	345	8%	300	31	24
Conduct hearing (witnesses do not testify)	33%	13	36%	15	4	5	37%	39	43%	40	14	17
<b>Phase C. File Notice of Appeal of Writ</b>												
Prepare and file notice of appeal	2%	9	6%	14	0	1	3%	14	7%	14	0	1
Prepare/file/respond to/argue writ	1%		3%				3%	1,223	5%	1,238	36	62
<b>Total Case Time (in minutes)</b>	<b>626.63</b>		<b>778.84</b>		<b>270</b>	<b>321</b>	<b>2,998</b>		<b>3,260</b>		<b>617</b>	<b>777</b>
<b>Hours</b>	<b>10.44</b>		<b>12.98</b>		<b>4.49</b>	<b>5.35</b>	<b>49.96</b>		<b>54.33</b>		<b>10</b>	<b>13</b>

For both Basic and Optimal columns, the results of the blind and informed structured estimation focus groups are averaged, with respect to both the frequency of service unit occurrence (percent) and the time required per service unit. The Corrected Time columns reflect the frequency of service unit occurrence (percent) multiplied by the time required for the service unit.

### Structured Estimation Data: Version 3

#### End of Disposition Through Permanency; Basic

#### End of Disposition Through Permanency; Optimal

	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time	
	perc	time	perc	time			perc	time	perc	time			
<b>Activity 1</b>													
<b>Case Preparation</b>													
Document review and obtain and review discovery	49%	55	49%	29	27	14	44%	107	44%	49	47	21	
Notes to file and draft orders	39%	33	37%	17	13	6	34%	72	34%	25	25	8	
Legal research	12%	32	14%	41	4	6	18%	61	18%	63	11	11	
Communicate with client (in-person)	42%	56	40%	45	24	18	42%	130	41%	84	55	35	
Communicate with client (other)	30%	41	46%	41	12	19	37%	65	44%	67	24	29	
Communicate with child welfare worker	46%	57	43%	46	26	20	44%	93	44%	64	41	28	
Communicate with other counsel	47%	41	47%	42	19	20	44%	81	43%	74	35	32	
Communicate with others	43%	119	35%	57	51	20	42%	238	42%	110	101	46	
Other investigation or case management activity	33%	40	30%	28	13	8	34%	91	30%	57	31	17	
<b>Activity 2</b>													
<b>Motions and Other Hearings</b>													
	31%	90	26%	101	28	26	37%	126	29%	124	47	36	
<b>Activity 3</b>													
<b>Review Hearing Trial Preparation</b>													
	17%	128	16%	139	22	23	17%	243	16%	238	40	38	
<b>Phase B. Statutory Review Hearing</b>													
Conduct hearing (witnesses testify)	6%	25	6%	35	1	2	8%	101	7%	126	8	9	
Conduct hearing (witnesses do not testify)	30%	10	30%	10	3	3	25%	24	26%	22	6	6	
Termination of reunification													
Conduct hearing (witnesses testify)	7%	65	5%	85	4	5	5%	195	5%	239	10	13	
Conduct hearing (witnesses do not testify)	3%	10	3%	15	0	0	2%	33	2%	29	1	1	
<b>Phase C. File Notice of Appeal or Writ</b>													
Prepare and file notice of appeal	2%	24	3%	18	0	0	2%	24	4%	18	1	1	
Prepare/file/respond to/argue writ	2%		2%				2%	760	2%	980	18	17	
<b>Total Case Time (in minutes)</b>		<b>825</b>		<b>748</b>	<b>Total Case Time (in minutes)</b>	<b>249</b>	<b>190</b>	<b>Total Case Time (in minutes)</b>	<b>2,444</b>	<b>2,367</b>	<b>Total Case Time (in minutes)</b>	<b>500</b>	<b>349</b>
<b>Hours</b>		<b>13.74</b>		<b>12.46</b>	<b>Hours</b>	<b>4.15</b>	<b>3.17</b>	<b>Hours</b>	<b>40.74</b>	<b>39.44</b>	<b>Hours</b>	<b>8.33</b>	<b>5.82</b>

For both Basic and Optimal columns, the results of the blind and informed structured estimation focus groups are averaged, with respect to both the frequency of service unit occurrence (percent) and the time required per service unit. The Corrected Time columns reflect the frequency of service unit occurrence (percent) multiplied by the time required for the service unit.

**Structured Estimation Data: Version 3**

	<b>.26 Hearing/39.1B Writ; Basic</b>						<b>.26 Hearing/39.1B Writ; Optimal</b>						
	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time	
<b>Activity 1</b>													
<b>Case Preparation</b>													
Document review and obtain and review discovery	30%	80	30%	80	24	24	30%	139	30%	92	42	28	
Notes to file and draft orders	23%	42	23%	30	10	7	23%	38	23%	35	9	8	
Legal research	15%	46	17%	55	7	9	16%	108	18%	63	17	11	
Communicate with client (in-person)	26%	43	22%	43	11	10	29%	88	26%	61	26	16	
Communicate with client (other)	21%	29	25%	30	6	7	22%	33	28%	43	7	12	
Communicate with child welfare worker	28%	39	21%	15	11	3	30%	56	26%	33	17	9	
Communicate with other counsel	28%	39	28%	27	11	8	30%	70	30%	45	21	14	
Communicate with others	29%	46	22%	43	13	9	29%	113	24%	81	33	20	
Other investigation or case management activity	27%	39	19%	41	10	8	26%	169	19%	71	45	13	
<b>Activity 2</b>													
<b>Motions and Other Hearings</b>	17%	87	20%	230	15	47	18%	195	22%	315	36	70	
<b>Activity 3</b>													
<b>39.1B Writs</b>													
Prepare and file notice of intent to file	5%	50	10%	23	2	2	5%	45	11%	26	2	3	
Request preparation and/or augmentation of record	5%	35	8%	32	2	3	5%	75	9%	41	4	4	
Review record	10%	140	14%	365	14	50	10%	320	14%	450	31	61	
Preparation and filing of pleadings	5%	260	13%	650	13	83	5%	840	13%	830	42	107	
Oral argument	1%	110	1%	98	1	1	1%	193	1%	118	1	1	
Draft settlement/order language	0%	80	0%	45	0	0	0%	60	0%	45	0	0	
<b>Activity 4</b>													
<b>.26 Hearing Trial Preparation</b>	8%	20	8%	85	2	7	7%	175	7%	100	12	7	
Conduct hearing (witnesses testify)	2%	46	2%	60	1	1	5%	28	0%	68	1	0	
Conduct hearing (witnesses do not testify)	5%	10	5%	10	1	1	0%	-	1%	11	0	0	
<b>Phase B. At .26 Hearing: Adoption Indicated 50%</b>	4%	46	0%	-	2	0	3%	390	0%	-	12	0	
Conduct hearing (witnesses testify)	3%	10	0%	-	0	0	5%	28	0%	-	1	0	
Conduct hearing (witnesses do not testify)													
<b>Phase C. File Notice of Appeal or Writ</b>	2%	20	0%	-	0	0	0%	8	0%	-	0	0	
Prepare and file notice of appeal	1%		0%	-	0	0	1%	590	0%	-	4	0	
Prepare/file/respond to/argue writ													
<b>Total</b>	<b>Case Time</b>	<b>1,316</b>	<b>1,961</b>	<b>Case Time</b>	<b>156</b>	<b>280</b>	<b>Total</b>	<b>Case Time</b>	<b>3,761</b>	<b>2,527</b>	<b>Case Time</b>	<b>363</b>	<b>384</b>
	(in minutes)			(in minutes)				(in minutes)		(in minutes)			
<b>Hours</b>	<b>21.93</b>	<b>32.68</b>	<b>Hours</b>	<b>2.59</b>	<b>4.67</b>	<b>Hours</b>	<b>62.68</b>	<b>42.12</b>	<b>Hours</b>	<b>6.04</b>	<b>6.39</b>		

For both Basic and Optimal columns, the results of the blind and informed structured estimation focus groups are averaged, with respect to both the frequency of service unit occurrence (percent) and the time required per service unit. The Corrected Time columns reflect the frequency of service unit occurrence (percent) multiplied by the time required for the service unit.

### Structured Estimation Data: Version 3

	End of Permanency Hearing Through Post-Perm Plan; Basic					End of Permanency Hearing Through Post-Perm Plan; Optimal							
	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time	Child Blind and Informed Reconciled		Parent Blind and Informed Reconciled		Child Corrected Time perc*time	Parent Corrected Time perc*time	
<b>Case Preparation</b>													
Document review and obtain and review discovery	23%	16	23%	23	4	5	23%	32	23%	38	7	9	
Notes to file a nd draft orders	14%	8	20%	11	1	2	21%	13	21%	24	3	5	
Legal research	2%	31	3%	29	1	1	3%	37	5%	43	1	2	
Communicate with client (in-person)	21%	50	6%	30	11	2	23%	130	16%	40	30	7	
Communicate with client (other)	13%	58	12%	15	8	2	16%	85	13%	25	14	3	
Communicate with child welfare worker	16%	60	14%	15	10	2	23%	65	18%	25	15	4	
Communicate with other counsel	8%	23	20%	13	2	3	8%	28	21%	18	2	4	
Communicate with others	22%	70	5%	44	16	2	22%	90	11%	58	20	6	
Other investigation or case management activity	19%	43	11%	44	8	5	20%	88	12%	73	18	8	
<b>Activity 2</b>													
<i>Motions and other Hearings</i>	24%	107	5%	158	26	7	7%	137	5%	188	9	9	
<b>Activity 3</b>													
<i>Review Hearing Trial Preparation</i>	12%	230	1%	105	29	1	1%	280	1%	158	3	1	
<b>Phase B. At post-perm plan hearing</b>													
Conduct hearing (witnesses testify)	1%	15	0%	15	0	0	1%	115	0%	113	1	0	
Conduct hearing (witnesses do not testify)	18%	10	15%	10	2	1	18%	20	12%	28	4	3	
<i>Phase B At post perm plan hearing;adoption indicated</i>													
Conduct hearing (witnesses testify)	0%	15	0%	-	0	0	0%	160	0%	-	0	0	
Conduct hearing (witnesses do not testify)	2%	10	0%	-	0	0	2%	14	0%	-	0	0	
<b>Phase C. File Notice of Appeal or Writ</b>													
Prepare and file notice of appeal	0%	10	1%	14	0	0	0.3%	10	1%	14	0	0	
Prepare/file/respond to/argue writ	4%		0%		0	0	0.2%	900	0%	1,200	2	3	
<b>Total Case Time (in minutes)</b>	<b>754</b>		<b>524</b>		<b>Total Case Time (in minutes)</b>	<b>115</b>	<b>34</b>	<b>Total Case Time (in minutes)</b>	<b>2202.33</b>	<b>2040.00</b>	<b>Total Case Time (in minutes)</b>	<b>129</b>	<b>65</b>
<b>Hours</b>	<b>12.56</b>		<b>8.73</b>		<b>Hours</b>	<b>1.92</b>	<b>0.57</b>	<b>Hours</b>	<b>36.71</b>	<b>34.00</b>	<b>Hours</b>	<b>2.15</b>	<b>1.08</b>

For both Basic and Optimal columns, the results of the blind and informed structured estimation focus groups are averaged, with respect to both the frequency of service unit occurrence (percent) and the time required per service unit. The Corrected Time columns reflect the frequency of service unit occurrence (percent) multiplied by the time required for the service unit.

### Model Building V: Addition of Travel Time, Child's Counsel Only

For attorneys representing child clients, traveling to visit the child in his/her placement setting is recommended prior to every hearing, in general, as part of both the basic and optimal standards. Since the amount of time required for travel to a placement setting is not under attorney control, structured estimation groups were not asked to estimate travel times. Instead, an average client-related travel time of 0.8 hours (48 minutes per case of prehearing travel) was calculated from workload study results and included in the per-case totals for both the basic and optimal conditions as distributed in the interim report. Travel was included only for child cases due to the importance of attorney-client visits in placement settings and the assumption that most parent clients have independent means to travel to see their attorneys.

Comments were solicited and received with respect to how reflective the estimate of 48 minutes per-case of travel time was of the expectation of client visits prior to every hearing. As a result of those comments, the travel time factor was modified upwards significantly, to 3.2 hours per child case annually.

### Caseload Model

The structured estimation data was used to develop a caseload model as follows:

1. Structured estimation times weighted by frequency of activity or task occurrence;
2. Results of (1.) weighted by CWS/CMS data outlining the likelihood that any dependency case will reach each particular hearing classification stage;
3. Results of (2.) weighted by workload study and CWS/CMS data reflecting the proportional distribution of attorney caseloads by case type; and
4. Annual attorney time requirements by case type derived.

The final key component of the caseload model is the annual number of attorney hours available for actual casework. As indicated by the workload study data, 83 percent of all attorney time was spent on court-appointed dependency casework over the two-week workload study period; utilizing the judicial branch annual work available hours figure of 1,778, a case service time of 1,476 hours per year was identified. This figure is then adjusted downward to account for time needed for writ preparation. By dividing available case time by the weighted number of requisite attorney hours per case type as outlined above, values for a basic and optimal caseload were attained.

Table 8 outlines parent and child client caseloads at a basic standard of practice, Table 9 at an optimal practice standard. Because of both the similarity of the caseload figures for parent and child cases and the practical implications of administering differing caseload standards for each, the caseload figures for parent and child clients were averaged. Thus, Caseload Study results indicated an *optimal practice standard* maximum caseload of 77 cases or clients per full-time dependency attorney and a *basic practice standard* caseload of 141 clients per full-time dependency attorney; these recommended standards compared to a statewide average at the onset



of the caseload study of 273 clients per attorney. Note that for purposes of Caseload Study results, one client is equivalent to one case; each sibling of a sibling group is counted as an individual case.<sup>10</sup> Although originally intended by the study design, neither the basic nor the optimal caseload standards reflected the potential impact of support staffing, particularly investigators or social workers, on attorneys' case-carrying capacity.<sup>11</sup>

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<sup>10</sup> Comments were solicited regarding the determination that one child was equivalent to one case (and thus that sibling groups would be treated as individual cases). Feedback supported the notion that, while sibling groups generally require less attorney time than an equal number of unrelated cases, the numerous confounding variables affecting the workload associated with sibling representation suggest a one-to-one correlation at this time.

<sup>11</sup> While support staff were included as workload study participants, their participation was entirely voluntary and based on the discretion of their employers. As such, data collected did not reflect a representative sample of support staff activity and could not be used to inform caseload standard modifications.

<b>Table 8: Caseload Model: Basic Standard</b>							
	<b>CWS/CMS Frequencies Not Already Accounted for in Structured Estimation Data</b>	<b>Hearing Classification Attorney Time Requirements: Child Client (in hours)</b>	<b>Hearing Classification Attorney Time Requirements: Parent Client (in hours)</b>		<b>Proportion of Caseload in Year One, Year Two, Year Three</b>	<b>Weighted Annual Hour Requirement by Case Type: Child Client</b>	<b>Weighted Annual Hour Requirement by Case Type: Parent Client</b>
<b>Year One</b>							
Detention		3.04	3.50				
Disposition		4.49	5.35				
Permanency (6 month review)		4.15	3.17				
<b>Year One Hours per Case</b>		<b>11.69</b>	<b>12.02</b>		<b>47.19%</b>	<b>5.52</b>	<b>5.67</b>
<b>Year Two</b>							
12 month review	<b>35.60%</b>	2.96	2.26				
18 month review	<b>15.00%</b>	1.25	0.95				
.26 Hearing		2.59	4.67				
First PPH		1.92	0.57				
<b>Year Two Hours per Case</b>		<b>8.72</b>	<b>8.44</b>		<b>36.50%</b>	<b>3.18</b>	<b>3.08</b>
<b>Year Three</b>							
Second PPH		1.92	0.57				
Third PPH		1.92	0.57				
<b>Year Three Hours per Case</b>		<b>3.84</b>	<b>1.14</b>		<b>16.31%</b>	<b>0.63</b>	<b>0.19</b>
<b>Total Annual Work Hours</b>		<b>1778</b>	<b>1778</b>				
<b>Annual Dependency Casework Hours / Annual Hours per Composite Case</b>		<b>1476</b>	<b>1476</b>			<b>9.32</b>	<b>8.94</b>
<b>Available Work Hours per Year per Case Composite (Year One+Year Two+Year Three)</b>		<b>158.29</b>	<b>165.13</b>				
<b>One 39.1B Writ per Year</b>		<b>11.25</b>	<b>13.22</b>				
<b>Revised Annual Dependency Casework Hours (Reflecting One 39.1B Writ per Year)</b>		<b>1464.75</b>	<b>1462.78</b>				
<b>Available Work Hours per Year Minus Writ per Case Composite (Year One+Year Two+Year Three)</b>		<b>157.08</b>	<b>164.00</b>				
<b>Travel Hours per Year per Case</b>		<b>3.20</b>					
<b>Child Cases with Travel Hours per Year/Travel</b>		<b>117</b>					
<b>Hours per Year/Other Case Service Time</b>		<b>374</b>					
<b>RECOMMENDED CASELOAD</b>		<b>1091</b>	<b>141</b>				

Table 9: Caseload Model: Optimal Standard							
	CWS/CMS Frequencies Not Already Accounted for in Structured Estimation Data	Hearing Classification Attorney Time Requirements: Child Client (in hours)	Hearing Classification Attorney Time Requirements: Parent Client (in hours)		Proportion of Caseload in Year One, Year Two, Year Three	Weighted Annual Hour Requirement by Case Type: Child Client	Weighted Annual Hour Requirement by Case Type: Parent Client
<b>Year One</b>							
Detention		5.00	7.06				
Disposition		10.28	12.95				
Permanency (6 month review)		8.33	5.82				
<b>Year One Hours per Case</b>		<b>23.62</b>	<b>25.83</b>		<b>47.19%</b>	<b>11.15</b>	<b>12.19</b>
<b>Year Two</b>							
12 month review	<b>35.60%</b>	6.14	4.14				
18 month review	<b>15.00%</b>	2.59	1.74				
.26 Hearing		6.04	6.39				
First PPH		2.15	1.08				
<b>Year Two Hours per Case</b>		<b>16.93</b>	<b>13.35</b>		<b>36.50%</b>	<b>6.18</b>	<b>4.87</b>
<b>Year Three</b>							
Second PPH		2.15	1.08				
Third PPH		2.15	1.08				
<b>Year Three Hours per Case</b>		<b>4.31</b>	<b>2.16</b>		<b>16.31%</b>	<b>0.70</b>	<b>0.35</b>
<b>Total Annual Work Hours</b>		<b>1778</b>	<b>1778</b>				
<b>Annual Dependency Casework Hours / Annual Hours per Composite Case</b>		<b>1476</b>	<b>1476</b>			<b>18.03</b>	<b>17.41</b>
<b>Available Work Hours per Year per Case Composite (Year One+Year Two+Year Three)</b>		<b>81.88</b>	<b>84.77</b>				
<b>One 39.1 B Writ per Year</b>		<b>11.25</b>	<b>13.22</b>				
<b>Revised Annual Dependency Casework Hours (Reflecting One 39.1B Writ per Year)</b>		<b>1464.75</b>	<b>1462.78</b>				
<b>Available Work Hours per Year minus Writ per Case Composite (Year One+Year Two+Year Three)</b>		<b>81.25</b>	<b>84.01</b>				
<b>Travel Hours per Year per Case</b>		<b>3.20</b>					
<b>Child Cases with Travel</b>		<b>69</b>					
<b>Hours per Year/Travel</b>		<b>221</b>					
<b>Hours per Year/Other Case Service Time</b>		<b>1255</b>					
<b>RECOMMENDED CASELOAD</b>		<b>77</b>					

The Caseload Study for Court-Appointed Dependency Counsel

APPENDIX 1B

Hearing Classification: Beginning Through Initial/Detention Hearing			
	Minutes to Complete: From Workload Data		
<b>Phase A. Before Hearing</b>			
<b>Activity 1. Case Preparation</b>	<b>N</b>	<b>Median</b>	<b>Mean</b>
Document review and Obtain and review discovery	770	:15	:19
Notes to file and Draft orders	107	:10	:12
Legal research	10	:38	:54
Communicate with client (in person)	465	:20	:27
Communicate with client (other)	153	:20	:24
Communicate with child welfare worker	165	:11	:15
Communicate with other counsel	191	:10	:14
Communicate with others	123	:13	:15
Other investigation or case management activity	71	:09	:29
<b>Activity 2. Motions and Other Hearings</b>	82	:21	:29
<b>Activity 3. Detention Hearing Trial Preparation</b>	82	:28	:32
<b>Phase B. At Initial/Detention Hearing</b>			
Conduct hearing (witnesses testify)	90	:20	:36
Conduct hearing (witnesses do not testify)	1146	:15	:19
<b>Phase C. File Writ</b>			
Prepare and file notice of appeal			
Prepare/file/respond to/argue writ			

The Caseload Study for Court-Appointed Dependency Counsel

APPENDIX 1B

Hearing Classification: Post-Detention Hearing Through Disposition			
	Minutes to Complete: From Workload Data		
<i>Phase A. Before Hearing</i>			
<b>Activity 1. Case Preparation</b>	<b>N</b>	<b>Median</b>	<b>Mean</b>
Document review and Obtain and review discovery	2083	:15	:25
Notes to file and Draft orders	577	:10	:15
Legal research	115	:33	:56
Communicate with client (in person)	952	:22	:30
Communicate with client (other)	695	:17	:25
Communicate with child welfare worker	647	:10	:15
Communicate with other counsel	833	:14	:19
Communicate with others	588	:14	:22
Other investigation or case management activity	324	:11	:21
<b>Activity 2. Motions and Other Hearings</b>	415	:20	:42
<b>Activity 3. Juris/Dispo Trial Preparation</b>	407	:35	1:13
<b>Phase B. At Hearing: Juris-Dispo Combined</b>			
Conduct hearing (witnesses testify)	326	:45	1:24
Conduct hearing (witnesses do not testify)	2590	:14	:18
<b>Phase C. File Writ</b>			
Prepare/file/respond to/argue writ	3	2:49	2:49

The Caseload Study for Court-Appointed Dependency Counsel

APPENDIX 1B

Hearing Classification: 39.1B Writ Preparation through Completion of the Selection and Implementation (.26) Hearing			
	Minutes to Complete: From Workload Data		
<b><i>Phase A. Before Hearing</i></b>			
<b>Activity 1. Case Preparation</b>	<b>N</b>	<b>Median</b>	<b>Mean</b>
Document review and Obtain and review discovery	757	:15	:26
Notes to file and Draft orders	223	:10	:13
Legal research	62	:39	1:11
Communicate with client (in person)	165	:15	:30
Communicate with client (other)	248	:16	:25
Communicate with child welfare worker	217	:11	:15
Communicate with other counsel	267	:14	:20
Communicate with others	309	:15	:24
Other investigation or case management activity	128	:12	:18
<b>Activity 2. Motions and Other Hearings</b>	179	:23	:54
<b>Activity 3. 39.1B Writs</b>			
Prepare and file notice of intent to file	4	:42	:53
Request preparation and/or augmentation of record	5	:38	:41
Review record	21	1:12	2:49
Preparation and filing of pleadings	6	2:25	5:05
Oral argument			0
Draft settlement/order language	1	:15	:15
<b>Activity 4. .26 Hearing Trial Preparation</b>	89	:37	:51
<b><i>Phase B. At .26 Hearing</i></b>			
Conduct hearing (witnesses testify)	127	:53	1:24
Conduct hearing (witnesses do not testify)	881	:10	:17
<b><i>Phase C. File Notice of Appeal or Writ</i></b>			
Prepare and file notice of appeal	26	:35	:58
Prepare/file/respond to/argue writ	46	3:00	4:46

The Caseload Study for Court-Appointed Dependency Counsel

APPENDIX 1B

Hearing Classification: Post-Disposition Through End of Reunification Services and/or End of In-Home Dependency Period			
Minutes to Complete: From Workload Data			
<b><i>Phase A. Before Hearing</i></b>			
<b>Activity 1. Case Preparation</b>	<b>N</b>	<b>Median</b>	<b>Mean</b>
Document review and Obtain and review discovery	3661	:12	:18
Notes to file and Draft orders	1099	:10	:13
Legal research	122	:30	:43
Communicate with client (in person)	1291	:18	:24
Communicate with client (other)	1323	:15	:21
Communicate with child welfare worker	1291	:10	:15
Communicate with other counsel	1178	:10	:16
Communicate with others	1319	:14	:22
Other investigation or case management activity	530	:10	:18
<b>Activity 2. Motions and Other Hearings</b>	819	:17	:34
<b>Activity 3. Review Hearing Trial Preparation</b>	362	:32	:57
<b><i>Phase B. Statutory Review Hearing</i></b>			
<b>At Hearing, Services Ongoing</b>			
Conduct hearing (witnesses testify)	372	:30	1:00
Conduct hearing (witnesses do not testify)	3878	:10	:15
<b>At Hearing, Services Terminating</b>			
Conduct hearing (witnesses testify)	19	1:15	1:40
Conduct hearing (witnesses do not testify)	141	:13	:17
<b><i>Phase C. File Notice of Appeal or Writ</i></b>			
Prepare and file notice of appeal	12	:34	2:47
Prepare/file/respond to/argue writ	8	:40	2:16

The Caseload Study for Court-Appointed Dependency Counsel

APPENDIX 1B

Hearing Classification: Post-Permanent Plan			
	Minutes to Complete: From Workload Data		
<b>Phase A. Before Hearing</b>	<b>N</b>	<b>Median</b>	<b>Mean</b>
<b>Activity 1. Case Preparation</b>			
Document review and Obtain and review discovery	2323	:10	:15
Notes to file and Draft orders	736	:08	:10
Legal research	69	:29	:38
Communicate with client (in person)	519	:18	:30
Communicate with client (other)	778	:15	:20
Communicate with child welfare worker	783	:10	:16
Communicate with other counsel	498	:11	:18
Communicate with others	1056	:14	:22
Other investigation or case management activity	416	:07	:17
<b>Activity 2. Motions and Other Hearings</b>	390	:20	:41
<b>Activity 3. Review Hearing Trial Preparation</b>	85	:28	:37
<b>Phase B. At Post Perm Plan Hearing</b>			
Conduct hearing (witnesses testify)	173	:15	:29
Conduct hearing (witnesses do not testify)	2469	:10	:13
<b>Phase C. File Notice of Appeal or Writ</b>			
Prepare and file notice of appeal	15	:29	:36
Prepare/file/respond to/argue writ	14	:48	3:42



**Court Compensation Regions**

**Appendix 2**

**Region 1**

	Watson Wyatt Group	Co. Co. Salary Group	Income Group	Home Value Group
Butte	1	1	1	1
Colusa	1	1	1	1
Del Norte	1	1	1	1
Fresno	1	1	1	1
Humboldt	1	1	1	1
Imperial	1	1	1	1
Kings	1	1	1	1
Lassen	1	1	1	1
Mariposa	1		1	1
Merced	1	1	1	1
Modoc	1		1	1
Plumas	1	1	1	1
Shasta	1	1	1	1
Sierra	1		1	1
Siskiyou	1	1	1	1
Tehama	1	1	1	1
Trinity	1		1	1
Tulare	1	1	1	1

**Region 2**

	Watson Wyatt Group	Co. Co. Salary Group	Income Group	Home Value Group
Alpine	1		2	2
Amador	1	2	2	2
Calaveras	1	1	2	2
El Dorado	1	2	3	2
Glenn	1	3	1	1
Inyo	1	1	1	2
Kern	1	2	1	1
Lake	2	1	1	1
Madera	1	1	2	1
Mendocino	1	1	1	2
Mono	1	2	2	3
Nevada	1	1	2	2
Sacramento	2	2	2	2
San Benito	1	1	3	3
San Bernardino	2	2	2	1
San Joaquin	1	2	2	2
San Luis Obispo	1	2	2	3
Stanislaus	1	2	2	2
Sutter	1	2	2	1
Tuolumne	1	1	1	2
Yolo	1	1	2	2
Yuba	1	2	1	1

**Region 3**

	Watson Wyatt Group	Co. Co. Salary Group	Income Group	Home Value Group
Alameda	3	3	3	3
Los Angeles	3	3	2	2
Monterey	2	2	3	3
Napa	2	2	3	3
Orange	2	2	3	3
Placer	1	3	3	2
Riverside	2	3	2	2
San Diego	2	3	3	3
Santa Barbara	2	2	3	3
Santa Cruz	2	2	3	4
Solano	3	2	3	2
Sonoma	2	3	3	3
Ventura	2	2	3	3

**Region 4**

	Watson Wyatt Group	Co. Co. Salary Group	Income Group	Home Value Group
Contra Costa	3	3	4	3
Marin	3	3	4	4
San Francisco	4	4	3	4
San Mateo	4	3	4	4
Santa Clara	4	4	4	3

STATEWIDE CASELOAD STANDARD IMPLEMENTATION COSTS

Appendix 3

Court	Total Clients July 1, 2007	Caseload Standard Implementation
Alameda	6,774	7,407,403
Alpine	-	-
Amador	62	58,880
Butte	1,709	1,438,960
Calaveras	151	143,516
Colusa	87	73,026
Contra Costa	4,241	5,339,094
Del Norte	179	150,716
El Dorado	437	415,522
Fresno	4,317	3,634,894
Glenn	176	167,277
Humboldt	457	384,789
Imperial	834	702,219
Inyo	54	51,324
Kern	4,078	3,875,889
Kings	668	562,449
Lake	325	308,893
Lassen	124	104,322
Los Angeles	40,552	44,343,816
Madera	504	479,449
Marin	179	225,347
Mariposa	115	96,871
Mendocino	575	546,502
Merced	1,071	901,644
Modoc	52	43,783
Mono	9	8,411
Monterey	793	867,106
Napa	161	176,131
Nevada	144	136,863
Orange	9,585	10,481,246
Placer	692	756,705
Plumas	202	170,082
Riverside	10,603	11,594,434
Sacramento	8,083	7,682,395
San Benito	145	137,814
San Bernardino	10,670	10,141,180
San Diego	11,871	12,980,998
San Francisco	4,517	5,686,557
San Joaquin	4,062	3,860,682
San Luis Obispo	1,002	952,339
San Mateo	966	1,216,120
Santa Barbara	1,421	1,553,871
Santa Clara	4,573	5,757,057
Santa Cruz	792	866,056
Shasta	933	785,399
Sierra	16	13,436
Siskiyou	258	217,587
Solano	832	909,687
Sonoma	1,102	1,205,043
Stanislaus	985	936,182
Sutter	364	345,960
Tehama	443	372,580
Trinity	78	65,574
Tulare	1,884	1,586,308
Tuolumne	282	268,024
Ventura	1,277	1,396,406
Yolo	1,425	1,354,375
Yuba	386	366,736
<b>Total</b>		<b>156,305,931</b>
<b>Cost of Implementation</b>	<b>\$156,305,931</b>	
<b>FY 07-08 CAC Budget</b>	<b>\$99,157,998</b>	
<b>Additional Funding Needed</b>	<b>\$57,147,934</b>	
<b>Percentage Increase</b>	<b>0.58</b>	