

Office of the State Public Defender Administrative Policies

Subject: JustWare Case Management Program	Policy No.: 215
Title: 47	Number of Pages: 4
Section: 1-202 (5)	Last Review Date: 6-10-10
Effective Date: 10-1-09	Revision Date: 9-30-10

1.0 POLICY

JustWare is the agency's core application to collect and report data and assist in the representation of indigent Montanans. All employees of the agency shall use JustWare as required by their job responsibilities.

2.0 PURPOSE

2.1 As an agency of the State of Montana, the Office of the State Public Defender (OPD) is accountable to the legislature for the funds it receives. To receive adequate funding, the agency needs to be able to accurately report data to the legislature.

2.2 The ability of the agency to represent indigent Montanans requires that attorneys, staff and investigators accurately keep and record information about individual cases.

2.3 Indigent Montanans are required to pay costs of assigned counsel per 46-8-113 MCA. Those costs must be limited to the costs incurred by OPD, so the agency must be able to track and assign individual costs to individual cases.

3.0 PROCEDURE

3.1 INITIAL CASE INFORMATION

Regional Deputy Public Defenders (RDPDs) shall ensure that cases are assigned and opened in a timely manner. RDPDs will be responsible for reviewing their regional reports to assure that data has been input in a uniform manner pursuant to OPD Policy 210, Caseload Data Collection.

3.2 DISPOSITIONAL INFORMATION

RDPDs shall ensure that dispositional information is entered into JustWare in a timely manner after the conclusion of a case.

3.3 TIME TRACKING

3.3.1 Attorneys shall keep daily track of time, in increments of one tenth of an hour, on all cases for all courts. Pending time shall be submitted on a weekly basis.

- 3.3.2 Attorneys shall input time into the JustWare system and not delegate the task to staff, outside of unusual circumstances.
- 3.3.3 Attorneys shall associate time worked to individual cases. Time shall be allocated to the most applicable general time tracking type.
- 3.3.4 All time spent on general administrative time shall be allotted to administrative time tracking.
- 3.3.5 Attorneys shall allocate time spent on general court matters not associated with a particular case to the most applicable general court tracking category. Each attorney should have a general time tracking category for each court in which the attorney makes regular appearances.

3.4 TIME ENTRY REVIEW

- 3.4.1 RDPDs and/or Managing Attorneys shall review attorneys' time submissions on a weekly basis to ensure that attorneys are inputting required time.
- 3.4.2 RDPDs shall review Managing Attorneys' time submissions on a weekly basis to ensure that Managing Attorneys are inputting required time.
- 3.4.3 The Chief Public Defender shall review the time submissions for RDPDs' and all other attorneys not specifically assigned to a region on a weekly basis to ensure that they are inputting required time.
- 3.4.4 When an attorney is not tracking time on a weekly basis, it is the responsibility of the supervisor to work with the attorney to insure the attorney has time available and adequate training to enter time.
- 3.4.5 If, after efforts of the supervisor to assist, an attorney still does not track time, the attorney will be given a formal disciplinary letter with a corrective action plan. The letter of discipline will be maintained in the attorney's personnel file for six months.

3.5 CALENDARS

- 3.5.1 Attorneys, staff and investigators shall calendar case events, appointments and case deadlines in JustWare.
- 3.5.2 Attorneys are professionally required to maintain an independent back up calendar.
- 3.5.3 Attorneys within a region shall have access to other attorneys' calendars within that region. The Chief Public Defender, the Training Coordinator, and RDPDs shall have access to each other's calendars.
- 3.5.4 Staff shall assist attorneys and investigators in maintaining accurate calendars.

- 3.6 JUSTWARE NOTES
Attorneys, staff and investigators, when possible, are required to input notes in JustWare detailing case work and contacts with clients. Notes may be input at the time of timekeeping or separately recorded within the case record.
- 3.7 CLIENT CONTACT INFORMATION
Attorneys, staff and investigators shall maintain updated and accurate contact information for clients in JustWare.
- 3.8 AUDITING PROGRAM
 - 3.8.1 RDPDs and Managing Attorneys shall periodically audit client JustWare files to make sure that attorneys, staff and investigators are inputting required information.
 - 3.8.2 The Chief Public Defender shall periodically audit the files of RDPDs and attorneys not assigned to regions.
- 3.9 ELECTRONIC FILING CABINET
 - 3.9.1 To the extent possible, RDPDs shall ensure that information received electronically is maintained electronically in the JustWare filing cabinet.
 - 3.9.2 Offices shall comply with all developing OPD standards for both electronic filing and electronic records management to assure client records are complete and maintained consistently throughout the system.
 - 3.9.3 The use of electronic copies, electronic service on opposing parties, and electronic retention of case materials is encouraged throughout the agency to reduce overhead costs and the impact on the environment.
 - 3.9.4 Offices shall arrange for clients to receive documents electronically if the client consents.
- 3.10 DOCUMENT GENERATION
The Central Office shall support regional and local offices in the development of local documents required to comply with local court rules.
- 3.11 ATTORNEY REPORTS
The Central Office shall support regional and local offices in the development of reports required to maintain regional and local operations.
- 3.12 USER RIGHTS
User rights within JustWare are based on each individual employee's duties and responsibilities. Requests for changes in user rights shall be made through the employee's supervisor.

3.13 VIOLATION

Violation of any provision of this policy may result in disciplinary action up to and including termination.

4.0 CLOSING

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

Office of the State Public Defender
44 West Park
Butte, Montana 59701
Phone: (406) 496-6080