



Montgomery County Government

June 24, 1987

M E M O R A N D U M

TO: County Council

FROM: Andrew Mansinne, Jr., Director
Office of Legislative Oversight

A handwritten signature in cursive script, reading "Andrew Mansinne, Jr.", written in dark ink.

SUBJECT: Office of Legislative Oversight Memorandum Report: The
Work Management System of the Office of the County Attorney

PURPOSE. To provide the County Council with a report on the
County Attorney's Work Management System.

AUTHORITY. Council Resolution No. 11-97, subject: CY 1987
Work Program of the Office of Legislative Oversight, adopted
February 24, 1987.

BACKGROUND. Included in the CY 86 work program of the Office
of Legislative Oversight, was a project to review the process
within the County Attorney's Office to manage and measure
workload. Initial work on that project in early 1986 revealed that
the County Attorney was in the process of designing and instituting
an automated work management system. The Council was so informed,
the project was postponed for a year and then included in the CY
1987 OLO work program.

DISCUSSION

1. The Work Management System, which was initiated in the
Office of the County Attorney in March 1986, is an automated
process utilizing the WANG Alliance system. The Work Management
System provides the County Attorney with necessary document
management, processing and retrieval functions, and produces hard
copy reports in four principal categories:

- Correspondence, document and case control
- Workload statistics
- Real time status of actions and cases
- Retrieval of historical data

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2. Cases and correspondence, either originating in the Office of the County Attorney or received into the Office, are entered into the system under one of 16 individual action categories. Examples of these categories include: bond review, code enforcement, contract review, and request for an opinion. At Exhibit A is a complete list of the action categories.

3. Within each of these 16 action categories, over 50 separate information entry fields are available to more precisely identify, catalogue and record specific information relating to the action or case, and to establish document control. Some of the informational entries are common to each of the 16 action categories (identification number, type of action, date action received, etc.); while other entries have application to specific action categories (team assignment, days in office, date out of office, etc.). At Exhibit B is a complete list of the informational entry fields.

4. The Work Management System provides the County Attorney with an automated records processing capability that is electronically integrated with a word processing system. Under the 16 action categories and their associated information fields, management is able to obtain real time status (visually and in hard copy) on the myriad pieces of correspondence, requests for information and opinions, cases and other actions within the office. Information from the Work Management System can be retrieved and aggregated in a variety of formats. For example, by category of action, by team, by individual attorney and by office total. The system is operated primarily by administrative support staff; however, attorneys are also trained to input into the system and retrieve data from the system's visual memory.

5. The Work Management System is, however, not a work measurement system. The system is not capable of analyzing and comparing the degree of difficulty and complexity associated with each particular case or action (such as, litigation preparation, request for a legal opinion, or contract review for form and legality). Nor does the system record information which would enable management to appraise and evaluate individual work performance or individual and office productivity. For example, the system is capable of counting and reporting in a variety of formats (number of contracts, number and type of court cases, requests for opinions, workmen's compensation actions, self-insurance actions by agency, etc.); also it can assign due-dates when actions are to be completed; and, finally, it can report the "days in office" of a particular action. However, the system does not capture or record the actual time an attorney or staff spends on a particular case or action.

6. Evaluation of individual work assignments and performance are accomplished in the Office of the County Attorney through the traditional subjective management practices of daily personal observation, review of work product, and annual written performance appraisals. The process is facilitated by organizing the Office into six teams; an office administration team and five function teams; Claims (self-insurance), Personnel/Civil Rights, Finance (tax and contracts), District Court (code enforcement and juvenile), and Land Use (land acquisition and management, zoning and enforcement).

7. For the past two fiscal years, the Recommended Operating Budget has included a pie chart which represents in the best subjective judgment of the County Attorney the workload distribution by team functional area and specific agency/department served. The FY 85 and FY 86 County Attorney workload statistics, as recorded in the Recommended FY 87 and FY 88 Operating Budgets, respectively, are reproduced at Exhibit C. A comparison and analysis of the data is not possible because workload by function and agency/department for FY 86 was aggregated and not presented in the same detail as for FY 85.

8. The County Attorney considered then rejected instituting an automated system commonly found in private law firms which enables professionals, para-professionals and administrative staff to keep a record of the actual time devoted to legal and administrative activities. The reason stated for not incorporating such a system in the Office of the County Attorney is that the effort required to record time spent performing each of the various activities is non-productive. The primary benefit of such a system is that it facilitates detailed billing of clients. In addition, the system has the added value of recording the type of legal activity being performed and the time spent on each activity; hence the system can assist management to plan future workload and to evaluate performance and productivity. Because private firms must consider the profit motive, it is cost-effective for them to have a time and billing system.

OTHER JURISDICTIONS

1. A survey of other public law offices in the local area indicates that each has its own unique automated work management system. However, they are very similar to the County Attorney's Work Management System in that they are designed to function primarily as a document management, processing and retrieval system, and not to measure individual productivity or to evaluate individual attorney performance. None of the public law office uses any of the various time and billing software packages found in private law firms. Outlined below are three examples: the State's Attorney office, Prince George's County and Fairfax County. In addition, Baltimore and Arlington County law offices reported having systems similar to these three.

2. The State's Attorney Office. Using the Montgomery County Criminal Justice Information System (CJIS), the State's Attorney can track and retrieve workload data for each individual prosecutor, for each type of crime or court, and in the aggregate for the whole office. The CJIS system is capable of generating a variety of reports which give the State's Attorney management information on criminal cases in the Circuit Court, trial count by prosecutor, type case by FBI Criminal Code, etc. To date, the system has not been used in evaluating individual performance, but such a use is planned.

3. Prince George's County. The Prince George's Office of Law has a Xerox automated information processing system which is used for correspondence control, case tracking, and for retrieval of

historical data. The system records workload by classification of activity, responsible attorney, department served, etc.; but, like our County Attorney's Office, the system is not designed to weigh the degree of difficulty of the different functions and activities or to use it to measure productivity and analyze performance.

4. Fairfax County. The Fairfax County's Office of the County Attorney also uses a WANG Alliance system and a number of WANG microcomputers with records processing software. The system is capable of creating memoranda, letters, and hard copy reports on the number of cases opened and closed, assignments, statistics, etc. Again, the Fairfax County Attorney's Office automated system is not used to evaluate individual attorney performance.

OTHER MATTERS. In addition to in-house attorneys, the Office of the County Attorney contracts for counsel to work on special legal matters. The activities of each specific special counsel is not captured in the Work Management System, but is maintained on a stand alone microcomputer which maintains a record for billing purposes. The expenditures for special legal counsel for the most recent fiscal years are:

<u>Fiscal Year</u>	<u>Expenditures/Budget</u>
FY 86	\$841,361 (actual)
FY 87	\$246,155 (actual as of 5/6/87)*
FY 88	\$175,000 (budgeted)

(*FY 87 total budgeted \$333,700)

CONCLUSIONS

1. The Office of the County Attorney has recently instituted an automated work management system to provide document and case control, maintain workload statistics, real time status of actions and cases, and retrieval of historical data.

2. As presently designed, the work management system is not a work measurement system in that it is neither capable of measuring or analyzing the complexity of individual cases and actions, nor of evaluating individual work performance or individual and office productivity.

3. The work management system, with its ability to "count" activities and retrieve historical data, will enable management to more accurately report the annual workload of the County Attorney's office.

4. Five public law offices in the local area use automated work management systems with operational capabilities similar to the County Attorney's system and with the same inability to measure individual performance and productivity.

RECOMMENDATION. Now that the Office of the County Attorney has an operating automated Work Management System, efforts should be made to enhance the system so that it is capable of recording and reporting attorney and staff time required to perform specific actions and activities thus giving management an objective measurement of individual performance, individual and office productivity, and an assist in projecting future workload.

DEPARTMENT COMMENTS. Before submitting this Memorandum Report to the County Council, a draft copy was provided the County Attorney. The comments of the County Attorney, presented below, are considered in this final copy. As an example, conclusion #3 on page 4 has been rewritten to reflect the County Attorney's concerns.

M E M O R A N D U M

June 19, 1987

TO: ANDREW MANSINNE, JR., Director
Office of Legislative Oversight

FROM: PAUL MCGUCKIAN 
County Attorney

RE: OLO Memorandum Report: Work Management System in the
Office of the County Attorney

Thank you for the opportunity to review your draft report dated June 16, 1987. As indicated to you in earlier telephone conversations, this office agrees with the majority of observations and conclusions drawn in the report.

We do not agree, however, with the recommendation contained at the end of the report. This recommendation is to modify the present work management system to capture attorney and staff time requirements for each of the literally thousands of activities each year in the work management system. Not only is this recommendation unsupported by the findings and conclusions within your report, including practices of other public law offices, but also it is contrary to our experience and professional judgment with respect to the ability and usefulness to meaningfully measure attorney and staff time required to perform civil actions and activities.

In addition, we are unaware of any municipal law office throughout the United States which uses similar time measurement systems as that recommended. We are members of various organizations, including NIMLO and MACO, through which we regularly discuss such matters with our counterparts; all have come to the same conclusion with respect to the irrelevance of such time-keeping practices. Of course, this does not apply to part-time counsel hired by municipalities who charge the municipality by the hour and otherwise maintain time records for outside practice, profit purposes.

In the past, we have attempted time-keeping by individual attorneys, on a trial basis. We have found such time-keeping to be extremely time-consuming and very unproductive. The bottom line is that detailed time-keeping records by attorneys is useful and justified only for billing purposes; to the extent that you are not involved in dollar generation (such as in private practice) or faced with overriding

ANDREW MANSINNE, JR., Director
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needs to "charge back" your time, such time-keeping practices are totally unjustified.

Moreover, we have found that the mere recording of time, associated with a particular activity or case, is irrelevant to evaluation of performance or workloads in the office. Because each activity and case is unique, requiring application of professional skills to produce a professional product, the comparison of efficiency and quality of work between activities, cases or attorneys is meaningless. Moreover, because this is not a profit-oriented office, but rather a support office, directions and changes to workloads, including personnel practices with respect to workloads, is not possible. In this respect, your Conclusion number 3 on page 4 is somewhat unclear; it states that "annual workload" of the office is determined through traditional subjective management practices, etc. In fact, annual workload is determined by what is sent to this office from departments, the Executive, the County Council, and third party citizens and attorneys. We cannot make decisions as to whether or not to take the case based on economic value (and such considerations as time versus billing), but rather we must take all cases, assignments and activities and attempt to perform them all in a highly professional level manner, on a timely basis.

In terms of evaluation of personnel, it is true that we continue to rely on traditional subjective management practices, exercising our own professional judgment to apply a yardstick against another professional's performance, in order to determine quality of work product and overall quality of performance. Experts in the field agree that it is impossible to meaningfully compare and evaluate professionals based on so-called "objective" evaluation criteria where each attorney is engaged in completely separate and unique activities (e.g., contracts versus litigation) and even each similar activity presents unique circumstances (complex auto negligence defense litigation versus defense of court action challenging validity of a tax law). In summary, it is impossible to meaningfully compare and evaluate attorneys based on such criteria as are recommended to be developed in this report.

The type of recommendation which is made in your report is not dissimilar from an initial recommendation made several years ago by the Office of Management and Budget. To support their recommendation, the Office of Management and Budget sent experts to our office to analyze the operation of the office and to implement a system for recording attorney and staff time required to perform specific actions and activities. The aim was to develop various performance measures and evaluation tools.

At the end of this exercise, the experts concluded that this was not a meaningful use of attorney or staff time in this office and rejected the initial recommendation. This was particularly as a result of comparison of our work with work of the federal government attorneys and the conclusion of inapplicability of federal government performance measurement systems to the work of personnel in our office.

Although we are strongly opposed to your recommendation, we would note that the work management system will be useful in the coming years in measuring gross quantities of work, by category. As we indicated to you, the work management system is very useful in counting various specific activities; it is not designed nor will it produce a measurement of the quality of those activities. This counting feature will become useful after the establishment of "base counts" for various activities. When activities are "counted" in succeeding years, trends can be identified in terms of gross numbers, and thus a measurement of workloads and projections can be developed.

Again, we concur with the great majority of your report and thank you for your cooperative spirit in which you worked with our staff and prepared it. If there are any existing systems in the public sector which can capture the type of elements which you recommend to be measured without undue burden on attorneys and staff, we would be very happy to receive it and consider using that system.

Finally, thank you for this opportunity to comment on your report.

cc: Chief Administrative Officer
County Attorney
Director, Office of Management and Budget
State's Attorney
Assistant to the CAO
Council Staff Director

Attachments: Exhibits A through C



Office of the County Attorney
Work Management System

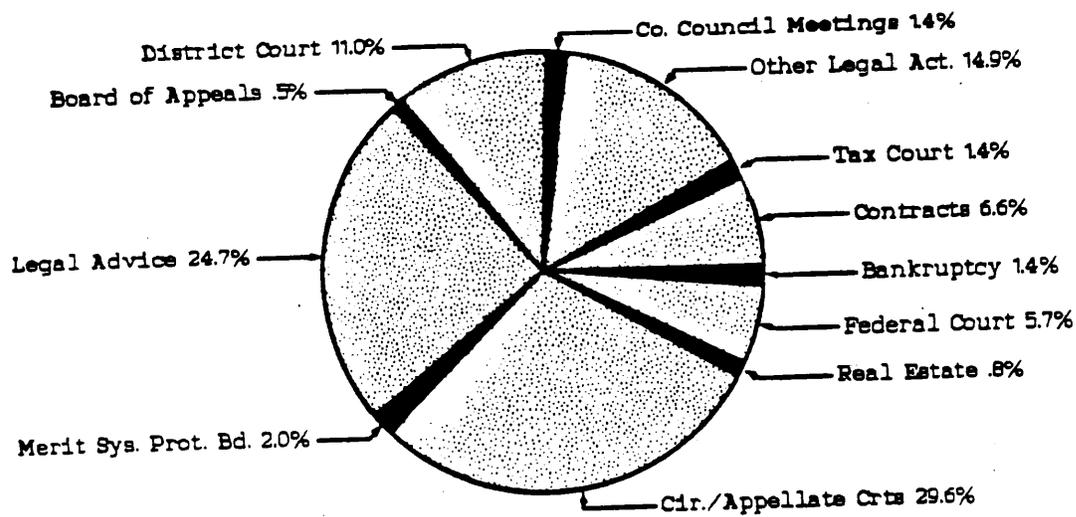
Action Categories

1. Authority Request
2. Bankruptcy
3. Contract Review/Draft Request
4. Draft Response Request
5. Code Enforcement
6. Bond Review
7. Notice of Claim
8. Tax Assessment Appeal
9. Draft/Review Legislation/Regulations
Requests for Approval of Opinions
Drafted by Administrative Agencies
10. Non-Self Insurance Fund Litigation
11. Opinion Request
12. Personnel Action Review
13. Real Estate Document - Draft/Review
14. Self Insurance Fund Litigation
15. Tax Collection
16. Workmen's Compensation

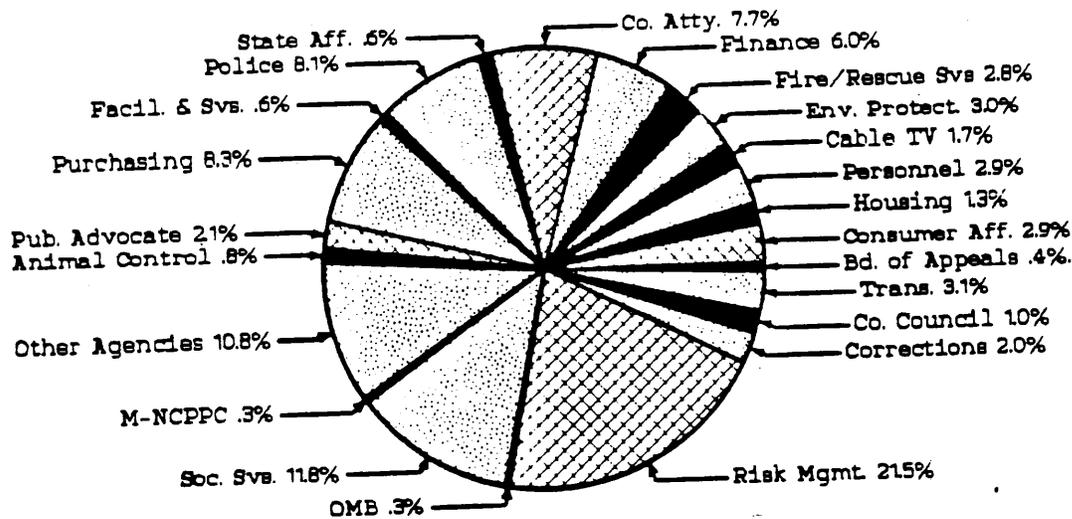
Office of the County Attorney
Work Management System
Information Fields List

1. COUNTY ATTORNEY ID:
2. DATE RECEIVED: / /
3. SENDER:
4. DEPT/AGENCY:
5. SIF AGENCY:
6. TYPE:
7. TEAM:
8. CONTROL NO.:
9. NO. OF CONTRACTS/BONDS:
10. TYPE W/C:
11. DUE DATE REVIEW: / /
12. STATUS:
13. ATTORNEY ASSIGNED:
14. DATE ASSIGNED: / /
15. CASE CAPTION:
16. COURT/FORUM:
17. CASE NO.:
18. RESERVE:
19. DEMAND:
20. SETTLEMENT AUTHORITY:
21. DATE OF ACC/VAL/OCC:
22. TRIAL DATE: / /
23. CO CODE REF:
24. TYPE OF LIT:
25. DISPOSITION:
26. FMV ASSESSED:
27. FMV BY T/P:
28. TAX CLAIMED OWED:
29. FMV RESULT:
30. TAX COLLECTED:
31. CONTRACT/PA STATUS AT CLOSE:
32. DATE OUT: / /
33. DAYS IN OFFICE:
34. DESCRIPTION OF CASE:
35. QUESTION PRESENTED:
36. ANSWER GIVEN:
37. DESCRIPTION OF RESULT:
38. CONTRACT NAME:
39. CONTRACT TYPE:
40. PERSONNEL ACTION DESCRIPTION:
41. EMPLOYEE IN ACTION:
42. PREVIOUS ASSESSMENT:
43. PROPERTY ID NO.:
44. INDIVIDUAL CLIENTS:
45. OPPOSING PARTIES:
46. OPPOSING ATTORNEYS:
47. PLEADINGS/WORK PRODUCT 1:
- (48. Omitted)
- (49. Omitted)
50. TEAM SUBJECT CODE:
51. TEAM ACTIVITY CODE:
52. TEAM LEADER REVIEW DATE:
53. TEAM LEADER REVIEW PURPOSE:

County Attorney's Office Workload by Function - 1985

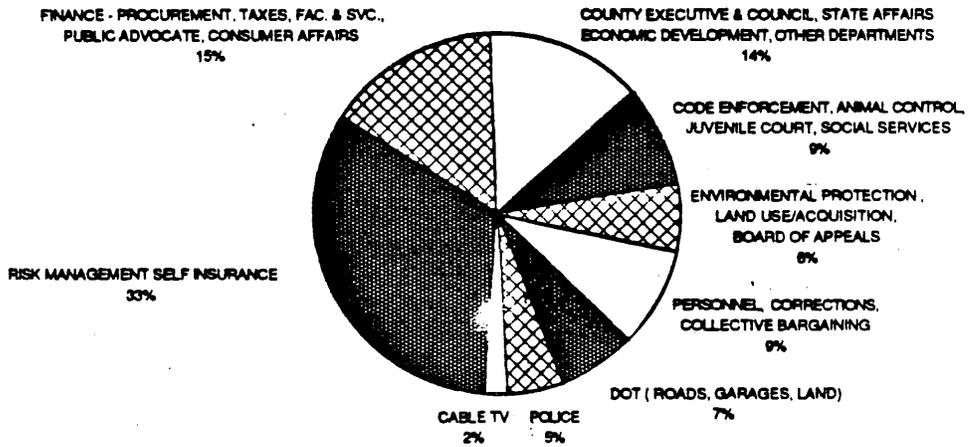


County Attorney's Office - 1985 Department/Agency Workload



(Source: Extract of the Recommended FY 87 Operating Budget)

COUNTY ATTORNEY'S OFFICE
FY 86 Department/Agency Workload



(Source: Extract of the Recommended FY 88 Operating Budget)