



TYRONE NELSON
CHAIRMAN

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ROBYN DE SOCIO
EXECUTIVE SECRETARY

COMMONWEALTH OF VIRGINIA

Compensation Board

P.O. Box 710
Richmond, Virginia 23218-0710

November 1, 2021

The Honorable Janet D. Howell
Chair, Senate Finance and Appropriations Committee
Pocahontas Building
900 East Main Street
Richmond, Virginia 23219

The Honorable Luke E. Torian
Chair, House Appropriations Committee
Pocahontas Building
900 East Main Street
Richmond, Virginia 23219

Re: Status Report on Progress of the Time Study Conducted by the National Center for State Courts of the Comprehensive Duties of Commonwealth's Attorneys & Study Participants (Chapter 552, Item 75 V.)

Attached is a status report identifying progress made in contracting with the National Center for State Courts (NCSC) to conduct a time study as to the comprehensive duties and responsibilities of Commonwealth's Attorneys' offices including, but not limited to, "in-court" obligations, the use of diversion programs and specialty dockets, expungement/rights restoration volume as well as other obligations reflected in the Code of Virginia (e.g. duties prescribed under §15.2-1627, et seq).

The attached documents in the status report include an overview of the time study process by the NCSC and a listing of participants that comprise the advisory committee; however, all Commonwealth's Attorneys and assistant Commonwealth's Attorneys will participate in the data collection portion of the time study. Additionally, the Compensation Board will work with the NCSC to conduct a meeting to involve other stakeholders such as legislative staff, the Virginia Association of Counties and the Virginia Municipal League, including presentations of the work underway. This involvement with other stakeholders is anticipated to occur between the two phases of the workload assessment, following the time study data collection and coinciding with the quality adjustment determination.

I will be pleased to provide you any additional information or brief you on this status report as you deem necessary; please feel free to contact me at (804) 225-3439 or robyn.desocio@scb.virginia.gov.

Sincerely,
Tyrone Nelson, Chairman

A handwritten signature in cursive script, reading "Robyn M. de Socio".

Robyn M. de Socio, Executive Secretary

Enclosure

MEMORANDUM

TO: Robyn de Socio, Executive Secretary, Compensation Board, Commonwealth of Virginia
FROM: Cynthia G. Lee, Principal Court Research Associate, National Center for State Courts
DATE: November 1, 2021
RE.: Virginia Assistant Commonwealth's Attorneys staffing standards update

The National Center for State Courts (NCSC) and the Virginia Compensation Board have finalized the language of a contract for NCSC to develop staffing standards for Virginia Assistant Commonwealth's Attorneys (ACAs) in accordance with the provisions of Chapter 552, Item 75, paragraph V, 2021 Special Session I Virginia Acts of Assembly. NCSC will conduct a workload assessment to develop a weighted caseload model that covers all statutory and discretionary responsibilities of ACAs. This weighted caseload model will then be translated into staffing standards for statutory responsibilities, along with separate guidelines for calculating the staffing needs associated with discretionary responsibilities.

An advisory committee has been established consisting of Compensation Board staff, Commonwealth's Attorneys, experienced Assistant Commonwealth's Attorneys, and other relevant stakeholders. The advisory committee will make all policy recommendations to the Compensation Board regarding the content of the final weighted caseload model and recommended staffing standards, informed by the data collected during the time study and quality adjustment process. The advisory committee is scheduled to meet on November 16 to finalize the time study design.

The staffing standards will be based on the workload associated with cases prosecuted, along with non-case-related responsibilities such as serving on committees established by statute. Caseload data to support the staffing standards will be provided by the Virginia Supreme Court Office of the Executive Secretary (OES). Cases will be counted in the same manner used for the judicial weighted caseload formula. Compensation Board staff, NCSC staff, and project advisory committee members met with OES staff on Friday, October 29 to discuss the specifications for caseload data. Types of cases that require more hands-on attorney work, such as those handled through drug courts, veterans' courts, and other specialty court programs, will receive greater weight in the staffing formula. Basing the staffing standards on workload rather than the number of sentencing events removes the influence of the number or rate of convictions from the standards.

The workload assessment will proceed in two phases. In the first phase, all attorneys will participate in a time study to track the amount of time they currently spend on various case types, case-related functions, and non-case-related work such as serving on task forces and committees. The time study will run from February 28 through May 29, 2022. Compensation Board staff and NCSC staff are scheduled to speak to elected Commonwealth's Attorneys about the time study during their executive conference on December 3, 2021; NCSC will also provide a series of training webinars for all time study participants. During the time study, attorneys will record all of their working time using a secure on-line timekeeping system provided by NCSC. NCSC will then calculate the average amount of time attorneys currently spend on cases of each type (preliminary case weights), as well as the amount of time spent on non-case-related and administrative responsibilities. The time study will distinguish between statutory and discretionary responsibilities. The analysis will also focus on the impact of specialty courts (e.g., drug courts), the use of diversion and other programs, and law enforcement's use of body-worn cameras on prosecutorial workload. The advisory committee will meet in early summer of 2022 to review the time study results.

The second phase of the workload assessment will focus on *quality adjustment*. To ensure that the final model incorporates sufficient time for attorneys to effectively fulfill the prosecution function, the quality

adjustment process will employ a statewide survey, focus groups, and a structured review based on the Delphi method to solicit feedback from attorneys across the state. The advisory committee will meet in late summer or early fall of 2022 to review the results of the quality adjustment process, finalize the weighted caseload model, and formulate recommendations as to the staffing standards. The project report will be submitted by October 31, 2022.

2021-2022 Staffing Standards/Time Study Advisory Committee

National Center for State Courts

Cynthia G. Lee, J.D., Principal Court Research Associate

Compensation Board Staff

Robyn de Socio, Executive Secretary

Charlotte Lee, Budget Manager

Virginia Association of Commonwealth's Attorneys

Colin Stolle, Commonwealth's Attorney, City of Virginia Beach (2021 VACA President)
Shannon Taylor, Commonwealth's Attorney, Henrico County (2021 VACA Vice President)
Gerald Arrington, Commonwealth's Attorney, Buchanan County
Buta Biberaj, Commonwealth's Attorney, Loudoun County
Donald Caldwell, Commonwealth's Attorney, City of Roanoke
Stacey Davenport, Commonwealth's Attorney, Chesterfield County
Parisa Dehghani-Tafti, Commonwealth's Attorney, Arlington County/City of Falls Church
Steve Descano, Commonwealth's Attorney, Fairfax County
Roy Evans, Commonwealth's Attorney, Smyth County
C. Phillips "Phil" Ferguson, Commonwealth's Attorney, City of Suffolk
Nate Green, Commonwealth's Attorney, James City County/City of Williamsburg
Benjamin Hahn, Commonwealth's Attorney, York County
Jeff Haislip, Commonwealth's Attorney, Fluvanna County
James Hingeley, Commonwealth's Attorney, Albemarle County
Beverly Leatherbury, Commonwealth's Attorney, Northampton County
Timothy Martin, Commonwealth's Attorney, Augusta County
Tracy Martin, Commonwealth's Attorney, Halifax County
Colette McEachin, Commonwealth's Attorney, City of Richmond
Joseph Platania, Commonwealth's Attorney, City of Charlottesville
Chuck Slep, Commonwealth's Attorney, Wise County
Gregory Underwood/Ramin Fatehi, Commonwealth's Attorney, City of Norfolk
Patrick White, Commonwealth's Attorney, Bland County

Amanda Howie, Administrator, Virginia Association of Commonwealth's Attorneys

Commonwealth's Attorneys' Services Council

Jane Sherman Chambers, Director