

VISION TEAMS

Imagining Allegheny County's Tomorrow

*Tracey
McCants
Lewis, Chair*

Executive Summary

With a commitment to address sustainability, intergovernmental relations and diversity/inclusion for the Office of the Public Defender, the Department of Court Records and the Allegheny County Sheriff's Office, the Courts Administration Vision Team focused on the interaction and relationship between the courts and the county and how it can be improved systemically, and by the use of technology.

Additionally, from a philosophical perspective, the Courts Administration Vision Team espoused that a successful workplace recognizes the vital importance of creating and maintaining an inclusive and diverse working environment. Most importantly, they concluded that it is imperative that the County Executive recognize the significant contribution diversity and inclusion can make culturally, socially and economically.

To that end, the recommendations put forth can be summarized under the following categories:

- **Guarantee Civil Liberties Within the Office of Public Defender (OPD)**
 - Guarantee that competent, diverse and effective legal counsel is provided to indigent defendants by increasing the financial, operational (adequate space to provide ethical counsel to clients, supervision, written and oral communication, sufficient and appropriate office resources, computers and basic office supplies, etc.) and human resources (adequate staffing levels, continuing education.)
 - Convert the OPD to a nonprofit organization [501(c) (3)] with an independent governing Board of Trustees; in conjunction with the creation of the OPD non-profit agency, mandate funding from the Commonwealth and the County under contracts for services.
 - Sustain fiscal integrity by lobbying the State to provide funding for public defender services, empower the OPD to control and authorize its own budget expenditures, and fund the OPD at the same level as the Office of District Attorney.
 - Create an Indigent Defense Advisory Board (IDAB) with outside advocates, including members of the private bar, to provide independent oversight and review of legal services and limit political / judicial influence over the OPD, OCC, and assignment of court-appointed counsel.
 - Authorize the IDAB to establish standardized policy and procedures for assignment of court-appointed counsel, compensation, and review of legal services.
 - Establish a standardized policy and written disclosure requirement for OPD ad related entities of personal, political, and familial associations with the judiciary, administration, and Great Lakes Behavioral Health Services.
- **Increase Efficiency and Accessibility Within the Department of Court Records**
 - Increase efficiency of operations by increasing data sharing and electronic filing; establish the same physical tracking system used in the Criminal Division in the Civil / Family and Register of Wills Divisions.
 - Increase public accessibility by relocation of public access computers, increases signage and installation of an elevator.

- With respect to storage, advocate to the State to allow electronic storage of files; Review the current storage system including reviewing the possibility of scanning older documents for easy accessibility and retrieval from storage.
- Consult with university experts to address issues related to structural integrity and the consolidation and computerization in document management issues in the Civil / Family Division and the Register of Wills.
- **Review and Recommend On Processes Used for Transport Within the Sheriff's Office**
 - Conduct an independent study to determine if the timely transport of prisoners from the Allegheny County Jail to court or rehabilitation facilities by the Allegheny County Sheriff's Office is a present concern that must be addressed.
 - Guarantee that all inmate paperwork is provided with the transport of the inmate.

Vision Team Charge

This Vision Team was charged with providing analysis and recommendations to the new County Executive concerning the Office of the Public Defender, the Department of Court Records and the Allegheny County Sheriff's Office. The review focused on the interaction and relationship between the courts and the county and how it can be improved, and the use of technology in that interrelationship. Further, the Vision Team was expected to address sustainability, intergovernmental relations (recognizing existing relationships and identifying potential new ones) and diversity/inclusion.

Scope of Work/Summary of Methodology

Scope of Work

The members of the Courts Administration Vision Team thank the Directors from the Office of the Public Defender, the Department of Court Records and the Sheriff's Office and their staff for the commitment and dedication to administration of services in Allegheny County. We also thank them for their openness and attention to this process of fact gathering for the completion of this report.

The members of the Vision Team were appointed based upon their legal, government, diversity management and technology expertise, as well as experience and commitment to ensuring that quality services are provided to the constituents of Allegheny County.

Summary of Methodology

The meeting schedule followed by the Vision Team follows:

Meeting Date and Time	Meeting Agenda Topic	Location
March 9, 2012 at 3:00 pm	Introductions / Scope	Duquesne University School of Law
April 6, 2012 at 8:30 am	Court Records	Courthouse (Conference Room 1)
April 20, 2012 at 8:30 am	Office of Public Defender	Courthouse (Conference Room 1)
April 25, 2012 at 10:00 am	Public Listening Session	Courthouse (Conference Room 1)
May 11, 2012 at 8:30 am	Sheriff's Office	Courthouse (Conference Room 1)
May 21, 2012 at 10:00 am	Technology Subcommittee Sheriff's Office Tour	Allegheny County Sheriff's Office
May 18, 2012 at 9:00 am	Recommendations	Courthouse (Conference Room 1)
May 23, 2012 10:00 am	Diversity Subcommittee	ACBA Offices – Kopper's Building
May 25, 2012 at 8:30 am	Recommendations	Courthouse (Exec Conference room)
June 1, 2012 at 8:30 am	Recommendation	Courthouse (Conference Room 1)
June 8, 2012 at 8:30 am	Office of Public Defender Subcommittee	Conference Call
June 22, 2012 at 8:30 am	Sheriff's Office	Courthouse (Conference Room 1)
June 24, 2012 7:00 pm	Union Steward	Bakery Square
June 29, 2012 8:30 am	Recommendations	Courthouse (Conference Room 1)
July 19, 2012 11:30 am	Review of Draft Report	The Rivers Club
August 10, 2012 8:30 am	Final Review of Report	Courthouse (Conference Room 1)

The Courts Administration Vision Team was separated into several subcommittees to address the various county departments and topics related to the charge of this committee. The following subcommittees were established:

- *Public Defender's Office Subcommittee*
- *Sheriff's Office Subcommittee*
- *Court Records Subcommittee*
- *Diversity/ Hiring Subcommittee*
- *Infrastructure / Morale Subcommittee*

- *Technology Subcommittee*

The Courts Administration Vision Team conducted site meetings with those divisions it was charged with reviewing.

The first site visit was scheduled for April 6, 2012 with Kate Barkman, Esq., Director of Allegheny County Department of Court Records. The Vision Team met with Director Barkman at the Allegheny County Courthouse where a tour of the department facilities took place. The first division visited was the Criminal Records Section. The Team then toured the department facilities in the City-County Building, consisting of the Storage sections, the Civil / Family Records section, and the Probate / Wills Records section. The Vision Team also had the opportunity to meet staff members of the Department of Court Records during the tour. Director Barkman also provided the Vision Team with April 14, 2009, Allegheny County Department of Court Records, Functional Review Report.¹ Director Barkman further provided a copy of the 2012 Budget Preparation Questions report for the Allegheny Department of Court Records.²

The second site visit was scheduled for April 20, 2012 with the Allegheny County Office of Public Defender. The Vision Team met with Elliot Howsie, Esq., Chief Public Defender. Mr. Howsie was appointed Chief Public Defender by County Executive Rich Fitzgerald in March 2012. The Vision Team took a tour of the Public Defender's Office at the County Office Building, 542 Forbes Avenue, Room 400. The Vision Team also met with various staff members of the Public Defender's Office and had an opportunity to discuss their perceived needs for the department.

On June 24, 2012 members of the Vision Team met with the Union Steward for the Steelworkers Local (the union represents attorneys in the Office of Public Defender, District Attorney's Office and advance degree staff in the Department of Court Records.) The Steward shared the union's concerns relating to negotiations with the county, condition of County facilities and hiring.

There were several external documents referenced by the Vision Team in preparation for the meeting with the Chief Public Defender. Those documents included the Spangenberg Group's *Review of the Allegheny County (Pennsylvania) Public Defender Office*, November 1995 Report³; the October 20, 2008 *Institute for Law and Policy Planning – Allegheny County Office of the Public Defender Assessment Final Report*⁴ (also known as the Kalmanoff Report), the American Bar Association *Ten Principles of a Public Defense Delivery System Report*, February 2002⁵; and the 2011 ACLU of Pennsylvania report, *A Job Left Undone: Allegheny County's Fork in the Road An Analysis of Problems at the Allegheny County Office of the Public Defender the Cause Systemic Violations of Clients' Constitutional Right to Adequate Representation*.⁶ In addition to these reports the Chief Public Defender also provided the Vision Team with a document detailing the office-wide resources needed (personnel, facilities, equipment and budgetary) to achieve the mission of

¹ A copy of the report is set forth as Attachment A.

² A copy of the report is set forth as Attachment B.

³ A copy of the report is set forth as Attachment C.

⁴ A copy of the report is set forth as Attachment D.

⁵ A copy of the report is set forth as Attachment E.

⁶ A copy of the report is set forth as Attachment F.

the office – “providing competent and effective legal counsel to the poor where representation is constitutionally required, thereby providing equal justice for the indigent, but also will facilitate the efficient and cost-effective operation of the entire criminal court system.”⁷ The Chief Public Defender also submitted to the Vision Team an organizational chart for the Office of Public Defender.⁸

The Vision Team also reviewed the Pennsylvania Joint State Government Commission Task Force on Services to Indigent Criminal Defendants – *A Constitutional Default: Services to the Indigent Criminal Defendants in Pennsylvania*.⁹

On May 5, 2012 the Vision Team met with Allegheny County Sheriff, William P. Mullen, to discuss the interaction between the Sheriff’s Office, the Public Defender Office and the Department of Court Records. Sheriff Mullen provided the Vision Team with a copy of the *2011 Year in Review Report* for the Allegheny County Sheriff’s Office.¹⁰ On May 21, 2012 the Technology Subcommittee had the opportunity to visit the Sheriff’s Office to review the technology systems utilized by that office.

⁷ A copy of the document is set forth as Attachment G.

⁸ A copy of the document is set forth as Attachment H.

⁹ A copy of the report is set forth as Attachment I.

¹⁰ A copy of the document is set forth as Attachment J.

Public Input

Allegheny County Chief Executive Rich Fitzgerald proposed that the individual Vision Teams host listening sessions to allow the public to weigh in on their work and to offer suggestions and recommendations about each team's area of review. The Courts Administration Vision Team Listening Session was scheduled for Wednesday April 25, 2012 from 10:00 am to 12:00 pm in the Gold Room, 4th floor of the Allegheny County Courthouse. Notice of the listening session was posted on the Allegheny County public website at <http://www.alleghenycounty.us/news/2012/20120416a.aspx> on [April 16](#), 2012.

The Courts Administration Vision Team Listening Session was advertised and held as scheduled; however, no members of the public signed up to attend the meeting. The Vision Team did, however, meet with two deputy public defenders, Khadija Diggs (Deputy Director of Pre-Trial Division) and John Fenner (Deputy Director of Trial Division). Ms. Diggs and Mr. Fenner spoke openly about areas of concern in the office. A copy of the meeting minutes are provided as an attachment to this report.¹

The Vision Team also requested the submission of written reports or testimony from individuals or organizations that were not able to attend the Listening Session. Three organizations responded to this request with the submission of written reports.

A report was received from Doug Williams, CEO of Renewal, Incorporated. Renewal, Inc. provides re-entry services for Allegheny County Jail inmates who are deemed eligible for alternative housing programming. Re-entry services offered through Renewal, Inc. include mental health services; specialized services for women; pre-employment readiness training; job placement; and a full menu of drug and alcohol services. The April 25, 2012 report titled *Comments Regarding Renewal, Inc.'s Relationship with the Public Defender's Office and the Allegheny County Court of Common Pleas* details the interactions between Renewal, Inc. and the Office of Public Defender.² Mr. Williams described the relationship with the Office of Public Defender as "great." He did note, however, that: "A more open line of communication between Renewal, Inc. and the Public Defender's Office could lower the population at the jail, save the County inmate health care costs and, most importantly, provide the residents with critical rehab and job training/placement services." The report also detailed the need for enhanced communication between the Public Defender's Office and the Allegheny County Jail. It was noted that the current referral information forwarded to Renewal, Inc. by the jail is not sufficient to enable Renewal, Inc. to prepare the services needed by the residents.

The second written report was received from Carol A. Hertz, Executive Director of The Program for Offenders, Inc. (TPFO). TPFO provides residential alternatives to incarceration, drug and alcohol treatment, and a wide range of support services to male and female offenders and their families in Allegheny County. TPFO submitted a May 23, 2012 written report titled, *Issues and Recommendations Concerning the Transfer Process from Allegheny County Jail to Alternative Housing*.³ Ms. Hertz noted that the current transfer process of inmates utilized by the Allegheny County Jail to housing alternative organizations such as TPFO is "ineffective, inefficient, and prevents the County from realizing the long-term social and economic benefits that housing alternatives can provide." The report also provided recommendations to the Vision Team for modification of the transfer process to reduce those inefficiencies. A copy of the testimony / report is set forth as an attachment to this report.

¹ A copy of the Public Listening Meeting Minutes is set forth as Attachment K.

² A copy of Renewal Inc.'s written testimony is set forth as Attachment L.

³ A copy of The Program for Offender's Inc.'s written testimony is set forth as Attachment M.

The final written testimony was provided by the Black Political Empowerment Project (B-PEP) titled *Problems of Inequity & Inequality in the Criminal Justice System – Issues of District Attorney’s Office and the Public Defender’s Office*.⁴ This report indicated that the staff of the Office of Public Defender suffers from a low morale based upon funding and resource inequities in the Allegheny County criminal justice system. The report recommended that Allegheny County implement the recommendations provided in the Kalmanoff Report; support the creation of a statewide Pennsylvania Office for indigent defense; and implement the necessary changes to allow the Office of Public Defender to meet the American Bar Association’s Ten Principles of a Public Defense Delivery System.

⁴ A copy of the Black Political Empowerment Project’s written testimony is set forth as Attachment N.

Findings & Recommendations

The Courts Administration Vision Team sets forth the following findings and recommendations related to the Allegheny County Office of Public Defender, the Allegheny County Department of Court Records, and the Allegheny County Sheriff's Office. Please note the recommendations are not provided in any particular order of importance or implementation.

The Allegheny County Office of Public Defender

The Courts Administration Vision Team focused much of its attention on the status of the Allegheny County Office of Public Defender ("OPD"). Unlike the other County offices within this team's scope of review, the services provided by the OPD, and more importantly, the quality of the services provided by the OPD, are regarded as "fundamental rights". The OPD's responsibilities, therefore, are critical elements of our system of justice, and as such, the Team gave a closer look to the operations of this office.

The OPD has been the subject of several state and county studies over the past ten years, all of which found numerous deficiencies in its operations. The Team reviewed each of those studies and supplemented those reports with their findings and recommendations with its own investigation and research. (See pages 2-6 above for a listing of all studies and research materials utilized by the Team.) Just as the researchers did in those studies, the Vision Team referenced the American Bar Association Ten Principles of a Public Defense Delivery System¹ as the standard against which the operations of the OPD should be evaluated. The categories set forth below generally mirror the criteria used in the ABA's Ten Principles.

Resources

Findings

General Resources

- The OPD's resources are severely limited (\$7.5 million was allocated by the County in 2011) and as a result there are shortages in all areas, ranging from insufficient staffing to inadequate office space, deficient computer technologies, to low staff salaries and scarce supplies and office furniture.
- In contrast, the District Attorney's office received over \$14 million in funding from the County in 2011 and suffers from far less office and staff shortages than the OPD.

¹ The ABA Ten Principles of a Public Defense Delivery System have gained wide acceptance as "an excellent blueprint for the fundamental criteria necessary to construct an effective public defense system." The Constitution Project, *Justice Denied: America's Continuing Neglect of Our Constitutional Right to Counsel* (Washington, D.C.; Constitution Project, 2009) 33; Mary Sue Backus and Paul Marcus, "The Right to Counsel in Criminal Cases, A National Crisis," 57 *Hastings L.J.* 1031, 1133. They are solidly grounded in the U.S. Supreme Court precedent and to constitute "the most widely accepted and used version of national standards for public defense systems." David Carroll, Phyllis Mann, and Jon Mosher, "The Judicial Underpinnings of the American Bar Association's Ten Principles of a Public Defense Delivery System and their Use in Defining Non-Representation under *United States v. Cronin*, 466 U.S. 648 (1984)" (NLADA, October 26, 2011)4, 5-10, http://nlada.net/sites/default/files/na_judicialunderpinningsofabatenprinciples_10262011.pdf. Moreover, within Pennsylvania, the Ten Principles have been endorsed by the Pennsylvania Bar Association, the Philadelphia Bar Association, the Allegheny County Bar Association, the Erie County Bar Association, the Centre County Bar Association and the Luzerne County Bar Association.

Staffing

- The OPD handles more than 31,000 cases per year and employs a total of 76 lawyers to represent the defendants/clients in each of those cases.
- The OPD's limited resources prevent it from hiring enough attorneys to comply with national caseload standards and to effectively represent its clients, and from hiring sufficient numbers of investigators, support staff and social workers to assist the overburdened staff attorneys.
- Currently, the OPD employs less than the 79 full-time equivalent staff attorneys mandated by the Doyle Consent Decree entered in 2005.
- The OPD's Investigative Division consists of approximately nine investigators, only; seven actually conduct investigations, (barely half of the total in 1998. The lack of investigators makes it difficult to adequately serve the attorneys' needs for timely and effective investigations.
- There is one social work-related position in the entire OPD, an "Ombudsman" who works exclusively in the Juvenile Division and whose contribution to the improvement of juvenile cases of what is necessary. The absence of social workers at the OPD is a significant void in the operation and adversely impacts the quality of service provided to its clients.
- There are insufficient numbers of support staff employed by the OPD. As a result, many attorneys perform their own clerical work. While no new part-time attorneys have been hired, many of those who have worked in the OPD office for many years have remained. These attorneys spent part of their time working on their county client files, while their ethical obligations require them to provide adequate attention to their private client files.
- The OPD has four part-time law student clerks employed during the school year. However, the clerks are often underutilized in the various OPD divisions because they are not provided appropriate training or supervision.

Salaries

- The salaries provided to OPD attorneys are below market. Accordingly, some attorneys seek to maintain part-time, non-legal jobs outside of their full-time OPD work in order to supplement their income.
- While there should not be a direct comparison, in contrast, the District Attorney's Office regularly provides Assistant District Attorneys with not only an annual cost-of-living adjustments, but with advances in "grade," which amount to more substantial pay increases and serve as an effective retention tool. These "Grade" pay raises occur roughly 3-5 years into an Assistant District Attorney's term in the office.

In 2009, the OPD had no "Grade 3" lawyers, which is the first grade of advancement from the lowest grade of 4. Consequently, the OPD has no proper classification for attorneys with five or six years of experience who should be earning approximately \$45,000 per year.

- Some of the OPD attorneys have never received a grade increase even though they were hired ten or more years prior, and many more have over five years' worth of experience.
- Lack of gradation in salary and benefits has caused a higher than average turnover rate among more experienced OPD attorneys, creating another largely hidden expense to the OPD.
- High staff turnover may lower OPD morale and leads to an increased sense that the office is a "training ground."

Equipment

- Supplies are generally scarce at the OPD. The OPD has been known to run out of paper and pens without the budget capacity to purchase additional supplies. Supply shortages are often made up by employees spending personal funds on necessary office supplies.
- It appears the OPD does not have sufficient file cabinets, office furniture, file racks, bookshelves, library materials, or other basic equipment necessary to operate with ease. What office furniture they have consists of used and sometimes damaged furniture donated to the office.
- The OPD has an antiquated information management system, often times receiving only used desktop computers from the County. There does not appear to be advanced technology systems in use by the OPD, including overhead projectors, computers and computer technicians to assist with trial presentations. There are insufficient numbers of computers and printers for OPD attorneys and support staff.

Facilities

- The OPD office space too small to house the staff and the equipment necessary for the office to function efficiently and comfortably.
- The entire OPD facility is in need of maintenance updates. At a minimum, new carpeting, new window blinds, repairing and replacing of existing air conditioning units, repainting of walls, new door locks and security systems, and a thorough cleaning of the entire space is recommended. .

Experts

- It remains difficult for OPD attorneys to obtain the expert witnesses necessary to properly present their cases. One reason for this is that some experts are reluctant to work for the OPD because it has a history of delayed payment for services rendered. There is also a chronic lack of funding available for the hiring of experts by OPD attorneys.

Recommendations

- In order to enable the OPD to provide competent and effective legal counsel to indigent defendants, additional resources should be allocated to the OPD on a yearly basis. The list of needs is extensive and is set forth in detail

n the footnotes of this report. Such crucial needs include, at a minimum, increases in staffing²; changes to salaries, promotions and benefits policies³; new equipment⁴; and improvements in facilities⁵.

² **Proposed Increased Staff**

Trial Division

- Three Second Line Supervisors
- Additional staff attorneys
- Additional support staff
- At least one social worker
- One paralegal/legal assistant to handle referrals from adult criminal courts to specialty courts

Pre-Trial Division

- One Second Line Supervisor
- Two attorneys
- One social worker with a Master's degree or higher

Juvenile Division

- Two social workers
- Six attorneys
- Two investigative interview staff
- One paralegal
- One legal secretary

Appellate Division

- One attorney
- One clerk/typist
- Three part-time law clerks
- Additional funding for attorneys to obtain capital case certification credits
- Additional funding for attorneys to pay for admission to PA Supreme Court Bar

³ **C. Salaries, Promotions and Benefits**

- Authorize the Chief Public Defender to award merit-based promotions in the form of re-classifying attorneys in various levels, for example, as an Attorney 2, 3, or 4, with accompanying increases in salaries, in parity with those paid to staff attorneys in the District Attorney's office;
- Authorize the Chief Public Defender to afford staff the same holidays provided to employees of the District Attorney's Office and the Court of Common Pleas;
- Authorize the Chief Public Defender to award merit-based increases to support staff.

⁴ **Essential New Equipment**

Trial Division

- Upgraded computers and 12 new CRT monitors with flat-screen monitors
- Access to nonpublic CPCMS for attorneys
- Two upgraded combination printer/copier/scanner machines
- Desk phones equipped with speakers for attorneys
- 25 new office chairs
- Equipment for video-conferencing visits between attorneys and Allegheny County Jail inmate clients

Pre-Trial Division - applies to both main defender office and the office in City Court

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- Upgraded computers and workstations with drawers
 - A new printer combined with a copier
 - Multi-line phones with conference calling capabilities
 - New office chairs
 - Basic industrial office supplies, such as 2 and 3 hole paper punchers, staplers, staple removers, tape dispensers, scissors and desk lamps
 - Bookshelves
 - Small vacuum cleaner
 - Pre-printed labels for client files
 - User-friendly database enabling better analysis of work performed and better planning for upcoming work assignments
 - Electronic access to criminal complaints and affidavits for cases
 - Electronic access to “risk assessment” document and supporting information developed by the Allegheny County Pre-Trial Services Agency, Bail Division
 - Electronic access to “Gag 1” documents relevant to clients

Juvenile Division

- New printer
- New fax machine capable of handling load of 50-150 pages per day
- Several new desktop and laptop computers
- Notebook/netbook to facilitate entry into Legal Edge, conflict checks, use of the court E-File system, and for assisting clients with obtaining essential information about proposed placements, etc., at Shuman Center
- Scanner specifically for use with paper exhibits and scanning for paper input for Legal Edge
- Dedicated printer with scanning capabilities at Shuman Center
- Access to the “Importer” to Legal Edge to make the program a more efficient case management system
- Netbooks for staff attorneys
- 5 new lateral filing cabinets
- 3-4 desk chairs
- 2-3 desk fans
- File racks and bins
- Coat racks

Appellate Division

- Updated computers
- Copier/printer/scanner combination machine
- High speed scanner that can convert to Optical Character Recognition (“OCR”) to edit scans
- Acrobat Software to create and edit PDFs (“Adobe Pro”)
- CD readers and burners
- Large capacity paper shredder to protect confidential records
- The following essential reference books:
 - ◆ Western PA Court of Common Pleas Judges Book
 - ◆ The Defender Association of Philadelphia Training Manuals
 - ◆ Trial Techniques by Thomas A. Mauet
 - ◆ PA Rules of Evidence with Trial Objections, 4th by Charles B. Gibbons
 - ◆ PA Criminal Procedure, by Bruce Antkowiak
 - ◆ The Law of Arrest, Search and Seizure in PA, by David Rudovsky
 - ◆ PA Driving Under the Influence, by Timothy P. Wile, Marc A. Werlinsky

Hiring Process and Diversity

Findings

Hiring Process

- In recent years, the process utilized to fill open spots in the OPD has become bogged down. Moreover, no transition plans exist to compensate during the prolonged staffing shortages.
- The hiring process for the OPD, as per the Department of Human Resources, is as follows:
 - A Job Announcement is placed on the County's Website for an OPD Attorney. Interested applicants must submit a completed application, resume, a legal writing sample that demonstrates the applicant's legal research and writing skills, and an official academic law school transcript.
 - Applications are reviewed by the Human Resources Department to determine if the applicant meets the requirements of the position. If the applicant meets the requirements, the applicant is placed on the Allegheny County approved Merit Hiring Eligibility List.
 - If the OPD desires to make a request to fill the position, the department must initiate an electronic requisition to hire for the position. The requisition must be approved by Human Resources, the Budget Office, the County Manager and the Controller's Office.
 - Once a requisition is approved, the department may interview any of the applicants on the Allegheny County Approved Merit Hiring List.
 - Once the department has made a recommendation for hiring it submits an electronic PAA form requesting to hire the applicant. The department scans other relevant information in a scan file that includes the application, resume, copy of the Merit Hiring Eligibility List that includes the applicant's name on the list, and a copy of the approved requisition. The hiring request must be approved by Human Resources, the Budget Office, and the County Manager.

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- ◆ PA Post-Conviction Relief Act-Practice and Procedure, by Thomas M. Place
 - ◆ Law of Probation and Parole, West's PA Practice, Vol. 12.

⁵Facilities Improvements

All Divisions

- New carpeting as well as new flooring in the waiting room and reception area
- Thorough cleaning of entire office space
- Repair and replacement of air conditioning units
- Replacement of window blinds
- Cleaning of central air conditioning vents
- Repainting of all walls
- Installation of new door locks

- Because OPD's hiring is conducted by the County, the OPD itself is not involved in the screening of applicants. This process has resulted in the loss of excellent job applicants who are known to the OPD management or staff attorneys but whom the County fails to interview or hire because the OPD is not involved in the hiring process.
- The County's hiring process is very time-consuming and causes significant delays (from as long as three months to more than a year) in filling vacant positions for all OPD staff; even part-time law clerk positions (most of which are mandated by the Consent Decree with the ACLU) take several months to fill due to the delay by the County in processing the necessary paperwork.
- The delay in filling vacated attorney positions has hampered the OPD's ability to meet its obligation of providing effective representation.

Staff Diversity

- While there is gender diversity in the OPD (38 of the 75 attorneys in the office are women and 37 are men), there is very little racial and ethnic diversity.
- Approximately 75% of the clients served by the OPD are people of color (65% to 70% African American and 5% to 10% Hispanic), yet only eight of the attorneys in the office are African American (six women and two men) and two are Hispanic.
 - Of the nine investigators in the office, eight are men and there is only one African American and one Native American.
 - Of the 31 support staff, 27 are women, nine are African American, two are biracial and one is Hispanic.
- There does not appear to be a diversity initiative or diversity training at the OPD. As a result of the dramatic difference between the racial and ethnic composition of the clientele served by the OPD, and the racial and ethnic composition of the OPD staff, as well as the lack of diversity training, there may be significant issues with cultural competency in the representation of clients.

Recommendations

The OPD should be authorized to:

- Fill all vacant attorney positions and hire additional staff attorneys without delay. (See footnote 16 for a detailed list of attorney staffing needs.)
- Hire more investigators, support staff and social workers for the office. (See footnote 16 for a detailed list of additional staffing needs.)
- Authorize the Chief Public Defender to award merit-based promotions in the form of re-classifying attorneys in various levels, for example, as an (Attorney 2, 3, or 4) with accompanying increases in salaries.
- Develop a diversity plan and conduct diversity training for all attorneys and staff on a yearly basis.

- Implement the County’s version of the “Rooney Rule” in all hiring conducted by the OPD.
- Develop a pipeline of candidates for the OPD through:
 - The creation of a formal certified legal externship/law clerk program with the local law schools;
 - The creation of a formal/structured summer internship program (Neighborhood Legal Services Association could be used as a model).
- Hire candidates within the summer internship/clerkship program with an eye to increasing diversity.
 - Work with the Director of Diversity at the Allegheny County Bar Association (ACBA) to identify potential attorney candidates
- Hire an office manager who would be with charged, among other things, with:
 - interfacing with the County HR Department with respect to all hiring for the OPD;
 - interfacing with the Director of Diversity at the ACBA to try to increase diverse attorney hiring (this will require coordination with the County HR department);
 - creating and running the law clerk program and summer internship program for the office to develop a pipeline of candidates for the office;
 - creating and implementing the office’s diversity plan and conducting diversity training;
 - conducting/coordinating new attorney and support staff training;
 - coordinating Continuing Legal Education (CLE) training programs; and developing an office policy manual.

Intake Process and Appointment of Counsel

Findings

- The OPD does not have a consistent intake process. It appears that not all pertinent information is received by Intake staff, who are not lawyers and have not been trained by lawyers. The intake staff typically obtains only contact information from potential clients with little, if any, discussion of information important to the case, such as the detailed facts, possible defenses, the names of possible witnesses and physical evidence or records.
- One of every four incarcerated individuals who appear to meet OPD eligibility requirements are not screened for representation by the OPD before their Preliminary Hearings take place.
- OPD attorneys may not be assigned to a case in a timely manner, which prevents them from having adequate time to prepare their cases properly. This delay also results in missed opportunities to resolve these cases at an

early stage of the process. This increases the costs of indigent defense. It also has a collateral effect on the costs of prosecution and the administration of justice and results in increasing costs for the county budget.

- In most cases a period of approximately four months transpires when little to no work is done on the case. This four-month “dead time” results in long waiting times, lost preparation time between clients and attorneys, multiple disciplinary board complaints, and increased costs for the criminal justice system and the County.

Recommendations

The OPD should be authorized to:

- Hire two legal assistants, preferably with law degrees, to assist with the defenders’ responsibilities during the initial stages of client representation. The assistants’ responsibilities should include managing client correspondence and bond reduction requests, initiating early investigation of cases (such as obtaining videotapes, phone records and other potentially exculpatory evidence), gathering information for purposes of filing pre-trial motions, and requesting discovery materials.
- Make arrangements with the District Attorney’s Office to obtain the Criminal Information and any other relevant information available well in advance of the Formal Arraignment or the Pre-Trial Hearing.
- Fill vacant attorney positions throughout the office to enable the office to have sufficient numbers of attorneys to represent clients as early in the criminal proceedings as possible.
- Require supervisors to ensure that attorneys are assigned to clients’ cases as early as possible. (See *Recommendation 2* under *Section VI-Caseload Management and Supervision*.)

Communications between Attorney and Client

Findings

- There is little confidential space for OPD attorneys to meet with their clients either in the OPD office or in the County Jail.
- Pre-Trial Attorneys appear to handle such a high volume of cases that they can only spend a few minutes to meet with each defendant prior to his or her hearing.
- Similarly, it appears that Trial Division Attorneys meet with their clients moments before the Pre-Trial Conference and frequently they do not have the opportunity to engage in subsequent communication with their clients until the next scheduled court appearance. These brief interactions do not supply attorneys with the opportunity to obtain vital information from clients or to adequately prepare cases for trial.
- It has been reported that some trial judges believe that public defenders are not meeting with their clients prior to key court appearances.

- Opportunities for confidential communications are difficult to facilitate. Often it may happen that on the day of an appearance communications will take place in a holding area, surrounded by other criminal defendants and law enforcement personnel, or in the courtroom itself.

Recommendations

The County should:

- Provide sufficient space in the OPD office and at the County Jail to enable OPD attorneys to conduct client interviews in private.
- Enable the OPD to fill vacant staff positions to reduce individual caseloads, enabling attorneys to devote more time to meeting with their clients in advance of trial.
- Require supervisors to direct OPD attorneys to regularly meet and communicate with their clients from their initial assignment to the conclusion of their representation of the client. (See *Recommendation 2* under *Section VI-Caseload Management and Supervision*.)

Horizontal Representation

Findings

- Horizontal representation is the manner in which the OPD assigns cases to individual attorneys. This means that one attorney does not represent his/her client throughout the entire case; rather, a different attorney is assigned at each stage of the criminal trial and appeals process.
- Pre-Trial Attorneys are not required to conduct any follow-up work on the case, which is considered to be the responsibility of the Trial Attorney alone.
- Clients frequently give their Pre-Trial Attorneys critical information, such as names of witnesses or physical evidence, but this information is rarely put into the client's file and consequently it is never seen by Trial Attorneys. Most client files are given to Trial Attorneys without anything more than cursory notes from Pre-Trial Attorneys.
- Some Pre-Trial Attorneys reportedly do not provide their full names to their clients at the Preliminary Hearings to prevent the clients from contacting them later.

Recommendations

The County should:

- Investigate if it would be appropriate to contract with the Allegheny County Bar Association, rather than the reporting service currently under contract by the County, to transcribe all Preliminary Hearings for OPD clients.
- Require supervisors to ensure that the case file of every OPD client includes, at a minimum, attorney notes and the transcript of the Preliminary Hearing, so that the Trial Attorney has all relevant information regarding the case well in advance of the trial. (See *Recommendation 2* under *Section VI-Caseload Management and Supervision*.)

- Study the appropriateness and effectiveness of horizontal versus vertical representation in the OPD.

Caseload Management and Supervision

Findings

Caseload Management

- Questions arise as to the ability of the OPD for systematic management of caseloads. This may be particularly true when caseloads increase. Mechanisms for identifying conflicts and scheduling issues appear to be confused.
- Difficulties appear with respect to tracking cases or workload in the OPD. As a result, attorneys' time is underutilized and appears to be inconsistent. It has been reported that the County significantly invested in a case management system that has been reported to be almost unusable and not employable office-wide.
- The County heavily invested in database software for caseload management and other functions at the OPD, but the system is almost unusable and is not being employed office-wide. It has been further reported that some attorneys view the software as creating more administrative work and therefore they do not prioritize updating the system among their responsibilities.
- It has been reported that support staff do not utilize the case management system effectively through the entry of case data.
- As a result of the inadequate case assignment management system, many OPD clients are not informed of the name and contact information of the attorney assigned to their cases. This prevents these clients from being able to request information about their cases or to provide their attorneys with important information.

Supervision

- The current OPD supervisory system in use provides periodic monitoring of attorneys or other staff to ensure accountability and quality representation.
- There is a lack of effective and consistent use of performance standard evaluations and reviews.
- It has been reported that there is no consistent supervision of staff attorney case files or written pleadings, or observation of staff attorneys in court by OPD management.
- The procedure pertaining to the hiring of experts is not routine.

Recommendations

- Require OPD management to establish caseload and performance review standards and apply them to all OPD staff members.

- Create and fund four “Second Line” supervisory positions to, among other things, supervise, evaluate, discipline, train, assign, track the caseloads and advise attorneys under their supervision, in order to ensure that OPD attorneys meet and communicate regularly with their clients, from their initial assignment through the conclusion of their representation of the client.
- Explore funding for new supervisory positions. Investigate the appropriateness of hiring two new legal assistants to handle a variety of responsibilities in the pre-trial process, thereby reducing the workload of individual attorneys.
- Attempt to fill all vacant attorney positions in order to reduce caseloads of existing attorneys.
- Evaluate and replace the OPD’s computer system to enable supervisors and support staff to track assignment of cases and the caseload of each attorney.
- Continue to phase out part-time attorney positions in the OPD through attrition.

Training

Findings

- Training in the OPD is not found to be consistent, qualitative or extensive.
- There does not appear to be a formal mentoring program to assist young lawyers in learning the nuances of criminal defense practice generally and within Allegheny County.
- Attorneys transfer between divisions without appropriate training as to on how to proceed in crucial matters that decide the ultimate fates of their clients.

Recommendations

- Hire a training coordinator/grant writer to organize training programs for new and current attorneys, supervisors, investigators and support staff. Responsibilities should also include locating and developing free and low cost continuing education programs, and applying for grants to cover the cost of training and other initiatives, and improvements.
- Require supervisors to ensure that staff attorneys receive training and assignments based upon their level of experience and competence. (See *Recommendation 2* under *Section VI-Caseload Management and Supervision*.)
- Explore funding of new supervisory positions at a higher level than staff attorney positions to provide an incentive to staff attorneys and supervisors to remain within the office.
- Seek to fill vacant attorney positions to provide sufficient numbers of attorneys to prevent inexperienced attorneys from being assigned to cases beyond their capabilities and areas of expertise.

- Provide all staff attorneys with regular and predictable salary raises to enable them to remain in their positions over time, thereby preventing the loss of experienced attorneys from the pool of attorneys within the office.

Funding, Independence of Office and Appointment of Private Counsel

Findings

- There is no direct state funding or a statewide structure for ensuring uniform, quality representation of indigent criminal defendants statewide.
- The OPD like other County Offices is confirmed by County Council in agreement with the County Executive. The President Judges and Administrative Judges establish policies via administrative court orders for payment of court-appointed counsel. However this is done without input from the OPD or the private bar, and without reference to national or local legal standards for compensation.⁶
- There is a significant disparity in compensation for court appointed lawyers handling adult and juvenile indigent defense legal services.
- Negative media coverage and adverse political ramifications occur as a result of the judiciary publicly faulting the OPD for case postponements /delays.
- The judiciary does not take an active role in addressing the underlying funding and resource problems of the OPD.

Recommendations

- Consider or conduct a study as to whether or not to convert the OPD to a non-profit organization [501(c) (3)] with an independent governing Board of Trustees, to enable it to achieve independence from the county government and the local judiciary, and to directly solicit funds from a wide range of sources, including the county and state governments.
- Advocate to the state government to provide adequate funding for public defender services.
- Seek to fund the OPD at increased levels consistent with the requirements of ethically fulfilling the requirements of the office. In conjunction with the potential creation of an OPD non-profit agency, seek funding from the Commonwealth and the County under contracts for services.
- Explore creating an Indigent Defense Advisory Board (IDAB) with outside advocates, including members of the private bar, to provide independent oversight and review of legal services by OPD and to limit political / judicial influence over the OPD, OCC, and assignment of court-appointed counsel.

⁶ See Court of Common Pleas Criminal Division Policies and Procedures Governing Appointed Counsel and Orders of Court, Administrative Orders 6-2007 (dated 8/30/07) and 2-2006 (dated 1/31/06); and Court of Common Pleas Family Division – Juvenile Section Policies and Procedures Governing Court Appointed Counsel for Delinquency Cases and Order of Court, Administrative Order A-8 (dated 11/9/2001).

- If created, authorize the IDAB to establish standardized policies and procedures for assignment of court-appointed counsel, compensation, and review of legal services.
- Establish a standardized conflicts of interest policy that provides written disclosure requirement for OPD supervisors, court-appointed counsel, and Court Administrators.

The Allegheny County Department of Court Records

Department Structure/ Personnel

Findings:

- The Department of Court Records was created in 2008 after the consolidation of three row offices (Prothonotary, Clerk of Courts and Register of Wills)⁷
- The different divisions of the department are located in the City-County Building and the Allegheny County Courthouse:
 - The Civil Division Court Records (Civil and Family) are located in the City-County Building
 - The Clerk of Courts (Criminal) Records are located in the Allegheny County Courthouse
 - The Register of Wills records are located in the City-County Building.
- There are other off-site locations for record storage that were not visited by the Vision Team.
- The Department of Court Records has 151 employees, four of whom specifically work in the IT Department. The number of employees decreased after the consolidation of the three offices.⁸
- The advanced degree employees in the Department of Court Records are part of the same union as the attorneys within the Office Public Defender and District Attorney Office.

Recommendation:

- There is a need for increased racial diversity in this department.

Technology / Computer Systems

Findings:

Technology utilized in Department of Court Records varies based upon the function of the division.

⁷ Prothonotary – Civil Division Court Records (Civil and Family), Clerk of Courts- Criminal Division and Register of Wills – Orphans Courts

⁸ Please see the document “2012 Budget Preparation Questions” provided by the Director of Court Records.

- The Criminal Division (former Clerk of Courts) utilizes the PA AOPC system, which employs the CPCMS Case Management System.
- The Civil Division (former Prothonotary) and Wills/Estates Division (former Register of Wills) utilizes a Case Management System developed by a 3rd Party Vendor.
- Case files are a mixture of hard copy (for older) and electronic (last 10+ years) files.
- Security of the computer systems is handled by Allegheny County DCS. The present security system does not permit searches of records within the court records databases unless the person seeking access to such records is logged into the system.
- This is the most advanced/modernized of those offices reviewed.
- Current law requires that Juvenile records must be maintained on microfiche.

Recommendations:

- Continue to consider and discuss the better sharing of information (when available and necessary).
- The County should advocate to officials in Harrisburg to allow for electronic storage to save space.
- Create an electronic filing system for the Register of Wills Division.
- Create a “dashboard” function on the computers within the Department of Court Records to allow staff to switch from one case management system to another with greater ease and accessibility.
- Increase signage for access / location of public computer terminals.

Public Accessibility

Findings:

- Public terminals are available in the Department of Court Records in the City-County Building. The computers are located on the mezzanine level. There are problems with accessibility for people with disabilities.
- Public terminals are also available in the Criminal Division on the second floor.
- Employee assistance is also available for members of the public who are not able to access the online search / filing system.

Recommendations:

- Install an internal elevator for staff and members of the public to access the mezzanine level.
- Relocate some of the public access computers to the main level for increased accessibility.

File Handling

Findings:

Criminal Division

- All documents are immediately scanned upon receipt.
- A bar code is assigned to all files to provide for physical location access. Files are checked in and checked out by court staff and attorneys.
- Files are stored throughout the small office space.
- There is a plan to move all criminal summary appeal records to the Civil Division of Court Records because the Judge who handles those cases is located in the City-County Building.
- There is no e-filing available in this division.
- There is a recurrent failure to properly transfer records between facilities for persons on parole. Crucial information is not being transferred to organizations (such as Renewal, Inc., Goodwill Industries, of The Program for Offenders, Inc., Western Psychiatric Hospital and Juvenile Facilities) in a timely fashion.

Civil / Family Division

- This is the largest division in terms of volume.
- The Department of Court Records is planning to transition this division to a paperless department. This division does not use the bar code system with individual files.
- At the present time 60% of all pleadings within this division are e-filed.
- The juvenile files are located on the second floor in a secured room. State rules provide that old juvenile files must be converted to microfiche. This requires the county to maintain outdated microfilm equipment.

Register of Wills Division

- There are large volumes of older records that are stored in this division. A number of records maintained in this department are of a unique large size requiring special file cabinets that take up a large amount of usable work space.

Recommendations:

- Establish the same physical tracking system used in the Criminal Division in the Civil / Family and Register of Wills Divisions.

- Review the current storage system to determine if the integrity of the documents is being maintained.
- Review the possibility of scanning older documents for easy accessibility and retrieval from storage.
- Improve the transfer of files between the various users to ensure that the location of the file is known at all times.

Facilities

Findings:

Criminal Division – County Courthouse

- The office is too small for the volume of files stored within the space. The office is extremely cramped with every available space being utilized and insufficient room for new files.
- There appears to be adequate security in the office. There is a vault for money handled by the office and a number of cameras for added security. Bonds are kept on site and daily money pickups occur.

Civil / Family Division

- There are several large metal file cases used for storage of old deed / title documents. There is a plan to have these documents moved to the mezzanine level of the department to allow for more space on the first floor. (There is some concern about the structural integrity of the mezzanine level and the ability to sustain the weight of the records and the cabinets.)
- There are climate control issues throughout this division and especially in the basement “staging area” where court records are prepared for shipment to off-site storage. There is a great deal of moisture in the basement and signs of leaking ceilings and crumbling plaster. This presents concerns regarding the damage to and destruction of files located in the “staging area.”
- There are locked rooms in the basement for the secure storage of sealed court records.
- The condition of the second floor in the division is atrocious and creates a liability issue. The men’s bathroom presents an electrocution hazard with exposed wires in the ceiling that are relatively close to an existing water leak.

Register of Wills Division

- There are large numbers of older documents in oversized / specialty file cabinets that are located throughout the office space. Relocation of these cabinets could create more and better overall office space for staff.

Recommendations:

- General repairs and maintenance of the offices and departments in the City-County Building are greatly needed.

- Address the moisture issues associated with the high humidity levels and leaks in the basement “staging area” where files are prepared for off-site storage transfer.
- Consult with the Carnegie Mellon School of Architecture to discuss the problems associated with the structural integrity and location of the file cabinets on the Mezzanine Level of the Civil Court Records Division. This can be accomplished through the creation of a graduate level project to provide guidance with respect to restructuring / reorganizing the division.
- Consult with the University of Pittsburgh, School of Library Sciences, to create a graduate level project to consolidate and computerize the document management issues in the Civil / Family Division and the Register of Wills.

The Allegheny County Sheriff’s Office

The vision team was charged with reviewing the Allegheny County Sheriff’s Office based upon past concerns relating to the delay in the transfer of inmates from the Allegheny County Jail (ACJ) to the courthouse for scheduled court appearances. In the 2009 “Kalmanoff Report” for Allegheny County, recommendation 30 specifically noted, “The County should require the Sheriff to review ACJ procedures for the production of inmates in a timely manner in court and for tracking conflicting court dates and / orders.” This recommendation was made to suggest a solution for the high number of court continuances requested by the Office of Public Defender due to the unavailability of defendants, witnesses, conflicting court dates and inadequate staff for transport of inmates.

Allegheny County Sheriff William Mullen informed the Vision Team that his office completed a study and report to determine the reasons for the delay in transport of inmates from the ACJ to their scheduled court appearances. According to Sheriff Mullen the study revealed that the primary reason for the delay in inmate transport was related to ACJ procedures, described above. As additional background it must be noted that the Vision Team has limited access to the Allegheny County Sheriff’s Office since this is an independent office with an elected official not responsible for reporting directly to the County Executive; thus the Vision Team had access only to limited information in conducting its review. (The Vision Team was not able to independently access this material and it is believed that the Vision Team responsible for ACJ oversight is examining this question further.)

Prisoner Transport

Findings:

- The Sheriff’s Office typically receives a list from the Allegheny County District Attorney’s Office several days before the scheduled transport of inmates.
- The Sheriff’s Office picks up an average of 80 prisoners per day from the Allegheny County Jail and transports them to the basement of The Family Court facility where they are detained in cell blocks until they are called for court.
- The Sheriff’s Office previously had issues when the Allegheny County Jail staff failed to inform them when the accused were in gangs and they would be put in the same cell blocks with rival gang members.

- The Sheriff's Office received complaints in the past about delays in delivery of prisoners.
- Sheriff Mullen indicated that the only complaints received were about getting prisoners to hospitals in a timely fashion.
- The Sheriff's department conducted a study and determined that the principal problem occurred at the Allegheny County Jail; to wit, prisoners were not being brought down from their cells in a timely manner. (The Vision Team did not review this study.)

Recommendations:

- An independent study might be conducted to determine if the timely transport of prisoners from the Allegheny County Jail to court or rehabilitation facilities by the Allegheny County Sheriff's Office is an ongoing concern that must be addressed.
- All inmate paperwork must be provided at the time of transport.

Subcommittee Reports

Vision Team Diversity Statement

The *Court Administration Vision Team* believes that a successful workplace recognizes the vital importance of creating and maintaining an inclusive and diverse working environment. In order for county services to be of the highest quality the county must take pride in its diversity, and respect all of its residents and employees, regardless of race, color, sex, marital status, religion, national origin, ancestry, age, disability, gender identification, or sexual orientation. The county must demonstrate its commitment to developing, managing and promoting a diverse workforce, while clearly communicating the same to both employees and the general public. The Administration must make every attempt to ensure that the county workforce is reflective of the ethnic, cultural and social diversity that comprises Allegheny County. In order to accomplish this goal the county must create a sound diversity statement and plan. An individual should be hired to support and implement the county's diversity plan and objectives, which should include providing effective diversity training for county employees. In this fashion, the county can recognize the significant contribution diversity and inclusion can make culturally, socially and economically.

Findings:

Hiring Process

- The hiring process for the OPD through the Allegheny County office of Human Resources, is as follows:
 - A Job Announcement is placed on the County's Website for a Defender Attorney. Interested applicants must submit a completed application, resume, a legal writing sample that demonstrates the applicant's legal research and writing skills, and an official academic law school transcript.
 - Applications are reviewed by the Human Resources Department to determine if the applicant meets the position requirements. If the applicant meets the requirements, the applicant will be placed on the Allegheny County approved Merit Hiring Eligibility List.

- If the OPD desires to make a request to fill the position, the department initiates an electronic requisition to hire for the position. The requisition must be approved by Human Resources, the Budget Office, the County Manager and the Controller's Office.
- Once a requisition is approved, the department may interview any of the applicants on the Allegheny County Approved Merit Hiring List.
- Once the department receives a recommendation for hire it submits an electronic PAA form requesting to hire the applicant. The department scans other relevant information in a scan file that includes the application, resume, copy of the Merit Hiring Eligibility List that includes the applicant's name on the list, and a copy of the approved requisition. The hiring request must be approved by Human Resources, the Budget Office, and the County Manager.

Concerns with the Hiring Process

- Because hiring at the PDs office is conducted through the County, there is no one in OPD who screens applicants. Often there are candidates who individual PDs know have applied, yet these never get to the office.
- Vacated attorney positions must be filled as soon as possible to prevent a crippling effect on the office's ability to meet its constitutional mandate of providing effective representation.
- It has taken from three months to more than a year for the county to approve filling vacant attorney, investigative, support staff and even part-time law clerk positions (most of which are mandated by the Consent Decree with the ACLU) and several more months to process the necessary paperwork.
- Four slots exist for part-time law student clerks, but during the school year but these are underutilized.

Diversity

- There is no diversity initiative in place at the OPD. Hiring takes place without regard to diversity needs.
- While there is gender diversity in the office with 38 of the 75 attorneys in the office being women and 37 being men, there is very little racial and ethnic diversity.
- Approximately 75% of the clients served by the office are people of color (65% to 70% African American and 5% to 10% Hispanic), yet only eight of the attorneys in the office are African American (six women and two men) and two are Hispanic.
- Of the nine investigators in the office, eight are men and there is only one African American and one Native American.
- Of the 31 support staff, 27 are women, nine are African American, two are biracial and one is Hispanic.

- There is no diversity training for staff or attorneys. As a result of the difference between the racial and ethnic composition of the clientele served by the office and the racial and ethnic composition of those working in the office and the lack of diversity training, there may be significant issues with cultural competency in the representation of clients.

Recommendations

- Develop a diversity plan and conduct diversity training for all attorneys and staff on a yearly basis.
- Implement the county's version of the Rooney Rule in all hiring for the office.
- Develop a pipeline of candidates for the office through:
 - The creation of a formal certified legal intern/law clerk program with the local law schools;
 - The creation of a formal/structured summer internship program (Neighborhood Legal Services Association may provide a good model).
- Hire candidates for the summer internship/clerkship program with an eye to increasing diversity.
- Work with the Director of Diversity at the Allegheny County Bar Association to identify potential candidates
- Hire an office manager who is charged, among other things, with:
 - interfacing with the County HR Department with respect to all hiring for the OPD;
 - interfacing with the Director of Diversity at the ACBA to increase diverse attorney hiring (this will require coordination with the County HR department);
 - creating and running the law clerk program and summer internship program for the office to develop a pipeline of candidates for the office;
 - creating and implementing the office's diversity plan and conducting diversity training;
 - conducting/coordinating new attorney and support staff training;
 - coordinating CLE training programs; and developing an office policy manual.

Infrastructure / Morale Issue Analysis

The Vision Team's review consisted of physical examination of Allegheny County Courthouse, County Office Building, City-County Building Clerk of Courts / Register of Will, and City-County Building Basement Tunnel Storage areas. Interviews were conducted with Court and County personnel in the Department of Court Records and Office of Public Defender. Findings include input from practitioners and citizens who use these County facilities.

The Vision Team's review further incorporates the impact that physical environment and work space may have upon productivity and morale in providing quality government services to the public.

Findings:

- Workspaces are physically run-down, especially in the City-County building and Courthouse. There are potential safety concerns for employees and visitors. Workspaces are subject to environmental concerns of mold, mildew, deteriorating plaster, peeling paint, antiquated lighting, electric and plumbing, and inadequate ventilation and temperature control.
- Many departments, such as the Office of the Public Defender and Clerk of Courts, have very limited office and storage space.
- Records are placed in unsecure common areas and are subject to mold, humidity, temperature fluctuation, water, and/or potential security breaches.
- Some public workspaces and counters display unprofessional and negative signs that present inappropriate visual decor for a professional workplace.
- Workplace culture does not appear to support customer friendliness or innovation to improve services. Culture appears stagnant, which results in employees maintaining old workplace culture and not striving to improve customer service.
- Management and supervisors appear to lack support to innovate positive cultural change.
- Employee interaction with the public is inconsistent in providing customer-based focus of services. Some employees display a lack of professionalism and/or accountability to the public.
- There is no employee incentive program that would provide rewards, professional growth, or incentive for professional public service.

Recommendations:

- Create a culture of respect and accountability. Establish core values for employees to pursue and encourage them to provide quality service to the public in a professional manner.
- Support a constituent-friendly culture through training, reinforcement, and incentive programs.
- Develop and reinforce standards for professional conduct and constituent-based service, including guidelines for workspace and public counter decorum.
- Provide incentives and rewards for employees based upon merit, accountability, constituent-service, and innovation.
- Position the right person with the proper job to bolster employee skill sets.
- Implement supervisory accountability through review and achievement of goals.

- Provide opportunity for constituent input through the use of quantitative and qualitative approaches including online surveys, questionnaires, comment boxes, etc.
- Provide a confidential hotline for employees to report concerns without fear of adverse repercussions.
- Develop a capital expenditures plan that includes a first phase of renovations for the Records Department in the City-County building.
- Develop a capital expenditure for physical improvement of employee workspaces and physical building infrastructure.
- Involve local university programs to review facility infrastructure and to develop an action plan for best use of workspace, records storage, and common public areas.
- Consider short-term solutions to improve workspace environment including new paint, better lighting, and more efficient use of space.

Next Steps

As part of the charge from the County Executive, the Courts Administration Vision Team was also asked to outline next steps, and to categorize those as changes that needed to be made immediately, followed by short term and long term goals. Those steps follow:

Immediate Changes:

- Explore funding for new supervisory positions. Investigate the appropriateness of hiring two new legal assistants to handle a variety of responsibilities in the pre-trial process, thereby reducing the workload of individual attorneys.
- Create and fund four “Second Line” supervisory positions in the OPD.
- Improvements to the physical workplace environment through new paint, better lighting, basic office necessities and expansion of workspace (OPD and Court Records).
- Creation of available spaces for confidential client and witness meetings (OPD).
- Develop a diversity plan and conduct diversity training for all attorneys and staff on a yearly basis (OPD).
- Implement the County’s version of the “Rooney Rule” in all hiring conducted by the OPD.
- Consult with the Carnegie Mellon School of Architecture to discuss the problems associated with the structural integrity and location of the file cabinets on the Mezzanine Level of the Civil Court Records Division.
- Consult with the University of Pittsburgh, School of Library Sciences, to create a graduate level project to consolidate and computerize the document management issues in the Civil / Family Division and the Register of Wills.
- Develop a pipeline of candidates for the OPD through:
 - The creation of a formal certified legal externship/law clerk program with the local law schools;
 - The creation of a formal/structured summer internship program (Neighborhood Legal Services Association could be used as a model).
 - Hire candidates within the summer internship/clerkship program with an eye to increasing diversity.
 - Work with the Director of Diversity at the Allegheny County Bar Association (ACBA) to identify potential attorney candidates
- Evaluate the cost benefits associated with replacing the OPD’s computer system with a system that will be readily used by OPD staff.
- Increase signage for access / location of public computer terminals (Department of Court Records).

- Relocate some of the public access computers to the main level for increased accessibility (Department of Court Records).

Short Term Goals

- Hire two legal assistants, preferably with law degrees, to assist with the defenders' responsibilities during the initial stages of client representation.
- Attempt to fill all vacant attorney positions in order to reduce caseloads of existing attorneys.
- Hire a training coordinator/grant writer to organize training programs for new and current attorneys, supervisors, investigators and support staff. Responsibilities should also include locating and developing free and low cost continuing education programs, and applying for grants to cover the cost of training and other initiatives, and improvements.

Long Term Goals

- Establishment of different and increased funding streams to operate the OPD (staffing/office resources).
- Increases staffing in the OPD; change the compensation levels, promotions and benefits policies; provide new equipment; and major improvements in the facilities.
- Make major structural improvements in the facilities utilized by the Department of Court Records and the OPD.
- Hire an office manager who would be with charged, among other things, with:
 - interfacing with the County HR Department with respect to all hiring for the OPD;
 - interfacing with the Director of Diversity at the ACBA to try to increase diverse attorney hiring (this will require coordination with the County HR department);
 - creating and running the law clerk program and summer internship program for the office to develop a pipeline of candidates for the office;
 - creating and implementing the office's diversity plan and conducting diversity training; conducting/coordinating new attorney and support staff training;
 - coordinating Continuing Legal Education (CLE) training programs;
 - and developing an office policy manual.
- Create an electronic filing system for the Register of Wills Division.
- Create a "dashboard" function on the computers within the Department of Court Records to allow staff to switch from one case management system to another with greater ease and accessibility.

- Install an internal elevator for staff and members of the public to access the mezzanine level (Department of Court Records).

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