RECOMMENDATIONS TO STRENGTHEN
THE MANAGEMENT AND
ORGANIZATIONAL STRUCTURE
OF THE NEW ORLEANS
PUBLIC DEFENDER OFFICE

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## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I. Introduction</strong></td>
<td>1</td>
</tr>
<tr>
<td>A. Background and Focus of the Technical Assistance</td>
<td>1</td>
</tr>
<tr>
<td>B. Study Team, Methodology and Site Schedule</td>
<td>3</td>
</tr>
<tr>
<td><strong>II. Existing Situation</strong></td>
<td>6</td>
</tr>
<tr>
<td>A. Overview</td>
<td>6</td>
</tr>
<tr>
<td>B. Issues Relating to OPD Management and Organization</td>
<td>7</td>
</tr>
<tr>
<td>C. Information Technology Activities</td>
<td>7</td>
</tr>
<tr>
<td>D. Information Relating to Attorney and Office Caseload</td>
<td>8</td>
</tr>
<tr>
<td>E. Case File Review</td>
<td>8</td>
</tr>
<tr>
<td>F. Office Administration</td>
<td>8</td>
</tr>
<tr>
<td>**III. Results of Focus Group Discussions and Individual Staff Interviews</td>
<td>10</td>
</tr>
<tr>
<td>A. Focus Group Discussions</td>
<td>10</td>
</tr>
<tr>
<td>B. Individual Interviews</td>
<td>12</td>
</tr>
<tr>
<td><strong>IV. Status of OPD’s Information System Development</strong></td>
<td>14</td>
</tr>
<tr>
<td>A. Background and scope of review</td>
<td>14</td>
</tr>
<tr>
<td>B. Background of the OPD case management</td>
<td>14</td>
</tr>
<tr>
<td>C. Staff Interviews</td>
<td>16</td>
</tr>
<tr>
<td>D. Interview with the IT Developer</td>
<td>17</td>
</tr>
<tr>
<td>E. Interview with Mike Gerkeen (NOPJF)</td>
<td>18</td>
</tr>
<tr>
<td>F. Review of Documentation Relating to IT Development</td>
<td>19</td>
</tr>
<tr>
<td>G. Observations</td>
<td>21</td>
</tr>
<tr>
<td>1. Desired functionality vs. available budget for case management system</td>
<td>21</td>
</tr>
<tr>
<td>2. Lack of project plan and important project documentation</td>
<td>22</td>
</tr>
<tr>
<td><strong>IV. Applying the ABA Ten Principles of a Public Defense Delivery System to the Current Operations of the OPD</strong></td>
<td>24</td>
</tr>
<tr>
<td>1. The public defense function, including the selection, funding and payment of defense counsel, is independent.</td>
<td>24</td>
</tr>
<tr>
<td>2. Where the caseload is sufficiently high, the public defense delivery system consists of both a defender office and the active participation of the private bar.</td>
<td>24</td>
</tr>
<tr>
<td>3. Clients are screened for eligibility and defense counsel is assigned and notified of appointment, as soon as feasible after clients’ arrest, detention, or request for counsel.</td>
<td>25</td>
</tr>
<tr>
<td>4. Defense counsel is provided sufficient time and a confidential space within which to meet with the client.</td>
<td>25</td>
</tr>
<tr>
<td>5. Defense counsel’s workload is controlled to permit the rendering of quality representation.</td>
<td>25</td>
</tr>
</tbody>
</table>
Recommendations to Strengthen the Management and Organizational Structure of the New Orleans Public Defender Office

VI Recommendations

A. Organizational Structure and Policy
   1. Strategic Planning
   2. Documenting the OPD’s Workflow

B. Funding

C. Communication and Transparency (internal and external)

D. Information Technology/Management Information Systems

E. Office space and Facilities

F. Records and Administration

G. Personnel

H. Training

I. Contracting Arrangements For Juvenile, Capital and Conflict Cases

J. Relationships With Other Agencies
   1. Agencies In The Local Criminal Justice System
   2. State Public Defender
   3. Agency Handling Appeals

VI. Conclusion: Next Steps and Subsequent Developments

Appendices:
   Appendix A: Focus Group Participants
   Appendix B: Cases File Review
   Appendix C: Pre Site Visit Communications and Questions
   Appendix D: Documents Developed in Follow-up to the Technical Assistance Site Visit
      1. Attorney Evaluation Form
      2. Attorney Practice Level Chart
      3. OPD Supervisory Tree
I. INTRODUCTION

This report summarizes the third phase of technical assistance services being provided to the New Orleans Public Defender Office (“OPD”), as part of a multi-phased technical assistance effort of the Bureau of Justice Assistance (BJA), through its technical assistance projects at American University. The current report, prepared by the BJA Criminal Courts Technical Assistance Project, documents the office-based and on-site services provided to the OPD during the February – August 2009 period, including the findings emerging from a site visit conducted May 3-6, 2009 and subsequent communications with the Chief District Defender, Derwyn Bunton, and OPD staff. A draft of this report was sent to Mr. Bunton for review for accuracy in November 2009, with the request that he also provide update information, as appropriate, on issues addressed in the report and/or recommendations submitted. These updates are included, as applicable, in relevant sections of the report.

A. Background and Focus of the Technical Assistance

The technical assistance (“TA”) services provided to the New Orleans Public Defender Office summarized in this report were provided as a follow-up to prior technical assistance to the OPD provided by BJA in 2006 and 2008 through the BJA National Training and Technical Assistance Project and the BJA Criminal Courts Technical Assistance Project (“CCTAP”), both operating at American University, to address the breakdown in services resulting from Katrina. In March 2006, at BJA’s request, American University assembled a three-person consultant team to provide preliminary guidance for restarting indigent defense services in New Orleans in the aftermath of the storm. The resulting TA report provided a framework for reconstituting the indigent defense function in New Orleans at a minimally acceptable level of service and resulted in the agency receiving the federal and state funding required to begin operating with a core service capability in place.

Following submission of that report, OPD leadership implemented many of the report recommendations, noting that “…the report … literally functioned as a blueprint for change.”1 In the Spring of 2008, the Chief Defender again requested BJA TA to review the office’s operations and the numerous developments since the earlier TA report, to assist the Office in developing a

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1 Christopher Flood, Deputy Chief Defender

longer range strategic plan that could guide improvement efforts over the next several years. In July 2008, a “problem definition” visit was conducted by Nicholas Chiarkas, Wisconsin State Public Defender, and CCTAP Associate Director, Caroline Cooper, to identify the range of issues the TA should potentially address with a view to developing with local officials a more structured, prioritized focus for the TA services. These issues were then documented in a problem definition visit report. Shortly after the problem definition visit, the then Chief Defender resigned and a new Chief Defender, Derwyn Bunton, was selected in October 2008 and took office in January 2009.

Upon reviewing the problem definition visit report, Mr. Bunton confirmed the need for the TA his predecessor had requested and asked that it focus on the report’s initial recommendation: a review of the organizational and management structure of the office. Specifically, the report recommended the following:

1. **Review the organizational structure of the office and provide recommendations, as appropriate, to ensure that the office is organized in the most effective and efficient manner to provide the full range of services required.**

As part of this review, the report recommended that the review include the appropriateness of establishing an OPD death penalty team, a conflict unit, and an OPD satellite office in the courthouse.

2. **Conduct a comprehensive review of the management structure and operations of the office, including:**

   (a) **Operational policies and procedures; recordkeeping; and mechanisms for supervision of attorneys and other staff, both in terms of what is currently occurring and what is needed for the Office to be adequately functioning;**

   (b) **Review policies regarding attorney caseloads and the application of these policies.**

   It was noted during the site visit that it appeared that both supervisors and staff attorneys had extraordinarily high caseloads. One supervisor (in addition to his management, supervisory and training duties) reported he had 45 to 50 open cases, which included seven clients charged with murder and six clients charged with rape. The report noted that public defenders should carry lower caseloads and supervisors need to devote most of their time to supervising and training the relatively new staff;
(c) **Review Staffing Needs.**

The problem definition report noted that “…permanent staff (some with experience) must be promptly added to the Orleans Public Defender (OPD)…” A large portion of the present work, including the initial appearances of the OPD, is accomplished by seasonal volunteers; and

(d) **Identify New Special Positions Needed.**

In addition to the basic public defender office job positions, such as attorneys, investigators, client service specialists, and clerical support staff, the report noted that there appeared to be several special positions which needed to be developed, including a staff Training Director, a Public Information Officer (PIO), and a Legislative Liaison (LL), for example.

During the course of communicating with OPD staff, it also become apparent that additional TA was needed relating to the Office’s information system which had been in the process of development for some time and the Office’s capability to provide the management information needed to support the Office’s functioning.

In light of the issues noted in the problem definition report summarized above and subsequent discussions with Mr. Bunton, the focus of this phase of TA had therefore been upon the organizational and management structure and operating systems in place in the OPD to support the critical managerial, supervisory, and administrative functions a well-functioning defender office must perform, including policies, systems and procedures for workload assignments, supervision, training, budgeting, accounting, and other office functions.

B. **Study Team, Methodology and Site Schedule**

To address the organizational and management issues outlined above, the CCTAP selected the following study team: Nicholas Chiarkas, Wisconsin State Public Defender and team leader for the earlier OPD studies, continued as team leader, with two additional recently retired chief defenders, Bennett Brummer (Miami) and Edward Burnette (Chicago) joining on the study team. In addition, Gail Zaucha, Chief of Information Technology for the Wisconsin Public Defender’s Office, contributed her services, focusing on the information technology
Recommendations to Strengthen the Management and Organizational Structure of the New Orleans Public Defender Office

January 2010.

BJA Criminal Courts Technical Assistance Project. American University.

Caroline Cooper and Joseph Trotter, CCTAP Associate Director and Director, respectively, and also former assistant public defenders, also joined the study team.

A site visit was scheduled for May 3-6 2009. In preparation for the site visit, the study team conducted several conference calls with Mr. Bunton and Christopher Flood, Deputy Chief Defender, focusing on both the existing structure for office operations and services and issues they wanted the technical assistance team to address. These communications were followed up with various background materials provided by the OPD to the study team for the technical assistance team’s review and follow-up resources sent by the study team to the OPD. These resources addressed issues discussed during these communications, including: public defender office mission and vision statements, attorney performance evaluations, national standards, and related documentation. Based on these communications, it was apparent that, while the OPD had achieved major accomplishments since 2006, developing the internal structure for effective operations over the longer term was now a major priority for the office—a situation which Mr. Bunton gave priority to addressing.

During the course of the site visit, the study team met with as many OPD staff as were available and also conducted several focus groups with them to address a range of issues, including those relating to office policies, procedures, workload and work assignments, and supervision. In addition, study team members also met with Chief Judge Arthur Hunter of the Orleans Parish District Court2 to discuss, in particular, the recently implemented OPD practice of assigning cases vertically to OPD attorneys rather than to courtrooms and the implications of this assignment change on the Court’s operation. In addition, Ms. Zaucha met with the contractor tasked with developing OPD’s management information system, and with Mike Gerkeen of the New Orleans Police and Justice Foundation.

During the course of the site visit, the study team interviewed the following individuals:

Michelle Abatto, Social Worker, OPD
Clarke Bejean, Attorney, OPD
Dannielle Berger, Director of Administration, OPD

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2 In light of the inefficiencies of the criminal justice process generally in New Orleans observed during the problem definition visit, and the dysfunction perceived by some judges resulting from the shift to a vertical case assignment system from the traditional assignment of public defenders to court rooms, Chief Judge Hunter agreed to have these issues addressed in a companion TA review of areas of District Court/OPD operations which were perceived to affect the efficiency of operations of the Court and the OPD. This review was conducted in a separate technical assistance assignment (BJA CCTAP No. 4-090) in June 2009.
Rebecca Bers, Attorney, OPD
William Boggs, Training Director, OPD
Derwyn Bunton, Chief Defender, OPD
Rashaun Combre, Administration, OPD
Barrett Conrad, IT contractor developing OPD information system
Kimberly Denison, Investigator/Paralegal, OPD
Don Donnelly, Attorney, OPD
Andy Duffy, Attorney, OPD
Christopher Flood, Deputy Chief Defender, OPD
Kendall “Kenny” Green, Chief of Trials, OPD
Danny Engelberg, Attorney, OPD
Jean Faria, State Public Defender
Mike Gerkeen, New Orleans Police and Justice Foundation
Nicole Heisser, Investigator/Paralegal, OPD
Nzinga Hill, Supervising Attorney, Child in Need of Care
Janice Isaac, Administration, OPD
Judge Arthur Hunter, Chief Judge, Orleans Parish District Court
Liam McKenna, Chief Investigator, OPD
Powell Miller, Attorney, OPD
Frank Neuner, Chairman, Louisiana Public Defender Board
Jee Park, Supervising Attorney, OPD
Chant’a Parker, Attorney, OPD
Lisa Parker, Attorney, OPD
Josh Perry, Special Litigation, OPD
Josh Pichon, Eligibility, OPD
Johnetta Pressley, Administration, OPD
Sophia Sarantakos, Social Worker, OPD
Steve Singer, the General Counsel, OPD
Tameka Stewart, Conflict Assignments, OPD
Rhonda Tusa, Administration, OPD
Trisha Ward, Attorney, OPD

A list of the focus group participants is included in Appendix A.

While on site, the study team also reviewed a sample of case files (see Appendix B) for content and completeness, and various documents used by the OPD for management and administrative purposes.
II. EXISTING SITUATION

A. **Overview**

Chief District Defender Bunton’s vision for the Office is to establish a professional, client-centered, career, community-oriented public defender's office, with a community presence, possibly including field offices within police districts. This vision is admirable and the TA that has been provided to the OPD is intended to help develop an office with the capacity to achieve such goals.

At the time this third phase of TA was provided, the OPD had evolved to more than 81 employees, comprising four professional disciplines: social work, support staff, investigators and attorneys. Although Mr. Bunton has developed a desired organizational chart for the Office, at the time of the TA visit there was little descriptive information regarding the formal structure of the office, and within what did exist, there were no clearly defined relationships and/or delineation of responsibilities. During the past two years, there has been a shift to more fulltime staff attorneys and employees with a current complement of 45 attorneys and 41 additional support and investigatory staff. The morale of OPD staff seemed much improved, with pride in what was reported as an estimated 75% win rate in the 40 trials conducted during the year.

At the outset it must be recognized that the staff of the OPD is doing remarkable “above the call of duty” work under difficult conditions without adequate compensation or security. Staff members are creative, diligent, and dedicated to the clients and the mission. This is true despite extraordinary challenges, including the uncertainty of the OPD’s budget at any one point in time. OPD employees see their institutional existence as “fragile,” even though staff turnover appears to be dropping, as reflected in the following statistics:

<table>
<thead>
<tr>
<th>Year</th>
<th>Staff Turnover</th>
</tr>
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<tbody>
<tr>
<td>2006-7:</td>
<td>80-85%</td>
</tr>
<tr>
<td>2007-8:</td>
<td>50-60%</td>
</tr>
<tr>
<td>2009-10 (predicted):</td>
<td>40%</td>
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While it appears that this turnover has much to do with budget insecurity, it must be taken very seriously regardless of its roots.

Now that the office climate has shifted away from its previous crisis mentality, efforts appear to be focused upon changing the culture and developing more systematic operating
policies and procedures. While the first two years post-Katrina were devoted primarily to developing the office internally to provide essential office services, the focus now appears to be upon strengthening the internal operations and building a foundation for effective leadership, with structural and organizational elements beginning to emerge.

B. **Issues Relating to OPD Management and Organization**

Although Chief Bunton has developed a desired chart for the organization of the office, a major challenge for implementing it will be the clarification of lines of communication, authority and responsibility which, heretofore, have never been defined. While some attention has been given to developing policies and procedures, the office still appears to be functioning more by custom than be articulated procedures. Some of the policies and procedures have been written down, but not formalized, at the time of the TA study team’s visit, staff, for the most part, were not clear as to who does what or who should do what. No systematic evaluation process had yet been put into place.

The lack of a realistic, reliable and dependable-source budget has been one of the most significant management problems affecting the OPD’s operational structure since, without a certain, adequate, dependable, and predictable budget, staff has no employment stability and, therefore, no foundation for developing a stable structure and framework within which the office can plan and operate. Within that framework, the lack of a current policy manual, job descriptions, appropriate staff supervision, and training, the implications of over-reliance on volunteers, the lack of capacity for data-driven decisions at every level, the need for a realistic, reliable and dependable-source budget, as well as the dysfunction of the larger criminal justice system, have added to the difficulties for leadership to stay on course.

**Post Site Visit Developments:** Chief District Defender Bunton has indicated that, following the site visit, a new supervisory structure has been implemented which includes placement of attorneys into practice levels, and an initial attorney evaluation form (attached) has been developed.

C. **Information Technology Activities**

IT development is being performed by two contractors: one hardware specialist and one program developer. No staff member or position is available to devote to this function. Christopher Flood, Deputy Chief Defender as been meeting with the developers to review
progress, but there appears to be no plan or documentation for the IT system development. These issues are discussed in substantially greater detail in Section IV below.

D. Information Relating to Attorney and Office Caseload

It is not possible to obtain meaningful information regarding the OPD caseload, including attorney caseload; caseload by type or class of offense; how many jury trials were conducted and their outcome; and similar data. No procedures appear to be in place to collect this information and no internal reporting forms have been developed. To compile this information retrospectively would require reviewing individual case files and docket sheets. A quick sampling of case files by the study team during the site visit indicated that many of the files are missing information and contain illegible notations. The study team was also told that the attorneys have not been required to record information on their cases and, partly due to time constraints, are not inclined to do so. To begin to require them to do so and to ensure that the basic information needed to report and assess caseload is compiled, would entail a significant change in office culture.

E. Case File Review

As noted above, case file reviews were conducted on 15 closed cases. Those files inspected mostly contained little more than police reports or charging data. Where notes existed they were sparse and difficult to read. Given this situation, the files have little use in terms of providing a record of the information that has been compiled and the activity and communications that have occurred, and would have very limited value if another attorney needed to take over the case. There was no indication that any case file review had been conducted and it is unlikely that any was. The case names and results are presented in Appendix B.

F. Office Administration

Danielle Berger is considered the chief administrative officer for the OPD. Other OPD administrative staff report to her, primarily those responsible for accounts payable, accounts
receivable, human resources, and payroll.³ Ironically, Ms. Berger was not designated as part of the OPD’s senior leadership.

Post Site Visit Developments: Chief District Defender Bunton indicates that Dannielle Berger has been added to the OPD Leadership Team. The OPD now has both a Leadership Team, which deals with sensitive strategic and personnel matters relating to the office’s operation, and a Management Team, which deals with broader office policy and procedures, serving as a vehicle to disseminate information/policy and implement front-line supervision and accountability. The Leadership Team consists of Dannielle Berger, Director of Administration; Kendall Green, Chief of Trials; William Boggs, Training Director; Jee Park, Special Litigation Counsel; Michael Bradley, Assignments and Court Processes; Christopher Flood, Deputy Chief Defender; and Derwyn D. Bunton, Chief District Defender. The Management Team consists of the preceding staff plus Andrew Duffy, Supervising Attorney; Clarke Beljean, Supervising Attorney; Tonya McClary, Supervising Attorney; Meghan Garvey, Supervising Attorney; and Daniel Engelberg, Supervising Attorney.

³ Even though the actual payroll is processed off site, Ms. Berger oversees the documentation to support the proper generation and distribution of paychecks.
III. RESULTS OF FOCUS GROUP DISCUSSIONS AND INDIVIDUAL STAFF INTERVIEWS

A. Focus Group Discussions

During the site visit, the study team conducted a series of focus group discussions with mixed groups of attorneys, investigators and other staff. The focus of these discussions was upon the participants’ perceptions regarding (a) the mission of the office; (b) what was working; and (c) what they saw as the office’s major accomplishments and biggest challenges.

Three focus groups were conducted with OPD staff, all focusing on the following questions:

1. What are the successes and concerns that you would like to share?
2. Discuss the office organization and lines of authority.
3. Share your views on the flow of information (IT) regarding office activities; and
4. What needs to be done immediately?

Participants in the focus groups generally were very open and receptive to discussing their concerns and accomplishments and appeared willing to engage in meaningful dialogue. Most recognized improvement over the past two years in the commitment to clients (rather than to the court), particularly with the institution of vertical representation, although it made felony practice more difficult to manage due to the need for scheduling in twelve courtrooms, with judges sometimes being insensitive to matters scheduled in other rooms.

It was broadly agreed, however, that Municipal Court practice is out of control.

There was also some concern about some OPD lawyers being from outside Louisiana and having no background in the local court process and practice. Communication was recognized by all three groups as needing improvement. Some staff—across professional disciplines—felt that there was a “good old boys” club in the office, which further added to a sense on the part of some that the OPD lacked cohesion.

All agreed that there is a need for a case management system, generally, and the need to be able to input information individually. Many felt that the “Matrix” system, the office’s information management system, did not meet their needs, and they were spending a considerable amount of time entering duplicative information to systems that they had developed on their own. They felt that the use of the available automation was up to the individual staff
member. Some used it and others did not. Most agreed that two of the most urgent management issues that needed to be addressed were: fixing the IT problems and having clear and consistent communication throughout the office. (See discussion of Technology and Information flow (with recommendations) in Section VII.)

Communication was recognized by all three groups as poor and inconsistent. E-mails regarding office policies are irregular and not often reliable in terms of articulating a consistent policy for everyone to follow. Most said that there had been no staff meetings under the new leadership.4 As noted earlier, some felt that there was a “good ole boys” club in the office and this was felt across professional disciplines. The Chief Defender was not believed to be in that club.

Some also expressed feelings that the Chief Defender was not connecting with people in the office. Since these feelings appeared to be more pronounced among women, they may indicate a feeling by women that they are not being recognized by people in positions of authority or not being placed in such positions.

No group or individual within any of the groups had a clear grasp of office organization or lines of authority. That resulted in staff sometimes seeking out the people to whom they best related.

Employee evaluations have not been given and are not expected. While this is not what they feel is best, supervisors from outside the jurisdiction who are not grounded locally would be hard put to conduct staff evaluations. This perception further adds to the confusing situation that there is no delineated gradation in terms of experience, capabilities or performance among staff or positions.

Personnel groups are not well managed or led in terms of their relationship with management or other groups. OPD management should assign leaders for the various types of personnel, not only for the purpose of supervision, but to represent the interests of these groups and to advocate for them with regard to management. Staff expressed the need for more structured senior staff advocacy for the various professional disciplines. Presently, one group would advocate for another in order for the first group to be able to work effectively (e.g., an

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4 It was later established that there was a staff meeting when the present Chief was announced, though not since he took over

investigator would advocate for an issues relevant to a social worker). One group noted that it had actively placed itself on the Deputy’s schedule in order to receive necessary attention.

All three focus groups recognized the improvement over the past two years in terms of the focus on clients rather than the court, and the institution of vertical representation despite the attendant difficulties in terms of scheduling and the relationship with the judges.

The recent success in securing funding from the City Council during the budget process was also felt to be a huge success. Lawyers expressed confidence that when they leave a position the hiring and substitution process effectively replaced them with qualified people.

Post Site Visit Developments: Chief District Defender Bunton indicates that the OPD has begun to address some of these issues. Some communication concerns are being addressed through the practice of quarterly staff meetings that has been instituted. In addition, as noted previously, an attorney evaluation process has been implemented and attorneys are now placed into practice levels.

B. Individual Interviews

The observations regarding three individuals interviewed, summarized below, are presented because of the insight they provide regarding both the OPD’s challenges and accomplishments.

Senior Staff Attorney:

One of the senior staff attorneys we spoke with made the following comments: He is working hard to institutionalize reforms. He estimates that, due to the shortage of supervisors and staff, 85% of his work focuses on his caseload and 15% on administration. He is not comfortable handing off the more complex cases to other attorneys due to the lack of experience of attorneys. The study team concluded that his necessity of attempting to handle essentially two full time jobs is unacceptable and seems to be taking a personal toll on him.

Administrative Staff Member:

The staff member explained her duties and responsibilities. Although she was familiar with the Matrix system, in its present state, it provided her no assistance in doing her work. She mentioned that Assistant Public Defender Grainne O’Neil had made some improvements on the original version and indicated that further adjustment may be made, but did not know if they would affect her.
Staff Member with the Defender Services Unit:

The Defender Services Unit, which, with several students and a community contingent, reportedly comprises one of the most productive units in the office, if not the state. There is no program like it in all of Louisiana, although there have been attempts to duplicate it. The goal was to take on 50 clients during the first year, but over 200 were actually served. Notwithstanding that success, the Defender Services unit is not highlighted outside of the office. Even inside the office, the unit is looking to senior leadership to promote its (Defender Services) viability and advocate for it. Space and confidentiality concerns may compromise the future success of this unit.

Post Site Visit Developments: Chief Defender Bunton indicates that the OPD has addressed some space concerns by acquiring additional office space on the sixth floor of the building. This additional space provides space for administration and the Defender Services Program.
IV. STATUS OF OPD’S INFORMATION SYSTEM DEVELOPMENT

A. Background and Scope of Review

In telephone conversations prior to our visit, both the Chief Defender and Deputy Defender expressed concerns regarding the Matrix system. Although the Matrix was initially intended to serve as the main case management system for the office, after several years of ongoing development, it still did not meet basic needs, such as recording all cases handled by the office or allow generation of standardized reports for budgeting or other management purposes. The system development was also taking considerably longer than anticipated. As a result, the office was forced to rely upon an inadequate system and continue to work around portions of the Matrix that have been in flux. This situation exacerbated the problems of the already overworked and overstressed staff.

For the purposes of the site visit, our assessment of the OPD’s IT situation was intended to provide a general overview of the status of both the Matrix and other IT systems, either in use or under development within the office, as well as the level and degree of the management of those systems. Our purpose was to provide general recommendations regarding possible course corrections which might help improve the underperforming IT systems, including the Matrix. We did not seek to evaluate specific technical details of IT management plans in use or under development, or the Matrix or any other applications. The time and effort required for a detailed evaluation was beyond the scope of the TA resources available. We therefore based our review on information gathered from both interviews and available documentation.

B. Background of the OPD case management

Prior to the development of the Matrix case management system, the OPD relied on the state system, known as the Looney system. In an effort to replace and improve upon the Looney system, the OPD obtained donated copies of existing public defender case management systems, including those from the defender offices in Washington D.C. and Miami Dade County, Florida for possible adaptation by OPD. The nature of the evaluation of these systems is unknown. In November 2007, the previous Public Defender decided to begin in-house development of a new case management system. At the time, Grainne O’Neill, an OPD staff attorney with IT development experience, was tasked with Matrix design and programming work. In July 2008,
the OPD secured a grant from the New Orleans Police and Justice Foundation ("NOPJF") for an outside contractor to “enhance the PD’s case management system to more fully facilitate case management, tracking, and information sharing…” After a competitive search and selection process, the office selected Barrett Conrad of Cotinga Enterprises, LLC to take over Matrix development work under the grant. The NOPJF hired Mr. Conrad with an initial budget of (approximately) $48,000. The NOPJF renewed the grant and we were informed that, very recently, the OPD submitted a third request to NOPJF to renew Mr. Conrad’s contract and this request was approved.

The plans for the Matrix system, thus far, have been to leverage data currently housed and maintained on an AS400 mainframe system by the Orleans Sheriff’s Department. Currently, the OPD receives a subset of this data (i.e., initial-appearance-related data) via daily PDF exports from the sheriff’s program’s web front-end. The OPD then translates that data into a format that can be uploaded into the Matrix. The Matrix was initially developed using CakePHP technology. Mr. Conrad later rewrote the initial code using Zend Framework technology to provide overall improvements, such as error handling, and to facilitate greater scalability. The Matrix and its MySQL database are housed on a Linux server at the OPD office. The application uses Apache web services.

In the opinion of the study team, having the OPD depend solely on data obtained from the sheriff’s system is a concern. At the time of our site visit an offer had been extended to provide the remaining data to the OPD for approximately $13,000, although the details of the offer were sparse. The offer also did not appear to be binding should conditions change. Mike Gerkeen, of NOPJF, was coordinating the development of a second plan, which would allow various criminal justice partners, including the OPD, to obtain data through structured query language (SQL) views written by the vendor (Orion) for a subpoena system that would be implemented by the courts.

At the time of our site visit, the system contained only initial appearance data. As a result, staff must still enter data into the Looney system. While plans are for the Matrix to be comprehensive and feature rich, to date, the program lacks basic functionality and is unduly dependent on a data subset that resides in the sheriff’s system,. These two issues are critical. The OPD continues to be unable to accurately account for the number of cases it handles. Additional problems were reported with the portion of the program in production, including
initial data being lost when certain fields, such as attorney appointments, are updated. This makes relevant data that is updated unavailable to staff and to management. It is also unclear whether the Matrix is ready to accept and accurately process the remaining data from the sheriff’s system, should it become available.

C. **Staff Interviews**

Overwhelmingly staff, including upper management, concurred that the Matrix was not meeting their needs. Staff at all levels expressed varying levels of frustration with the lack of data and functionality available within the Matrix as well as with the length of time the development project was taking.

Everyone is eager to get beyond the current requirement of duplicate (or triplicate), manual entry of data. Many reported that they had created their own individual systems to track and continually update data necessary to perform their primary job functions. Many had devised and were maintaining separate Excel spreadsheets. They were also expected to enter, sometimes duplicate or triplicate, information into the Looney system and the Matrix.

Everyone was of the belief that, due to a severe lack of funding, many adequate, commercially available systems were realistically beyond the office budget. Some were fairly pragmatic and accepting of the situation with respect to recording and updating their own data, describing it as “just a part of their jobs.” Others were more vocally critical of the lack of automation within the office.

Everyone also appeared to appreciate the importance, at various levels, of having available complete and accurate data. Such data could help the office operationally and administratively, including justifying budget requests and helping identify specific priorities for the OPD’s limited resources.

One significant expectation prevalent among those interviewed was that attorneys and other professional staff should not have to manually enter data into the system. The system should obtain data “automatically” to save scarce OPD resources. Much of the initial information (e.g. client information, current and historical charges, court and judge assignments, hearing dates and times) are available from other systems, such as the sheriff’s or the court’s, and more of this data could be shared. Data from other agencies, however, will not meet all of the OPD’s needs. The information available from external entities will also not provide all of the
information that the OPD will want to track for its own purposes. However, it can greatly reduce the need to reenter it and its attendant costs. The OPD, funders and stakeholders should ensure that the amount and variety of data transferred to the OPD from other agencies is optimized. Regardless of the success in obtaining data automatically from external sources, some degree of data entry by staff will be required. Management will face a challenge in changing the culture so that staff accepts its responsibility to maintain an accurate and reliable data system as a key part of their job descriptions.

D. **Interview with the IT Developer**

A large gap exists between how staff and Barrett Conrad, the person actually developing the Matrix, view the development process and progress. While most staff interviewed were clearly unhappy with the Matrix and its ongoing development process, the developer felt that, given the project’s complexity, it has been going well and is on track. He reported that he is striking a good balance between meeting the client’s immediate needs and learning the OPD’s ”global picture.” He said that he has received positive feedback from office staff managing the project. Overall, he was very upbeat regarding his performance. He acknowledged that there may be criticisms of the Matrix’s capabilities, such as its only containing a subset of all the caseload performed by the office, by explaining that they still haven’t gotten all the data from the sheriff’s system and that there are many ways to count cases.

The developer has been working on the project full time, primarily from his own office, since July 2008. He described the project as evolving, ”on the fly” and bit by bit. There is no specifications document for the project. He did not see that as a problem, however, because, in his view, having specifications would only limit his flexibility in meeting his client’s needs. He said that the roadmap for the project comes from weekly meetings with several upper-level managers. Their discussions center on what has been completed and what work should be done next.

The overall framework for the development process was described as fluid, flexible and reactive to needs as they arise. It revolves around short-term (~2 weeks), medium-term (~3-4 weeks), and longer-term (5-6 weeks) timeframes. The developer explained that he strives to provide some sort of visible deliverable such as a new version or new function every 5 to 6 weeks, so that he can demonstrate constant progress. He also feels he has been responsible for
discovering global needs through meetings and other conversations with staff. While he stressed he prefers to be reactive to what the client identifies as its top priority at the moment, he offered that, at times, the direction for the project has “bubbled up” from his observations regarding what he suggested as the highest priority at the time. He keeps a ticket system, which he provided as documentation, both during the interview and later, to keep track of requests and project “milestones.”

He has also brought together a small group that serves as an advisory panel and for information gathering and training purposes. It is composed of attorneys and other professional and support staff. This group meets infrequently. According to our interviews with other staff, many have no idea that the group exists, who participates in it, how they are chosen, or whether others interested in participating can join. The developer noted that even though he loves to work by himself, a second individual, based in Baton Rouge, was recently hired on a part-time basis through a sub-grant to assist with development.

When asked what, if anything, could be improved to help the overall success of the project, he suggested (1) a bigger development team (even though it is his preference to work alone); and (2) removal of the obstacles related to importing data from the sheriff’s system.

E. **Interview with Mike Gerkeen (NOPJF)**

Mike Gerkeen, of the NOPJF, has worked to coordinate and help set the direction of overall data integration among the various justice stakeholders (e.g., sheriff, criminal and magistrate courts, district attorneys, and public defenders) in the parish. Because he was not available during the time of the site visit, Mr. Gerkeen was interviewed by telephone in June regarding overall IT issues as well as future plans for criminal justice information sharing in the parish. He provided a detailed overview of the current status of data and its flow, primarily from the sheriff’s system to various parties. He also explained that the system is strategically moving away from a system that depends on getting all its information from the sheriff (due primarily to Sheriffs’ Office funding problems) and toward reliance upon a subpoena system created for the courts. This system will be created and managed by a third party sole source contractor and will provide notifications through email. Mr. Gerkeen feels its implementation will vastly improve the flow of information within the justice system, especially for OPD.
Currently, they are waiting for the federal government to provide special approval for the project to go forward because the vendor (Orion) is a sole source contractor. At the time of our interview in June 2009, this approval was estimated to require about two months. It is unclear when this subpoena system is expected to be developed and implemented, but it will result in the OPD receiving more data than currently exists in the sheriff’s system. The subpoena system contractor will be responsible for creating a number of structured query language (SQL) views of data for the various justice stakeholders. In addition to just viewing the data, different justice parties will also be able to insert their own data, (e.g., the OPD would be able to enter the names of its own attorneys and witnesses.)

NOPJF is also providing funding for laptops for both the OPD and the DA’s office, as well as for wireless network access points for all the courtrooms. The goal is to allow all stakeholders to access their own data and the subpoena system directly from the courtroom. As of the date of this report, the laptop computers have arrived but the court-wide wireless access is still incomplete.

When we discussed some of the study team’s concerns regarding the progress of the OPD system development (e.g., the lack of an overall plan, schedule, specifications, and a relatively open-ended contract between the developer and the NOPJF), Mr. Gerkeen was not at all surprised. He observed that this “on-the-fly” style of development was the predominant approach to IT development projects in the region. He indicated that the DAs and the courts have had similar challenges to those observed by the study team in the public defender’s office, if not worse.

It was also noted that the courts are developing their own MIS and the study team was informed that the OPD is coordinating with the courts in this process. Time was insufficient to get into the details of this project, but, given the development of the OPD's internal MIS, there is reason to be concerned about the quality of this coordination.

F. Review of Documentation Relating to IT Development

The OPD staff were very helpful in providing copies of a number of documents for the study team’s review. The main developer for the Matrix also provided copies of documentation that he had created. A list of documents provided by both OPD staff and the developer reviewed by the study team, included the following:
• The contract agreement between NOPJF and the developer, Barrett Conrad, who is currently working on the Matrix
• General documentation regarding the receipt of several grants and other funding sources for IT and other office needs (e.g., telephones)
• General ledger activity report for equipment (e.g., IT, telephones, copiers and scanners).
• 2009 Operating Budget for the OPD
• April 2007 proposal from Interactive Information Systems for the development of a system to develop juvenile public defender case information
• The Matrix entity relationship diagram (ERD)
• The body of an April 14, 2009 email message from Mike Gerkeen to a number of criminal justice stakeholders, including Mr. Conrad, regarding an upcoming meeting to discuss the possibility of the subpoena system vendor providing SQL views to various justice parties to facilitate information sharing
• Various lists of database objects (e.g., tables, fields, data types and formats) for the Matrix and Looney systems
• Several flow diagrams illustrating possible Matrix functions (e.g., conflict process)
• Generic Matrix screen shots showing case events, actions, and cases assigned
• Matrix project status summary
• Zend Framework justification (rewritten from CakePHP to Zend Framework in Nov-Dec 2008 to allow scalability and generally improve code)
• Orleans Parish Sheriff AS400 data import and Looney export project specifications and goals
• Matrix version 2.0 training outline
• Matrix planning outlines – general notes/outlines (created by the contractor) from various meetings held approximately bi-weekly from August 2008 to April 2009
• Matrix advisory panel description and notes from December 2008 meeting; and
• Schematic illustrating two suggested options for organizing office and vehicle data

Documentation supplied by the office was valuable in that its general nature serves to underscore its severe lack of resources. No office-generated documentation relating to IT development was supplied regarding:

• the OPD business process flow (apart from an aspirational organization chart) although we understand that there has been some process flow mapping work done and there may be some documentation
• evidence of any comprehensive internal business requirements or needs analysis prior to the start of project development including required reports or reports specifications
• commercial off-the-shelf system (COTS) evaluation for case management systems that were offered (Washington DC and Miami)
• documents showing the process used to hire the Matrix developer e.g. resume, interview questions and answers
• any other evaluation or description of technology needs or issues to be addressed
• project proposal or charter (which might contain info such as the purpose, scope of work,
• roles and responsibilities, communication plan, contingency plan, change management
  plan etc.)
• project budget (to include time and money, and any adjustments)
• project schedule (to include start time, project milestones, estimated overall project
  duration, and how any necessary adjustments would be handled)
• project management documentation or status reports (other than that provided by the
  contractor)
• payment schedule (linked to completion and acceptance of project milestones), or
• Change management plan (describing who needs to approve deviations from the initial
  plan)

We were told that the OPD did not have copies of the current backup and disaster IT recovery
plans. Staff thought that the contractor used for network administration was in possession of
these items.\(^5\)

The documentation supplied by the developer supports the characterization that the
project is being managed “on the fly.” The overall plan relies on importing data from either the
sheriff’s mainframe or, in the future, the court’s subpoena system. Since the details of these
functions have not been completely worked out yet, certain aspects of the OPD project cannot be
finalized. However, much of the remaining development is not subject to these factors.

The office has no spare resources to direct toward the IT case management project
planning. The attorneys most involved with the system development are carrying a client
caseload and some are responsible for high-profile cases.

G. **Observations**

1. Desired functionality vs. available budget for case management system

With regard to the development of a case management system, a large gap exists
between the resources available (i.e., time and money) and the general expectations of
management and staff regarding its functionality. We believe that the desired level of
complexity described is inconsistent with the available budget and time within which local
officials expect the project to be completed given the fact that the total cost of each NOPJF grant
installment has been approximately $50,000. Even if the NOPJF grant used to fund the
development would continue to be extended, it appears unlikely that the NOPJF would expect

\(^5\) Mr. Bunton indicates that the OPD now has a Continuity of Operations Plan (COOP) which has been forwarded to
the State Public Defender.

the project’s total cost to be substantially more or the time frame substantially longer to complete.

This uncertainty needs to be resolved. A realistic estimate of cost and time for the project should be established so that all parties are aware of the limitations that will determine whether the project is completed successfully (e.g., completion of Matrix development and implementation). That estimate will determine the degree of complexity that the OPD can afford. If the price tag for the necessary capability is too high, then either the budget or project specifications must be adjusted. Alternatively, the OPD could utilize an existing case management system with the intentions of making only minimal changes consistent with its budget. This might require modification of office procedures and operations that can be cost-effectively (in terms of time, money and disruption) changed to be more congruent with the operational flow designed into the case management system. As noted earlier, several existing case management systems have been offered to the OPD in the past; however, the office determined at the time, that it would be too expensive to re-program them. A previous PD decided to create a totally new system from scratch, based in part on the conclusions of a consultant hired to help with the evaluation, and the Matrix development effort was born out of that decision.

The study team requested to view documentation from the consultant associated with the earlier evaluation of existing defender systems and subsequent decisions made regarding these “off-the-shelf” defender systems. The documentation apparently could not be located. The unavailability of materials relating to the evaluation and the determination not to use the donated systems prevented the study team from assessing whether the earlier evaluation was sound. However, it appears that at least one of the donated systems (from the Miami Dade Public Defender’s Office) that was rejected was never obtained, installed or otherwise demonstrated as part of the OPD’s evaluation. Given this situation, considerable doubt exists as to the soundness of the evaluations and recommendations resulting in rejection of the proffered “off-the-shelf” systems.

2. Lack of project plan and important project documentation

The lack of an overall IT project development plan, including basic information such as overall specifications, a comprehensive project timeline, list of overall project deliverables, and/or work breakdown structure is negatively impacting the project. The lack of such
documentation makes it difficult for those responsible for developing the system to know what is expected, what to do, when to do it, if what has been done is adequate, and what needs to be done next, etc. Because work is being done “on the fly,” there may also be downtime waiting for necessary feedback on work that has been completed. The lack of an overall plan also makes it impossible to evaluate, at the onset of the project and then again at various key points during the project, whether the approach is reasonable or whether it should be modified. Unfortunately, the “flexible and on-the-fly” approach for project development relied upon for the OPD project is often associated with both high cost and overall low user satisfaction.

The lack of such a project blueprint or roadmap also makes it difficult, if not impossible, to meaningfully judge the progress of the project. This is evidenced in this case by the inability of the developer primarily responsible for the project to tell us what percentage of the project has been completed. The lack of a project plan and associated documents also makes it difficult, if not impossible, to evaluate the adequacy of the current level of staffing. Although the developer appears to have a good reputation, his statements indicating that he prefers to work alone and that he feels that specifications impede his ability to perform his work effectively suggest that he may lack adequate experience in performing the type of project the OPD needs to undertake, which clearly requires a detailed task plan. The reported problem that certain data fields are overwritten when they are updated is also of concern.

In sum, the developer is working on a very open, time–and–materials type contract with no specifications, no schedule, or deliverables tied to it. This provides little framework within which the developer must produce (e.g., get the job done by a date certain) and no incentive to do so efficiently. Since the developer does not appear to know the specific deliverables required and does not appear to be focused on completing the project, he is reacting to needs flexibly and spontaneously, as they arise, without long-term structures or limits. This approach is more in line with maintaining an existing system or developing small-scale systems, rather than designing and implementing a new system with the specific capabilities that OPD needs.
V. APPLYING THE ABA TEN PRINCIPLES OF A PUBLIC DEFENSE DELIVERY SYSTEM

In February 2002, the American Bar Association (ABA) published the *ABA Ten Principles of a Public Defense Delivery System*. The Principles “...were created as a practical guide for governmental officials, policymakers, and other parties who are charged with creating and funding new, or improving existing, public defense delivery systems....”

To provide an interim snapshot of the degree to which the New Orleans Public Defender Office complies with the *Ten Principles*, the technical assistance team offers the following summary assessment:

PRINCIPLE:

1. **The public defense function, including the selection, funding and payment of defense counsel, is independent.**

“The public defense function should be independent from political influence and subject to judicial supervision only in the same manner and to the same extent as retained counsel. To safeguard independence and to promote efficiency and quality of services, a nonpartisan board should oversee defender, assigned counsel, or contract systems.....”

COMMENT:

There is limited adherence to this principle. The only apparent funding certainty relates to the inadequacy of funding. The uncertainty of continuing funding and the reliance on multiple funding sources severely impact the autonomy and independence of OPD. This deleteriously impacts management and current operations, including the ability of OPD to effectively plan over the intermediate term.

PRINCIPLE:

2. **Where the caseload is sufficiently high, the public defense delivery system consists of both a defender office and the active participation of the private bar.**

“.... The appointment process should never be ad hoc, but should be according to a coordinated plan directed by a full-time administrator who is also an attorney familiar with the varied requirements of practice in the jurisdiction. Since the responsibility to provide defense services rests with the state, there should be state funding and a statewide structure responsible for ensuring uniform quality statewide...”

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6 The *ABA Ten Principles of a Public Defense Delivery System*. 2002. Summary commentary is provided in the *Ten Principles* with additional supporting policy statements and commentary dealing with indigent defense services is provided in the *ABA Standards for Criminal Justice, Providing Defense Services* (3d. ed. 1992).
COMMENT:
As discussed elsewhere in this report, unstable funding and questions relating to the institutional sustainability of OPD cuts to the heart of the definition of “a defender office.”

The OPD should develop a more effective, systematic approach to identifying conflict cases, assigning contract attorneys, and monitoring their invoices and payments, as discussed more fully later in this report.

PRINCIPLE
3. Clients are screened for eligibility and defense counsel is assigned and notified of appointment, as soon as feasible after clients’ arrest, detention, or request for counsel.

“Counsel should be furnished upon arrest, detention, or request, and usually within 24 hours thereafter...”

COMMENT:
Adherence to this principle has greatly improved; early representation is now being provided to walk-in clients.

PRINCIPLE
4. Defense counsel is provided sufficient time and a confidential space within which to meet with the client.

“......counsel should have confidential access to the client for the full exchange of legal, procedural, and factual information between counsel and client. To ensure confidential communications, private meeting space should be available in jails, prisons, courthouses, and other places where defendants must confer with counsel....”

COMMENT:
There is little or no adherence to this principle outside of the OPD office setting.

PRINCIPLE
5. Defense counsel’s workload is controlled to permit the rendering of quality representation.

“...Counsel’s workload, including appointed and other work, should never be so large as to interfere with the entering of quality representation or lead to the breach of ethical obligations, and counsel is obligated to decline appointments above such levels. ... the concept of workload (i.e., caseload, adjusted by factors such as case complexity, support services, and an attorney’s nonrepresentation duties)....” should be used as a measure.

COMMENT:
This is not the case at this point. It is strongly recommended that Chief Defender Bunton establish a reasonable caseload (although we prefer the term “workload” rather than “caseload” but for the sake of consistency in this report we will refer to caseload) that could be as general as “As many cases as one can competently and ethically handle” or some specific formula. What is important is that a reasonable caseload be established and adhered to as soon as possible. The OPD is hampered by the lack of data to accurately describe its caseload. In that caseload is a substantial component or subset of “workload,” the latter cannot be accurately assessed.

PRINCIPLE
6. Defense counsel’s ability, training, and experience match the complexity of the case.

“...Counsel should never be assigned a case that counsel lacks the experience or training to handle competently....”

COMMENT:
While adherence to this principle is true of several of the supervising attorneys doing the higher-end cases, there did not appear to be any systematic process in place to ensure that the principle is applied for all assignments. Since attorneys are also not routinely evaluated (see # 10 below), there is also no mechanism to apply experience, capabilities and performance to case assignments.

Post Site Visit Developments: As noted earlier, the OPD has not established practice levels and an evaluation process for its attorneys.

PRINCIPLE
7. The same attorney continuously represents the client until completion of the case.

“...Often referred to as “vertical representation,” the same attorney should continuously represent the client from initial assignment through the trial and sentencing....”

COMMENT:
Adherence to this principle has been a major accomplishment of the Office. Vertical representation is a huge change and victory for the OPD. However this development is something several Orleans Parish District Court judges are still fighting. The district court’s main complaint about this approach appears to be its effect on judges’ ability to schedule cases and to rely on the availability of the public defenders for scheduled hearings and trials. Efforts to address these concerns should be made and considered an element of the recommended interagency communication addressed in the Recommendations Section of this report which follows.

PRINCIPLE
8. There is parity between defense counsel and the prosecution with respect to resources and defense counsel is included as an equal partner in the justice system.
“.... There should be parity of workload, salaries and other resources (such as benefits, technology, facilities, legal research, support staff, paralegals, investigators, and access to forensic services and experts) between prosecution and public defense. Public defense should participate as an equal partner in improving the justice system....”

COMMENT:
OPD salaries are not competitive. With respect to parity, the OPD is not even close to parity with regard to salaries and benefits. However, currently, the OPD appears to be regarded and included as more of an equal partner than previously. Chief Defender Bunton meets with a “Criminal Justice Committee,” comprised of judges, prosecutors and others on a regular basis. We have encouraged him to continue attending the meetings regularly as well as suggesting agenda items.

PRINCIPLE
9. Defense counsel is provided with and required to attend continuing legal education.

“... Counsel and staff providing defense services should have systematic and comprehensive training appropriate to their areas of practice and at least equal to that received by prosecutors....”

COMMENT:
While there is a Training Director, his talents are being diverted to trying cases. See Recommendations in Section VI regarding role of the Training Director and nature of training that should be provided.

PRINCIPLE
10. Defense counsel is supervised and systematically reviewed for quality and efficiency according to nationally and locally adopted standards.

COMMENT:
The OPD is not adhering to this principle. Evaluations have not been given to attorneys across the board and are not expected.

Post Site Visit Developments: As to Principles Nine and Ten, Mr. Bunton reports that the OPD has taken its Training Director out of the case assignment rotation, instituted a new layer and system of supervision, and, as noted earlier, implemented an attorney evaluation process.

Recommendations for addressing the deficiencies noted are provided in the section which follows.
VI. RECOMMENDATIONS

Addressing the issues referenced in the preceding sections of this report, the study team submits the following recommendations, with commentary as appropriate.

A. ORGANIZATIONAL STRUCTURE AND POLICY

1. Strategic Planning

**Recommendation One:** At a minimum, the OPD needs to promptly develop:
- a vision and mission statement to articulate the goals and purpose of the OPD’s functions and services;
- a written "business" plan to describe what it wants to do;
- a written organizational chart to describe the structure of the operation that is designed to implement that plan;
- a budget, based on sufficient resources, to achieve that plan; and
- an IT plan to describe, in a comprehensive and organic way, all the tasks and functions that will be automated.

The tasks necessary to implement this recommendation are further described below.

**Recommendation Two:** The OPD should develop a Mission Statement, Vision Statement and Strategic Plan.

The strategic plan should be consistent with the vision and mission statements it develops. The development process should include substantial input from all types of staff. This will not only improve transparency, it will promote buy-in of staff to the OPD’s efforts. OPD training should be coordinated with the strategic plan, office policy manual and job descriptions. All of these items must be realistic and provide the basis for actual OPD practice.

Apparently some effort has already been made to develop a strategic plan under previous OPD leadership. These efforts should be reviewed to determine whether they are still consistent with Chief Defender Bunton’s vision and the office culture he desires to construct.

**Recommendation Three:** The OPD should develop a set of policies that apply to all OPD functions and activities
These policies should be designed to comply with constitutional and ethical standards, as well as indigent defense standards promulgated by the ABA, NLADA, ACCD. See also, *Guidelines on Indigent Defense Services Delivery Systems, The State Bar of California* (2006). The OPD policies should be also be coordinated and consistent with state defender policies, including those relating to MIS, travel guidelines and expert payment guidelines.

**Recommendation Four**: The OPD should create an Agency Leadership Team (ALT) consisting of the heads of the Office’s various professional and administrative functions.

At a minimum, Chief Defender Bunton, Christopher Flood, Dannielle Berger, Kendall Green, William Boggs, the Chief Counsel, and whoever becomes the CIO should be members of the Agency Leadership Team (ALT).

**Post Site Visit Developments**: See page XX above summarizing the actions taken following the technical assistance visit.

**Recommendation Five**: Given the size of the office, there should be five attorney teams, each headed by a supervising attorney and a deputy supervising attorney (creating leadership ladders).

All investigators and other professional office staff should be assigned to teams. All teams should fall, organizationally, under the Chief of Trials. The General Counsel and the Special Litigation units should be combined under the Chief Counsel.

**Post Site Visit Developments**: See discussion above relating to the establishment of the attorney teams.

2. **Documenting The OPD’s Workflow**

**Recommendation Six**: The OPD should prepare a detailed description of its work flow, identify improvements and the resources necessary to make those improvements.

This description should document the organization of the office, paper and data flows. It should include every significant function the office performs, including when it is performed, who performs it, and any guidelines for its performance. This documentation should include: assignment and deployment of public defender attorneys, screening of clients; and determinations of indigency. Staff should have meaningful input into the development of this description. As part of staff training and inclusion, the resulting workflow description should be reviewed with all staff.

3. **Policy and Procedures Manual**

**Recommendation Seven:** The OPD should develop a comprehensive and useful office policy and procedures manual which is regularly updated and accessible to all OPD staff.

The OPD does not have a comprehensive and useful policy manual. Such a manual is essential to anticipating issues and informing staff regarding appropriate standards and practices. The development process for such a manual is a good opportunity to provide staff an opportunity for input into how the office works, transparency, and a basis for staff structure and stability. The OPD needs a team to develop policy and implement it.

Post Site Visit Developments: See comments above relating to the development of a COOP plan.

4. **Continuity of Operations (COOP) Planning**

**Recommendation Eight:** The OPD must direct the process by which the COOP plan is developed, and involve OPD staff and the agencies it will depend on for implementation in an emergency.

Development of a meaningful COOP plan or other emergency plan entails as much a process as a product. The process must involve officials of both the agency developing the plan and those upon whom the agency will depend to implement it in an emergency. A contractor may be able to facilitate the process, but the plan must be the product of the priorities and working relationships developed, maintained and implemented by agency staff. The OPD must review and update any emergency plan on an ongoing basis, in order to account for changes in personnel, policies, practices and/or priorities of OPD and the other agencies essential to the plans’ implementation.

**Recommendation Nine:** The OPD should obtain copies of all documentation relating to the Office’s disaster recovery and continuity of operations plans, as well as any updates prepared, from the contractor developing these plans.

The office currently contracts with Dovie Consulting (Don Dovie) for hardware and software (operating software and office applications) and network administration activities. We understand that Mr. Dovie is also responsible for backups. He has put together the office disaster recovery plan, and has, on several occasions, taken part in implementing a continuity of operations (COOP) plan. However, we were told that OPD had not been a party to the
development of either the disaster recovery plan or the COOP. It has, up to this point, relied on the contractor for these services. The office did not have a copy of either of these plans. We understand that the state defender program is actively working on developing a COOP plan for the State and that the office has participated in these efforts. Through this participation it has been refining both plans. Since it appears that the contractor hasn’t shared his plans with the office, we recommend that the OPD obtain a copy of each plan. It should continue to maintain an up-to-date copy of both plans so that they can be evaluated and refined, as necessary, during the calm before any storms or other disasters.

B. FUNDING

**Recommendation Ten:** The OPD needs to develop a budget based on adequate, relatively stable resources with accurate data and external support.

**Recommendation Eleven:** The OPD’s funding must be stable, dependable, and adequate.

Implementation of this recommendation is both a practical (budgeting) and a psychological and morale necessity. Many staff report being adversely affected by questions of the OPD’s sustainability, specifically that the existence of the OPD is “fragile.” Multiple funding sources complicate an unstable budgetary situation.

Present funding is based on traffic tickets, state funds, local funds, grants, gifts and donations. No one seems to know exactly how much to expect from any source during the current year or in the future. Likewise a detailed “to-the-penny” budget, while necessary, is almost impossible. Stable funding is also necessary for overall operational planning.

C. COMMUNICATION AND TRANSPARENCY (internal and external)

**Recommendation Twelve:** The OPD should strive to improve transparency, within the agency and with other agencies, including the State Public Defender.

While we believe transparency should ideally reach beyond the OPD into the larger Orleans criminal justice system, we understand the difficulty and hazards of implementing this recommendation, given the current self-centered, silo culture of the other criminal justice components. Whether one focuses on providing effective individual representation or on improving overall representation by improving the office's institutional relationships with the
other criminal justice and related agencies, OPD should optimize its sharing of information and communicating what it is doing and who is doing it. In this effort, it would be helpful if the OPD formalized an organizational chart that clearly describes the structure of the operation, lines of responsibility, and functions performed for internal and external purposes. (See Recommendation One)

**Recommendation Thirteen:** *Chief Defender Bunton should have regular staff meetings and periodic focus group meetings with staff to discuss operational and other issues.*

These meetings provide an opportunity for staff communication, attention, and respect. Each staff member needs to be heard and to know that his/her opinion is given serious consideration. These sessions also present an opportunity to respect staff concerns by adopting their suggestions or to provide a context to staff explaining why other ideas are more appropriate.

**D. INFORMATION TECHNOLOGY/MANAGEMENT INFORMATION SYSTEMS**

**Recommendation Fourteen:** *A new, effective, reliable and user-friendly Management Information System (MIS) must be developed that can earn the confidence of all staff-users.*

**Recommendation Fifteen:** *Matrix development should be halted temporarily and all IT work should instead focus on creating an agreed upon project plan that can serve as a roadmap for the rest of the project.*

The OPD's management information system, the Matrix, is inadequate. It seems to have been poorly conceived in that it focuses only on a few trial attorney functions, rather than all of the office functions that ought to be automated. The system appears to be of little or no use to various key groups, including lawyers, social workers and administrators. The data appear to be unreliable and incomplete.

One MIS question that needs to be answered promptly relates to the potential coordination of the OPD MIS with the state MIS. What information does the state need from OPD? What information does it get from OPD? Is it simple to upload all of the required data?

The project plan that is needed before further IT work is performed should include a list of all requirements (data, functions, processes) the system must provide as well as specificity as to when the project must be completed and implemented. The plan must be multi-year, comprehensive, and focus on the needs of managerial and staff end users. Essential elements
should include: identifying the data fields necessary to support OPD functions and the generation of reports for management and staff; data collection that emphasizes obtaining data automatically from external sources; providing for the optimal blend of automated and manual entry of data; set priorities that can be met given budget realities; and practical time frames for proceeding. Documentation of the process is essential, but expectations must be realistically aligned with and prioritized in accordance with budget limitations.

At this point, project planning efforts should seek to utilize any process work flow analysis that has been done for the office as a means of review to help determine if all necessary functions are being accounted for. The work plan should be designed so that the level of effort and staffing required to complete the work can be estimated. As noted above, the number of required functions, overall complexity and level of effort requirements must conform to budgetary and time constraints. One important factor is a realistic estimate of the production capacity of a single developer.

After this information is gathered, an assessment must be made as to whether to continue to work on the Matrix or to change direction. Abandoning work on the Matrix should not be viewed as a failure. The knowledge gained in working on the Matrix will feed into any new system the office decides to build or procure (either through traditional means or from a donated system). Since a lot of work has been done and more work has been conceptualized, it is not anticipated that the work creating such a plan will take an inordinate amount of time.

Another related issue to address is whether to change developers. If a change were required, the OPD should ensure that the new developers have successfully worked on projects of similar complexity. If more than one developer will be involved, they should have experience working in project teams, rather than solo.

**Recommendation Sixteen:** *Staff and contract attorneys must enter data accurately and timely into whatever system is developed.*

Whatever MIS system is developed, its value will only be as good as the information it contains. Information relating to the OPD caseload, attorney workload, case outcomes as well as a wide range of administrative data will necessarily require accurate and ongoing data entry by the attorneys and other staff involved. The system design should take into account the need for
user-friendly formats for entering this data and system features that provide for prompt checking of data entered for accuracy and consistency.

**Recommendation Seventeen:** *The Office should hire a full-time IT manager.*

This individual should have recent and broad IT knowledge and experience including technical project management, current IT project architectures, IT procurement, business project development (both in-house and off-the-shelf variety), hardware selection and installation (PCs/servers/network infrastructure), general software (operating systems/ email/security, etc.), disaster recovery planning, backup and storage options etc. While it is possible to delegate some of these responsibilities to various outside vendors, this approach is risky since vendors tend to recommend only what their company happens to be selling. While several upper level managers have been working valiantly to direct IT for the office and the Matrix development, specifically, it is preferable to have this specialty area headed by someone with professional experience and expertise in the area.

**Recommendation Eighteen:** *The OPD’s IT focus group should be expanded.*

The focus group should have representatives from every functional area (e.g., managers, administrators, attorneys, investigators, social work specialists, legal assistants, and secretaries) in the office. The group should meet regularly and should be involved in the project plan design. The group should provide input into prioritization of functions, the data necessary for the staff to do their jobs, the types of reports that must be generated and other matters from the perspectives of a variety of end users. To the degree practicable, all staff should be involved in planning for the system. Prioritization should include organizing the work into phases, focusing the first phase on the most critical work and then proceeding in descending order of priority.

**E. OFFICE SPACE AND FACILITIES**

**Recommendation Nineteen:** *The OPD needs adequate and properly structured space.*

The present space occupied by the OPD is inadequate. There is no security and, therefore, no attorney-client confidentiality. Anyone can walk off the elevator and into the interior of the OPD office space. There is no real reception area or a separate area for clients to wait. Not only do prosecutors share the building and elevator, but they use vending machines in the OPD area, bringing them in contact with OPD clients and witnesses. The OPD has also
already outgrown the present space, and the space problems will become all the more critical if our recommendation (see Recommendation Twenty-Four below) to increase the permanent staff is implemented. In short, more and better space is needed.

Post Site Visit Developments: See Comment above regarding additional space.

F. RECORDS AND ADMINISTRATION

   **Recommendation Twenty:** *The OPD should obtain inventory records of hardware and software and licensing purchases made on its behalf by its contractor as well as any competitive bidding or quotes that were obtained in conjunction with these purchases.*

   The Team learned that these records, like the disaster recovery plan and COOP, were in the possession of the contractor. The OPD should get a copy of these to maintain its records and to provide a basis for any future change in contractor.

   **Recommendation Twenty-One:** *The OPD should perform an adequate audit and review prior to paying all vendors and contract attorneys.*

   At present, the OPD pays invoices from vendors as well as private contract attorneys without much regard to performance or case file review. Even though we were told that, on occasion, the OPD reduces some bills for contract attorneys, the study team recommends that the OPD improve this process with systematic policies and practices developed. Adequate review of contract attorneys’ billings will also require clear policies as to the nature of reporting needed in terms of attorney activities and services performed on a case by case basis. (See Recommendation Sixteen above). The best practices in other defender offices could provide useful models to adapt and build upon.

   A review process for vendors’ invoices would save money, but is likely to require the expenditure of additional resources. If so, those necessary resources should be identified and discussed with funders.

Post Site Visit Developments: Mr. Bunton indicates that the OPD has begun addressing this concern by updating billing rules and procedures and then distributing the changes to the conflict panel. The Chief Defender and Deputy Chief have also met with the local federal defender to gain insight as to how that office manages its panel of attorneys.
Recommendation Twenty-Two: Payroll and leave information must be maintained in a form readily available to staff for their personal reference as well as for office managerial and administrative needs.

Presently, personnel records are maintained by hand in a notebook and not readily available to staff. These records need to be maintained in a readily available form, assessable to both individual staff and OPD managers. The OPD should consider looking at the systems used by other public defender offices as well as available products to support this function, such as PAYCHEK and KRONOS.

G. PERSONNEL

Recommendation Twenty-Three: A competitive salary structure, with benefits, needs to be created.

OPD staff salaries are not competitive with those for the District Attorney’s Office or other local agencies. In fact, the study team was informed that the OPD is the only local agency that does not provide full benefits to its fulltime employees. The OPD should take immediate steps to establish a competitive salary structure. The longer it waits, the more difficult it will be to attain this central goal. The salary scale for OPD staff should be equivalent to that for the district attorney. The starting salary for a public defender must be the same as the starting salary for a prosecutor.

It may be difficult for the public defender to argue that the office needs more competitive compensation, when there has been established an unreasonably low pay scale and the office has apparently been "successfully" providing representation with that pay scale. In large part, this situation has been the result of the post-Katrina influx of volunteers and others interested in contributing limited time to help reconstitute the office’s functions. However, now is the time to plan for the longer term operations of the office and what needs to be done to attract and retain competent qualified staff. The present turnover rate of lawyers and other personnel at the OPD is destructively high and cannot continue without a significant waste of scarce time and money for recruitment, hiring and training with little return. A competitive salary scale will ameliorate this waste.

7 While the OPD provides medical and dental benefits it does not provide retirement or pension benefits.
Recommendation Twenty-Four: Permanent staff must be promptly added to the OPD to perform critical office functions, a large portion of which are currently handled by seasonal volunteers.

A large portion of the present work, including the initial appearances of the OPD, is accomplished by seasonal volunteers. As part of the workflow review recommended, identification of the staff needed to perform each task should be clarified and critical tasks presently performed by volunteers should be performed by added permanent staff who should be hired promptly.

Recommendation Twenty-Five: New special positions should be created to perform critical functions needed by a defender office and addressed elsewhere in this report.

In addition to core public defender office job positions, such as attorneys, investigators, client service specialists, and clerical support staff, several special positions need to be developed to provide adequate support and outreach for office functions and services, including a staff Training Director, a Public Information Officer (PIO), an IT Director, and a Legislative Liaison (LL), for example.8

Recommendation Twenty-Six: The OPD should seek necessary funding for the Defender Services Section of the OPD.

The Defender Services section of the OPD, which provides social work services, is currently funded by a local grant from Baptist Community Ministries. Social work services are an essential part of the services public defender services should be providing and improve the productivity of the OPD lawyers. It would appear that the state should fund this function but, in any event, the OPD needs to seek the necessary funding to provide these services.

Recommendation Twenty-Seven: Job descriptions should be developed for each position in the office, which provide a clear statement as to the requirements for the position and expectations for its performance.

The job descriptions should be developed and/or revised as a product of the recommended workflow review and clearly delineate the responsibilities of the position. In

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8 Mr. Bunton indicates that the duties of Legislative Liaison will be added to those of the Special Litigation Counsel. Recommendations to Strengthen the Management and Organizational Structure of the New Orleans Public Defender Office. January 2010. BIA Criminal Courts Technical Assistance Project. American University.
addition to providing a basis for staff performance evaluation, well developed job descriptions will also clarify for staff who does what and promote improved communication regarding staff functions and office operations.

**Recommendation Twenty-Eight:** OPD management and supervisors should conduct regular staff evaluations consistent with job descriptions and other expectations.

An adequate program for staff evaluation presupposes the creation of a policy manual, job descriptions, and other agreements stating the required functions and standards for the office. The evaluation process should not simply consist of formal, scheduled evaluations, but should also include informal or unscheduled evaluations as appropriate. The OPD needs to develop a framework for conducting staff evaluations, including protocols, written checklists and forms. As appropriate, evaluations should be written and documentation maintained. Evaluations should be conducted with a view to fostering professional development and career track progression. One problem many organizations encounter is that staff evaluations, when conducted infrequently and in a formal setting, generally tend to be too generous and cause problems for later attempts to discipline staff. The OPD should try to avoid this pitfall.

**H. TRAINING**

**Recommendation Twenty-Nine:** The Training Director should be Titled “Director of Training and Staff Development and should be assigned training functions only. An immediate priority should be development of a multi-faceted training plan for all office staff.

The Director of Training and Staff Development should begin immediately to develop an office-wide training plan and take immediate steps to implement the plan. One step toward that goal would be to list all the training (internally and externally) that the OPD currently provides to its staff and compare that with the training that it should be providing. In order to help determine what it should be providing, the OPD should review the “best-practices” training programs of other public defender offices and adapt them to the needs of OPD practice.

The training plan should include formal and informal components. In addition to classroom and/or audio-visual presentations, it should include, for example, brown-bag lunch sessions, staffing of cases among attorneys, mock trials, and mentoring and should also include training by outside appellate attorneys based on their review of the trial records of OPD
attorneys. To the extent that time allows, staff with greater experience in a particular area should be encouraged to share that expertise with other staff, formally and informally.

I. CONTRACTING ARRANGEMENTS FOR JUVENILE, CAPITAL AND CONFLICT CASES

Recommendation Thirty: Juvenile Representation should be brought into the OPD.

Juvenile representation is presently contracted out to another agency by the OPD. The OPD, which is already undertaking some juvenile work, should consider bringing that work in-house, given its concern about the experience level of the attorneys in the outside agency. If it takes this path, the OPD should seek to continue the grant support being provided to the outside agency.

Recommendation Thirty-One: The OPD should continue its present contracting arrangements for handling capital litigation and conflict cases.

The OPD does not handle capital cases but assigns them through several nonprofits that specialize in capital litigation. Given the highly specialized nature of capital litigation, the extraordinary cost and the consequences for clients, this approach appears to be a prudent one at this time. However, the study team did not have time to begin to assess the cost-effectiveness of the approach. If the OPD can stabilize its operations and build its capability, it might consider accepting responsibility for at least some capital cases in the future.

The same concern applies to conflict cases. Disregarding the ethical obstacles that OPD would have to overcome, severe budgetary constraints make it inadvisable for the OPD to try to increase its workload by handling any of its conflict cases.

J. RELATIONSHIPS WITH OTHER AGENCIES

1. Agencies In The Local Criminal Justice System

Recommendation Thirty-Two: Chief Defender Bunton should attend all criminal justice and judges’ meetings and should provide regular input into the agenda items

Chief Defender Bunton informed the Team that he attends some judicial meetings. He should, as a general rule, attend all of them. He should use them as an opportunity to be proactive and seek systemic reform, in accordance with the OPD strategic and tactical plans.
These meetings are an opportunity for OPD to address issues of internal agency concern and the implications of local justice system policies on OPD operations. For example, problems noted during the site visit (e.g., OPD notice of hearings scheduled and judges’ concerns regarding the impact of the OPD’s vertical representation policy) could be productively addressed at these sessions. The policies of other agencies that affect OPD’s services could also be suggested as agenda items.  

This approach is consistent with "criminal justice councils" that operate in some other jurisdictions and have been recommended for New Orleans.  

**Recommendation Thirty-three:** The OPD, the State Public Defender, the Courts, Orleans Sheriff, etc., need to get together to identify data needed to manage and monitor case processes and agree on a clear system for obtaining it.  

(See Recommendations Fifteen and Thirty-Six).  

**Recommendation Thirty-Four:** The OPD should take the lead in initiating law reform efforts to address dysfunctions in the current justice system.  

In this regard, the following three areas which surfaced during the course of the study team’s visit should receive immediate attention:  

(1) The OPD should establish a special litigation section that files writs.  

(2) The OPD should seek to develop alternatives to incarceration and money bond.  

(3) The OPD should seek systemic reform of Municipal Court practice.  

As noted earlier, although the study team did not have an opportunity to assess Municipal Court practice in any depth, it appears to be a disaster area. We were told that that court involves representation in 42,000 cases per year. All defendants were held on a cash bond, the premiums in part reportedly constitute a segment of the OPD’s funding. It was estimated that ninety-five percent of the Municipal Court cases involve mental health, homelessness, unconstitutional 

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9 For example, a Municipal jail policy permitting release under certain conditions if the defendant can pay and a similar situation regarding a prosecutorial diversion program, both of which programs appear to be closed to defendants who cannot afford them.  


11 See Note Six above, for example.
status crimes (under *Papachristou*) and similar situations. The adversary in that court is the city attorney. The OPD should seek systemic reform of the Municipal Court to reduce its workload and develop more cost-effective means for addressing the problems of the people brought into that court.

Courts in a number of jurisdictions have limited prosecutions or penalties in response to the state’s inability or unwillingness to provide constitutionally required counsel or ancillary support and to address prospective ineffectiveness of counsel. See, e.g., *Luckey v. Harris*, 860 F.2d 1012, (11th Cir. 1988), dismissed on abstention grounds, 976 F.2d 673 (11th Cir. 1992); *Corenevsky v. Superior Court of Imperial County*, 36 Cal.3d 307 ( ___ 7/5/84) etc. The OPD should consider investing in this approach.

These law reform efforts should be coordinated with the legislative tactical plan recommended below.

**Recommendation Thirty-Five:** *The OPD should develop a strong legislative tactical plan.*

Defender, judicial, law enforcement and prosecutorial advocacy groups are very active in the legislative process. The OPD should also be and should develop a strong legislative tactical plan to implement those activities.

2. **State Public Defender**

**Recommendation Thirty-Six:** *The OPD should develop a regular communication plan with the State Public Defender and coordinate its activities in key areas.*

Although the study team did not have an opportunity to address the relationship of the local OPD office with the state public defender in depth, three areas immediately surfaced which would appear to warrant close coordination and cooperation: development of (1) the MIS system; (2) the OPD’s training program; and (3) the OPD’s COOP plan. Undoubtedly other areas will also emerge.

3. **Agency Handling Appeals**
Recommendation Thirty-Seven: Lawyers providing appellate representation should also serve a training function for OPD staff.

An outside agency handles OPD’s appeals. While the study team did not have time to determine what the relationship is between the two agencies, it is important that the lawyers providing appellate representation also serve a training function for the OPD’s attorneys. This could be done directly on a case-by-case basis or common trial attorney errors could be aggregated and reported to OPD for remediation through trial attorney training. This process, if practicable in any form, should be included in OPD’s training plan.
VII. CONCLUSION: NEXT STEPS AND SUBSEQUENT DEVELOPMENTS

The recommendations outlined above address the most critical issues relating to the OPD’s management and organization identified during the course of this TA review. To jumpstart the consideration and implementation of these recommendations, the OPD should establish a planning committee composed of a cross-section of office staff to review them and develop a plan for their office-wide consideration and implementation, as appropriate.

As an immediate measure, the study team suggested to Chief Bunton that, promptly after the conclusion of the site visit, he:

(1) plan and hold a staff meeting with a meaningful agenda designed to discuss his vision for the office and the TA site visit discussions and study, including questions staff may have regarding its purpose and the use to which it will be put, and future plans for office-wide communication on issues addressed during the focus groups and other staff interchange with the study team during the site visit;
(2) announce before that meeting that focus groups will follow where senior leadership will listen to staff, but not facilitate;
(3) develop a regular schedule of staff and focus group meetings; and
(4) begin regular communications with the State Public Defender

At the conclusion of the site visit, the study team met with Chief Bunton to discuss their principal observations and recommendations, including the need to immediately improve communication among staff, involve staff in addressing office policy and administrative issues, and developing an effective, ongoing training program.

Very shortly after the site visit, Chief Bunton began a series of staff meetings with office staff and focus groups addressing the following five areas of office reorganization:
(1) **Office Infrastructure**  
A. Office Furniture  
B. Library  
C. Legal Books  
D. Furniture  
E. Phone Lines  
F. Projector(s)  
G. Scanner(s)  
H. Computers  
I. Printer(s)  
J. Copiers  
K. General Office Space  
L. Meeting Rooms  

(2) **Administration/IT**  
A. Staff Recruitment & Retention  
B. Compensation  
C. Case Management System  
D. Data Management Systems  
E. Security  
F. Filing System  
G. Lexis Nexis  
H. Motions Bank  
I. Expert Bank  
J. Business Cards/Logo  
K. Book of Services  
L. Accounting  
M. Network Set-up  
N. Website  
O. Janitorial Services  

(3) **Assignments and Court Operations**  
A. Court Badges/Identification  
B. Communication with Clerk’s Office  
C. Admin Agreement(s) with Court/Court Staff  
D. Admin Agreement(s) with Sheriff/Sheriff Staff  
E. Admin Agreement(s) with NOPD/NOPD Staff  
F. Court Assignments and Coverage  

(4) **Office Organization**  
A. Policies and Procedures  
B. Practice Guidelines and Performance Standards  
C. Organizational Chart/Office Structure  
D. Job Descriptions  

(5) **Training**  
A. Attorneys  
B. Investigators  
C. Social Workers  
D. Support Staff  
E. Leadership  
F. Media  
G. Law Clerks  
H. Intern Investigators  

Following the site visit, study team members also continued communication with Chief Bunton by email and telephone. Chief Defender Bunton, Deputy Defender Chris Flood, and Office Administrator Danielle Berger attended the Leadership Training Program conducted by the Wisconsin Public Defender’s Office on July 8-9, 2009 and were invited, along with other OPD staff, to attend the Wisconsin State Public Defender Training conference in September, 2009.
### APPENDIX A: FOCUS GROUP PARTICIPANTS

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<thead>
<tr>
<th>May 4, 2009</th>
<th>May 5, 2009</th>
<th>May 6, 2009</th>
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<tr>
<td>Clark Beljean</td>
<td>Michelle Abatto</td>
<td>Michelle Abatto</td>
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<tr>
<td>Kimberly Denison</td>
<td>Don Donnelly</td>
<td>Chant’a Parker</td>
</tr>
<tr>
<td>Nzinga Hill</td>
<td>Danny Engelberg</td>
<td></td>
</tr>
<tr>
<td>Powell Miller</td>
<td>Nicole Heisser</td>
<td></td>
</tr>
<tr>
<td>Johnetta Pressley</td>
<td>Janice Isaac</td>
<td></td>
</tr>
<tr>
<td>Rhonda Tusa</td>
<td>Lisa Parker</td>
<td>Trisha Ward</td>
</tr>
</tbody>
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APPENDIX B

CASE FILE REVIEW
May 6, 2009 at 10:45 a.m.

Listed in the order reviewed

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<tr>
<th>Name</th>
<th>Offense</th>
<th>Notes</th>
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<th>Motions</th>
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<td>None</td>
<td>None</td>
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<td>Att Arm Rob</td>
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<td>None</td>
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<td>Kelly Harrell</td>
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<td>Kenfrell Knighten</td>
<td>Poss Drugs</td>
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<td>Byron Lombard</td>
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<td>Daryl Hartford</td>
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</table>

Comment: In reviewing the draft of this report, Mr. Bunton indicated that case and case file information at the OPD is maintained electronically and that individual attorneys keep a substantial portion of their files and case information in their individual offices and on the computer network in their individual files. While he also noted that this practice needs to change, he did not want to leave the study team with the impression that case information is not maintained.
APPENDIX C: PRE SITE VISIT COMMUNICATIONS AND QUESTIONS

Questions and Thoughts:

We understand that many of these questions/thoughts assume or require manageable workload (workload measurement is a more reasonable measure than caseload) to be realistic, and maybe they are better thought of as measures or indicators of how the New Orleans’ Public Defender is doing on that broader goal of reasonable workload (e.g., if you have time to meet w/clients & time to review discovery, the workload is getting better).

1. What, specifically, are your most pressing problems?

2. What improvements would you like to see in your office over the next six months?

3. We need to know your specific operational information such as staff job titles, responsibilities, years at the office, and experience; as well as, organizational internal relationships (who reports to whom? who supervises whom?)-

   Specifically:

   3A. According to the employee list you provided you show 7 managers. However in a separate email you indicate 9 managers (Chief Defender, Chief Deputy, Chief of Trials, General Counsel, Training Director, Director of Operations, Chief Administrator, a Line Supervisor, Chief of Conflict Unit). You also indicate that all but the Chief Administrator supervises attorneys. Would you please clarify this and name each of these Managers?

   3B. Again looking at the list of employees you provided in addition to the managers you list 44 attorneys 8 administrators and 4 social workers. Then, assuming 9 managers, this gives your office a total of 65 employees. Please indicate for each the job position title, employee years of service, experience level, full-time, part-time or volunteer. If the 65 employees do not include your volunteers please add them with their names, years of volunteer service (or length of the volunteer period), experience, and the nature of their volunteer work with your office.

   3C. Please group and list (by name and title) the employees supervised by each manager (by name and title).

4. What office management and reporting forms are you currently using?

5. Describe the orientation and training you provide to new attorneys, support staff, and volunteers.

6. Describe all the training that is currently provided and who is able to access it. Is any of the training required?

7. Describe the litigation resources you have (e.g., brief banks, etc.), how they are developed and who develops them.
8. Describe the process that you use for developing your budget and provide us with your copies of recent budget submissions and your most recent budget.

9. How is staff assigned to clients and cases?

10. Do staff meet with clients to interview them and discuss their cases, within a reasonable time of being appointed? Does your office provide supervision, such as file reviews, for each attorney to ensure that these meetings occur (we have attached 3 sample forms to this email they are Attorney Performance Evaluation; File Review Form; and Manager Evaluation Addendum)

10A. Please provide us with any written rules or guidelines that govern staff regarding meeting with, and representing, clients (both in custody and out

11. Do staff receive and review discovery (and then meet again w/ client to discuss case) before making a decision on recommending a plea or trial?

To provide a framework within which to think about these issues and to help place our questions in the context of organizational excellence we have included NLADA’s Seven Core Leadership Competencies; followed by Wisconsin State Public Defender’s Seven self-guiding principles of leadership and organizational learning. Again these are simply tools to assist you in leading your public defender agency.

NLADA SEVEN CORE LEADERSHIP COMPETENCIES: AN EFFECTIVE LEADER FOR JUSTICE

1. Builds and Sustains Relationships, Collaborations and Community Partnerships
2. Maximizes Impact for Communicating Effectively to Different Audiences
3. Engages Issues of Diversity, Power and Difference
4. Understands the Importance of Self-Awareness and Personal Effectiveness
5. Develops and Inspires a Shared Vision
6. Creates and Fosters an Environment Conducive to Leadership Development
7. Thinks Strategically About Challenges and Opportunities

WISCONSIN STATE PUBLIC DEFENDER’S SEVEN SELF-GUIDING PRINCIPLES OF LEADERSHIP

1: Leadership - Who are your senior leaders and how do they set and communicate organizational vision and values, promote an ethical and learning-friendly environment, ensure organizational ethical behavior and sustainability, engage the workforce, address organizational objectives and challenges, demonstrate accountability, and address adversity?

2: Strategic and Tactical Planning – How do you ensure the effectiveness of tactical (immediate necessary shifts consistent with the strategic plan) and strategic (more long range and broader in scope than “tactical”) planning and deployment of plans, with a strong focus on client-centered operational performance requirements?
3: **Client-Centered Focus** - How do you enhance representation and relationships with clients, and determine their satisfaction. (Voice of the customer stuff)?

4: **Measurement, Analysis and Knowledge Management** – How do you ensure the effectiveness of information collection and analysis to support client-centered performance excellence and success? It's not enough to collect data—you must actually use that information to evaluate and improve performance and the design of key processes, including strategic planning.

5: **Workforce Focus** – How do you ensure the success of efforts to realize the full potential of the workforce to create a high performance public defender organization? This reflects a view of workforce management that goes beyond motivation and career development to focus on workforce engagement, capability, and capacity.

6: **Process Management** – Explain the effectiveness of systems and processes for ensuring the quality of representation of clients and other services. Specifically how do you determine your core competencies and how these are reflected in the design of your work systems?

7: **Results** – How do you measure performance results, trends, and benchmarks?

**VISION AND MISSION STATEMENTS:**

Wisconsin State Public Defender Mission: “To promote justice throughout Wisconsin by providing high-quality and compassionate legal services, protecting individual rights, and advocating as a criminal justice partner for effective defender services and a fair and rational criminal justice system.”

Our Vision: “Working together, the Wisconsin State Public Defender’s Office will lead the way in protecting justice for all.”

Or Mission, Vision and other information can be found at: [www.wisspd.org](http://www.wisspd.org).

Mission, Vision, Values for San Francisco Public Defender [http://sfpublicdefender.org/about/core-values/](http://sfpublicdefender.org/about/core-values/)

Mission for Minnesota Public Defender [http://www.pubdef.state.mn.us/](http://www.pubdef.state.mn.us/)


Organization Chart for Connecticut PD [http://www.ocpd.state.ct.us/Content/Annual2008/chart.htm](http://www.ocpd.state.ct.us/Content/Annual2008/chart.htm)

Mission, Vision, Values for Los Angeles Public Defender [http://pd.co.la.ca.us/Mission.html](http://pd.co.la.ca.us/Mission.html)