

Workforce Planning Implementation Committee
Initial Recommendations of the Levels of Review Subcommittee
July 7, 2016

Recommendation #3 relates to empowering supervising attorneys to exercise “significant discretion” and decision-making related to cases and teams. The recommendation implies the removal of the ACTC from decision making in “routine issues related to daily case management...including case dispositions decisions...”

Recommendation: CTC to give parameters/guidelines for charging and LOD so that everyone is working from the same basic principles, and within the priorities of the CTC. While there are Standards for discipline for attorneys, some are quite broad. Given that the person in the role of the CTC changes, each CTC may have variations of thought on charging and LOD.

Supervising Attorney (SA) Review/Approve

- Charging Memos (they are required in every case).
 - Training for SAs on purpose of Charging Memos.
 - If Charging Memo amended, memo or email is sufficient. Depends on the case.
 - If trial counsel believes case will proceed by default, limited Charging Memo/no analysis is sufficient until circumstances change
- NDC
- Stipulations – At least first draft
 - SA does not need to approve revised draft, unless changes are substantive
 - SA does not need to initial stip
- NTS OPN closures if there are concerns that a high number of cases are being closed at this stage
- Dismissal of Charges –If trial counsel wants to dismiss specific charges, does SA need to approve dismissal or is notification/discussions with SA sufficient (unless dismissal requires change in LOD then amended CM/memo required).

ACTC Continues to Approve SA Review/Approve

- Major case memos
- Assumption of jurisdiction practice
- A & R re-closures
- Dismissal of Entire case post filing

Calibration

- SA’s to meet and review CM’s and NDC’s
- Trial Team Meeting -Every designated major case should be on the agenda. SA’s to identify other cases to be on the agenda.
- “Senior Attorney Meeting” – This meeting is to identify cases to go up on appeal.

- Calibration Unit (part of Training Unit)
 - One SA
 - Review all stipulations and decisions
 - Distribute stips to all attorneys and internally post/make searchable
 - Calibration staff to work with training staff to address issues arising with consistency
 - Update stipulation manual
 - Develop charging guidelines/manuals
 - Communicate stip issues to staff
 - Coordinate/communicate issues at the appellate level including cases in which we are seeking review and arguments being advanced by appellate unit
 - Internal Audit to ensure teams are complying with office policy

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