

# Benton & Franklin Counties Office of Public Defense 2014 Strategic Plan

Benton County Operations

Thank you for your interest in the Benton & Franklin Counties Office of Public Defense (“BFOPD”). BFOPD is charged with providing legally mandated public defense services to indigent persons facing criminal charges and certain civil cases, in the courts of Franklin County.

This **Strategic Plan** outlines how BFOPD intends to continue to advance its Mission and uphold its Values in the year 2014.

## Mission

The Mission of the Benton & Franklin Counties Office of Public Defense is to provide quality, cost-effective, legal representation to indigent and other qualified persons charged with criminal offenses, or otherwise facing incarceration or loss of liberty interest, so as to protect their Constitutional and other legal rights, educate them about the criminal justice system, and champion the interests of justice. The Benton & Franklin Counties Office of Public Defense will always be mindful of the fact that the resources that enable it to advance its Mission are entrusted to it by the taxpayers of Benton & Franklin Counties, and as such it will constantly strive to improve the efficiency and effectiveness of its team, of system which it manages, and of systems of which it is a part of, so as to always be a good steward of such resources.

## Values

In order to advance its Mission, all Benton & Franklin Counties Office of Public Defense staff and contractors share the following Values.

<b>A</b>	<b>Teamwork</b>	We are constantly seeking out and developing inter-office and intra-office synergistic relationships through which to accomplish shared goals and create win-win outcomes.
<b>B</b>	<b>Effectiveness &amp; Efficiency</b>	We are always choice-driven and introspective so as to maximize effectiveness (do that which has the most effect on advancing the Mission) and efficiency (while consuming the least amount of resources)
<b>C</b>	<b>Quality</b>	We take pride in quality work product in all aspects of what we do.
<b>D</b>	<b>Cost-</b>	We recognize the fiduciary duty we owe to the taxpayers who provide the

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	<b>Effectiveness</b>	resources by which we can advance our Mission and always strive to maximize cost-effectiveness without jeopardizing quality.
<b>E</b>	<b>Compassion &amp; Fairness</b>	We recognize that all members of the public with whom we interact and for whom we provide services are fellow community members and citizens and we will treat them with respect, compassion, and fairness.
<b>F</b>	<b>Effective Risk Management</b>	We will always be mindful of the liability related interests of Benton & Franklin Counties and constantly seek to minimize the exposure of the Counties to liability risk.
<b>G</b>	<b>Continuous Improvement</b>	We recognize and embrace the dynamic nature of many factors that affect our ability to advance our Mission and as such, constantly seek out, and take action on, ways to improve every aspect of our operations. We will never settle for “good enough” or accept that the “way it has always been done” is necessarily the best way to continue to do it.

## Goal #1 – Leadership Scorecard

**Summary:** Sometimes as the leader of an organization it is difficult to get honest and “unfiltered” feedback about how well things are going and what can be done to improve. As such, it is easy to settle into an enticing “comfort zone” where things are done as they always have been and little is being done to continuously improve. I believe that our office’s mission is too important to allow this to happen. In order to help facilitate a healthy feedback dialog and to improve our office’s accountability, I’ve decided to, on an annual basis, solicit feedback on my personal leadership performance in the form of a **Leadership Scorecard**. To encourage honest feedback, I am collecting responses anonymously through the Adobe Forms Central cloud service.

The **Leadership Scorecard** asks all of this office’s staff and contractors to rate my leadership performance on a number of different dimensions and then to ultimately suggest ways I can improve my leadership and/or the operations of the office.

During the inaugural **Leadership Scorecard** exercise (just conducted over the last couple of weeks,) the responses, while not as many as would be nice to have, were quite honest and constructive. I am committed to undertaking the **Leadership Scorecard** process at the beginning of every year and incorporating the top suggestions for improvement into the Strategic Plan for the year. I am hopeful that as everyone sees the benefits of this process and also becomes comfortable with the anonymity of the responses, the number of participants will grow and it will become all that much more effective of an exercise.

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This time around, the two most pressing areas of improvement identified by the **Leadership Scorecard** exercise were:

- 1) A more efficient system for approval of funding requests related to pending cases (incorporating, most importantly, a quicker turnaround);
- 2) A more formalized mentoring program for younger defenders;

### **Deliverables for Goal #1**

1. Conduct a **Leadership Scorecard** exercise annually, soliciting anonymous responses and suggestions for improvement.
2. Incorporate top suggestions for improvement into Strategic Plan for the year.

## Goal #2 – Improve Funding Request System Response

**Summary:** This office retains oversight over the expenditure of funds for investigators, experts and other necessary services/costs for the defense of public defense cases. In compliance with applicable court law and pursuant to office policy, pre-approval of expenses, and assignment of a unique “tracking number” is necessary before any investigator, expert or other service professional can be retained, or funds otherwise expended. To facilitate record-keeping, this pre-approval process is conducted through a dedicated email address ([opdauthorizations@co.benton.wa.us](mailto:opdauthorizations@co.benton.wa.us)).

The main suggestion in this regard from my **Leadership Scorecard** is to improve the turnaround time for these pre-approvals. Historically I’ve tried to respond within 5 working days though from time to time it has taken longer. Also, in many cases improperly submitted requests can get delayed or even lost when emails are sent back and forth seeking and/or providing clarification or additional information.

I know that timely responses to funding requests is critical to fostering good client relations, court docket efficiency, effective plea negotiations and a host of other factors essential to quality public defense representation. As such, I am committed to improving the responsiveness of the funding request pre-approval system.

### **Deliverables for Goal #2**

1. Effective immediately, set aside time every day to approve funding requests.
2. For the remainder of 2014, respond to 100% of properly submitted funding requests within 72 hours.
3. Review the funding preapproval request policy, republish to public defenders and contract investigators and remind them of what is necessary in requests so that fewer requests need to be delayed because of a need for clarification or additional information.  
**By March 31, 2014.**
4. Incorporate a short training session about funding pre-approval and accounts payable/compensation processes to further familiarize public defenders and contract

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investigators with the overall system lifecycle from request to payment. **To be incorporated into April 11, 2014 CLE seminar.**

### Goal #3 – Review the Possibility of a Formalized Mentorship

**Summary:** The second significant improvement opportunity that came from the **Leadership Scorecard** exercise was the implementation of a more formalized mentorship program.

Professional development can sometimes be a difficult topic with this office's system of public defense. Since most of the defenders are actually contracted private attorneys, it is impossible to mandate a training program or other professional development program<sup>1</sup>. At the same time, some of the newer attorneys can have a difficult time trying to enhance their own professional growth. While many of the more experienced public defenders are often very open to working with newer attorneys and this office does offer significant (voluntary) on-going professional development through its class-leading In-House Continuing Legal Education ("CLE") program, the resources currently offered are more on an ad-hoc basis and there does appear to be a desire for something more formalized.

Of course professional development and training are always a very high priority with this office because of our mission priority of providing quality public defense services to our clients, so reviewing the feasibility of a more formalized mentorship program seems to be in order.

#### **Deliverables:**

1. Survey public defenders to determine who is a) interested in being mentored; b) interested in serving as a mentor. **By April 30, 2014**
2. If program appears feasible, facilitate the matching of mentors to mentees. **By June 30, 2014**

### Goal #4 - Contractor Compliance Template and Training

**Summary:** Of the roles this office plays with regard to contracts, enforcement of contract compliance is probably the most important and most mission critical as far as risk management goes. While the office has been able to continue to enforce 100% compliance on active contracts, it isn't without significant and often repetitive work. Some contractors require multiple repeated reminders to reach contract compliance and some others have difficulty doing so even after multiple attempts (especially with more complex compliance issues such as proof of insurance status). This has been a significant resource drain for our Office Manager who plays the role of primary contract compliance enforcement contact. Furthermore, with additional

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<sup>1</sup> Mandatory training and professional development programs are seen by IRS regulations and case law as being something that is usually only done with employees and having such programs for contractors is legally risky.

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quasi-compliance issues (such as quarterly public defense certifications)<sup>2</sup> and the influx of more contracts to supervise (from the transition of juvenile defender contracts to this office) the job of contract compliance enforcement has becoming all the more difficult.

The purpose of this goal is to make contract compliance from the contractor's perspective more "turn-key" and therefore encourage and facilitate better voluntary compliance without need for attention by our Office Manager.

### **Deliverables**

1. Develop a template of key compliance provisions applicable to each contractor with due dates for each. **Already completed.**
2. Develop easy to use fillable Adobe Professional forms that incorporate one-click submission into Adobe cloud-computing based Forms Central. This will enable better tracking of incoming forms and easy download and importing into a spreadsheet. **By April 1, 2014.**
3. Conduct mandatory orientation/training for all contractors on use of the compliance template and new forms, and remind them of contract compliance process, deadlines and consequences of failure of contract compliance (potential contract termination or unfavorable consideration in future Requests for Qualifications). *This may be potentially done by video as well as incorporated into a CLE training seminar.* **By June 1, 2014**

### Goal #5 – Standardize all Forms on Adobe Acrobat Fillable

**Summary:** An unavoidable part of OPD's role in providing public defense services is the use of forms. While much work has already been done in recent years to convert all paper forms to electronic forms, there is still some lack of uniformity among forms and some duplication of efforts or unnecessary steps in the transfer of information from these forms to OPD usable formats.

Recently, upon the office's acquisition and use of Adobe Acrobat Professional, the benefits of using Adobe Acrobat forms has been discovered, especially using fillable forms capable of being saved (which can now be created using Adobe Acrobat Professional) and sometimes with forms that can be directly submitted to Adobe's Form Central cloud application (which can then convert the forms into an excel spreadsheet easily).

Conversion of all the office's forms into a uniform, Adobe Acrobat format will substantially improve the system both from the user interface standpoint (for contractors etc) and for OPD staff needing to access the information. Eventually, the potential use of electronic signatures (also built into Adobe Acrobat Professional) may further streamline this process.

### **Deliverables:**

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<sup>2</sup> While the public defense certification itself is not a contractual obligation and therefore not subject to compliance, attorneys who do not file certifications are not eligible to be appointed public defense cases which in turn affects their ability to discharge contractual duties which therefore becomes a contract compliance issue.

1. Convert all office forms into Adobe Acrobat fillable format. **By May 31, 2014**
2. Determine which forms should support direct submission to forms central (for instant conversion into excel spreadsheets) and build functionality for those forms. **By June 30, 2014**
3. Determine feasibility of digital signatures on key forms and develop proposal. **By end of year**

## Goal #6 – Revisit Necessary Performance Metrics for Monitoring

**Summary:** In 2013, the case of *Wilbur et al v. City of Mt. Vernon et al* was decided by the US District Court for the District of Western Washington. This case pertained to questionable public defense practices utilized by the cities of Mt. Vernon and Burlington and ultimately resulted in a very damning decision. While the practices in these cities were well outside the bounds of reasonable public defense practices (one of them was the practice of assigning close to 2,000 cases a year each to their public defenders) the court did engage in a detailed analysis of a number of factors that are at least partially dispositive with regard to the evaluation of the sufficiency of any given public defense system.

Since it is always arguably best to learn from the mistakes of others, and since this office is committed constant self-evaluation and improvement, we will be engaging in an extensive evaluation of this case and will plan to implement the monitoring and reporting of performance measures deemed by the federal court in *Wilbur* to be important.

### Deliverables:

1. Attend 2014 *Justice Initiative* conference in Seattle, WA to hear presentation from plaintiff's counsel on *Wilbur* case and appurtenant discussion. **Already done.**
2. Discuss the *Wilbur* case at April 11, 2014 In-House CLE.
3. Determine which performance metrics are important to monitor as decided by the federal court in *Wilbur*, devise system of measuring, reporting and publishing the performance metrics. **By June 30, 2014**

## Goal #7 – At Least 15 CLE Hours including Trial Advocacy Clinic

**Summary:** As stated in our Mission Statement, quality public defense is the highest priority in this office. Of course training and professional development is one of the most critical ingredients that contribute to the quality of the representation provided by our defenders.

Since 2009, this office has sponsored in-house Continuing Legal Education ("CLE") programs that are free both to public defender participants and to the Counties. This has been accomplished both through a fee waiver with the Washington State Bar Association, as well as the use of mostly local talent (attorneys, experts and service providers) who have been willing to volunteer their time to help improve the professional competency of our public defenders.

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This year this office's continuing commitment is to continue the sponsorship of class-leading CLE training and offer at least 15 hours of CLE credits (far more than the 7 hours mandated by law and public defense contracts) in this program.

**Deliverables:**

1. Continue sponsoring quarterly CLE training seminars on topics relevant to public defense practice. **By end of the year**
2. Sponsor a Trial Advocacy Clinic offering 7 CLE credits of classroom and simulated trial work for attorneys with from 0-3 years of defense experience. **By September 1, 2014**
3. Deliver a total of 15 or more CLE credits through this training program. **By the end of the year**

Goal #8 – Professional Development of Staff with Supervisory Duties

Two OPD staff members have taken on supervisory roles in the office. Sr. Staff Defender Alexandria Sheridan supervises the two District Court Staff Defenders in the office as well as District Court contract defenders, and Office Manager Denise Gerry oversees all administrative staff support for the office including Office Assistant Mary Burke and any temporary help that the office takes on.

I believe it is a significant disservice (both to the employee as well as everyone to be supervised) and liability risk to place employees in supervisory roles with insufficient supervisory training. Luckily this is an easily remedied problem because of the wealth of free and very low cost supervisory training offered by the Washington Counties Risk Pool.

**Deliverables:**

1. Provide both St. Staff Defender Alexandria Sheridan and Office Manager Denise Gerry with access to the following training courses and require completion/attendance by December 31, 2014:
  - a. Conducting Difficult Conversations (live training by WCRP)
  - b. Conducting Effective Performance Evaluations (live training by WCRP)
  - c. Supervisor Skills 101 (On-line training)
  - d. Supervisor Skills 201 (On-line training)
  - e. Disciplinary Action and Procedures for Local Government (On-line training)

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