

STANDARD FOR LIMITING CASE LOADS AND DETERMINING THE SIZE OF LEGAL STAFF IN CIRCUIT PUBLIC DEFENDER OFFICES

The Georgia Indigent Defense Act requires that the Standards Council adopt “standards for maintaining and operating circuit public defender offices, including *requirements regarding. . . size of legal and supporting staff* of such offices” (O.C.G.A. § 17-12-8(b)(1)), and “*standards for assistant public defenders and appointed council case loads.*” O.C.G.A. § 17-12-8(b)(3).

The Standards Council adopts as its initial standard¹ the case load limits recommended by the American Bar Association Standard 3 “Caseload Limits and Types of Cases.” This recommendation was adopted by the Georgia Indigent Defense Council (the predecessor of the Standards Council), and was also approved by the Georgia Supreme Court on November 9, 1998.

The Standard is as follows:

Each circuit public defender office shall employ, beginning on January 1, 2005, a sufficient number of full-time, qualified lawyers as public defenders, so that the average council case loads of the circuit public defender, and of each assistant circuit public defender, shall not exceed the following limits:

150 Felonies (excluding those in which the death penalty is being sought) per attorney per year, or

300 Misdemeanor Cases per attorney per year, or

250 Juvenile Delinquent Act Proceedings per attorney per year.

60 Juvenile Dependency Clients per attorney per year, or

¹ The Standards Council intends to review this Standard as soon as it is able to accumulate reliable statistical data that reflects the actual case loads (both numerical and hourly) of public defenders employed in each Circuit Public Defender Office, and may modify these numerical limits or adopt weighting criteria as the Standards Council deems appropriate.

**250 Civil Commitment Cases per attorney per year, or
25 Appeals to the Georgia Supreme Court or the Georgia Court of Appeals
per attorney per year.**

The standard applicable to each category of cases is not a suggestion or guideline, but is intended to be a maximum **limitation** on the average annual case loads of each lawyer employed as a public defender in the Circuit Public Defender Offices. These limits **are not** intended to be cumulative or aggregated (*e.g.*, an attorney may not represent defendants in 150 felonies *and* 300 misdemeanor cases per year), but should be applied proportionately in the case of an attorney whose case load includes cases in more than one category, based on the relative **weight** attributed to each case in each category under the Standard for Weighting Cases to be adopted by the Standards Council.

Legal Authority: O.C.G.A. § 17-12-8(b)(1); O.C.G.A. § 17-12-8(b)(3).

Adopted by the Georgia Public Defender Standards Council on November 21, 2003 and ratified on August 27, 2004.