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American Bar Association Caseload Study

Timekeeping Guide

- 1. What do I enter to create a case?** In order to create a case, you need to enter client name. After entering the client name, you will be prompted to enter the case number, case type, and case subtype.
- 2. In what increments should I keep time?** The Defender Data application (DD) uses 5-minute increments in some features, so attorneys should round their time to the nearest 5-minute increment in terms of minutes. Not decimal points. But hours and minutes.
- 3. How many hours exist in a day?** 24. However, if you spent an entire 8-hour day meeting with one client with four cases, you did not complete 32 hours of work. When you log that time, you would log in a total of 8 hours. If the time was spent with discussing 1 case, you would enter 8 hours under that case number. If the time was spent discussing all of the cases and learning about the client, you would divide the 8 hours by all 4 cases and enter 2 hours per case.
- 4. For what matters should I keep time?** Attorneys should capture all of their time. However, there are two categories for time – case specific and general work.
- 5. What is case specific work?** Case specific work is work on a case for which you are appointed as counsel? As a part of the timekeeping study, OPDS is attempting to capture all of the work you do on a case from when it is assigned to the attorney until final disposition?
- 6. What is general work?** General work is anything you do work related that does not relate to a specific case. This includes reviewing newly released appellate opinions to stay up on the law, attending CLEs and training, management obligations, office administration, etc. Any “work” you do which is not related to case should be entered here.
- 7. What about arraignments? What about treatment courts?** Attorneys should log their time on this work, but not on a specific case. For purposes of this study, **arraignments and treatment courts should be logged under general work.** At the time of the arraignment, the specific attorney handling the case is often not present. Additionally, treatment courts exist post-disposition, which is not the goal of this study.

- 8. What about my legal assistant? Paralegal? Investigator?** Attorneys should not log this time. The purpose of the study is to capture how attorneys are spending their time. While this work is important, it's not the aim of the study.
- 9. What about staffing a case with a colleague?** The attorney who is representing the client would enter that time as case specific time under the case number. The consulting attorney would enter that time as general work without a case number.
- 10. What if I appear in court for a colleague or co-worker? Who should enter that time?** The goal of the study is to identify how much attorney time is spent on the case for the primary counsel. When someone is "covering" case for the actual assigned counsel, that attorney is stepping into the shoes of the assigned counsel. As such, that time should be entered into DD by the assigned counsel, not the attorney covering the case. The covering attorney should inform assigned counsel how much time was spent on the case so that the assigned attorney can enter the information into DD. The covering attorney should not log this time as general work.
- 11. When should I log my time?** The attorney should log their time as fits their schedule, but most attorneys who keep time find doing it as contemporaneous to the work as possible makes it a lot easier and accurate.
- 12. What information should I be entering when I keep time.** OPDS simply needs the case task code entered and the amount of time. There is no need to add comments to the field.
- 13. What if I am working on multiple cases for the same client at the same time?** If an attorney represents a client on multiple cases, the attorney should use their best judgment on how to enter. As discussed in question 2, if the time is spent learning about the client or reporting in court on all of the cases, the attorney should divide the total time by the number of cases. If the attorney is drafting a motion or researching 1 case, the attorney should enter all of the time under that case number.
- 14. What if I am working on multiple cases for different clients at the same time – such as a call docket?** If you are reporting on multiple cases on a call docket, you would divide the total time by the number of cases and enter the amount for each case. For example, if you spend an hour at call reporting on 12 cases, you would enter 5 minutes for each case number.
- 15. What about travel?** If you are walking to court, or driving to the jail, you are mostly likely doing so for a specific case. You would include that time as case related travel. If you are driving to a CLE, that would be general work travel.
- 16. What about sitting around in court?** If you are in court, waiting, presumably you are doing so for a specific case or cases. That time counts as case specific work.
- 17. What if I am thinking about a case in the shower?** This question poses the existential question of what constitutes work. For purposes of this study, this type of after hours reflection should not be included.

- 18. What if I drive to the jail to see multiple clients?** Similar to the call docket scenario discussed in question 9, you would divide the travel time by the number of clients you visited and spread it out evenly.
- 19. What if I drive to the jail to visit multiple clients, and one of my clients has 1 felony and 4 open misdemeanors?** This is where I want attorneys to know there is no perfection in this. At some point, rules cannot provide absolute certainty and guidance, and the attorneys should use their professional expertise in assessing what time was allotted to which case.
- 20. What about contempt cases, such as VROs, SEDs, and civil commitments?** Those cases should be entered in as general misdemeanor cases.
- 21. What about probation violation cases?** For probation violation cases, select the probation violation case sub type. Create a new case entry each time you represent the same client on the same case number for a probation violation during the timekeeping period.
- 22. How do I log juvenile dependency cases?** Juvenile dependency cases should be logged in under the original filing case number. If there are successive petitions, do not create a new case. Keep continuing to keep time on the original case number. The goal is to determine how much time you are providing to your client during the dependency process, regardless of how many petitions are filed or how eCourt recreates new case numbers for each petition?
- 23. What if I represent multiple children?** Pick one and enter all of the time on that case.
- 24. Should I log my assistant's time attending CRB hearings or client visits?** No. Again, the goal is to log how much time the attorney is providing to their client(s).
- 25. What do I do when the case reaches final disposition?** Make sure you change the case status from open/active to closed when the case is completed. When a client enters a plea and enters a treatment court, the case should be converted to closed.