

CASELOAD STANDARDS AND CASE OUTCOMES IN OPD'S MISDEMEANOR PILOT PROGRAM IN THURSTON DISTRICT COURT AND BELLINGHAM MUNICIPAL COURT, AS EVALUATED IN 2009

High Caseloads: Under the Washington State Bar Association's approved standards of practice for public defense, the recommended misdemeanor caseload is up to approximately 400 cases per year. At both sites caseloads substantially exceeded this recommendation, reaching as high as 800 or more per year at Thurston County District Court. Large caseloads interfered with the defense attorneys' ability to explore fully each case and prepare an adequate defense in a timely manner. Defense attorneys had to ask for continuances because they were unprepared to move forward.

Pilot Attorney Activities: During the Pilot, participating public defenders kept records of how their time was spent on various aspects of their cases. Figures 6 & 7 show time spent by attorneys over the two-year Pilot period.



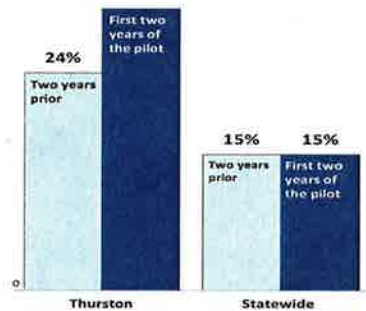
***Percent of Time Spent on Case Activities-Thurston District Court – 2006-2007.** In Thurston County District Court, Pilot attorneys spent 41 percent of their time on case preparation and 33 percent communicating with clients. There is no quantitative data on how time was spent prior to the Pilot, but interview data from public defenders show that case preparation and client communication were both quite limited during that period due to high caseloads. [Note: average attorney time spent per case = 4.5 hrs, average annual caseload = 376.]



***Percent of Time Spent on Case Activities-Bellingham Municipal Court 2006-2007.** In Bellingham, pilot attorneys spent 44 percent of their time in court, 32 percent on case preparation and 24 percent on client communication. There is no quantitative data on how time was spent prior to the Pilot, but interview data from public defenders show that case preparation and client communication were both quite limited during that period due to high caseloads. [Note: average attorney time spent per case= 4.3 hrs, average annual caseload = 399.]

Increase in Deferred Prosecutions: Thurston County District Court

Percent of Cases Resolved with a Deferred Prosecution Non-Traffic Misdemeanors



In Washington State, deferred prosecutions provide a way to get chemically dependent offenders into treatment. In Thurston County District Court, that option was used more frequently during the two-year Pilot period than in the two years prior to the Pilot. In contrast, across the state the percentage of cases resolved in this way did not change.

Increase in Jury Trials Held: Bellingham Municipal Court

Jury Trials for Non-Traffic Misdemeanors Bellingham Municipal Court



Jury trials in courts of limited jurisdiction are relatively rare events, but defense attorneys and their clients were more willing to take cases to trial during the two-year Pilot period compared to the two years before. During the Pilot, 28 trials were held for non-traffic misdemeanors compared with eight trials held prior to the Pilot.

Charges Resolved in 180 Days or Less:

- Thurston: Immediately prior to the Pilot, 55 percent of all charges were resolved in 180 days or less, and that figure increased to 74 percent by the end of 2007. This represents an increase in charges resolved in 180 days of nearly 35 percent.
- Bellingham: Immediately prior to the Pilot, 61 percent of all charges were resolved within 180 days and that figure increased to 80 percent by the end of 2007. This represents an increase in charges resolved in 180 days of 31 percent.

Full evaluation available at http://www.opd.wa.gov/Reports/TrialLevelServices/1006_PilotProject.pdf