

Lawyer Activities and Their Impact¹

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Abstract

Drawing from the QIC data, this chapter identifies major activities of a child representative across diverse groups and identifies qualitative distinctions across attorneys. This chapter examines the interrelationships among the different behaviors and draws conclusions about types of practice behaviors. This is important for two reasons: it informs our understanding of child representation practice *and* helps us put into perspective different practice behaviors across QIC groups.

9.1 Introduction

Research results presented in this chapter begin to fill the gap in knowledge about what the child's representative does and when, and how those activities vary depending on the characteristics of the case and the attorney. It is based on the periodic, child-specific surveys completed by attorneys from 2012-2015 as described in Chapter 7. The findings in this chapter are based on a random sample of cases from the QIC-ChildRep sample and only includes children from that group who were placed into substitute care between Feb 1, 2012 and October 1, 2014 and whose dependency cases had been assigned to participating attorneys prior to, or during, children's first two years in substitute care. The final analytic sample includes 166 attorneys (Washington: 94, Georgia:

1. Abridged from Andrew Zinn and Britany Orlebeke, *The Nature and Determinants of ChildRepresentation Practice in Child Welfare Cases* [in press, Family Court Review].

72) representing 745 children (Washington: 509, Georgia: 236) within 36 jurisdictions (Washington: 22, Georgia: 14).

These findings give legislators, court staff and policy-makers seeking to provide and improve upon the delivery of legal services an understanding of what these attorneys do in practice and how that varies across cases and attorneys. These findings also allow attorneys to compare how they serve their child clients compared with their peers doing similar work.

While much has been said about what child representatives *should* do, there has been little research about what child representatives *actually* do in practice.² Although there have been several attempts to indirectly measure the activities of child representatives, there has yet to be any published study examining these activities on a case-by-case basis.

Before discussing the significance or implications of these findings, there are several important limitations of these analyses. First, because attorneys report on their own activities, these data may be subject to recall or social desirability bias. Second, as with the characteristics of attorneys presented in Chapter 8, the sample for the study comes from a limited set of jurisdictions. If the circumstances of child representation (e.g., case characteristics, attorney characteristics, and context-level constraints) in these states differ from those of other jurisdictions, the applicability of these findings to other jurisdictions is limited. Third, the study design is observational not experimental.

This means that the associations between attorney-level and child characteristics and attorney activity rates may not reflect the influence of those characteristics but may be associated with an unmeasured characteristic. Finally, these data contain no case-level characteristics beyond child demographic characteristics and placement history. Thus if certain types of attorneys (e.g., inexperienced or particularly experienced in a certain type of case) are more likely to be assigned certain types of cases, the findings

The QIC-ChildRep attorney activity surveys provided periodic, child-specific information about:

- Contact with child clients
- Contact with children's family members
- Contact with proximate collaterals like caseworkers and parent attorneys
- Contact with distal collaterals like teachers and medical doctors
- Time spent on investigation activities and document review
- Time spent on legal case preparation activities like review of court files and developing a theory of the case

2. Daniel P. Gallagher. *Child Abuse and Neglect Cases in the Colorado Courts 1996-2000: A Reassessment*. Denver: Colorado Court Improvement Committee, Colorado Judicial Branch (2002); Judicial Council of California. *Dependency Counsel Caseload Standards: A Report to The California Legislature*. San Francisco: Judicial Council of California, California Administrative Office of the Courts (2008).

concerning the relationships between attorney characteristics and activity levels could be skewed.

Finally, the significance of the findings depends on whether or not the differences observed are meaningful with respect to either process or child welfare outcomes. Some of the differences are statistically significant, but small. Judging whether or not an increase in contact or time spent on activities of the magnitudes identified has meaning is beyond the scope of these analyses.

9.2 More about Samples and Data

Chapter 7 describes the sources for survey and child-specific data. This study uses information about attorneys themselves from the baseline survey, information about attorney activities from the milestone surveys, and demographic characteristics and substitute care histories of children represented, including the type of substitute care placement in which children were placed at the point in time that milestone surveys were administered.

The milestone surveys were administered at regular intervals after a dependency case was assigned to an attorney. Specifically, an initial survey (i.e., assignment survey) was administered within approximately 45 days of case assignment. Then, if a child's dependency case remained open, two subsequent surveys (i.e., review surveys) were administered at approximately 180-day intervals.³ The response rates for the baseline and milestone surveys were, respectively 89.2 and 86.3 percent.⁴

The milestone surveys contained two series of questions about activities engaged in on behalf of individual dependency cases. In the first series of questions, attorneys were asked about the frequency of contact between the attorney and various parties, including child clients, children's family members, and various collateral contacts like case-workers, parent attorneys, and teachers. The response options for these questions were specified as 4-level interval scales, ranging from none or not applicable to more than 5 times. In the second series of questions, attorneys are asked about the amount of time spent engaged in various case-related activities, including assessment, investigation, and legal case preparation. The response options for these questions are specified as 5-level interval scales, ranging from none to many.

For both series of questions, the specific rosters of items differed somewhat across the two sample states. For example, in the surveys administered to attorneys in

3. In Washington State, surveys were also administered when specific legal events occurred, including the issuance of a dispositional order, termination of parental rights order, and exit from substitute care.

4. Britany Orlebeke, Xiaomeng Zhou, Ada Skyles, and Andrew Zinn. *Evaluation of the QIC-ChildRep Training and Coaching Intervention for Child Representatives*. Chicago: Chapin Hall (2016); Britany Orlebeke, Andrew Zinn, Donald N. Duquette, and Xiaomeng Zhou. *Characteristics of attorneys representing children in child welfare cases*. *Family Law Quarterly*, 49(3), 477-507 (2015).

Response options for “frequency of contact questions” were:

- none / not applicable
- 1 time
- 2 - 3 times
- 4 - 5 times
- more than 5 times

Response options for “time spent” questions were:

- none
- about a half hour or less
- about an hour
- several hours
- many hours

Washington State, there was a question about the frequency of contact with a child’s “biological parents,” whereas the surveys administered to attorneys in Georgia contained separate questions about contact with a child’s “biological father” and “biological mother.”

9.3 Analysis Approach

The analysis uses attorney responses on the activity-related survey questions to calculate monthly rates for each activity type. These rates (either singly or in combination with other related activities) are used as the dependent variables in a series of mixed-effect regression models. Also, these models enable us to explore the influence of various case- and attorney-level factors on attorneys practice activities, and to examine the degree to which the overall variability in practice activities is attributable to attorneys per se.

The monthly rates are derived from each survey response as follows. First, based on the response options for each set of questions about attorney activities, we assign numeric values to each response. Because the response options for these two sets of questions are different, however, the values assigned to each set also differ: frequency of contact with various parties (none / not applicable = 0; 1 time = 1; 2 - 3 times = 2.5; 4 - 5 times = 4.5; and more than 5 times = 6), time spent engaged in various case-related activities (none = 0; about a half hour or less=.5; about an hour=1; several hours=3; many hours=5). Second, in order to account for the fact that the time between survey administrations varies from case to case, we divided these assigned numeric values by the time since the last survey and then multiplied that result by thirty, which yields a monthly rate.

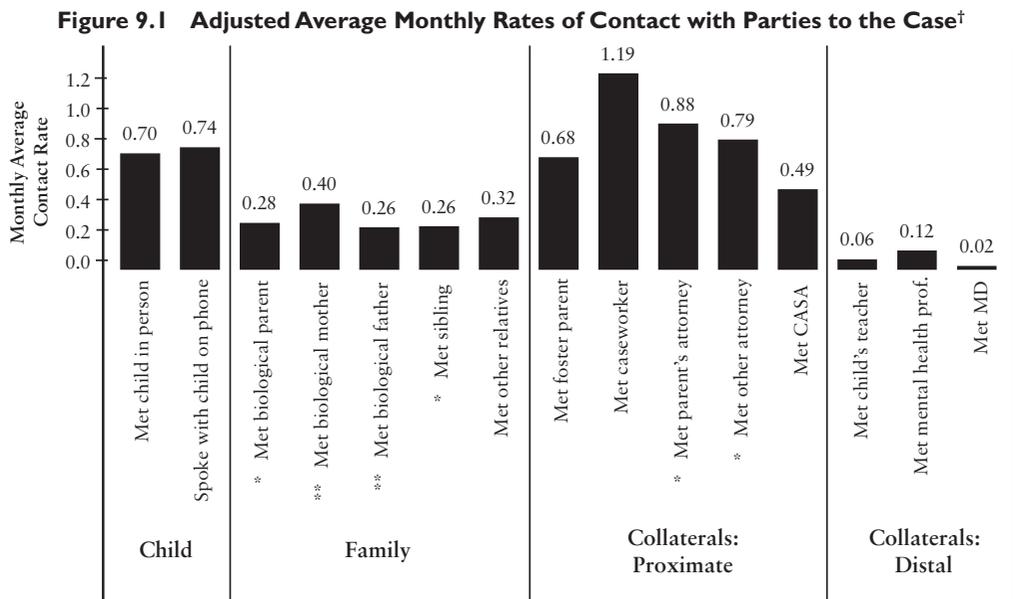
The first set of models are used to calculate the average monthly rate for each activity type, controlling for state, length of time in substitute care at the time of the survey, and survey type. The resulting adjusted averages correct for any biases that may occur as a result of differences in the number of completed surveys across states, survey types, and time in care. The second set of models are used to estimate the prevalence of each activity type; specifically, the average likelihood that a particular contact or activity ever occurred during the past six months (or since the prior survey). Like the first set of models, these include covariates for state, length of time in care, and survey type. These

models also provide an analysis of how the rate of each attorney activity varied as a function of care spell time.

In the final set of models, monthly rates of individual activity types are averaged to create composite monthly rates for several substantive categories of attorney activities. (See Text Box on page xx). The extent to which child-level characteristics are associated with different activity levels is analyzed and then the extent to which attorney-level characteristics are associated with different activity levels is analyzed. These final models allow inferences about the relative influence of attorney-level characteristics, net of the influence of case-level factors, on the average rates of contact and time spent per case. For example, after controlling for child-level characteristics like age and time in care, we found that attorneys working for private, non-profit law firms report higher levels of in-person contact with children than attorneys working in other settings.

9.4 Attorney Activities: How Often and How Much

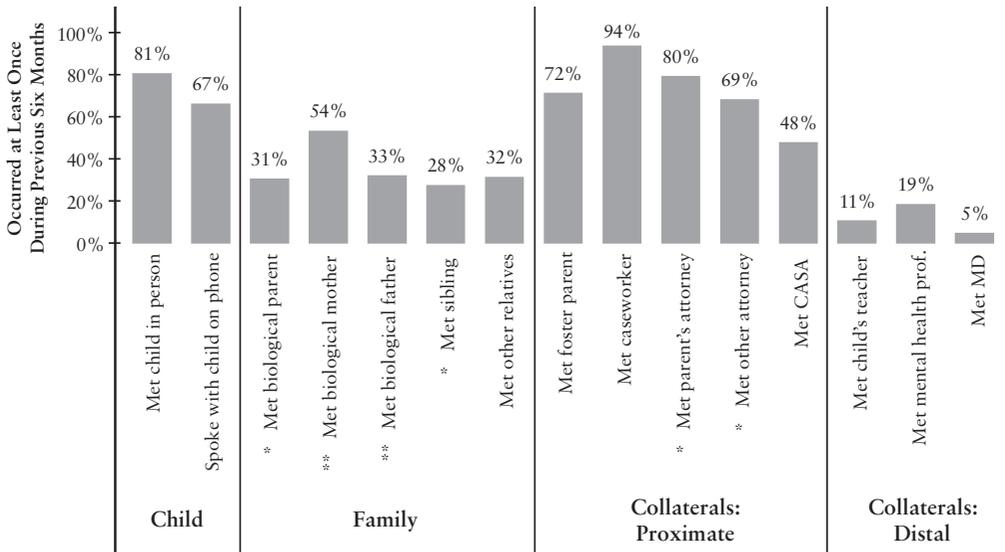
Figure 9.1 shows the adjusted average monthly rates of contact with parties to the child’s case. This monthly rate is interpreted as the average number of contacts per month per case. Figure 2 shows, for the same contact types, the percent of attorneys who had at least one contact within the past six months. Meeting with proximate collaterals (Figure 9.1) is the most common type of contact reported by sampled attorneys. For example, an average of 94% attorneys report that they had met with case workers in the last six months or since the prior survey, for an average of 1.19 meetings



* - Washington only, ** - Georgia only.

[†] Monthly adjusted-average based on the intercepts of the initial mixed-effect models. Estimated are adjusted for state, time in care, and survey type.

Figure 9.2 Attorneys with at Least One Contact with Parties to the Case in Last Six Months†



* - Washington only, ** - Georgia only.

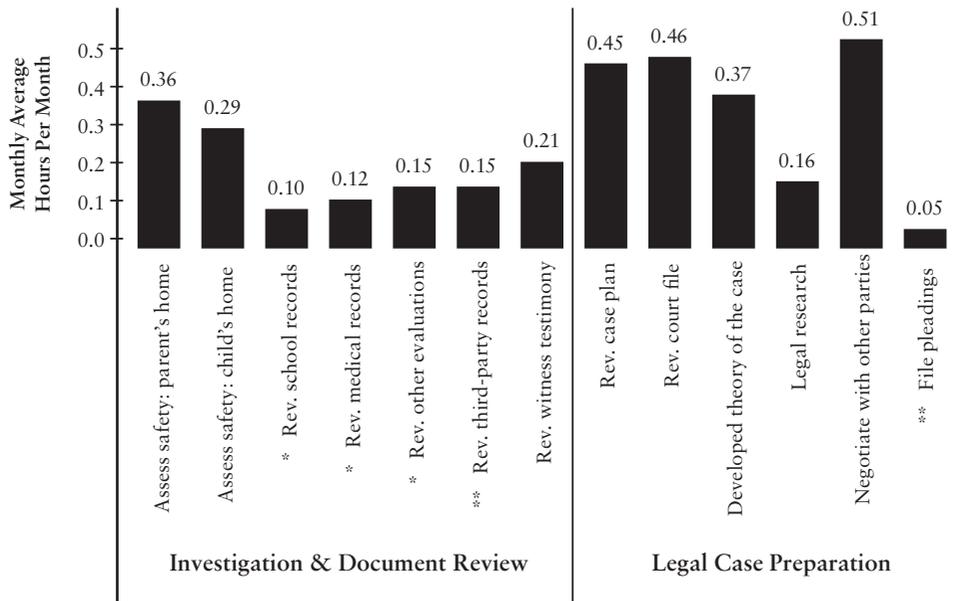
† - Monthly adjusted-average based on the intercepts of the initial mixed-effect models. Estimated are adjusted for state, time in care, and survey type.

per month. Also, large majorities of attorneys report having met with foster parents (72%) parents’ attorneys (80%), and other attorneys (69%) at least once in the last six months. In total, attorneys report an average of 4.03 contacts per month with proximate collaterals.

Attorneys also report relatively high rates of contact with their child clients. For example, at each survey, about four-fifths (81%) of attorneys report having met in person with their child client, for an average of 0.70 meetings per month. At the other end of the spectrum, very few attorneys report meeting with distal collaterals like teachers (11% during prior 6 months, an average of 0.06 times per month) and medical doctors (5% during prior 6 months, an average of 0.02 times per month). In total, the average rate of contact with children’s family members (1.52 times per month) is also relatively low, at least in comparison to the rates of contact with other parties. For example, less than a third of attorneys report having met with siblings (28% during prior 6 months, average of 0.26 times per month) or other relatives (32% during prior 6 months, average of 0.32 times per month).

Figure 9.3 shows the adjusted average monthly hours per month of activity on behalf of the child’s case. These monthly rates are interpreted as the average number of hours per month per case. Figure 934 shows, for the same activity types, the percent of attorneys who spent at least some time on that activity within the past six months.

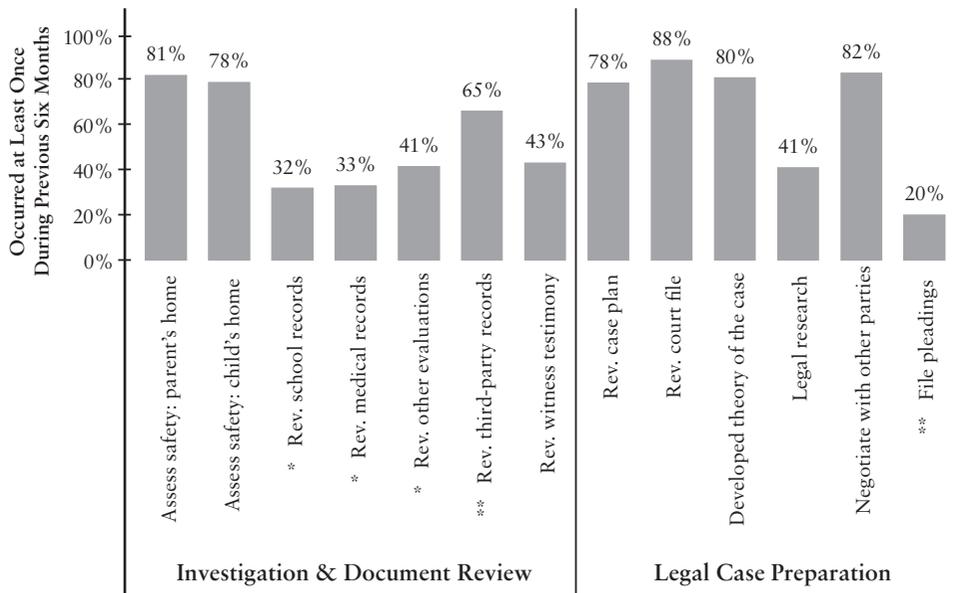
Figure 9.3 Other Case Activities: Adjusted Average Hours Per Month†



* - Washington only, ** - Georgia only.

† - Monthly adjusted-average based on the intercepts of the initial mixed-effect models. Estimated are adjusted for state, time in care, and survey type.

Figure 9.4 Attorney Activities that Happened at Least Once in Last Six Months†



* - Washington only, ** - Georgia only.

† - Monthly adjusted-average based on the intercepts of the initial mixed-effect models. Estimated are adjusted for state, time in care, and survey type.

Attorneys report spending more time on legal case preparation activities (avg. of 2.01 hours per month) than investigation and document review (avg. of 1.38 hours per month). The case activities on which attorneys report spending the most time include negotiating with other parties (average of 0.51 hours per month), reviewing case plans (average of 0.45 hours per month), and reviewing court files (average of 0.46 hours per month).

There are also considerable differences in the rates of activities within substantive activity categories. While certain types of legal case preparation activities, like reviewing court files and negotiating with other parties appear to consume a greater amount of attorneys' time, others, like legal research (41% spent at least some time during prior 6 months, average of 0.16 hours per month), consume much less time.

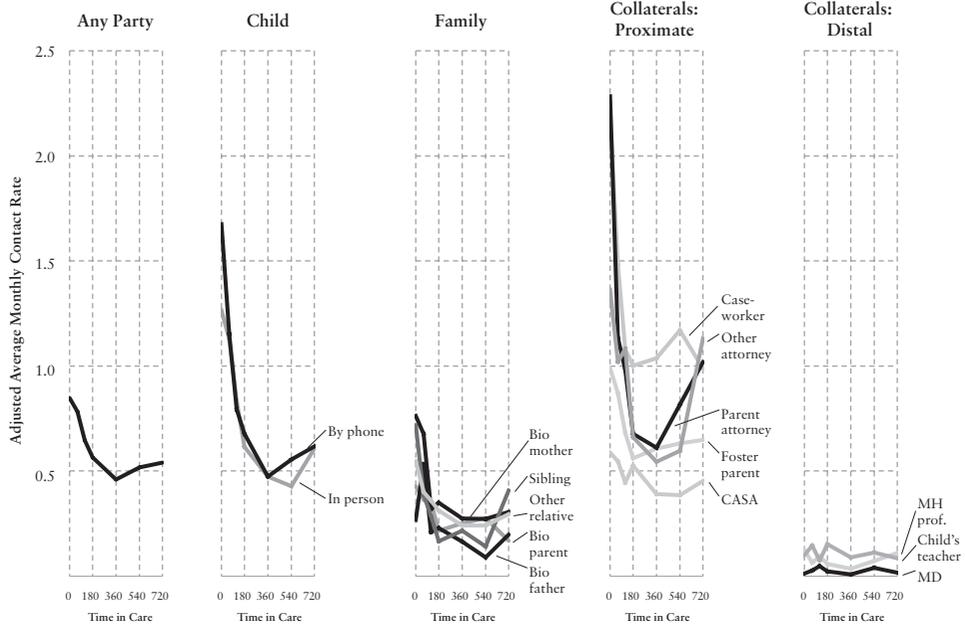
Similarly, while certain types of investigation and document review activities, like assessing the safety of the homes of parents (0.36 hours per month) and children (81% spent at least some time during past 6 months, average of 0.29 hours per month), appear to occupy a greater proportion of attorneys' time, others like review of school (32% during prior 6 months, average of 0.10 hours per month) or medical (33% during prior 6 months, average of 0.12 hours per month) records consume much less time.

9.5 Timing of Attorney Activities

Figures 9.5 and 9.6 present the average monthly rates for each activity type by time since entry into substitute care. Figure 9.5 presents the average rates for the survey questions about contact between attorneys and different parties, and Figure 9.6 presents the average rates for the questions about other types of case activities. The y-axis of each chart indicates the average monthly activity rate, and the x-axis indicates the time since children have entered care. The shape of each curve describes how the rate of each activity varies as a function of time since a child enters care. For example, in the chart under the heading "Child" in Figure 9.5 are plotted the rates of in-person and phone contacts between attorneys and their child clients. These curves indicate that the level of contact between attorneys and children is highest at the point in time that children enter substitute care. For both types of contact, the monthly rate then decreases steadily through the first year in care, and subsequently rebounds somewhat during the second year in care.

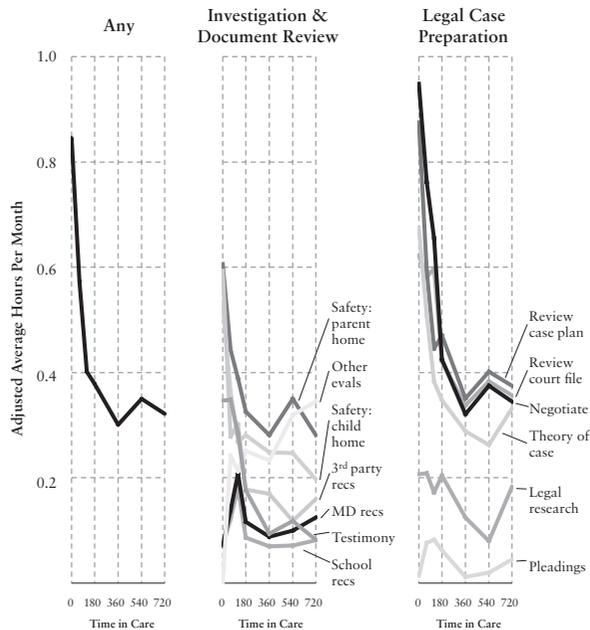
This general pattern—relatively steep decline in activity during the first year followed by a partial recovery during the second year—is also observed for many other types of attorney activities. However, there are several notable departures from this pattern that warrant discussion. First, the average rates of contact with all types of distal collaterals (fifth panel of Figure 5), start and remain low throughout the two-year observation period. Second, there are several types of activities for which the rates start low and subsequently increase. For example, unlike contact with other relatives (third panel of Figure 9.5), the average rate of contact with biological fathers doubles during

Figure 9.5 Contact with Parties: Adjusted Average Monthly Rate by Time in Care[†]



[†] - Monthly adjusted-average based on the intercepts of the initial mixed-effect models. Estimated are adjusted for state, and survey type.

Figure 9.6 Other Case Activities: Adjusted Average Hours Per Month by Time in Care[†]



[†] - Monthly adjusted-average based on the intercepts of the initial mixed-effect models. Estimated are adjusted for state, and survey type.

the first 90 days after entry. Third, during the second year after care, several distinct patterns of change are observed.

For example, as described above, there are a number of activities for which average rates continue to increase throughout the end of the second year after entry to care; examples include contact with parent attorneys and other attorneys (fourth panel of Figure 9.5). Conversely, there are a number of activities that appear to peak at 540 days after entry; examples include contact with caseworkers and several types of investigation and document review activities. Finally, the relative degree of the initial decline, or subsequent increase, in activity rates varies considerably across activity types. For example, the initial rate of contact with caseworkers and parent attorneys (fourth panel of Figure 9.5) are both relatively high, and both exhibit steep declines during the first 6 months after entry to care. However, while the level of contact with caseworkers starts to increase again at six months after entry to care, the average rate of contact with parent attorneys continues to fall through the end of the first year. Nevertheless, during the second year, the average rate for parent attorneys increases steadily, resulting in approximately equal average rates of contact with caseworkers and parent attorneys by the end of the second year.

9.6 How Child-Level Characteristics Are Associated with Attorney Activity Levels

Table 9.1 summarizes the relationships among several child-level characteristics and the composite measures of attorney activities. The bottom row of the table shows the average monthly rate before taking into account child-level characteristics. These average rates are analogous to the monthly rates presented in Figures 9.1 and 9.2. The top section of Table 1 shows the differences in the average monthly composite rates that are associated with each child characteristic. Using the average rate and the estimated difference, we are able to calculate the percentage change in each composite activity measure associated with each child characteristic.

Child age is positively associated with the frequency of contact between attorneys and their child clients. Specifically, with each additional year of child age, the monthly rate of contact is found to increase 0.032 contacts. Based on the average rate (0.734), which is listed in the bottom row of Table 1, this estimate corresponds to an increase of about 4.4 percent ($0.032 \div 0.734 = 4.36\%$) per month. To put this into perspective, the estimated rate of contact with a 13-year-old adolescent would be almost 45 percent higher than the estimated rate of contact with a 3-year-old toddler. Child age is also found to be positively associated with the rate of attorney contact with family members ($B=0.008$, 1.7% increase per year), and distal collaterals ($B=0.004$, 4.4% increase per year). In contrast, child age is found to be associated with a slight decrease in the frequency of contact between attorneys and proximate collaterals ($B=-.009$, 1.1% decrease per year).

Table 9.1 Mixed-Effect Regression Models of Composite Activity Measures: Child-Level Characteristics

Child Characteristics	Frequency of Contact with Parties				Time in Case-Related Activities		
	Contact: Child	Contact: Family	Collaterals: Proximate	Collaterals: Distal	Investigation & Document Review	Legal Case Preparation	
Age	0.032***	0.008**	-0.009†	0.004*	-0.002	-0.001	
Female (vs. male)	0.149***	0.064***	0.043	0.025*	0.002	0.023	
Race / Ethnicity (vs. white)							
Black	0.014	0.006	0.051	-0.004	-0.016	0.020	
Hispanic	-0.015	-0.033	-0.032	-0.020	-0.047*	-0.020	
Other	0.027	-0.018	-0.086	-0.005	-0.003	0.037	
Placement Type (vs. non-relative foster home)							
Relative (kinship) foster home	-0.022	-0.007	-0.010	-0.018	0.003	-0.018	
Residential / congregate care	-0.208***	-0.084*	-0.075	-0.001	-0.014	-0.045	
Other or unknown	-0.064	0.016	-0.071	-0.011	-0.007	-0.014	
Adjusted-average monthly rate	0.734	0.485	0.846	0.091	0.248	0.405	

*** - $p < .001$, ** - $p < .01$, * - $p < .05$, † - $p < .10$. Note: regression models include control variables for state, time in care, and survey type (not shown).

Across several composite activity measures, attorneys report higher levels of activity with female clients compared to male clients. For example, the estimated monthly rates of contact with child clients ($B=0.149$), and meetings with children's family members ($B=0.064$), are, respectively, 20 and 13 percent higher among female clients than among males. Also, the estimated monthly rate of contact with distal collaterals is 27 percent higher for female clients than male clients.

Children's race/ethnicity is not found to be significantly (i.e., statistically) related to the rates of contact with children, children's family members, or collaterals. However, the rate of investigation and document review is found to be 19 percent lower for Hispanic children ($B=-0.047$) than among white children.

The rate of contact between attorneys and children is substantially lower for cases in which children are placed in residential or congregate care facilities ($B=-0.208$) than it is for children placed in non-relative (28% lower) and relative (26% lower) foster homes. Similarly, the monthly rates of legal case preparation activities ($B=-0.069$, 13% lower), and contact between attorneys and children's families ($B=-0.084$, 17% lower), are lower among children in residential or congregate care than for children in non-relative foster homes.

9.7 How Attorney-Level Characteristics Are Associated with Attorney Activity Levels

To explore the association among attorney-level characteristics and composite activity measures, we estimated a final set of models that included controls for time in care, survey type, state, and child characteristics, as well as a several attorney-level characteristics. The results of these models are presented in Table 9.2.

In general, the attorneys' demographic characteristics are found to be weakly associated with activity rates. The length of an attorney's tenure representing children in dependency cases is found to exhibit significant, but nonlinear, relationships with several composite activity measures. In brief, attorneys who have less than 1 year experience representing children in dependency cases report significantly higher rates of contact with their child clients ($B=0.206$, 29% higher), contact with proximate collaterals ($B=0.195$, 23% higher), and legal case preparation activities ($B=0.103$, 19% higher) than attorneys with more than one year experience in dependency cases

The size of attorneys' dependency caseloads is found to be significantly negatively associated with the rates of investigation and document review activities and legal case preparation activities. Specifically, a 1-standard-deviation increase (20 cases) in the size of dependency caseloads is associated with a 22 percent decrease ($B=-0.054$) in the monthly rate of investigation and document review, and a 9 percent decrease ($B=-0.049$) in the monthly rate of legal case preparation activities.

Attorneys working for private, nonprofit law firms report significantly higher rates of contact with children ($B=0.113$) than solo practitioners (13% lower) and attorneys

Table 9.2 Mixed-Effect Regression Models of Composite Activity Measures: Attorney-Level Characteristics

Attorney Characteristic	Frequency of Contact with Parties			Time in Case-Related Activities		
	Contact: Child	Contact: Family	Collaterals: Proximate	Collaterals: Distal	Investigation & Document Review	Legal Case Preparation
Race (vs. white)						
African American	-0.101	-0.020	-0.137	0.043	-0.059	-0.071
Other	0.018	-0.079	-0.049	-0.021	-0.026	0.062
Age	-0.021	-0.022	-0.010	-0.011 [†]	-0.005	0.001
Tenure < 1 year	0.206**	0.063	0.195*	0.040	0.043	0.103 [†]
Dependency case caseload [‡]	-0.008	0.007	0.001	-0.013	-0.054***	-0.049*
Employment Setting (vs. sole practitioner)						
Private law firm	-0.069	0.023	0.092	0.004	0.035	-0.007
Private, non-profit organization	0.113*	-0.050	-0.041	0.079**	-0.045	-0.036
State / county office	-0.003	0.193	-0.025	0.141 [†]	0.160	0.119
Percent of law practice that involves representing children in dependency cases [‡]	0.082***	0.043*	0.053 [†]	0.011	0.054**	0.054 [†]
Child representation compensation is 'very inadequate'	0.141 [†]	0.091 [†]	0.067	0.073	0.098**	0.062
Assumed-responsibility scale ^Δ	0.154*	0.119**	0.069	0.006	0.048	0.006
Representing children in dependency cases is rewarding [‡]	0.044	0.036	0.086*	0.010	0.053**	0.063 [†]
Adjusted-average hours per month	0.740	0.470	0.841	0.085	0.243	0.539

[‡] - Independent variable has been standardized. ^Δ - Item measured on a 5-point Likert scale. *** - $p < .001$, ** - $p < .01$, * - $p < .05$, [†] - $p < .10$. Note: regression models include control variables for state, time in care, survey type, and child characteristics (not shown).

working for private law firms $((-0.069) - (0.113) = 21\%$ lower). Attorneys working for private, non-profit law firms ($B=0.079$), and state or county offices ($B=0.141$), report significantly higher rates of contact with distal collaterals than solo practitioners and attorneys working for private law firms.

The proportion of an attorney's practice that involves dependency cases is significantly associated with the rates of several types of activities. For example, a 1-standard-deviation increase (28 percent) in the proportion (i.e., percentage) of dependency cases is associated with a 11 percent increase in the rate of contact between attorneys and child clients ($B=0.082$). Similar increases are found with respect to the rates of contact with children's families (9% increase), contact with proximate collaterals (6% increase), investigation and document review (22% increase), and legal case preparation activities (10% increase).

The association between attorneys' perceptions of the adequacy of financial compensation they receive in dependency cases and composite activity measures is found to be negative. Specifically, attorneys who report that the level of compensation is 'very inadequate' are found to have higher rates of contact with children ($B=0.141$, 19% higher), contact with children's families ($B=0.091$, 19% higher), and investigation and document review ($B=0.098$, 40% higher) than other attorneys.

The assumed-responsibility scale, which indicates an attorney's professed level of responsibility for dependency-case-related tasks, is found to be positively associated with the rates of contact with child clients and children's family members. Specifically, a 1-unit increase (e.g., primary vs. shared responsibility) in the assumed-responsibility scale is associated with 21 and 25 percent increase, respectively, in the rates of contact with child clients ($B=0.154$) and children's family members ($B=0.119$).

Finally, attorneys' opinions about the degree to which their work in dependency cases is rewarding are found to be positively associated with the rates of several types of activities. A 1-unit increase in the degree to which dependency work is rewarding is associated with increased rates of contact between attorneys and proximate collaterals ($B=0.086$, 10% increase), investigation and document review ($B=0.053$, 22% increase), and legal case preparation activities ($B=0.063$, 12% increase).

9.8 Discussion

9.8.1 *Phenomena at Various Levels*

Collectively, the variability in the rates of different types of activities appears to be a function of phenomena operating at various levels, including organizations, attorneys, cases, and case time (i.e., time since entry to care). Interestingly, this variability does not appear to be a function of court- or jurisdiction-level influences. Indeed, based on the intra-class correlation coefficients from the mixed-effect models of composite attorney activity measures, approximately 3 percent of the variability in these measures is attributable to the jurisdiction level. In contrast, the degree of variability in composite

attorney activity measures that is attributable to attorneys and children is substantial for all activity categories.

The findings also suggest that the level of attorney effort expended by attorneys varies significantly across activity type. For example, the average number of times attorneys meet with caseworkers per month (1.19) is 70 percent higher than the number of times they meet with children (0.70) and over 10 times higher than the number of times they meet with children's teachers (0.11). Similarly, the findings suggest that the level of attorney effort varies considerably across individual cases, with the top quartile of cases experiencing rates that are in excess of five times that for the bottom quartile.

The variability in activity rates—both across cases and activity types—appears to be partially explained by a combination of case, child, and attorney characteristics. As discussed in the next section, these differences suggest several competing hypotheses about the mechanisms underlying the differences in the level of attorney activity.

9.8.2 *Differences Across Case Time*

The findings suggest that the passage of time after a child enters care (i.e., case time) is an important source of variability in attorney activity rates. The general pattern observed for many types of activities is that of a lopsided bathtub: a relatively high initial rate followed by a steep decline through the end of the first year and partial recovery during the second year. This pattern likely reflects changes in court objectives and requirements as dependency cases progress through various legal and service milestones. Specifically, during the first 6 months or so of a dependency case, when attorneys are working towards adjudication and disposition, they are occupied with a number of different activities required to develop and advocate their case. Then, after a period of relative calm, attorney activity begins to increase during children's second year in care, which may reflect the combined demands of permanency plan reviews, termination proceedings, and service advocacy (e.g., placement with kin and siblings).

Although this bathtub-like pattern appears to hold for many types of activities, there is considerable variability across activity types in the magnitude and timing of changes over case time. Some of these differences may reflect changes in attorneys' tactics that accompany changes in court objectives and demands as cases progress. For example, although the rate of contact with caseworkers is initially lower than the rate of contact with attorneys, this pattern is reversed after children's first 6 months in care, which may reflect a pivot from court-based work related to adjudication and disposition to service issues related to meeting the requirements of children's case plans.

Alternatively, some of the differences in activity rates over case time may reflect processes governing the availability of different parties or resources. For example, the spike in contact with biological fathers at 60 days post-entry may reflect the fact that many fathers are often not involved or aware of dependency proceedings until they are served notice, which may take a number of weeks to accomplish. Similarly, the observed spike

in medical and school record review occurring at 120 days post-entry may reflect the time required to request and receive these records from community organizations

9.8.3 *Differences Across Child Characteristics*

The parameter estimates from the mixed-effect models of the composite measures of attorney activities suggest that there are significant differences in activity levels across child characteristics. These differences may be a reflection of two distinct types of phenomena. First, observed differences in activity rates across child characteristics may reflect differences in the needs and capacities of different groups of children. For example, the finding that attorneys have higher levels of contact with older children and the families of older children may reflect that older children are more communicative than younger children and, thus, meeting with them is perceived as being more productive or useful.

Older children may, on average, experience more complex legal problems and, thus, may necessitate more frequent communication with their attorneys than younger children. Similarly, lower levels of attorney contact with children and their families among children placed in residential care (vs. children placed in foster homes) may reflect challenges associated with these children's behavior problems or the restricted or remote nature of some residential care facilities. Finally, the higher level of attorney contact with distal collaterals among older children may reflect the fact that these individuals (e.g., teachers, mental health providers) are more likely to work with older (school-age) children than with younger children.

An alternative explanation for the observed differences in activity levels across child characteristics is that they are a function of attorney-level preferences or biases. For example, more frequent contact with older children may be more a reflection of the ease of communicating with these children than an indication of greater need. Similarly, although the higher rates of contact with girls may reflect unmeasured differences in behavior across gender, they may also indicate attorneys' preferences based on gender.

Finally, it is important to note that the parameter estimates from the mixed-effect models of the composite measures of attorney activities suggest that there are no differences across child race/ethnicity or between children placed with relative vs. non-relative foster families. This is interesting because a number of studies have found significant differences in child welfare service and dependency court outcomes across child race/ethnicity, child age, and substitute care placement type.⁵ Thus, if the service

5. Indeed, a number of studies have found significant differences in child welfare service and dependency court outcomes across child race/ethnicity, child age, and substitute care placement type. See Akin (2011) for a review of child welfare service outcomes. Examples of dependency court outcome studies include Barth et al. (1994), Festinger and Pratt (2002), Zinn and Cusick (2014), and Zinn and Peters (2015).

and court outcomes of the children represented by sampled attorneys differ across these groups, it would not seem to be the result of systematic differences in attorney activity.

9.8.4 Differences Across Attorney Characteristics

The parameter estimates from the mixed-effect models of attorney activities also suggest that there are significant differences in activity levels across attorney characteristics. These differences may reflect a combination of factors, including attorney-level capacities and attitudes and context-level resources and demands. For example, the respective findings that higher ratings on the assumed-responsibility scale, and more positive assessments of perceived impact, are positively associated with some activity levels suggests that attorney effort is a product of attorney-level attitudes about the importance of their role as child representatives. Similarly, the finding that less-experienced attorneys report higher levels of activity may be a reflection of attorney-level work efficiency; less experienced attorneys are still learning when, and for whom, different types of activities are needed and, thus, they expend more effort than more seasoned attorneys.

Alternatively, the findings of differences in activity rates vis-à-vis caseload size, employment setting, and the proportion of law practice devoted to child representation could be due to context-level phenomena. For example, the negative relationship between child representation caseload size and activity rates may reflect the added burden placed on attorneys' time as the number of clients increases. Also, the higher rates of contact with children and families among attorneys working for private, non-profit organizations could reflect the differences in organizational-level resources and culture that are thought to be associated with different employment settings⁶. Similarly, the positive relationship between the proportion of an attorney's practice devoted to child representation and attorney activity levels could reflect the benefits of specialization that come with a more concentrated caseload.

It is also important to acknowledge that attorneys who are effective, enthusiastic child representatives may be more likely choose to work under certain working conditions, which then leads to the erroneous conclusion that these conditions are responsible for a higher level of practice. For example, these attorneys may be more likely to

6. Leslie Starr Heimov, Amanda George Donnelly, and Marvin Ventrell. *Rise of the organizational practice of child welfare law: The child welfare law office*. University of Colorado Law Review, 78, 1097-1117 (2007); Quality Improvement Center on the Representation of Children in the Child Welfare System. *Needs assessment: Discussions with stakeholders* (2010). Retrieved from <http://www.improvechildrep.org/Portals/0/QIC%20Child%20Rep%20Discussions%20with%20Stakeholders.pdf>; Andrew Zinn, Britany Orlebeke, Donald N. Duquette, and Xiaomeng Zhou, X. *The Organizational Contexts of Child Representation Services In Child Welfare Cases*. Family Court Review (in press).

Donald N. Duquette and Julian Darwall, *Child Representation in America: Progress Report from the National Quality Improvement Center*, 46 FAM.L.Q. 87 (Spring 2012).

decide to work for private, non-profit organizations, more likely to specialize in child representation law, and more able to exert (greater) control over their caseloads. Thus, the higher activity rates associated with private, non-profit organizations could, in fact, be a function of average-level differences on attorney-level characteristics.

Finally, the mixed-effect model parameter estimates of the relationship between attorneys' activity rates and their opinions about the adequacy of their financial compensation appear, at first glance, to be counter-intuitive. Attorneys who report their compensation as being 'very inadequate' report higher rates of contact with children and families, and higher rates of document review and investigation, than other attorneys. Although it is possible that lower levels of financial compensation somehow induce attorneys to work harder, this explanation seems to strain credulity. A more plausible explanation may be that, because the compensation received by child representatives is relatively fixed (at least in the short- to mid-term), attorneys who devote more time to child representation cases, receive a lower effective per-hour rate than other attorneys—thus, yielding a negative association between compensation adequacy and attorney effort.