



Performance Measures Progress Report October 2020

Thank you for completing the October 2020 Performance Measures Progress Report (Progress Report). Each County's criminal defense providers, (i.e., other than the five counties currently engaged in the *Hurrell-Harring* settlement agreement) and each of the eleven criminal defense providers in New York City are expected to file a completed Progress Report with ILS twice a year (i.e., by October 30th and April 30th of each year). The Progress Report form outlined in this survey is intended to gather information on the use of funding for implementation of the counsel at first appearance, caseload relief, and quality improvement reforms introduced in the *Hurrell-Harring* settlement agreement and subsequently extended to the rest of the state via Executive Law § 832 (4).

When possible, the information provided in the Progress Report should **ONLY** reflect the use of funding as allocated in the five-year contract supporting statewide implementation of the *Hurrell-Harring* settlement agreement reforms. The Progress Report is **due for submission by October 30, 2020**. Subsequent Progress Reports will be due for submission to ILS on a semi-annual basis thereafter.

INSTRUCTIONS

Please review the following instructions before completing the Progress Report.

Review the County's Budget Items Approved in the Five-Year Contract: The budget items, as outlined in Attachment B-1 of your county's five-year contract (Contract) supporting statewide implementation of the *Hurrell-Harring* settlement agreement should be used as a reference to complete the Progress Report form. Please email ILS at performance@ils.ny.gov if Attachment B-1 is unavailable to you when completing the Progress Report form. See below for a sample of Attachment B-1.

Print and/or Save the Progress Report form for future reference: It may be useful to print and/or save the Progress Report form for future reference. The form is attached as a PDF document to the email ILS sent on October 1, 2020. Alternatively, the Progress Report form may be downloaded from the ILS website at <https://www.ils.ny.gov/content/annual-data-reporting>

Any questions and/or concerns on the Progress Report form should be emailed to performance@ils.ny.gov prior to October 30, 2020.

Sample of Attachment B-1

Budget Expenditure Item	Year 1 4/1/18 – 3/31/19
PUBLIC DEFENDER'S OFFICE	
CASELOAD RELIEF	
Personnel:	
Supervisor	\$80,000.00
Assistant Public Defender	\$70,000.00
Paralegal	\$44,737.00
Secretary	\$35,000.00
Fringe Benefits:	
For positions	\$43,000.00
Data Officer (stipend)	\$20,000.00
Caseload Relief - Subtotal	\$292,737.00
QUALITY IMPROVEMENT	
Contracted/Consultant:	
Expert Services	\$80,000.00
Investigator	\$15,000.00
Subtotal Contracted/Consultant	\$95,000.00
OTPS:	
Computer Equipment	\$20,000.00
Legal Reference Material/Books/Transcripts	\$10,000.00
Subtotal OTPS	\$30,000.00
Quality Improvement - Subtotal	\$125,000.00
COUNSEL AT FIRST APPEARANCE	
Personnel/Contracted/Consultant/OTPS:	
	\$0.00
Counsel at First Appearance - Subtotal	\$0.00
PUBLIC DEFENDER'S OFFICE - TOTAL	\$417,737.00

This is a sample of the budget for a hypothetical Public Defender Office.

Note the lines for personnel and Contracted/Consultant entries

As the preparer of this form, please provide your name and contact information. Even if you are preparing this form on behalf of someone else, we would like you to provide your name and your contact information so we can reach out to you in case we have any questions about the data you reported.

First Name

Last Name

Phone

Email Address

Position / Job Title

Name of your employer

* Please indicate if you are preparing this form for a / an

- Public Defender's Office
- Conflict Defender
- Assigned Counsel Program
- Other

* Please indicate in which county this provider is located (for any borough in New York City, please select the "New York City" option)

- Albany County
- Allegany County
- Broome County
- Cattaraugus County
- Cayuga County
- Chautauqua County
- Chemung County
- Chenango County

- Clinton County
- Columbia County
- Cortland County
- Delaware County
- Dutchess County
- Erie County
- Essex County
- Franklin County
- Fulton County
- Genesee County
- Greene County
- Hamilton County
- Herkimer County
- Jefferson County
- Lewis County
- Livingston County
- Madison County
- Monroe County
- Montgomery County
- Nassau County
- New York City
- Niagara County
- Oneida County
- Onondaga County
- Ontario County
- Orange County
- Orleans County
- Oswego County
- Otsego County
- Putnam County
- Rensselaer County

- Rockland County
- Saint Lawrence County
- Saratoga County
- Schenectady County
- Schoharie County
- Schuyler County
- Seneca County
- Steuben County
- Suffolk County
- Sullivan County
- Tioga County
- Tompkins County
- Ulster County
- Warren County
- Washington County
- Wayne County
- Westchester County
- Wyoming County
- Yates County

* Are you the designated ILS Data Officer for your county?

- Yes
- No

* Has the county designated an ILS Data Officer?

- Yes
- No

* Please provide the name of the ILS Data Officer:

Please provide the starting date (mm/dd/yyyy) of his/her position. If the exact starting day is unknown, please report the first of the month as the starting date.

* Please provide a description of the progress toward the designation of an ILS Data Officer. If unknown, please type "Unknown" in the text box below.

* Does your institution / organization use an electronic case management system?

- Yes
- No

* What case management system does your institution / organization use?

- defenderData
- IntelLinx
- LaserFiche
- Law Manager
- LegalServer
- Logis
- PDCMS
- PIKA
- Tecana
- Other

* 1. Please report the **number of attorney positions** that are funded as of September 30, 2020 by budget expenditure items listed in the "Caseload Relief," "Quality Improvement," and "Counsel at First Appearance" categories of the contract (see Attachment B-1). For each attorney position, please provide the **type, starting date**, indicate if it was a **new hire, an upgrade of an existing hire** (i.e., an increase in hours), or an attorney position placed **on contract**, and select if the attorney **provides representation at arraignment**. Then, enter the **total number of cases**

assigned to the attorney between April 1, 2020 and September 30, 2020.

INSTRUCTIONS AND DEFINITIONS	
General Instructions	<p>As this question tries to get a cumulative overview of attorney positions <u>since the implementation of the statewide reforms</u>, answers to this question should include <u>all</u> attorney positions that were funded through the Contract on the last business day of the reporting period (i.e., September 30, 2020).</p> <p>Answers to this question should not include attorneys who received stipends or were paid as assigned counsel pursuant to NY County Law § 722-b (1). Attorneys receiving funding for mentoring programs, second-chair programs, or litigation support also should not be included where they were not filling a position created by this funding.</p>
Type of Contract	
<i>New Hire</i>	refers to any new attorney position, part- or full-time, that was filled on the last business day of the reporting period (i.e., September 30, 2020), including, but not limited to, ACP attorney-administrators and other ACP attorney staff.
<i>Upgrade of Existing Hire</i>	refers to any attorney position that existed prior to the reporting period, and for which the number of hours worked was increased as of the last business day of the reporting period (i.e., September 30, 2020). For example, an existing attorney whose position changed from part- to full-time would be included in this category. Salary increases that are not accompanied by an increase in the number of hours worked should not be included.
<i>On Contract</i>	refers to any individual attorney who occupies a position through a contract to provide services under this funding, and who was working under that contract on the last business day of the reporting period (i.e., September 30, 2020). It excludes contractors who did not occupy a position, such as those who received stipends, were paid as assigned counsel pursuant to NY County Law § 722-b-1, or who received funding for mentoring programs, second-chair programs, or litigation support.
Re-hire within the same position	If a position was filled by an individual, the individual left, and another individual was hired (i.e., a re-hire within the same position), please count this as one hire and only report the starting date for the first individual.
Number of Cases	
<i>Total Number of Cases</i>	This should include cases assigned between April 1, 2020 and September 30, 2020. Please include all cases, including cases at which representation was provided just for arraignment. For attorneys whose positions were upgraded (i.e., hours were added to their contract), please estimate the number of additional cases they were assigned as a result of the upgraded position.

	Type of Position	Starting Date (mm/yyyy)	New Hire, Upgrade of Existing Hire, or On Contract	Provides representation at arraignment	What was the <u>total</u> number of cases assigned to this attorney <u>between April 1, 2020 and September 30, 2020?</u>
Attorney Position 1	-- Select --		-- Select --	-- Select --	
* Attorney Position 2	-- Select --		-- Select --	-- Select --	
* Attorney Position 3	-- Select --		-- Select --	-- Select --	
* Attorney Position 4	-- Select --		-- Select --	-- Select --	
* Attorney Position 5	-- Select --		-- Select --	-- Select --	
* Attorney Position 6	-- Select --		-- Select --	-- Select --	
* Attorney Position 7	-- Select --		-- Select --	-- Select --	
* Attorney Position 8	-- Select --		-- Select --	-- Select --	
* Attorney Position 9	-- Select --		-- Select --	-- Select --	

Attorney Position 10	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
* Attorney Position 11	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
* Attorney Position 12	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
* Attorney Position 13	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
* Attorney Position 14	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
* Attorney Position 15	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
* Attorney Position 16	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
* Attorney Position 17	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
* Attorney Position 18	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
* Attorney Position 19	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	

Attorney Position 20	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
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Attorney Position 21	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
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Attorney Position 22	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
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Attorney Position 23	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
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Attorney Position 24	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
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Attorney Position 25	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
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Attorney Position 26	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
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Attorney Position 27	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
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Attorney Position 28	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
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Attorney Position 29	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
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Attorney
Position
30

<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>	<input type="text" value="-- Select --"/>	<input type="text"/>
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Attorney
Position
31

<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>	<input type="text" value="-- Select --"/>	<input type="text"/>
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Attorney
Position
32

<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>	<input type="text" value="-- Select --"/>	<input type="text"/>
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Attorney
Position
33

<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>	<input type="text" value="-- Select --"/>	<input type="text"/>
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Attorney
Position
34

<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>	<input type="text" value="-- Select --"/>	<input type="text"/>
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Attorney
Position
35

<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>	<input type="text" value="-- Select --"/>	<input type="text"/>
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Attorney
Position
36

<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>	<input type="text" value="-- Select --"/>	<input type="text"/>
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Attorney
Position
37

<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>	<input type="text" value="-- Select --"/>	<input type="text"/>
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Attorney
Position
38

<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>	<input type="text" value="-- Select --"/>	<input type="text"/>
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Attorney
Position
39

<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>	<input type="text" value="-- Select --"/>	<input type="text"/>
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*
Attorney Position 40

-- Select --		-- Select --	-- Select --	
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*
Attorney Position 41

-- Select --		-- Select --	-- Select --	
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*
Attorney Position 42

-- Select --		-- Select --	-- Select --	
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*
Attorney Position 43

-- Select --		-- Select --	-- Select --	
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*
Attorney Position 44

-- Select --		-- Select --	-- Select --	
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*
Attorney Position 45

-- Select --		-- Select --	-- Select --	
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*
Attorney Position 46

-- Select --		-- Select --	-- Select --	
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*
Attorney Position 47

-- Select --		-- Select --	-- Select --	
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*
Attorney Position 48

-- Select --		-- Select --	-- Select --	
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*
Attorney Position 49

-- Select --		-- Select --	-- Select --	
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Attorney Position 49	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
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Attorney Position 50	-- Select -- ▼		-- Select -- ▼	-- Select -- ▼	
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* 2. Please estimate the **total number of cases** at which **representation at arraignment** was provided as a result of the Contract funding. Include cases represented by hired attorneys, contracted attorneys, and attorneys receiving stipends for arraignment representation. Do not include arraignments on the felony indictment here, unless it was the defendant's first court appearance.

INSTRUCTIONS AND DEFINITIONS	
General Instructions	Please include arraignments covered by: <ul style="list-style-type: none"> - Assigned counsel panel attorneys who are paid an hourly rate or a stipend funded by the Contract to provide representation at arraignment. - Attorneys who are hired with Contract funding (i.e., any attorney listed in Question 1) - Attorneys whose base salaries are not funded by the Contract, but who are paid extra through the Contract (via hourly rates or stipends) to provide representation at arraignment.

* 3. Please report **the number of non-attorney positions** that are funded as of September 30, 2020 by budget expenditure items listed in the “Caseload Relief,” “Quality Improvement,” and “Counsel at First Appearance” categories of the contract (see Attachment B-1). For each non-attorney position, please provide the **type, starting date**, and indicate if it was a **new hire, an upgrade of an existing hire** (i.e., an increase in hours), or a non-attorney position placed **on contract**.

INSTRUCTIONS AND DEFINITIONS

<p>General Instructions</p>	<p>As this question tries to get a cumulative overview of non-attorney positions <u>since the implementation of the statewide reforms</u>, answers to this question should include <u>all</u> non-attorney positions that were funded through the Contract on the last business day of the reporting period (i.e., September 30, 2020).</p> <p>Answers to this question should include non-attorneys receiving funding for improvement of specialized services (e.g., investigators, social workers, and others such as experts, stenographers, interpreters, etc.) and non-attorney administrative support staff (e.g., secretaries, paralegals, case managers, grants managers, data officers, etc.). It should not include currently employed non-attorneys who receive stipends (e.g., a stipend issued to a currently staffed grants administrator).</p>
<p align="center">Type of Contract</p>	
<p><i>New Hire</i></p>	<p>refers to any new non-attorney position, part- or full-time, that was filled on the last business day of the reporting period (i.e., September 30, 2020). It includes, when applicable, ACP administrators.</p>
<p><i>Upgrade of Existing Hire</i></p>	<p>refers to any non-attorney position that was filled prior to the reporting period, and that was filled on the last business day of the reporting period (i.e., September 30, 2020), and for which the number of hours worked was increased. For example, an existing social worker whose position changed from part- to full-time would be included in this category. Salary increases that are not accompanied by an increase in the number of hours worked should not be included.</p>
<p><i>On Contract</i></p>	<p>refers to any individual non-attorney who occupies a position through a contract to provide services under this funding, and who was working under that contract on the last business day of the reporting period (i.e., September 30, 2020). It excludes contractors who did not occupy a position, such as those who received stipends.</p>
<p>Re-hire within the same position</p>	<p>If a position was filled by an individual, the individual left, and another individual was hired (i.e., a re-hire within the same position), please count this as one hire and only report the starting date for the first individual.</p>

	Type of Position	Starting Date (mm/yyyy)	New Hire, Upgrade of Existing Hire, or On Contract
Non-attorney Position 1	<input type="text" value="-- Select --"/>	<input type="text" value=""/>	<input type="text" value="-- Select --"/>
* Non-attorney Position 2	<input type="text" value="-- Select --"/>	<input type="text" value=""/>	<input type="text" value="-- Select --"/>
* Non-attorney Position 3	<input type="text" value="-- Select --"/>	<input type="text" value=""/>	<input type="text" value="-- Select --"/>
* Non-attorney Position 4	<input type="text" value="-- Select --"/>	<input type="text" value=""/>	<input type="text" value="-- Select --"/>

*	Non-attorney Position 5	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
*	Non-attorney Position 6	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
*	Non-attorney Position 7	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
*	Non-attorney Position 8	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
*	Non-attorney Position 9	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
*	Non-attorney Position 10	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
*	Non-attorney Position 11	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
*	Non-attorney Position 12	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
*	Non-attorney Position 13	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
*	Non-attorney Position 14	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
*	Non-attorney Position 15	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
*	Non-attorney Position 16	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
*	Non-attorney Position 17	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>

* Non-attorney Position 18

* Non-attorney Position 19

* Non-attorney Position 20

* 4. a. Please estimate the **total number of training events** hosted, sponsored, or co-sponsored by the Contract funding between April 1, 2020 and September 30, 2020. Training events include, but are not limited to, professional conferences and Continuing Legal Education (CLE) and non-CLE programs.

* 4. b. Please estimate **the total number of attorneys** whose attendance at training events was supported by the funding provided in the Contract between April 1, 2020 and September 30, 2020. This includes money spent towards for instance registration costs, mileage, flights, accommodations, etc., associated with the attorney attending the training. The training itself does not necessarily have to be hosted, sponsored or co-sponsored by the Contract funding.

- * 5. a. For the expenditures on **expert services** listed in the Contract (see Attachment B-1), please estimate for the period between April 1, 2020 and September 30, 2020 the total amount spent in US dollars. This estimate should not include the salaries of experts; we are asking for an estimate of **contracted expert services** only.

INSTRUCTIONS AND DEFINITIONS	
General Instructions	Question 5 asks to report how much of the Contract funding was actually spent towards contracted expert services and contracted investigative services between April 1, 2020 and September 30, 2020. In the county's budget (Attachment B-1) you can see how much funding is allocated to each of these items. However, we ask you to report the actual money spent towards these goals. For instance, if \$5,000 was allocated in the Contract towards expert services but no money has yet been spent towards this goal, please fill in "0".
Expert Services	Expert services should include non-attorney professional services, such as consulting and testifying experts, as well as interpreters, social workers, case managers, mitigation specialists, and other expert services. It does <u>not</u> include process servers and transcript services.

- * 5. b. For the expenditures on **investigative services** listed in the Contract (see Attachment B-1), please estimate for the period between April 1, 2020 and September 30, 2020 the total amount spent in US dollars. This estimate should not include the salaries of investigators; we are asking for an estimate of **contracted investigative services** only.

- * 6. a. Please estimate for the period between April 1, 2020 and September 30, 2020 the **total number of cases** in which **expert services** were used. Include all cases in which expert services were provided as a result of Contract funding made available to contract with experts and Contract funding made available to hire experts as salaried employees.

INSTRUCTIONS AND DEFINITIONS	
Expert Services	Expert services should include non-attorney professional services, such as consulting and testifying experts, as well as interpreters, social workers, case managers, mitigation specialists, and other expert services. It does <u>not</u> include process servers and transcript services.

* 6. b. Please estimate for the period between April 1, 2020 and September 30, 2020 the **total number of cases** in which **investigative services** were used. Include all cases in which investigative services were provided as a result of Contract funding made available to contract with investigators and Contract funding made available to hire investigators as salaried employees.

7. a. Please provide a brief description (i.e., including any applicable examples) of how the Contract funding has been used to reduce the number of cases assigned to attorneys.

7. b. Please provide a brief description (i.e., including any applicable examples) of any challenges currently being addressed in supporting caseload relief.

8. a. Please provide a brief description (i.e., including any applicable examples) of efforts made with the use of the Contract funds to ensure the appearance of defense counsel at arraignment.

8. b. Please provide a brief description (i.e., including any applicable examples) of any challenges currently being addressed in ensuring countywide arraignment coverage.

9. a. Please provide a brief description (i.e., including any applicable examples) of how the Contract funding has been used to improve the overall quality of mandated criminal defense representation. Only include information that has not already been provided in your answers to questions 7 and 8.

9. b. Please provide a brief description (i.e., including any applicable examples) of any challenges currently being addressed in ensuring the overall quality improvement of mandated criminal defense representation. Only include information that has not already been provided in your answers to questions 7 and 8.

10. What assistance, if any, can be provided by the Office of Indigent Legal Services to support your county's efforts in resolving any of the challenges reported in Questions 7.b., 8.b., and 9.b. regarding caseload relief, counsel at first arraignment, and overall quality improvement of mandated criminal defense representation?

11. Please use this section to provide any additional information to further clarify or explain, or to provide additional comments to any of the questions in the Progress Report form.

