

Defense Performance Measures

Core standards for the defense function, published by the American Bar Association (ABA), are extensive and detailed. The ABA addresses the practical standards and performance measures for every aspect of the defense function. See document references for this section.

- [*Criminal Justice Standards for the Defense Function*](#)

The ABA standards include a number of sections or sub-standards that impact case processing and the impact of defense counsel to effectively represent their clients. These include the following:

- Standard 4-1.8 Appropriate Workload
- Standard 4-1.9 Diligence, Promptness, and Punctuality
- Standard 4-2.1 Duty to Make Qualified Criminal Defense Representation Available
- Standard 4-2.3 Right to Counsel at First and Subsequent Judicial Appearances
- Standard 4-2.4 Referral Service for Criminal Cases
- Standard 4-3.2 Seeking a Detained Client's Release from Custody, or Reduction in Custodial Conditions
- Standard 4-3.3 Interviewing the Client
- Standard 4-3.7 Prompt and Thorough Actions to Protect the Client
- Standard 4-3.9 Duty to Keep Client Informed and Advised About Representation
- Standard 4-4.5 Compliance with Discovery Procedures
- Standard 4-4.5 Preparation for Court Proceedings, and Recording and Transmitting Information
- Standard 4-5.1 Advising the Client
- Standard 4-5.2 Control and Direction of the Case
- Standard 4-6.1 Duty to Explore Disposition Without Trial
- Standard 4-6.3 Plea Agreements and Other Negotiated Dispositions
- Standard 4-7.1 Scheduling Court Hearings

The National Legal Aid and Defender Association provides [Performance Guidelines for Criminal Defense Representation](#). These standards address case processing steps from first appearances through trial and provide extensive guidelines about pretrial, discovery, and trial preparation.

Other invaluable publications that address defense performance measurement include the following. It is notable that timeliness and case processing measures align with court performance measures and expectations.

[Basic Data Every Defender Program Needs to Track](#)

A Toolkit for Defender Leaders, NLADA

- Cases handled by the office
- Defendant characteristics
- The process of case management/case events
- Case disposition and sentence
- Who handled case

[The Challenge: Evaluating Indigent Defense](#)

North Carolina Office of Indigent Defense Services

- Access to attorney is real
- Access to attorney is timely enough to preserve constitutional rights
- The direct consequences of a criminal case are as beneficial to the client as possible
- Clients are not incarcerated before conviction (pretrial release) and bond amounts are justified
- Cases are resolved in a timeframe least harmful to the client
- Procedural injustices are mitigated
- Clients are aware of the collateral consequences of a criminal case and steps are taken to mitigate those consequences whenever possible
- Disentangle client from criminal justice system
- Clients are satisfied with attorney
- Use taxpayer money as efficiently as possible
- A system without racial, gender, ethnic, or economic disparities

Legal Metrics that Matter with Defense Counsel

Claims and Litigation Management (CLM)

- Time to Close
- Average Defense Cost Per Claim
- Lawyers per Indemnity Dollar
- Predictability
- Metrics on Alternative Fee Files vs. Hourly Billing Files
- Rates and Results by Firm Size