



Office of Indigent
Legal Services

Statewide Implementation Progress

Performance Measures Annual Report

Data Officer Training

June 10, 2021

Performance Measures Recap:

Performance Measures Progress Report:

- individual links sent out via email April 2, 2021
- April 2021 PM Progress Report was due **April 30, 2021**
- one submission per provider
- report data over **last year** (Apr 1, 2020 – Mar 31, 2021)

How is the information used?

- Annual Performance Measures Report
 - Sent to NYS Division of Budget on May 28, 2021
 - 52 Upstate Counties and NYC, N=125 providers
 - Providers engaging solely in Family Court representation (n = 11) and providers from HH counties (n = 11) not included in the following numbers
 - Most numbers refer to period of April 1, 2020 – March 31, 2021
 - Exception = attorney and non-attorney hires: reported from April 1, 2018 (start Statewide implementation) – March 31, 2021

Contents of Annual Report

- Annual Performance Measures Report covers **data on progress of implementation of Statewide reforms** in the areas of:
 - Counsel at Arraignment
 - Caseload Relief
 - Overall Quality Improvement
 - Numbers & qualitative info
 - Numbers: aggregate and per county

Counsel at Arraignment

- ***The Numbers:***
 - Statewide, **393 new attorneys hired** who provide counsel at arraignment **since start of implementation**
 - **Last year only** (April 1, 2020 – March 31, 2021): **109 new attorneys hired** who provide counsel at arraignment
 - Note: Majority (63.3%) placed on contract
 - **Counsel at arraignment** was provided for an estimated **64,487 cases** as a result of Statewide funding

Counsel at Arraignment

- ***Providers' Experiences (Qualitative Information):***
 - Since start of implementation, many providers achieved **full arraignment coverage**, 24/7, 365 days a year
 - Funding allowed providers to **quickly adapt to Covid-19** and purchase necessary laptops, cell phones etc. for remote work
 - **Covid-19 pandemic** also presented **challenges:**
 - Virtual arraignments:
 - Inconsistent wireless connectivity, lack of coordination with courts' schedules, particularly in rural areas
 - Virtual communication vs. in-person

Caseload Relief

- ***The Numbers:***
 - Statewide, **489 new attorneys hired since start of implementation**
 - In total, an estimated **57,490 cases** were represented by attorneys who were hired with the State funding in the period of April 1, 2020 – March 31, 2021.
 - **Last year only (April 1, 2020 – March 31, 2021): 138 new attorneys hired**
 - Note: Majority (55.8%) placed on contract



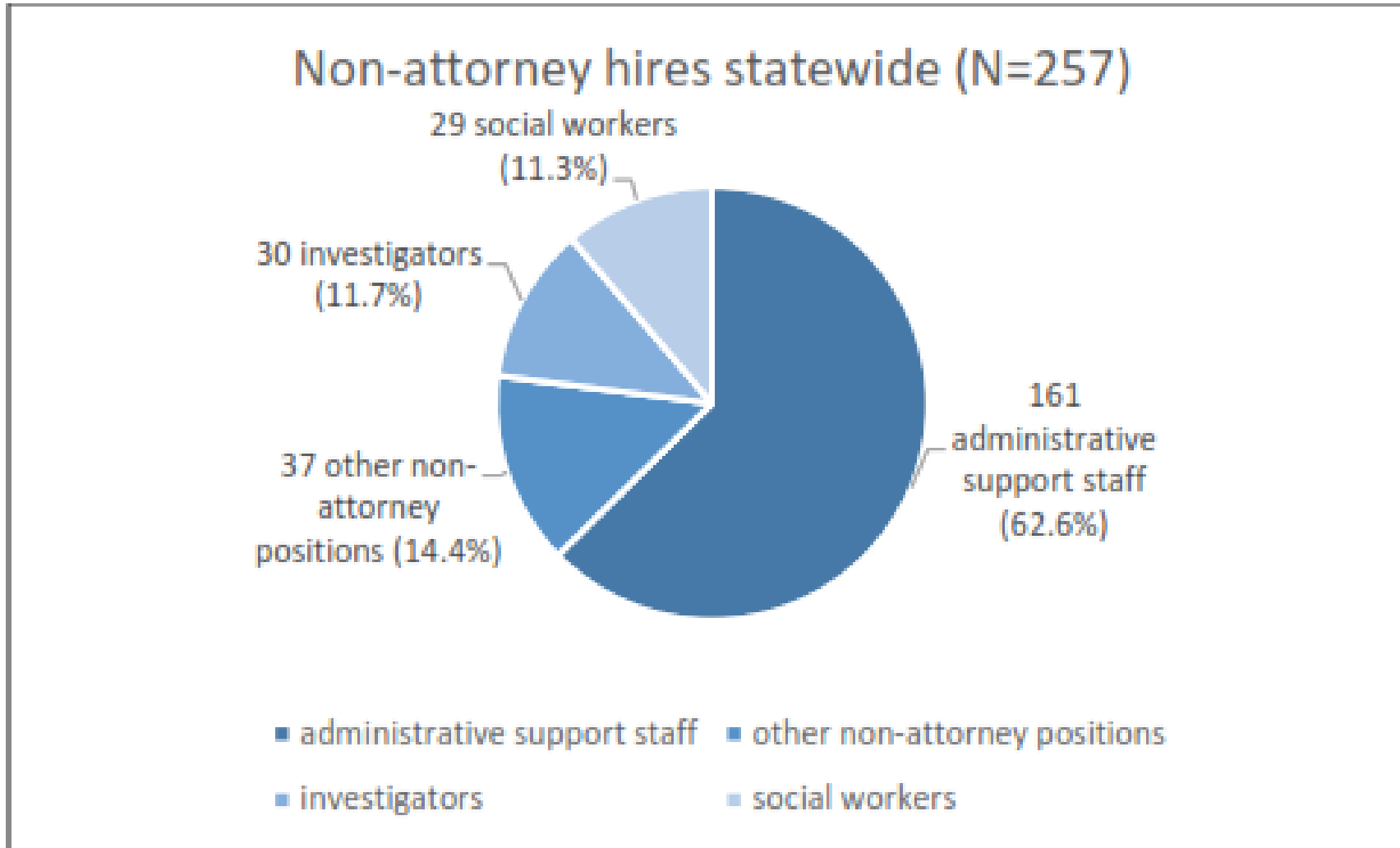
Caseload Relief

Although the Covid-19 pandemic *slightly slowed* the hiring of new attorneys in the past year (i.e., 138 versus an average annual 175 new attorney hires), **the number was higher than we expected** in light of the hiring freezes many localities implemented and, even when hiring was possible, the challenges of hiring and onboarding new staff amidst a pandemic

Caseload Relief

- ***The Numbers (continued):***
 - Statewide, **257 non-attorneys hired since start of implementation**
 - **There were only 9 more non-attorney hires** reported compared to last year. This number was not as high as we would have liked to see. However, within the context of the Covid-19 pandemic it was not unexpected.

Caseload Relief



Caseload Relief

- ***Providers' Experiences (Qualitative Information):***
 - Main struggle = challenges related to Covid-19:
 - Greater number of cases (“workloads”) due to backlog of cases because of court closures, limited appearances, and a rise in new case assignments as court activity increases
 - While number of new case assignments in 2020 was lower than in 2019, providers said workloads increased because cases not resolved as quickly because of Covid-19 pandemic

Caseload Relief

- ***Providers' Experiences (Qualitative Information, continued):***
 - Some providers: the concern that State funding would be reduced or eliminated because of the pandemic, impacted Statewide implementation
 - Delay in hiring new employees & purchasing necessary technology
 - Yet, more recently, these concerns have been dissipating bc:
 - ILS has been able to fully reimburse localities on all claims during pandemic
 - the Governor's proposed FY 2021-2022 budget and the final enacted budget included full funding for Year 4 of the Statewide implementation

Overall Quality Improvement

- ***The Numbers:***
 - ***Supervision:*** 66 new attorneys hired who supervise the work of others or provide training/mentoring
 - ***Training:*** 350 training events were hosted, sponsored, or cosponsored by the State funding in the last year
 - ***Training:*** for 2,768 attorneys, their attendance at training events (such as registration fees, travel reimbursements, and accommodations) was supported by the State funding.

Overall Quality Improvement

- ***The Numbers (continued):***
 - *Use of expert and investigative services:* Statewide, a total of **\$569,389** was spent on **contracted expert services** and **\$261,895** was spent on **contracted investigative services** in the past year (April 1, 2020 – March 31, 2021).
 - Compared with last year's numbers, the **average annual use of statewide funding significantly increased** with 89.0% for contracted expert services and 113.3% for contracted investigative services.

Overall Quality Improvement

- *The Numbers (continued):*
 - *Use of expert services:* Expert services provided as a result of statewide funding were utilized in **1,680 cases**
 - *Use of investigative services:* Investigative services provided as a result of statewide funding were utilized in **5,656 cases**
 - These numbers include expert and investigative services provided by **both salaried and contracted** experts and investigators

Overall Quality Improvement

- ***Providers' Experiences (Qualitative Information):***
 - Attorneys took advantage of training opportunities when possible
 - Funding allowed creation of additional supervisory positions and second chair supports
 - Providers contracted w & hired variety of non-attorney professionals
 - Successes: positive case outcomes, broader range of assistance to clients, more holistic approach to client representation
 - Challenges: visibility, availability, and willingness to utilize these resources, difficulties in hiring/retaining qualified candidates, resistance from some judges & magistrates over the use of support services (experts, investigators)

Overall Quality Improvement

- ***Providers' Experiences (Qualitative Information, continued):***
 - Client communication during pandemic was difficult, especially during virtual arraignments
 - Hiring & retaining qualified attorneys = one of greatest challenges
 - Pre-pandemic: finding attorneys willing to relocate to rural areas and attrition due to non-competitive salaries
 - Additional challenges due to pandemic: counties implementing hiring freezes and salary caps, and refusing to approve new hires due to the perception that case numbers are low
 - Immediate need for better technology for remote work, tech issues related to remote work and discovery reform
 - more providers use electronic case management system

Conclusion

- Statewide contract funding allowed providers of mandated criminal defense representation to not only stay afloat during a global pandemic but make real improvements in public defense reform:
 - **Quick adaptation to remote working** due to Covid-19 through use of funding to purchase necessary laptops, cell phones and web cameras
 - **Despite the pandemic, implementation continued:**
 - 138 attorney hires in the past year
 - significant increase in use of funding for contracted expert and investigative services

Questions?

Ask us now or email performance@ils.ny.gov

Link to full Performance Measures Annual Report:

<https://www.ils.ny.gov/files/Performance%20Measures%20Annual%20Report%202021.pdf>

Please note Appendix D: Key Performance Measures data at the county level!

Next Data Officer Training: August 12 @ 11 am



**Office of Indigent
Legal Services**

Appendix D

County	Total # of attorneys funded (Q1)	Total # of funded attorneys providing CAFA (Q1)	Total # of cases represented by funded attorneys (Q1)	Total # of cases receiving counsel at arraignment (Q2)	Total # of non-attorney positions funded (Q3)	Total # of training events funded (Q4.a)	Total # of attorneys attending training events funded (Q4.b)	USD spent on expert services (Q5.a)	USD spent on investigative services (Q5.b)	Total # of cases with expert services (Q6.a)	Total # of cases with investigative services (Q6.b)
Albany	18	17	3237	2675	10	13	29	12,530.00	2,907.17	31	13
Allegany	1	0	0	0	1	0	6	12,028.75	6,956.95	4	6
Broome	1	1	124	124	2	0	0	0.00	0.00	0	0

TOTAL	489	393	57,490	64,487	257	350	2768	569,389.10	261,894.79	1,680	5,656
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