

N.C. Office of Indigent Defense Services

Time Needed to Resolve Criminal Cases: A Comparison of Attorney Types

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Introduction

The Office of Indigent Defense Services (IDS) heard from a number of court system actors that they believed that Private Appointed Counsel (PAC) were frequently delaying cases with unnecessary continuances. During these difficult financial times, operating efficiently without sacrificing quality is an important goal of IDS. To determine whether the perception was accurate, IDS looked at the length of time attorneys needed to resolve criminal cases by case type and by attorney type.

Description

The study analyzed offense data from ACIS for all File Numbers disposed in FY09.¹ The study calculated the number of days between the warrant served date and the disposition date for each File Number by highest charge and compared data results across attorney types, including Private Appointed Counsel (PAC), Retained, and Public Defender. If PAC were delaying cases with unnecessary continuances, the average number of days needed to resolve a case should be higher than the average for other attorney types.

Key Findings

The table on the reverse page displays the average number of days needed to resolve cases by attorney type and highest charge in the File Number. The data shows that PAC are not delaying cases with any frequency. On average, PAC resolved cases more quickly than retained attorneys. PAC resolved cases more quickly than retained attorneys in 22 of 28 different case types disposed in FY09. PAC often needed, on average, 2-6 fewer weeks to resolve cases than retained attorneys.

The data also shows that public defenders resolve cases, on average, more quickly than both retained and PAC attorneys. PDs resolved cases more quickly in 21 of 28 different case types compared to retained attorneys and in 19 of 28 different case types compared to PAC.

¹ IDS worked with a data extract from ACIS that was provided by the Administrative Office of the Courts (AOC) Technical Services Division. IDS would like to thank the AOC for their assistance. To avoid data distortions from "Failure to Appear" cases, IDS excluded File Numbers that resolved as "Dismissal with Leave" and offenses with warrant served dates prior to January 1, 2008.

Number of Days Between Warrant Served Date and Disposition Date by Highest Charge and Type of Attorney Representation

(ACIS File Numbers Disposed in FY09)

By Highest Charge in File	Difference Between Attorney Types						Private Appointed Counsel (PAC)						Retained Attorney						Public Defender					
	Average No. of Days Difference between PAC and Retained Attorneys (negative numbers indicate fewer days needed)	Average No. of Days Difference between PD and Retained Attorneys (negative numbers indicate fewer days needed)	Average No. of Days Difference between PD and PAC (negative numbers indicate fewer days needed)	No. Files	Mean	Med.	Min	Max	No. Files	Mean	Med.	Min	Max	No. Files	Mean	Med.	Min	Max	No. Files	Mean	Med.	Min	Max	
Felony Class A	-52	-92	-40	116	246	242	1	514	11	298	288	125	491	25	206	170	110	44	1,771	134	110	1	523	
Felony - Class Unknown - Free Text, Depdnt Charge/Def	-31	-58	-27	3,976	161	147	1	706	1,831	192	178	1	523	1,771	134	110	1	527						
Felony Class A - Violent Habitual Felon	N/A	N/A	N/A	4	206	227	118	250																
Felony Class B1	-47	-27	20	858	159	138	1	501	261	206	193	1	495	348	179	189	2	478						
Felony Class B2	-39	-99	-60	215	197	188	1	478	36	236	227	10	508	63	137	112	5	520						
Felony Class C - Habitual Felon	-19	-37	-18	1,173	152	135	1	520	247	171	154	1	478	609	134	106	1	511						
Felony Class C	-30	-59	-28	2,276	159	146	1	506	756	189	173	1	529	769	131	105	1	531						
Felony Class D	-24	-51	-27	3,754	171	158	1	531	1,005	196	189	1	525	1,476	145	127	1	521						
Felony Class E	-19	-43	-24	2,155	163	154	1	512	750	182	158	1	496	1,125	139	120	1	512						
Felony Class F	-25	-30	-5	3,473	146	129	1	539	1,282	171	157	1	505	1,809	141	123	1	531						
Felony Class G	-35	-56	-20	4,694	151	134	1	546	1,289	186	177	1	508	1,922	131	108	1	510						
Felony Class H	-38	-58	-20	29,343	142	125	1	537	8,443	180	168	1	529	12,873	122	100	1	528						
Felony Class I	-33	-55	-22	17,011	144	121	1	715	7,321	177	165	1	673	8,863	122	93	1	536						
DWI and DWI Related Offenses	-14	-21	-7	7,355	177	167	1	724	20,222	191	185	1	764	3,692	170	161	1	772						
Misdemeanor Class A1	-17	-16	0	16,176	98	75	1	571	9,304	114	91	1	705	9,946	98	76	1	528						
Misdemeanor Class Unknown - Free Text	-6	-28	-21	1,761	163	139	1	685	3,388	169	140	1	770	940	142	117	1	736						
Traffic Class Unknown - Free Text, Depdnt Charge/Def	-15	-16	-1	116	121	97	1	424	446	136	111	1	487	66	120	120	3	371						
Misdemeanor Class 1	-17	-19	-3	39,056	128	106	1	706	27,431	145	128	1	766	24,831	126	104	1	681						
Traffic Class 1	6	1	-4	21,547	177	163	1	743	42,120	171	158	1	646	13,366	173	159	1	616						
Misdemeanor Class 2	-4	-5	-1	22,361	122	100	1	569	16,629	126	105	1	679	13,760	121	100	1	606						
Traffic Class 2	32	37	6	13,405	137	116	1	724	151,036	105	82	1	764	7,291	142	128	1	772						
Misdemeanor Class 3	-7	-11	-3	10,147	134	115	1	574	11,570	141	123	1	578	9,941	130	110	1	566						
Traffic Class 3	11	8	-2	218	159	150	11	482	892	149	134	2	521	145	157	147	9	467						
Felony Probation Violation	-12	0	11	5,815	249	223	1	788	1,673	260	235	1	782	3,815	260	244	1	778						
Felony Petition to Term. Sex Offender Reg.	6	32	26	4	60	48	20	126	12	54	45	21	148	1	86	86	86	86						
Misdemeanor Probation Violation	-5	-3	3	10,580	278	273	1	789	5,886	283	277	1	783	5,984	281	277	1	782						
Misdemeanor Community Service Violation	-18	72	90	97	319	283	149	758	190	337	327	20	747	41	409	408	166	743						
Misdemeanor Fail to Pay	11	95	84	326	284	269	2	666	281	273	263	17	690	96	367	349	51	695						
Misdemeanor Show Cause	N/A	N/A	N/A	11	94	99	7	199																
Misdemeanor Contempt	44	112	68	1,455	179	136	1	768	2,182	135	49	1	783	437	247	240	1	750						

Source: NC Office of Indigent Defense Services, Research Department, March 2011. ACIS Data extract provided by the Administrative Office of the Courts, Technical Services Division. Data includes all file numbers with at least one offense disposed in FY09 and warrant served date was January 1, 2008 or later. To avoid data distortions caused by "Failure to Appear" cases, data excludes File Numbers where the highest charge was Dismissed with Leave.