

# Office of the State Public Defender Administrative Policies

Subject: <b>Management of the Appellate Defender Office</b>	Policy No.: <b>301</b>
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## 1.0 POLICY

**1.1** The Office of the State Public Defender encompasses the Appellate Defender Office (ADO) by statute. The following management structure has been established to conform with the requirements of Section 47-1-205, MCA. This structure has been in place since inception of the agency and is now formalized in policy.

## 2.0 PROCEDURE

### 2.1 Chief Public Defender

- 2.1.1** The Chief Public Defender shall appoint the Chief Appellate Defender who is a state employee exempt from the state classification and pay plan.
- 2.1.2** The Chief Public Defender shall determine the pay for the Chief Appellate Defender.
- 2.1.3** The Chief Public Defender shall ultimately be responsible for budget submissions for the ADO. The ADO budget shall be monitored by the Chief Public Defender in conjunction with the Chief Appellate Defender.

### 2.2 Chief Appellate Defender

- 2.2.1** The Chief Appellate Defender shall have exclusive management authority in the ADO in the following areas:
  - 2.2.1.1** All personnel issues, including hiring, discipline and firing of staff;
  - 2.2.1.2** Day-to-day operation of the office;
  - 2.2.1.3** Assignment of cases, including determining which cases are to be contracted out and to whom;
  - 2.2.1.4** Review and determination of issues to be raised, including the issue of ineffective assistance of counsel;
  - 2.2.1.5** Determination as to whether an extraordinary writ should be filed; and
  - 2.2.1.6** Approval of all invoices, contractor bills and special costs.
- 2.2.2** The Chief Appellate Defender shall assist in the development and monitoring of the program's budget in conjunction with the Chief Public Defender.

### **3.0 CLOSING**

Questions about this policy should be directed to OPD at the following address:

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Administrative Service Division  
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