

From [A Determination of Caseload Standards pursuant to § IV of the Hurrell-Harring v. The State of New York Settlement](#), December 8, 2016; p. 14.

Our criminal case categories are seven in number, and appear below with their respective maximum number of new case assignments per year, and minimum number of hours per case, on average:

Case Type	Maximum Annual Assignments	Minimum Average Hours
Violent Felonies <sup>1</sup>	50	37.5
Non-Violent Felonies	100	18.8
Misdemeanors and Violations	300	6.3
Post-Disposition (including Probation Revocation)	200	9.4
Parole Revocation	200	9.4
Appeals of Verdicts	12	156.3
Appeals of Guilty Plea	35	53.6

These caseload standards assume that there is a total of 1,875 working hours per attorney per year. For institutional defenders, these standards shall apply as an average per staff attorney within the office, so that the leader of the office may assign individual attorneys to greater or fewer numbers of cases in order to promote the most effective representation of clients.

For assigned counsel programs, these standards state that the *average* number of hours per case may not go below specific minimum levels; recognizing that individual cases may take more or less time. In other words, assigned private counsel are expected to devote, on average, at least the minimum number of hours set forth by these standards per case.

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<sup>1</sup> “Violent felonies” are defined as: any violent felony as defined in Penal Law § 70.02 and any class A felony except those defined in Article 220 of the Penal Law (Class A “drug” felonies).

We include non-drug class A felonies because they constitute some of the most serious offenses which can result in life imprisonment (P.L. § 70.00(2)(a)), require incarceration after sentence (P.L. § 60.05), have pre-indictment plea bargaining limitations (Crim. Proc. L. §§ 180.50; 180.70), limit post-indictment plea agreements to no lower than a C violent felony (C.P.L. § 220.10(5)(d)(i)), and any “attempt” is classified - at a minimum - as a B violent felony (P.L. §§ 110.05; 70.02). We exclude class A drug felonies because recent changes to the sentencing laws pursuant to the 2009 Rockefeller Drug Reform created sentencing structures more akin to non-violent felonies in most cases (see P.L. § 70.71). This is also consistent with the New York State Division of Criminal Justice Services (DCJS) definition of “Violent felony.” See DCJS, New York State Violent Felony Processing, 2015 Annual Report (2016) at 1, available at <http://www.criminaljustice.ny.gov/crimnet/ojsa/nys-violent-felony-offense-processing-2015.pdf> (A list of the included offenses can be found in Appendix A of the DCJS report).