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American Civil Liberties Union
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Doyle v. Allegheny County Salary Board

Fact Sheet on Settlement Agreement

FOR IMMEDIATE RELEASE

Wednesday, May 13, 1998

PITTSBURGH -- Late yesterday afternoon, the American Civil Liberties Union and representatives of Allegheny County gave Judge Robert Horgos of the Court of Common Pleas of Allegheny County a Settlement Agreement designed to make comprehensive changes in the staffing, operation and management of the Public Defender's Office.

These changes are needed to remedy systemic deficiencies that have plagued the Office for decades and have prevented it from providing constitutionally adequate legal representation to its clients. The changes and the reasons for their inclusion in the Settlement Agreement of this class-action lawsuit are set forth below.

Attorney Staffing

For years, the Public Defender's Office has suffered from gross attorney under-staffing. This under-staffing has resulted in excessive caseloads that have routinely prevented attorneys from adequately representing clients in criminal, juvenile delinquency and mental health commitment proceedings. Lawyers frequently have not had the time to confer with clients, investigate cases and adequately prepare for legal proceedings.

Although caseloads throughout the Office exceed those recommended by the American Bar Association, those in the Juvenile, Parole and Probation and Mental Health Divisions are among the highest. Currently, each attorney in the Office's Juvenile Division handles approximately 700 cases per year, three times more than the recommended standard. Each attorney in the Office's Parole and Probation Unit is responsible for approximately 3,000 hearings per year, or about 60 per week. Each attorney in the Office's Mental Health Division handles approximately 4,500 hearings per year or roughly 90 per week.

Under the Settlement Agreement, the number of attorneys employed by the Public Defender's Office will almost double during the next three and one-half years. While the Office now employs 46 attorneys, it will have at least 79 attorneys by January 1, 2002.

Support Staffing

To adequately represent its clients, a public defender system not only needs a sufficient number of attorneys, but also investigators, secretaries and other support staff. The Allegheny County Public Defender's Office historically has had neither a sufficient number, nor the necessary types, of support staff. For example, the Office currently has two investigators for 48 attorneys and one secretary for the 20-attorney Trial Division. The Homicide, Mental Health and Parole and Probation Divisions are required to share one secretary among themselves.

Pursuant to the Settlement Agreement, the number of support staff employed by the Public Defender's Office will almost triple during the next three and one-half years. While the Office currently has a total of 22 secretaries, investigators, law clerks and intake clerks, it will have 56 support staff by January 1, 2002. The office will have to hire at least 13

full-time investigators. Other staffing decisions will be left to the Public Defender and a court-appointed consultant.

Policies and Procedures

Historically, the Public Defender's Office has had no written policies or procedures. It has no written job descriptions. It has never promulgated written job qualifications. It has no formalized personnel policies for employees other than clerical, investigative and intake staff. It has no written practice standards defining what constitutes adequate legal representation and instructing attorneys and support staff on how to provide it. It has no formal means of holding employees accountable for their job performance and correcting deficiencies where they exist.

Pursuant to the Settlement Agreement, the Office will develop and implement written job descriptions, job qualifications, personnel policies, practice standards and a formal program of supervision and monitoring. The job descriptions and qualifications will enable the Office to hire, on a system-wide basis, qualified individuals for all vacant positions within the Office. The program of supervision and monitoring will be designed to ensure that the Office's attorney and support staff adhere to the practice standards in the performance of their job responsibilities.

Training

The Public Defender's Office has never had a formalized training program for new staff to educate them on the operation and management of the Office or relevant aspects of criminal practice and procedure. While it has infrequent training sessions for existing attorneys, the sessions are not mandatory and many attorneys do not attend. Although capital cases are often the most difficult of all criminal cases, the Office provides no training to those attorneys who represent clients facing the death penalty.

Under the Settlement Agreement, the Public Defender's Office will develop and implement a mandatory training program for new staff, and orientation and training program for existing staff and a mandatory training program for attorneys who represent defendants in capital cases. The new staff training program will include a trial advocacy program for attorneys and a period of extensive on-the-job supervision. The training for existing staff and attorneys representing capital defendants will focus on correcting deficiencies in the legal representation provided by the Office and educating staff on relevant aspects of procedure and practice.

Resources

The County repeatedly has failed to provide the Public Defender's Office with the physical space, equipment and supplies needed to perform its duties. The Office has no management information system or uniform record-keeping system. There is no systematic way of determining conflicts of interests. Case files are often misplaced or lost. Meetings between attorneys and clients who are incarcerated often take place in courthouse holding cells, in the presence of dozens of others awaiting court hearings. The Office's five-person Juvenile Division does not have its own copier or fax machine, and does not have a sufficient number of telephones. Attorneys in the Mental Health Division do not have office space in the Public Defender's Office.

Although the County allocates to the Office approximately \$30,000 per year for expert witness fees and costs, this amount does not permit the Office to consult with experts in all cases in which such assistance is needed. In fact, given the current cost of DNA and other laboratory testing, a single case can devour the entire budget. The District Attorney's Office, by comparison, receives more than ten times as much for the same purpose. In 1997, for

example, it received approximately \$300,000 for expert witness testing and costs.

Under the terms of the Settlement Agreement, by June 2000, the County will provide the Public Defender's Office with facilities, equipment and supplies reasonably comparable to those currently provided to the District Attorney's Office. At a minimum, the County will ensure that: attorneys can meet and confer privately with clients; the Office has a functional information management system; each Division within the Public Defender's system has access to a sufficient number of word processors, copiers, fax machines and telephones; and the Office has available to it sufficiently more money for expert witness fees and costs.

Term of Agreement

The County has agreed to hire a consultant for a three-year term to assist it in making the changes mandated by the Settlement Agreement. The consultant will be selected by the parties once the Court has formally approved the Agreement.

Should the County succeed in implementing the Settlement Agreement within the time periods contemplated by the Agreement, the case will move to the Court's inactive docket on December 31, 2003. While the case is on the Court's inactive docket, however, the County will have a continuing and enforceable obligation to provide the Public Defender's Office with necessary staffing and resources.

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