

PROFESSIONALS DEFEND SONOMA COUNTY'S INDIGENTS

Summary

The 2002-2003 Sonoma County Civil Grand Jury chose to study the Sonoma County Public Defender's Office and evaluate the quality of service provided to indigent clients in Sonoma County. The Jury analyzed the costs of services provided by that office and by contract attorneys. Through interviews and surveys, the Jury sought to determine whether the department was functioning effectively, so that clients receive quality representation and all citizens obtain maximum value for their tax dollars.

The Jury found the Sonoma County Public Defender's Office is staffed with professionals dedicated to the clients they serve. The Jury also believes the great majority of persons in Sonoma County who are represented by public defenders receive excellent representation. However, after reviewing information from two surveys, the interviews conducted, pertinent articles and in-person observations, we found opportunities exist to further strengthen this department.

Reason for Investigation

Civil grand juries function most often as "watchdogs" of citizen interests for their respective counties. As stated in Penal Code Section 925, "The Jury shall investigate and report on the operations, accounts and records of the officers, departments or functions of the county. . ." One of the Jury's important roles is to ensure that agencies and departments in the county are providing competent, efficient service to its citizens. Since the Sonoma County Public Defenders' Office was last reported on by the 1997 Grand Jury; the 2002-2003 Jury chose to conduct a management assessment of that department.

Background

The administration of justice is among the most important responsibilities of any society. A key component of justice administration is providing competent legal services for indigent clients. Providing those services is mandated by language in Amendment VI of the *United States Constitution* and provided for in Government Code § 27706, et. al. Additionally, California law requires that counties provide indigent defense services to individuals who cannot afford to retain their own counsel. In Sonoma County, representation of indigent defendants is provided primarily by the Sonoma County Public Defender's Office; the department also represents individuals in probate, and "Welfare and Institutions" proceedings.

Some indigent clients are represented by private attorneys at county expense. The court assigns private attorneys or "conflict attorneys," when the Public Defender's Office cannot represent clients due to a conflict of interest. Conflicts may exist where there are two or more defendants in a criminal case; a case involves a victim or witness who is currently a client of the Public Defender's Office; or the case is a dependency case which requires separate attorneys for the individuals involved. Compensation paid to conflict attorneys is budgeted and funded by the Sonoma County Board of Supervisors, separate from the Public Defender's budget.

The Sonoma County Public Defender's Office staff numbers 32 attorneys and 17 clerks, law clerks and investigators. The office represents defendants in criminal courts for felonies and misdemeanors and in drug, domestic violence and juvenile courts. In FY 2001-2 they handled 22,926 cases, with a budget for that year of \$5,486,291.

Investigative Procedures

The Grand Jury:

1. Conducted surveys:

In evaluating the Sonoma County Public Defender's Office the Jury chose to collect as much objective data as possible in order to deliver a fact-based report. We began our investigation by developing two

written surveys. We sent an “external” survey to each public defender office in the 58 California counties. The data from responding counties closest to Sonoma in population are summarized in the Appendix following this report.

The Jury also developed another written survey and administered it to 45 of 49 department employees (92% of all employees) of the Sonoma County Public Defenders’ Office. The Jury used a computer program to sort and analyze the data. The responses from that survey are a key component of the investigation. In addition to 54 quantifiable questions, each participant was asked to respond to the following 3 open-ended questions:

- “The three greatest strengths of the Public Defenders’ Office are... “
- “Three ways our department could be strengthened are . . . ;”
- “If I were head of this department I would . . .”

Those responses were combined and are summarized under “Written/Interview Responses” in the Appendix of this report. In that Appendix we have not included all survey data but have noted common themes from respondents and interviewees that seem worthy of attention from Public Defender management.

Finally, the Jury conducted a brief telephone survey of counties close to Sonoma in population.

2. Interviewed the following persons:

- Fifteen members of the Public Defender’s Office, including clerks, investigators, managers and attorneys at all grade levels. Those interview responses are also summarized under “Written/Interview Responses” in the Appendix of this report
- Sonoma County Public Defender
- Sonoma County Director of Human Resources
- Director of Sonoma County Central Collections
- Public defender office representatives from Napa, Kern, Monterey, Santa Barbara, and Siskiyou counties.

3. Reviewed the following documents:

- “Audit of Indigent Defense Costs in Orange County,” 1996-1997 Orange County Grand Jury Final Report
- Budget data from the Sonoma County Auditor-Controller
- *Caseload Study by American Prosecutors Research Institute*, funded by the Bureau of Justice Assistance-2001, <http://www.ndaa.org/apri>
- *Civil Service Enabling Act*-Extracted from Government Code, State of California, 1975
- Cost/Case Analysis, San Francisco Public Defender/Sonoma County Public Defender-provided by the Sonoma County Public Defender
- County of Sonoma Civil Service Ordinance Number 305-A
- Fiscal year 2002-2003 Public Defender budget
- *Guidelines for Legal Defense Systems in the United States*. National Legal Aid and Defender Association. <http://www.nlada.org>
- Hiring tools for Public Defender 1 positions
- *Keeping Defender Workloads Manageable*. Indigent Defense Series #4. U. S. Department of Justice, Office of Justice Programs-January, 2001
- *Performance Guidelines for Criminal Defense Representation*. National Legal Aid and Defenders Association, <http://www.nlada.org>
- *Population Estimates with Annual Percent Change*. California Department of Finance, Demographic Research Unit, <http://www.dof.ca.gov/HTML/DEMOGRAP/repndat.htm>
- Public Defender Attorney Performance Evaluation Report
- Public Defender Fee Schedule
- Public Defender Office Responses to the 1996-1997 Final Report of the Sonoma County Grand Jury
- *Performance Review for 2001-2002*. Contra Costa County Office of the Public Defender - <http://www.co.contra-costa.ca.us/depart/pubdef>

- *Recommended Disciplinary Action Procedures*, Memorandum 000-003 of October 2000, Sonoma County Human Resources Department
- *Sonoma County Application for Financial Evaluation-Public Defender's Office*
- *Sonoma County Central Collections- Application for Financial Evaluation*
- Sonoma County Rules of the Civil Service Commission, Effective November 1, 2000
- Summary of Public Defender Caseload Statistics Summary. Fiscal Year 2000-2001

Findings

F1. Misdemeanor and juvenile caseloads in the Sonoma County Public Defender's Office are more than double caseload acceptability standards recommended by national organizations such as the American Bar Association and the U.S. Bureau of Justice.

F2. Representation and trial fees Sonoma County courts use to determine repayment by defendants were last revised in 1999 and are considerably lower than those used by other counties surveyed.

F3. The County Office of Collections checks only 20-25% of indigent clients' financial evaluation forms for accuracy of reported assets.

F4. Eighteen counties responded to our external survey, and fifteen of those have a Public Defender's Office. Sonoma County is one of only three respondents that does not have a written performance review policy; it is the only one of those 15 that does not require an annual evaluation throughout an employee's career.

F5. The Public Defender's Office does not have data available to measure workload for each attorney accurately.

F6. The Public Defender defines each new crime per defendant (with possible multiple charges) as one "case." He does not know whether courts, district attorney, and contract attorneys use the same definition of a "case." This makes it difficult to report accurately the number of criminal "cases" in Sonoma County and the ensuing costs to our citizens.

F7. The department lacks basic management systems and written procedures which would make it more effective.

F8. Annual department goals as stated in the budget are not specific, time-based or measurable.

F9. Total costs for indigent representation in FY2001-2 were \$6,504,660; of that, \$1,018,369 was paid by the County to private attorneys representing indigent clients; the remainder was the Public Defender's budget.

F10. The Public Defender's Office employees enjoy a remarkably high level of cooperation and mutual support.

F11. The performance review form for attorneys lists performance standards important to effective representation. However, many of those standards are most accurately evaluated by personal observation and file review by the reviewer. Such observations and reviews by managers rarely occur.

F12. "Civil service" is the reason most frequently given for being unable to terminate consistently poor performers in the Public Defender's Office, and the only consequence for poor performance is being moved to a different (sometimes easier) assignment.

F13. The forms distributed by the county personnel office do guide managers through a progressive discipline process. However, the process outlined on the discipline form focuses on "infringements" and "incidents" rather than poor performance.

F14. There are no paralegal professionals employed by the Public Defender's Office.

F15. Attorneys are required by the State Bar to complete 24 hours of training each year.

While additional training is available, travel time and seminar length preclude staff with heavy caseloads from taking full advantage of the dollars allocated and the opportunities to advance their knowledge. Investigators indicated they do not receive training after they are hired. There is no formal training system for department employees.

F16. Mental health professionals are not readily available to assist attorneys with the growing number of clients with mental health issues.

F17. The department has only a part-time interpreter; respondents indicate that this is

inadequate to serve client needs.

Conclusions

Caseloads/Workloads

The Jury sought to evaluate the quality of service provided to indigent clients by the Sonoma County Public Defender's Office. One element that impacts quality representation is the caseload (the number of cases) managed by individual attorneys. Caseload recommendations for Public Defender attorneys were developed by the National Advisory Committee on Criminal Justice Standards and Goals in 1973. Those recommendations, although 30 years old, were cited by the American Bar Association in 1999 as "proving resilient over time and providing a rough measure of caseload acceptability." Their recommendations and Sonoma County's actual cases are as follows:

Recommendations	Sonoma County
Not more than	Actual
150 felonies/year/attorney	183 /attorney
400 misdemeanors/year/attorney	1002 /attorney
200 juvenile/year/attorney	754 /attorney

In reviewing caseload standards as reported above, it appears that Sonoma County Public Defender's Office caseloads exceed the recommendations, especially for misdemeanor and juvenile cases. Additionally, more than 70% of all Sonoma County public defender employees in our survey perceive that attorneys are frequently frustrated by high case loads; this is significant and indicates a need to either add staff or reevaluate how cases are assigned.

While caseload standards are sometimes used as baseline for Public Defenders, a more accurate method uses "workload" based on detailed time records kept by attorneys for 7-13 weeks. Data are used to translate to workload, "the amount of effort, measured in units of time for the lawyer to complete work on the caseload." Workload is a more accurate reflection of what an attorney does because it includes time spent on client contact, the multiple charges of each case, investigation, legal research, social work, conferences with prosecutors and case preparation as well as administrative tasks.

High workloads impact more than service quality to clients, they also impact managers' ability to train staff, observe performance and conduct meaningful reviews; stress and burnout also become serious problems. Thus, the overall department effectiveness is seriously impacted.

The U. S. Bureau of Justice Assistance published the monograph *Keeping Defender Workloads Manageable* in January 2001. The Bureau reported that successful workload programs have the following:

- ◆ A sound management information system based on empirical data
- ◆ A statistical reporting system
- ◆ A sound managerial/administrative system
- ◆ Ability to tie caseload standards to budget requests.

Sonoma County Public Defenders appear to have high workloads, but the department does not have accurate tracking methods to determine just how high they are. They are missing the elements stated above; thus, they can not have a successful workload evaluation process at this time. The department does not currently have a computer program to allow attorneys to work-up and manage open cases.

Costs of Indigent Representation

For FY2001-2 the Sonoma County Public Defender's Office averaged \$239 per case, the lowest of six counties with comparable populations. The budget for FY2001-2 was \$5,486,291. Those budget amounts, however, do not accurately depict total costs for providing indigent defense representation in Sonoma County because the numbers do not include fees paid to "conflict" attorneys. Sonoma County courts contract with various law firms to represent indigent clients when the courts deem there would be a conflict if the Public Defender's Office represented a client. The firms are on annual contracts with provision for additional payments for long trials or unusual types of assignments. Last year, the county

spent \$1,018,369 for conflict attorneys to represent indigent defendants. Thus, total costs for FY2001-2 indigent representation were \$6,504,660.

Reimbursement for Defense Costs

The *Guidelines for Legal Defense Systems in the United States* published by the National Legal Aid and Defender Association, states that effective representation be provided to “anyone who is unable, without substantial financial hardship to himself [herself] or to his [her] dependents, to obtain such representation.” The guidelines then define a method to determine financial eligibility. Some defendants are deemed able to provide a limited cash contribution to their defense costs. The fees used to determine representation costs are set by the Sonoma County Public Defender’s Office and are the same as they were in 1997. The Jury regards them as very low when compared to the average costs reported by other defender offices.

	Sonoma County Public Defender	Telephone survey average
Misdemeanor (if settled before trial)	\$150	\$300
Misdemeanor trials or evidentiary motions	\$75/hour	\$90/hour

The Jury did not solicit data from other counties for felony fees.

Besides perceived low fees, the Jury is also concerned about the process used to determine and collect reasonable fees from defendants. We found the following weaknesses in the current procedure:

1. After a defendant completes an “Application for Financial Evaluation” under penalty of perjury, at the Public Defender’s Office, the information provided is verified by that office only “in rare cases.” (Stated by the Public Defender in his response to the 1996-1997 Sonoma County Grand Jury Report). That practice has not changed.
2. Fewer than 10% of the defendants who are directed by the Court to undergo financial evaluation by County Collections ever show up at that office.
3. Although defendants must provide written documentation regarding finances, Central Collections does not routinely verify assets, and it checks credit reports for fewer than 25% of those who do appear for the financial evaluation.
4. The “Application for Financial Evaluation” completed at the Public Defender’s Office is not forwarded to the Collections Department, so there is no financial record for those defendants who do not show up there.
5. Defendants are required to fill out the same form twice.

The Public Defender’s Office handled 22,926 cases in FY 2001-2; Central Collections collected \$72,877.

The Jury believes strongly in the rights of all citizens to competent counsel and supports the importance of providing such counsel to indigent defendants. However, the Jury believes that the methods currently used by the Collections Department and the Public Defender’s Office do not adequately verify the accuracy of the information provided by represented defendants and allows clients who can afford private counsel to take unfair advantage of the system.

Management of Public Defender’s Office

The Public Defender’s office exemplifies an organizational culture where teamwork is an integral part of daily operations and morale is very high. Almost all information from Public Defender employees reflected the perception that department members are mutually supportive and enjoy a positive work environment. It is troubling, however, that 40% of the clerical support staff do not perceive positive and constructive attitudes in the department. That perception would bear exploring by management.

Communication effectiveness is mixed. People do feel free to ask advice and to consult with more experienced staff whenever they wish and do so regularly. There is, however, no process to keep all employees well-informed. When infrequent meetings of all attorneys occur, investigators and clerks are

not included. Managers as a group perceive they are well-informed, and top management believes that supervisors keep employees informed, but that perception is not shared by a number of employees.

There is obvious discrepancy between managers' and other employees' perceptions of performance review frequency and effectiveness. We found no consistency in use of reviews to provide performance feedback. Reviews seem to be largely regarded by evaluators as a form to fill out rather than an opportunity for meaningful discussion about performance and a time to help employees improve their performance. Additionally, evaluations are too often based on comments from other persons than on direct supervision and observation by reviewers.

The U. S. Bureau of Justice Assistance's monograph *Keeping Defender Workloads Manageable*, cited 10 competence factors for criminal defense attorneys as defined by the American Bar Association: "legal knowledge and skill, timeliness of representation, thoroughness of preparation, client relationship and interviewing, communicating with the accused, advising the accused, investigation, trial court representation, sentencing, and appellate representation maintaining competence and ensuring quality." When the Jury reviewed the Sonoma County Public Defender's "Attorney Performance Evaluation Report" we determined it could be an excellent tool that assesses attorneys on all 10 qualities cited above. However, the form is not used effectively for performance feedback. While it calls for reviewer's impressions "based on personal observations and/or knowledge," most managers, including the department head, said they did not observe attorneys they review in court or in conducting interviews, nor did they have time to review the quality of motions filed or case files. Case loads carried by managing attorneys contribute to their failure to observe those they supervise.

The fact that the department head asks that reviews be modified if he believes them too "tough on someone," also weakens the credibility and effectiveness of the process. The Sonoma County Public Defender's Office is the only one of 6 similarly populated counties that does not have a written performance review policy and the only one without an annual review for all employees.

In another area, survey data indicate a significant disconnect between management perceptions and those of other employees, especially about whether promotions are based on effective performance. It would benefit the department if managers were more in touch with the concerns and issues of their employees. It is also unfortunate that employees perceive that exceptional performance is not rewarded or even publicly recognized in this organization.

Another weakness exists in the performance management process. A large number of interviewees, including most managers interviewed, blamed civil service rules for protecting poor performers, but some managers admitted they were not very good at managing performance. Over the past several years Sonoma County Grand Juries have received a number of complaints from defendants regarding the competence of their public defenders. After investigation, many of those complaints were determined to have no merit. However, some complaints do seem to have merit, and some of the same defender names appear in those complaints. Additionally, some interviewees indicated that there is a small number of attorneys who do not perform to the department's standards. In the Sonoma County Public Defender's Office the only consequence for attorneys who do not appear to be providing the high level of service exemplified by most of the department is that they are rotated to a different court. Thus, problems are moved, not dealt with.

Managers tend to blame civil service restrictions for being unable to discipline and/or terminate consistently poor performers; that excuse does a disservice to all professionals in the department. After reviewing documents from the County Human Resources Department, this Jury is convinced that there is a detailed progressive discipline process that provides supervisors with a tool to improve performance whenever possible and to fairly discipline employees who are unable or unwilling to improve. While the form could be improved, one is available, but it is currently not used by the Sonoma County Public Defender's Office.

The last time the Public Defender's Office was reviewed in 1996-1997, the Sonoma County Grand Jury raised concerns about adequate space, computer access and access to legal research software. All attorneys in the Public Defender's Office now have computer access, but only three computers in the department are linked to a legal research engine and those computers are primarily used by law clerks. Although there is great improvement in available office space since that report, there are still some attorneys who share offices and find it difficult to offer privacy to clients they interview and lack space to work on files and maintain organized research materials. The small library is still inadequate for the many uses required of it. Nevertheless, the department, supported by the Board of Supervisors, has admirably satisfied many concerns raised by the Grand Jury in 1997.

Training dollars are available for all attorneys as are training materials. In addition, the recent introduction of training for new preliminary attorneys using videotaped mock trials is valued by participants. Several respondents indicated that case loads precluded them from taking advantage of the office's supply of binders and training materials; they were interested in a formal training system with a specific training scheduled throughout the year. Currently the clerical staff is beginning cross training to allow more flexibility in staff assignments and is developing process and procedure binders to support that effort; this is very positive.

There are two important department needs regarding client support: mental health and interpreter resources. Professional mental health support for attorneys who have clients whose cases raise mental health issues is a growing need; the number of such clients is increasing dramatically. Some attorneys interviewed indicated that an experienced mental health professional to assist them in putting together appropriate analysis of needs and treatment recommendations would free attorneys to focus on their own professional strengths. In evaluating the costs to the department, the Jury compared salary ranges for a social welfare worker III and a deputy public defender III; the social worker earns 57% of a public defender salary and by hiring a social worker, the department could save some "expert" expenses as well allow attorneys more time to practice law. The second need that negatively impacts service quality to a large number of clients is the availability of full-time interpreting support. Currently there is only a part-time interpreter.

All information the Jury received by survey and interviews indicates a very high level of professional pride by department employees as well as respect for the clients they serve. The Jury's own observations of how clients were treated by attorneys and staff reinforced that perception. Department employees are deservedly proud of the high level of service they provide to indigent clients of Sonoma County.

RECOMMENDATIONS

- R1. Public Defender management should involve all employees in evaluating current workloads and determining the most effective department structure, staffing and case assignment process to avoid exceeding recommended standards. The Board of Supervisors should support their efforts.
- R2. The Public Defender should update the fee schedule in place at least since 1997, so that it is in line with fees of comparable counties.
- R3. The Public Defender and the Director of Collections should implement a process that provides a more rigorous examination of financial data using asset and credit checks to ensure those who can pay for their defense do so.
- R4. The Public Defender should create and implement basic policies and procedures for the office including one for performance evaluations and ensure that managers personally observe those they evaluate.
- R5. The Sonoma County Human Resources Department should revise their processes and performance and understand and use progressive discipline when appropriate.
- R6. The Public Defender's office should use a time-record method to reevaluate individual

attorney workloads to meet the standards set by defender organizations and improve representation of indigent clients. The information systems department should support this effort.

R7. The Public Defender should partner with the courts, the district attorney's office and contract attorneys to develop a case definition that all use uniformly.

R8. The Department should create a formal training process that is managed by a senior attorney and includes all employees.

R9. The Public Defender's office supported by the Board of Supervisors and the Mental Health Department should retain the service of a full-time mental health professional.

R10. The Public Defender's office should provide full-time interpreter services.

R11. The Public Defender should use the good news in this report to formally recognize his excellent staff and celebrate their achievements.

Required Responses to Findings

Public Defender, F1, F4, F8, F10, F12, F15

Director of Collections, F3

Director of Human Resources, F4, F13

Board of Supervisors, F8

Required Responses to Recommendations

Public Defender, R1 through R4 and R6 through R11

Director of Human Resources, R5

Director of County Collections, R3

Director of Information Services, R6

District Attorney, R7

Court Administrator, R7

Board of Supervisors, R1, R9

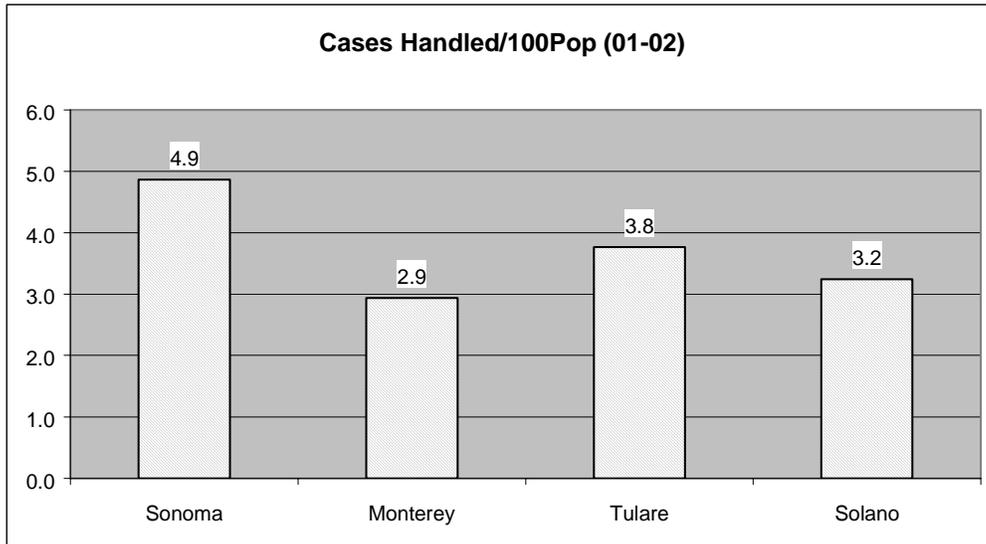
Director of Mental Health, R9

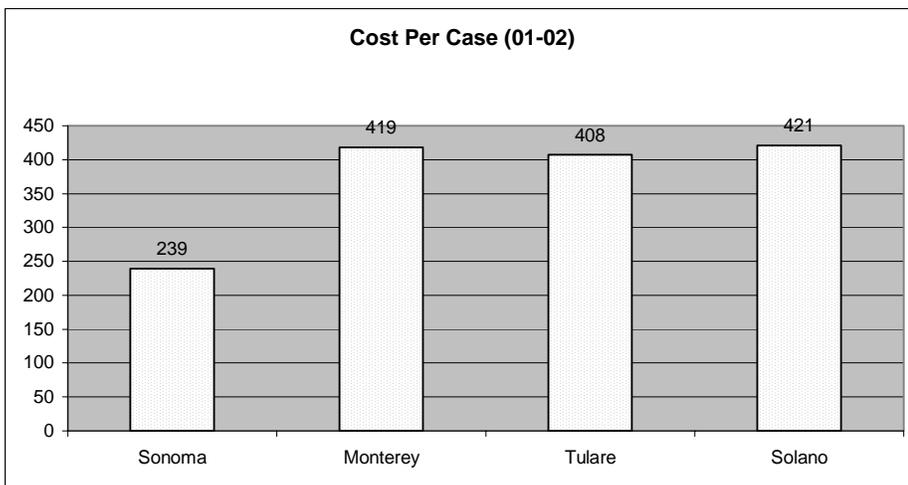
**PUBLIC DEFENDER SURVEYS AND INTERVIEWS APPENDIX
A SUMMARY OF RESPONSES AND DATA**

External Survey Data: After reviewing population data from the California Department of Finance, Demographic Research Unit for 2001, we selected 5 counties closest in population to Sonoma County. The table below summarizes key data from the external survey.

	Sonoma	Stanislaus	Monterey	Santa Barbara	Solano	Tulare
Population	471,000	469,500	409,600	407,900	405,800	379,200
Public Defender Budget \$/capita	\$13	\$9	\$12	\$17	\$15	\$15
Employees/100,000 population	10	10	11	15	17	13
Cost per case	\$239	Case data not available	\$419	Case data not available	\$421	\$408
Written performance evaluation policy	No	Yes	Yes	Yes	Yes	Yes

*The next largest county was San Joaquin with 596,000.





Internal Survey Data: Below are summaries of written internal survey data and responses from employees we interviewed.

- ◆ The survey contained 54 quantifiable questions. The majority were general questions commonly used in organizational analyses; others were designed to be specific to the Public Defenders' Office.
- ◆ **For each question respondents were asked to choose the response that most accurately reflected their perception: "Strongly disagree, somewhat disagree, somewhat agree, and strongly agree." Two questions dealt with years of experience and years with the Sonoma County Public Defenders' Office.**
- ◆ **The data were then sorted and analyzed in various ways: all respondents, different job categories and years of experience within job categories. In order to ensure anonymity, no data were presented from any category with fewer than 5 respondents.**

TEAMWORK/MORALE

Written and Interview Responses: When asked what the department's greatest strengths were, 32 of the comments provided involved teamwork, cooperation, and mutual support. Sample comments were "There is always someone willing to answer questions."; "Our greatest strength is the cooperation and helpful attitudes of support staff (investigators, clerical, law clerks)"; "Management is very supportive." Interviewees frequently commented about the great camaraderie in the department; clerical staff indicated they support one another when someone is overloaded. There were no negative written comments regarding morale and teamwork.

Survey Response Statistics

- ↑ 84% of *all respondents* perceive attitudes in the Sonoma County Public Defenders' department to be positive and constructive.
- ↑ 98% of *all respondents* believe that most people here would rather work for this organization than for similar organizations they know.
- ↑ 100% of *all respondents* indicate they receive support from their peers when they need it.
- ↑ 93% of *all respondents* perceive a strong sense of cooperation and teamwork in the department.
- ↑ Overall, 84% of *all respondents* agree that morale in the department is high.
- ↓ 40% of *clerical staff* disagree that attitudes in the Sonoma County Public Defenders' department are positive and constructive.

COMMUNICATION

Written and Interview Responses: Respondents who indicated that department communication needs improvement suggested regular staff meetings, especially among clerical staff, and improved communication from the top down. Clerical staff mentioned they feel ill-informed. Non-managers are not informed about what happens in management meetings, and many respondents suggested that overall communication from managers and supervisors needed improving.

Survey Response Statistics

- ↑ 98% of *all respondents* agree supervisors are available to talk with (89% strongly agree).
- ↑ If they had a difficult case, 100% of *deputy public defenders* felt confident talking to their supervisor about it.
- ↓ 22% of *all employees* surveyed state that there is not clear communication within the department.
- ↓ 23% *all employees* surveyed do not believe their managers keep them informed about issues impacting the department.
- ↓ *Clerical group* scores indicate they feel least informed of any group, with scores of 30% indicating their managers do not keep them informed and 30% perceiving lack of clear communication within the department.

FEEDBACK

Written and Interview Responses: A number of respondents mentioning feedback expressed the need for more frequent feedback through annual written performances reviews for all employees (several recommended 6-month intervals). Almost one third of the attorneys mentioned that supervisors need to observe their performance in court at least every 6 months. Interviews supported the written data and indicated a need for more observations by supervising attorneys. In response to the question “How does anyone know if you are doing a good job?” most interviewees mentioned lack of complaints from clients and judges. “We don’t know reviews are happening til they happen.” “We need the person doing the review to observe us.” One attorney has requested a review for a year and a half and has yet to receive one. After attorneys reach the highest grade, performance reviews are given only every 2 or 3 years, if at all. The department head reads all reviews and asks that those he believes are “too tough” to be rewritten. On a positive note, one supervising attorney meets every day with the attorneys supervised.

Survey Response Statistics

- ↑ 96% of *all respondents* indicate that when their supervisor/manager gives them job feedback, he/she is very specific about what they are doing right.
- ↑ 98% of *all respondents* indicate that their performance reviews are balanced in that they point out both strengths and the areas in which respondents need to improve.
- ↑ *Managers’* perceptions of department feedback were very positive.
 - 100% say they get sufficient feedback on the quality of the work they do to enable them to continue to improve.
 - 100% perceive the evaluation process as effective.
 - 100% say that employees are evaluated on a regular basis.
- ↓ 27% of *deputy public defenders* responding disagree that employees are evaluated on a regular basis. (33% of *deputies with moderate tenure* said the same, and 20% of *clerical* indicated the same disagreement.)

CONSEQUENCES

Written and Interview Responses: Respondents suggesting improvements focused on “finding solutions to ‘deadwood’ problems” and dealing with problem employees. Public, positive recognition for accomplishments was also suggested as a need. Employees mentioned only one case where an employee was terminated for poor performance; that employee was on probation. They suggested that no one has been terminated otherwise. Although some respondents agreed that not everyone was performing adequately, they said that excuses are made such as “That’s just the way they are.” And “If it weren’t for civil service . . .” Poor performers just get rotated somewhere else, often to a lesser

assignment. A number of respondents suggested taking time to publicly acknowledge successful defense of tough cases and letting everyone know about the good things happening in the department.

Survey Response Statistics

- ↑ 98% of *all employees* surveyed believe their supervisor holds them accountable for their work.
- ↑ Overall, *managers* gave high scores to how the department manages consequences
 - 100% agree that exceptional performance is rewarded in the organization.
 - 100% indicate they know exactly when and how they will be evaluated for their work.
 - 100% perceive that promotions are clearly based on how effective job performance has been.
- ↓ 30% of *deputy public defenders* do not agree that promotions are clearly based on how effective job performance has been and 44% of *clerical and law clerks* do not agree.
- ↓ One-third of *all employees* responding disagree that exceptional performance is rewarded in the organization. (50% of the *clerical staff* and 40% of *investigators* also disagree that it is rewarded)
- ↓ Staff does not believe that poor performance is dealt with promptly.
 - 40% of *all respondents* do not believe that when an employee is not doing his/her job well, action is taken promptly to correct the poor performance.
 - 60% of *attorneys with moderate tenure* also disagree that prompt action is taken.
 - One third of *managers* disagree that prompt action is taken.
- ↓ 40% of *clerical* perceive that getting recognition and getting ahead depends on whom you know, not what you know.

RESOURCES

Written Responses: Again, managers and staff perceptions are in conflict. While managers perceive internal staff numbers are sufficient; non-managers (48%) disagree. Approximately one-fourth of all improvement suggestions indicated that more office/library space would strengthen the department; one respondent acknowledged that under current conditions “client interviews are difficult.”

The most frequently expressed human resource needs were for mental health support and mental health experts, “especially to do confidential psychological evaluations,” and to “help handle clients’ social service needs and assist in developing sentencing aspects such as counseling, anger management, treatment programs, etc.” One manager professed that “We could save money with an MSW (social worker) to assist attorneys in understanding mental health issues and help put together recommendations for clients.” This would free attorneys to focus on their strengths.

There is a significant need for more interpreters to provide better service. One part-time interpreter (current staffing level) was mentioned as insufficient for client needs.

When asked how to strengthen the department, participants also emphasized the importance of training. Respondents included 22 training suggestions, most mentioned training for new attorneys. Sample comments included “Invite expert guest speakers in specific areas of the law.” “Seek funds for training so the department is both current and more professional in the service to our clients.” and “Formalize training with a more detailed structure and standards for continued training.”

Some clerks expressed a need for additional written legal procedures to ensure consistency and enable them to provide more effective support services. There seems to be no training of investigators at least, “not in 3 years.”

The department head indicated that there is no training for newly hired attorneys, because when they are hired, they need to be in court immediately.

Survey Response Statistics

- ↑ 100% of responding *managers* indicate they are given ample opportunity for professional development.
- ↑ 90% of *clerical* staff responding indicate they have adequate space to work comfortably.
- ↑ 82% of *all respondents* agree they have adequate space.
- ↑ 89% of *all respondents* indicate they have adequate access to computers and other tools to do their work.
- ↑ 83% of *managers* agree there is sufficient internal staff to support case loads.

- ↓ 48% of *deputy public defenders* disagree there is sufficient internal staff to support case loads.
- ↓ 40% of *clerks* disagree they are given ample opportunities for professional development.
- ↓ 43% of *all deputy public defenders* do not agree that there are enough investigators to support their work.
 - 50% of *deputy public defenders with moderate tenure* have the same perception.

CASELOADS

Written and Interview Responses: More than half of all written suggestions to improve the Sonoma County Public Defenders' office involved increasing staff, including attorneys, to reduce caseloads. The most frequently mentioned need seemed to be in the misdemeanor courts. One respondent suggested "an overhaul of how files are handled in the misdemeanor department to permit greater vertical representation." Several respondents suggested redesigning or restructuring the staff organization to better support attorneys. Caseloads were reported as very heavy in the misdemeanor courts. Attorneys mentioned that vertical case-load systems are in place in some areas and are reported to be working well.

Survey Response Statistics

- ↑ 100% of *managers* indicate they have adequate time to meet with clients before the preliminary hearing.
 - ↑ 100% of *managers* believe that caseloads in the department are evenly distributed among employees.
 - ↑ 83% of *investigators* agree that department staff is adequate to meet the demands of clients.
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- ↓ 100% of *investigators* believe that attorneys are frequently frustrated by high case loads. (74% of *all* respondents agree)
 - ↓ 30% of *deputy public defenders* surveyed feel pressured by time constraints to plead out a case rather than take it to trial. 60% of *those with the longest tenure* feel this pressure.
 - ↓ 45% of responding *deputy public defenders* feel that everything has such a high priority they simply can't do it all. 57% of *those with the longest tenure* agree.
 - ↓ 50% of *deputy public defenders with moderate tenure* disagree or strongly disagree that caseloads are appropriate. 50% of *all clerical* share that view.
 - ↓ 35% of *deputy public defenders* believe that caseloads are not evenly distributed.
 - ↓ 50% of *deputy public defenders with the longest tenure* indicate they do not have adequate time to meet with clients
 - ↓ 32% of *all deputy public defenders* indicate they do not have adequate time to meet with clients
 - ↓ 83% of *deputy public defenders with moderate tenure* believe that the department is not adequately staffed to meet the demands of clients.
 - 43% of *all* respondents agree that it is not adequately staffed.

Service Quality

Survey Response Statistics

- ↑ 93% of *all* employees surveyed agree (83% strongly agree) that they provide as high a standard of service as a private attorney might.
 - ↑ 98% of *all* respondents agree that attorneys in the Sonoma County Public Defender's Office strive to maintain high levels of service. 100% of *clerks* reinforce that perception.
 - ↑ 100% of *managers* disagree that the department plea bargains too many cases.
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- ↓ 56% of *all* respondents agree that the department's focus on maintaining a tight budget impacts service quality.
 - 54% of *deputy public defenders* agree.