

UNION 8/4/2022

LA County Public Defenders Union – Local 148  
MOU Negotiations  
August 4, 2022  
Union counter-proposal

**New Article: Workload**

A. Workload Study

Management and the Union agree to the commissioning of a workload study that will utilize data collected through the Client Case Management System (CCMS), ~~the Department's official system of record~~, a Delphi study, and any other data deemed necessary by the outside organization conducting the workload study. The goal of the workload study will be to ~~to recommend and/or validate methods of measuring the complexity of cases and guide the parties to establishing~~ appropriate workload standards for Deputy Public Defenders.

The parties recognize that different cases require different levels of work. The parties also recognize that only using an average case count for all attorneys is no longer the most reliable measure of workload. An independent workload study is an accepted method to determine an appropriate ~~threshold~~ workload. Utilizing data extracted from CCMS, a Delphi Study, and any other data deemed necessary, the workload study will analyze the complexity of the case, ~~and the time it currently takes to complete the work~~, and identify work that should be completed on a particular type of case, as well as the time that necessary work should take to complete, consistent with best practices, in order to assess an appropriate ~~threshold~~ workload.

Therefore, the parties agree that a workload study will be commissioned to be conducted by an outside organization experienced in conducting attorney workload analysis for indigent defense organizations. The parties agree to target commencement of the study within six months of the ratification of this MOU. The parties agree to form a committee, with equal representation from both parties, to develop the Request For Proposal (RFP); to evaluate, interview, and retain the outside organization; to assist the contractor in conducting the workload study; and to bargain over how to implement its findings.

B. Interim Workload Standards

Recognizing that proposed workload thresholds from a workload study are potentially years away, the Department and the Union agree to use standards related to indigent defense workload that are available as outlined below.

The Department and the Union recognize that the American Bar Association (ABA) Standards for Criminal Justice Defense Service (3<sup>rd</sup> Edition) are a baseline for the responsibilities and duties of the Department and Union members.

Recognizing the ABA Standards, the Department will not assign a Union member more cases than the following:

150 felonies per attorney per year; or

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400 misdemeanors per attorney per year; or

200 juvenile cases per attorney per year; or

200 mental commitment cases per attorney per year; or

25 appeals per attorney per year.

The Department also agrees to follow ABA Standard 5-5.3 and the State Bar of California's *Guidelines on Indigent Defense Services Delivery Systems (2006)*, both of which relate to workload in indigent defense.

Finally, the Department agrees that they will follow any future ABA or other nationally promulgated standards dealing with workload thresholds in indigent defense.