

Juvenile Dependency: Court-Appointed Counsel Funding Allocation Methodology Subcommittee

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Review and decisions

September 17, 2015

Review and Decisions

Case Counts

Reviewed:	Department of Social Services/UC Berkeley child welfare case counts JBSIS filling
Discussed:	Data quality Option of combining both sources into a single index
Data outstanding:	Ratio for number of parent cases to be derived from workload surveys
Decisions:	Which data source to use?
	If data sources combined, by what percentage?
	Parent ratio to use?
	Number of years to average case counts?
	Other:

Review and Decisions

Average attorney salary

Reviewed/review:	County counsel salary survey Regional salaries used in current cost model Average salaries from financial survey
Discussed:	Revising regions or indexing an average survey to BLS index used in WAFM
Data outstanding:	Preliminary data from financial survey available. Will be revised as remainder of data is received and analyzed
Decisions:	Which salary data to use as source?
	Create cost-of-living index or economic regions?
	Differentiate by attorney/senior attorney?
	Other:

Review and Decisions

Cost allocation model

Reviewed/review:	Current cost allocation model Comparative cost allocation summaries from financial survey
Discussed:	New topic
Data outstanding:	Preliminary data from financial survey available. Will be revised as remainder of data is received and analyzed
Decisions:	Are the elements of the current cost allocation model adequate or do they need to be expanded or summarized?
	How should the percentage allocations be set?
	Does linking the attorney salary to an index or economic regions provide enough cost-of-living variance for all costs, or should there be additional multipliers for supervision or overhead?
	Other:

Review and Decisions

Time allocation model

Reviewed/review:	Workload allocation model from 2002 Workload allocation model updated with 2013-2015 data Informal summary of focus group themes
Discussed:	New topic
Data outstanding:	Preliminary data from workload survey available. Will be revised as remainder of data is received and analyzed Full summary of focus group themes
Decisions:	Is the subcommittee making adjustments to the overall minutes per case phase? Is the subcommittee making adjustments to the detailed minutes per task within the case phases?

Financial Survey of Dependency Court Appointed Counsel Providers

September 17, 2015

Survey sent to 180 identified providers

- By week of Sept. 7, received 51 surveys representing 33 counties

Region		Size		Type	
Bay Area	11	Large (+1,000 cases)	14	Administered panel	6
Central Coast	3	Medium (100-999 cases)	23	Government agency	6
Central Valley	9	Small (1-99 cases)	14	Sole Practitioner	17
Inland Empire	4			Staffed firm 2+ attorneys	18
North and Mountain	19				
Southern	6				

Average Salaries Ranked by BLS Index of Government Employment

BLS Index	County Counsel Average	CAC Survey Average
Quartile 1 (.61 to .82)	\$69,600	\$86,000
Quartile 2 (.82 to .97)	\$75,000	\$78,300
Quartile 3 (.99 to 1.17)	\$86,100	\$90,000
Quartile 4 (1.19 to 1.61)	\$102,200	\$78,200

Average Salaries Categorized by Region

Region (EDD)	County Counsel Average	CAC Survey Average
Bay Area	\$107,600	\$79,800
Central Coast	\$80,200	\$85,100
Central Valley	\$82,000	\$74,200
Inland Empire	\$79,700	\$110,200
North and Mountain	\$74,000	\$90,000
Southern	\$89,800	\$76,000

Impact of setting CAC salary to average county counsel salary and weighting by BLS index
(average salary = .95 to 1.05 of index)

BLS Index	County Counsel Average	CAC Survey Average	Current Model Average	County counsel weighted by BLS
Quartile 1 (.61 to .82)	\$69,600	\$86,000	\$68,800	\$62,900
Quartile 2 (.82 to .97)	\$75,000	\$78,300	\$76,000	\$76,600
Quartile 3 (.99 to 1.17)	\$86,100	\$90,000	\$85,300	\$92,400
Quartile 4 (1.19 to 1.61)	\$102,200	\$78,200	\$100,300	\$112,900

Allocation of Resources: Staffed agencies (2+ attys)

Five largest firms

Caseload	30,000	21,400	3,100	2,600	1,800
Line attorneys	38%	43%	29%	62%	34%
Social workers/Inv.	12%	4%	0%	4%	9%
Other salaried	23%	18%	38%	8%	22%
Benefits	16%	10%	15%	10%	10%
Contract attorney	2%	0%	5%	0%	0%
Operating costs	10%	25%	13%	17%	25%

Allocation of Resources: Staffed agencies (2+ attys)

Five mid-sized firms

Caseload	850	550	490	350	240
Line attorneys	58%	26%	50%	51%	21%
Social workers/Inv.	0%	0%	11%	18%	0%
Other salaried	26%	33%	12%	11%	12%
Benefits	0%	24%	13%	0%	0%
Contract attorney	0%	0%	0%	3%	57%
Operating costs	13%	18%	13%	17%	11%

Allocation of Resources: Government Agencies

4 Large or mid-sized agencies

Caseload	2100	690	600	520	
Line attorneys	36%	12%	30%	36%	
Social workers/Inv.	14%	0%	14%	4%	
Other salaried	16%	16%	17%	34%	
Benefits	29%	0%	26%	21%	
Contract attorney	0%	26%	0%	0%	
Operating costs	4%	46%	14%	5%	

Allocation of Resources:

Three Organization-model averages compared to cost model

Model	Cost model	Staffed Atty Firm large	Staffed Atty Firm med	Govern. Agency	
Line attorneys	47%	39%	41%	42%	
Social workers/Inv.	13%	5%	5%	5%	
Other salaried	5%	25%	18%	15%	
Benefits	15%	13%	7%	20%	
Contract attorney	0%	1%	7%	4%	
Operating costs	20%	17%	18%	12%	

Allocation of Operating Costs: Three Organization-model

	Staffed Atty Firm large	Staffed Atty Firm med	Govern. Agency
Contract cost not attorneys	2%	13%	17%
Travel	10%	4%	12%
Training	2%	4%	22%
Expert Witnesses	3%	12%	20%
Insurance	13%	14%	8%
Rent	28%	24%	0%
Overhead (Phone, supplies, fees)	23%	24%	21%
Other (Grant funded positions, taxes, etc.)	19%	3%	0%

Court Appointed Counsel Caseload Model Components
Attorney time per event estimates (2002)
Compared to times reported by DRAFT programs (2013-2015)

Comparison of Total Time

Case Phase 1: Pre detention and detention hearing		
Client Type	MODEL Total Time	DRAFT Total Time
Children	183	267
Parents	211	243

Case Phase 2: End of detention through juris/dispo		
Client Type	MODEL Total Time	DRAFT Total Time
Children	271	314
Parents	321	287

Case Phase 3: End of disposition through permanency		
Client Type	MODEL Total Time	DRAFT Total Time
Children	248	164
Parents	189	142

Case Phase 4: 241.1/39.1B Writ		
Client Type	MODEL Total Time	DRAFT Total Time
Children	156	133
Parents	281	128

Case Phase 5: Through post permanency plan		
Client Type	MODEL Total Time	DRAFT Total Time
Children	114	55
Parents	34	34

Workload Survey of Dependency Court Appointed Counsel Providers

September 17, 2015

Background Information

Q1. Number of years you have been a dependency attorney

Less than 5 years of experience	18.2%
5 to 14 years of experience	25.5%
15 to 24 years of experience	34.55%
25+ years of experience	21.82%
Not applicable/Not stated	3 responses

Background Information

Q3. Please select the option that best describes your organization type:

Staffed law firm (2 or more attorneys)	30.3%
Solo practitioner law firm (Only 1 attorney)	47.0%
Administered panel	10.6%
Government agency	13.6%
Other (please specify)	8 responses

Background Information

Q4. Please indicate which type of representation your organization provides:

Parent representation	21.1%
Child representation	18.3%
Representation of both children and parents	63.4%

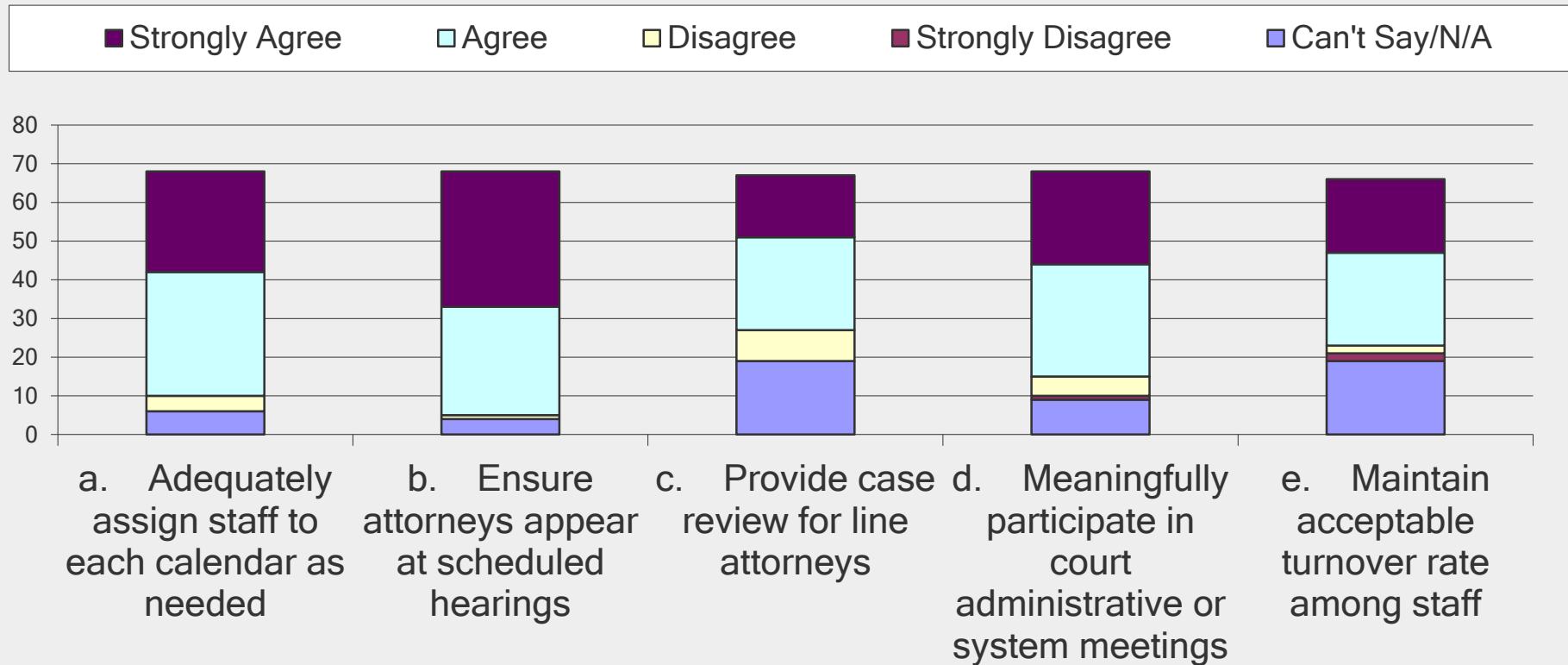
Considering the attorneys in your organization, please indicate how much you agree or disagree with the following statements.

Sorted by duties that respondents say they do not have adequate time to perform

Q6. The attorney(s) have adequate time and resources to:			
Answer Options	Agree	Disagree	Can't Say
c. Visit children in out-of-home placement at their placement, out of county	32%	50%	18%
d. Meet with clients in person other than at court	64%	36%	0%
h. Use expert witnesses in court	58%	34%	7%
a. Communicate with clients on a regular basis (at least on a monthly basis)	68%	32%	0%
k. File writs when appropriate (if assigned staff performs this function, respond on behalf of assigned staff)	66%	29%	4%
i. Present evidence procured through separate investigation when needed	70%	29%	2%
e. Have adequate case preparation time (in addition to meetings with clients)	72%	28%	0%
m. Use interpreter for client when necessary outside of court hearings	63%	28%	9%
f. File pleadings, motions or briefs	73%	25%	1%
b. Visit children in out-of-home placement at their placement, in county	58%	25%	17%
l. Attend dependency drug court and other specialty calendar hearings (if assigned staff performs this function, respond on behalf of assigned staff)	49%	24%	28%
n. Attend in-person dependency law related education	81%	17%	2%
g. Participate in settlement negotiations	84%	15%	1%
o. Meaningfully participate in court administrative or system meetings (if assigned staff performs this function, respond on behalf of assigned staff)	72%	15%	13%
j. File notices of appeal when appropriate (if assigned staff performs this function, respond on behalf of assigned staff)	89%	5%	6%

Considering the attorneys in your organization, please indicate how much you agree or disagree with the following statements.

Q7. The organization's manager(s) are able to: (If you are a solo practitioner, please respond to this section about yourself.)



Please help us identify which items are most impacted by high attorney caseloads.

Sorted by duties that respondents say are negatively impacted by high caseload

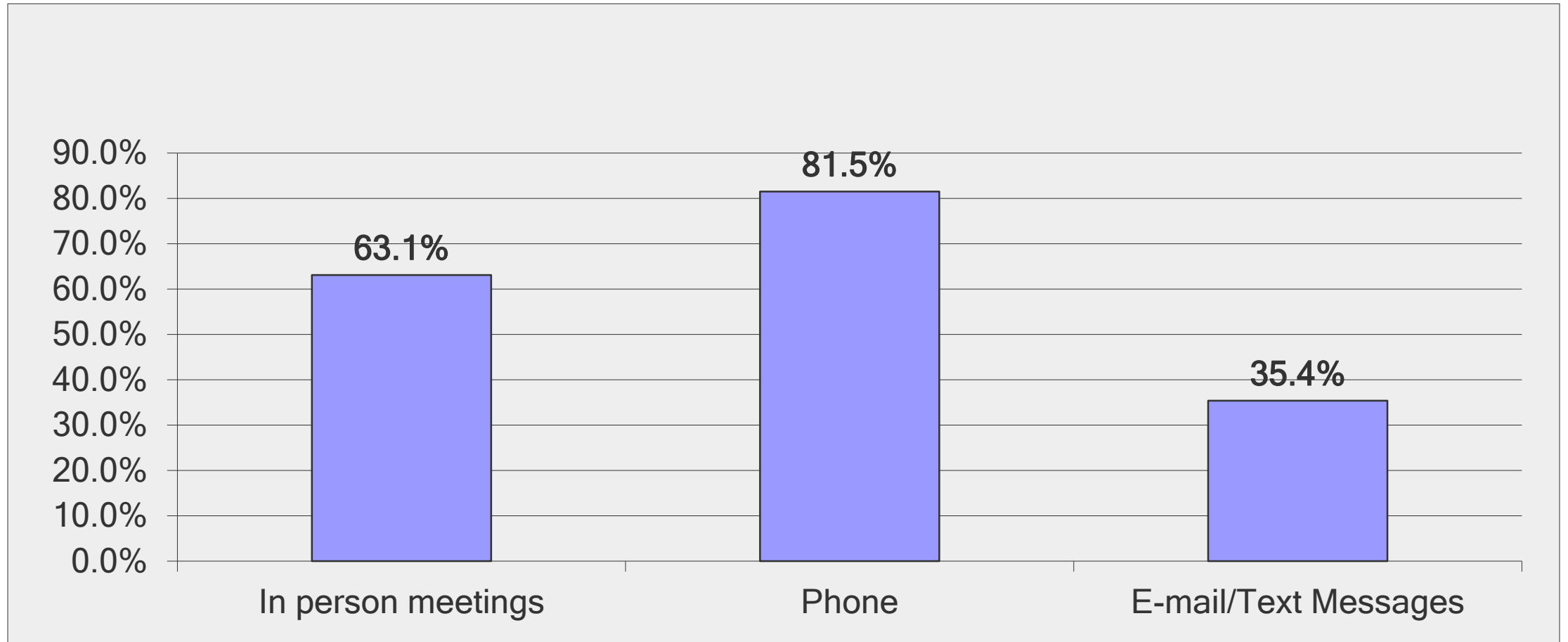
Q8. The attorney(s) have adequate time and resources to:		
Answer Options	Very impacted	Somewhat or not impacted
c. Visit children in out-of-home placement at their placement, out of county	55%	24%
a. Communicate with clients on a regular basis (at least on a monthly basis)	49%	47%
d. Meet with clients in person other than at court	41%	56%
e. Have adequate case preparation time (in addition to meetings with clients)	37%	60%
b. Visit children in out-of-home placement at their placement, in county	36%	46%
k. File writs when appropriate (if assigned staff performs this function, respond on behalf of assigned staff)	31%	60%
f. File pleadings, motions or briefs	28%	67%
l. Attend dependency drug court and other specialty calendar hearings (if assigned staff performs this function, respond on behalf of assigned staff)	21%	51%
i. Present evidence procured through separate investigation when needed	19%	75%
n. Attend in-person dependency law related education	18%	78%
m. Use interpreter for client when necessary outside of court hearings	15%	74%
o. Meaningfully participate in court administrative or system meetings (if assigned staff performs this function, respond on behalf of assigned staff)	11%	74%
g. Participate in settlement negotiations	10%	85%
h. Use expert witnesses in court	9%	82%
j. File notices of appeal when appropriate (if assigned staff performs this function, respond on behalf of assigned staff)	4%	87%

Please help us identify which items are most impacted by high attorney caseloads
 – Supervision Duties

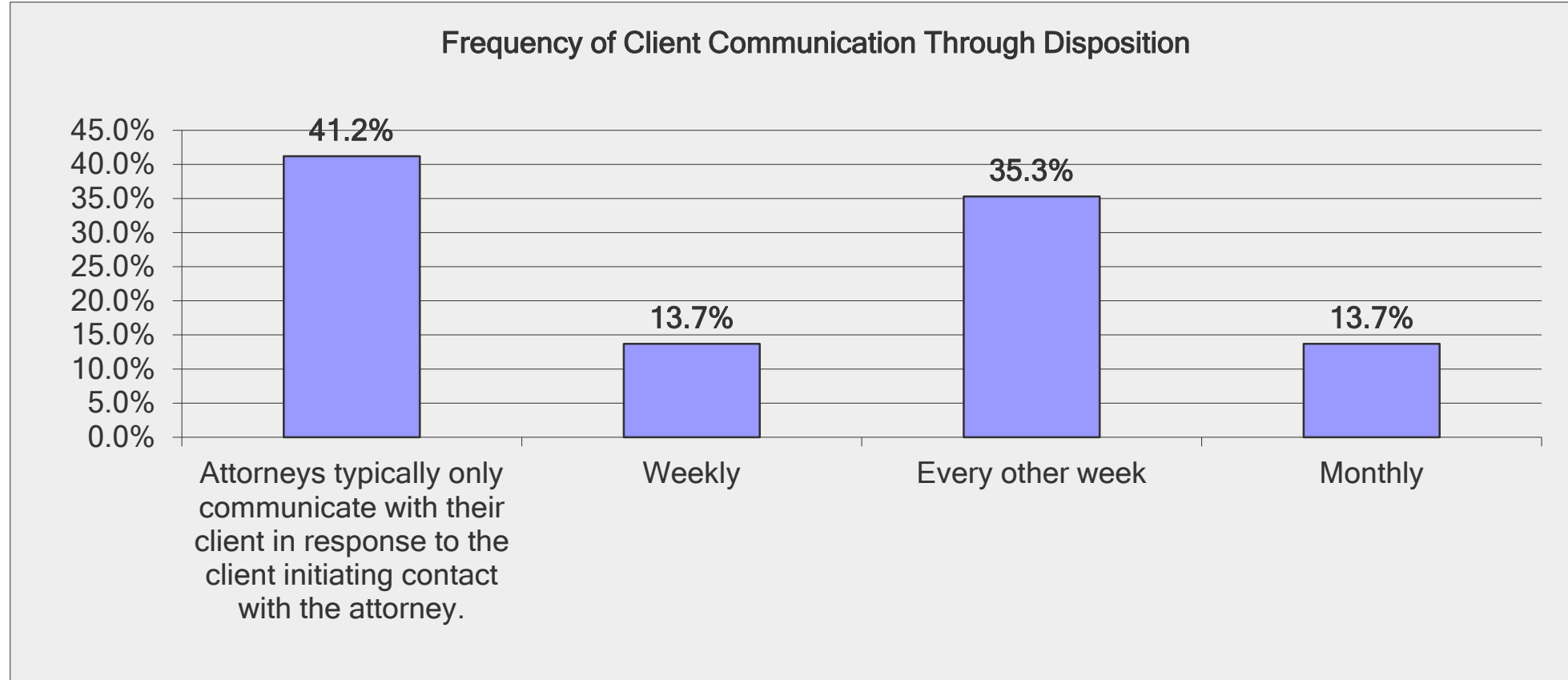
Q9. The organization’s manager(s) are able to: (If you are a solo practitioner, please respond to this section about yourself.)

Answer Options	Very Impacted	Somewhat or Not Very Impacted
c. Provide case review for line attorneys	25%	45%
a. Adequately assign staff to each calendar as needed	18%	69%
e. Maintain acceptable turnover rate among staff	18%	46%
d. Meaningfully participate in court administrative or system meetings	16%	68%
b. Ensure attorneys appear at scheduled hearings	8%	85%

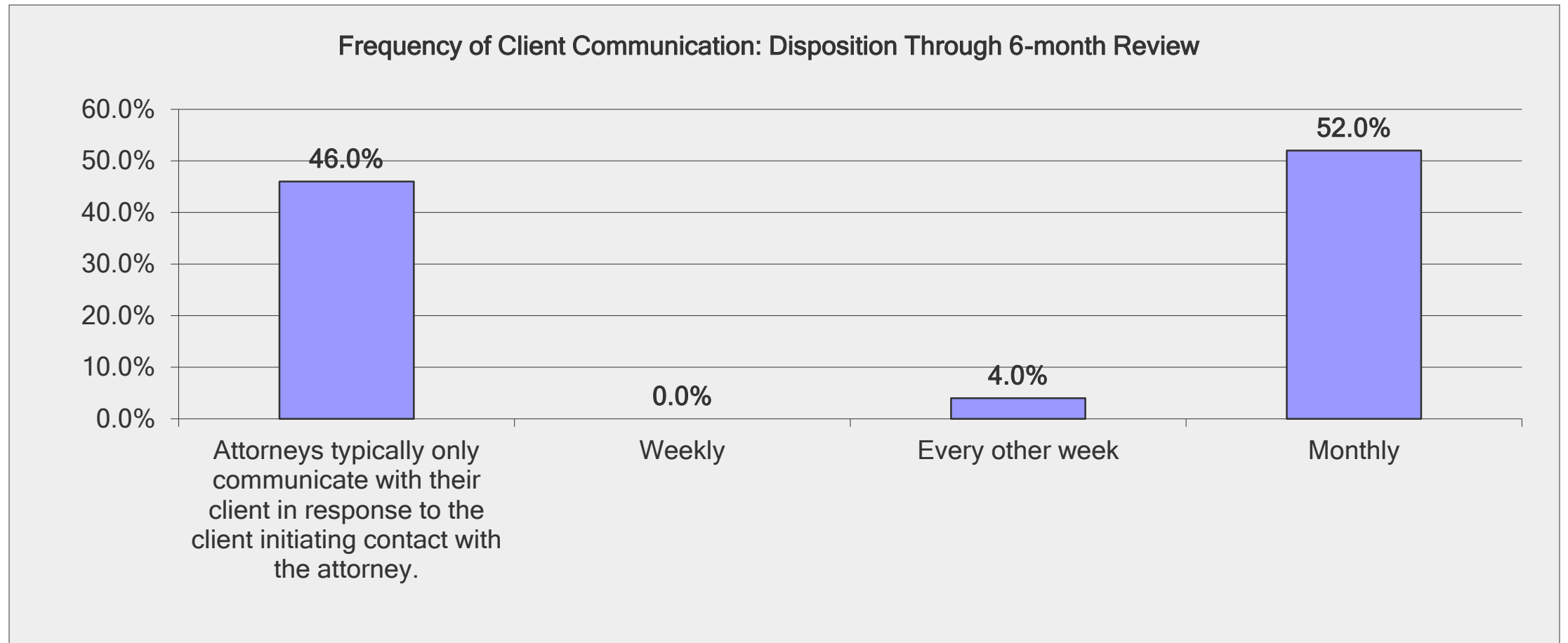
Q10. What method do attorneys most commonly use for communicating with clients?



Q11. For noncontested cases in which attorneys have been appointed prior to the disposition hearing, how often do attorneys typically communicate with their clients out of court from the time of first appointment through the disposition hearing?



Q12. For noncontested cases, how often do attorneys typically communicate with their clients out of court following the disposition hearing through the 6-month review hearing?



Q13. Indicate which tasks are performed by attorney and/or non-attorney staff

Response: Only Attorneys

Answer Options	Only Attys	Answer Options	Only Attys
x. Prepare cross-examination/argument	100%	a. Document review	73%
aa. Prepare points and authorities	100%	u. Complete and arrange service of subpoenas	72%
d. Legal research	98%	k. Communicate with service providers	70%
y. Prepare trial brief	98%	h. Communicate with child welfare worker	69%
p. Preparation and filing of original or responsive pleadings	97%	l. Communicate with CASA	67%
t. Preparing witnesses and experts for trial	97%	o. Client interview	67%
z. Prepare offer of proof	95%	s. Mediation	61%
bb. Prepare and exchange witness lists	95%	b. Notes to file	61%
i. Communicate with other counsel	94%	n. Other investigation or case management activity	59%
cc. Other trial preparation	94%	g. Communicate with client by phone or e-mail	58%
q. Settlement conferences	94%	m. Communicate with others	56%
v. Preparation and filing of Motions in Limine	92%	r. Family group conferences	55%
c. Draft orders	91%	f. Communicate with client in-person	54%
e. Obtain and review discovery	78%	j. Communicate with caregiver	48%
w. Arranging for independent client evaluations	74%		

Q13. Indicate which tasks are performed by attorney and/or non-attorney staff

Response: Duties performed by attorneys with social workers/investigators

Answer Options	SW + Atty/SW	Answer Options	SW + Atty/SW
f. Communicate with client in-person	45%	cc. Other trial preparation	8%
g. Communicate with client by phone or e-mail	41%	s. Mediation	6%
j. Communicate with caregiver	39%	i. Communicate with other counsel	6%
n. Other investigation or case management activity	36%	q. Settlement conferences	3%
m. Communicate with others	35%	c. Draft orders	3%
b. Notes to file	33%	t. Preparing witnesses and experts for trial	3%
o. Client interview	32%	d. Legal research	3%
h. Communicate with child welfare worker	28%	v. Preparation and filing of Motions in Limine	2%
k. Communicate with service providers	27%	p. Preparation and filing of original or responsive pleadings	2%
a. Document review	26%	z. Prepare offer of proof	2%
u. Complete and arrange service of subpoenas	25%	x. Prepare cross-examination/argument	0%
l. Communicate with CASA	24%	y. Prepare trial brief	0%
e. Obtain and review discovery	18%	aa. Prepare points and authorities	0%
w. Arranging for independent client evaluations	18%	bb. Prepare and exchange witness lists	0%
r. Family group conferences	12%		

Q14. Recent changes that have increased dependency counsel workload

High or Moderate Impact

- Paternity/parentage issues
- Mental health services (including Katie A. activities)
- Psychotropic medication
- Nonminor dependents procedures and hearings (W&I 361.6, 362.5, 366 ,366.31, 388, 388.1, 391)
- Incarcerated parent visitation and services (W&I 366.215)
- Collaborative courts such as dependency drug courts
- W&I section 241.1 and dual status procedures and hearings

Low or No Impact

- Family finding procedures (W&I 309)
- Special Immigrant Juvenile Status

Mixed Response

- Education and Developmental decisions (W&I 361, Education Code 48850, et seq, EC 48918.1)
- Indian Child Welfare Act requirements
- Transition Independent Living Plans
- Sibling visitation (W&I 358.1)