

OFFICE OF THE STATE PUBLIC DEFENDER



STEVE BULLOCK
GOVERNOR

WILLIAM F. HOOKS
CHIEF PUBLIC DEFENDER

STATE OF MONTANA

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BUTTE, MONTANA 59701

September 30, 2014

Amy Carlson
Legislative Fiscal Analyst
P.O. Box 201711
Helena, MT 59620-1711

Dear Ms. Carlson:

Enclosed with this letter are three reports that are due from the Office of the State Public Defender to the Legislative Fiscal Analyst by September 30, 2014 as per Title 47-1-201 (10) (a) and (b).

The first report provides the number of cases opened, the number of cases closed, the number of cases that remain open and active, and the number of cases that remain open but are inactive for FY 2014. This information is required as per Title 47-1-201 (10) (a).

The second report provides the number of days between case openings and closings for each case type for FY 2014. This information is required as per Title 47-1-201 (10) (a).

The third report provides the amount of fees assessed by Montana courts to OPD clients, funds collected as reimbursements for services rendered, the number of cases for which a collection is made, the number of cases for which an amount is owed, the amount collected, and the amount remaining unpaid for FY 2007 through FY 2013. The report also provides the amount of fees assessed by Montana courts to OPD clients and the funds collected as reimbursements for services rendered for FY 2014. Detailed client information is no longer available. This information is required as per Title 47-1-201 (10) (b).

Please contact me if you need any clarification of this information at 406-496-6080.

Sincerely,

A handwritten signature in black ink, appearing to read "William F. Hooks".

William F. Hooks
Chief Public Defender

cc: Richard E. Gillespie, Chair, Public Defender Commission
Greg DeWitt, Legislative Fiscal Division
Diane McDuffie, Legislative Fiscal Division
Brent Doig, Office of Budget and Program Planning



OFFICE OF THE STATE PUBLIC DEFENDER
CASES OPENED AND CLOSED IN FY 2014
ACTIVE AND INACTIVE CASES REMAINING OPEN
TITLE 47-1-201 (10) (a)

<u>FY 2014 CASES</u>		
7/1/2013	Beg. Balance	22,998
FY 2014	Cases Opened	31,705
FY 2014	Cases Closed	<u>(29,110)</u>
6/30/2014	Ending Balance	25,593
Active Cases		20,907
Inactive Cases		<u>4,686</u>
		25,593



OFFICE OF THE STATE PUBLIC DEFENDER
AVERAGE NUMBER OF DAYS OPEN BY CASE TYPE
CASES CLOSED DURING FY 2014
TITLE 47-1-201 (10)(a)

CASE TYPE NAME	CODE	2014 AVG. DAYS OPEN
Criminal	DC	264
Guardianship	DG	281
Involuntary Commitment	DI	90
Juvenile	DJ	217
Dependent & Neglect	DN	517
Courts of Limited Jurisdiction	LC	170



OFFICE OF THE STATE PUBLIC DEFENDER
 Assessments and
 Collections of Legal Fees
 TITLE 47-1-201 (10) (b)

	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Balance of A/R @ Beg of Year	\$ -	\$ 41,211	\$ 138,570	\$ 360,588	\$ 664,384	\$ 1,155,652	\$ 1,425,981	\$ 1,831,060
Assessments by Year	49,229	132,178	254,592	364,463	615,262	462,219	660,811	1,041,006
Total Collections by Year	(8,018)	(34,818)	(32,574)	(60,667)	(123,994)	(191,890)	(255,732)	(285,194)
# of Clients Represented by Collections Total*	30	103	327	627	1,325	1,351	1,470	N/A
Total Balance of A/R for Reporting Year **	\$ 41,211	\$ 138,570	\$ 360,588	\$ 664,384	\$ 1,155,652	\$ 1,425,981	\$ 1,831,060	\$ 2,586,871
Total # of Clients with Open A/R @ Beg of Year	-	73	318	750	1,833	3,130	4,157	5,639
# of Clients Assessments by Year*	81	285	494	1,246	1,743	1,493	1,754	N/A
Total # of Clients Paid in Full during Fiscal Year*	(8)	(40)	(62)	(163)	(446)	(466)	(272)	N/A
Total # of Clients with Open A/R @ End of Year*	73	318	750	1,833	3,130	4,157	5,639	N/A

*See the attached Montana Public Defender Commission's Resolution adopted on October 18, 2013.

** Financial Statement Reporting as follows \$ - \$ 66,637 \$ 213,181 \$ 481,939 \$ 900,298 \$ 1,274,121 \$ 1,658,585 \$ 2,416,080

There exists a variance between A/R reported here, and A/R reported on the Financial Statements. This is created from a time lag between dated court orders and signature of those orders, and a secondary lag for that information to make its way to the OPD Central Office for reporting.

PUBLIC DEFENDER COMMISSION RESOLUTION

Whereas, the 2005 Montana Legislature passed the Montana Public Defender Act, codified under Title 47 creating a statewide public defender system to deliver public defender services in all courts in the state; and

Whereas, the system is supervised by the Public Defender Commission (Commission) and administered by the Office of the State Public Defender (OPD); and

Whereas, 47-1-110, MCA, establishes a state special revenue public defender account for deposit of payments for the cost of a public defender ordered by the court pursuant to 46-8-113, MCA, as part of a sentence in a criminal case; and

Whereas, according to state and accounting rules, OPD is to account for assessments of costs by a judge as receivables and for the receipt of cash as a reduction of the receivable and as revenues; and

Whereas, in order to comply with state and accounting rules the agency needs information in sufficient detail from the courts; and

Whereas, OPD is required by 47-1-201 (10) (b), MCA, "to report to the legislative fiscal analyst for each fiscal year by September 30 of the subsequent fiscal year on the amount of funds collected as reimbursement for services rendered, including the number of cases for which a collection is made, the number of cases for which an amount is owed, the amount collected, and the amount remaining unpaid"; and

Whereas, OPD is not receiving information from the courts in the level of detail needed to perform the accounting and required reporting noted above; and

Whereas, public defender costs are assessed by individual judges in the various courts and made part of a legal sentencing that is up to the court to enforce, and therefore OPD does not have the legal authority to enforce payment of these fees; and

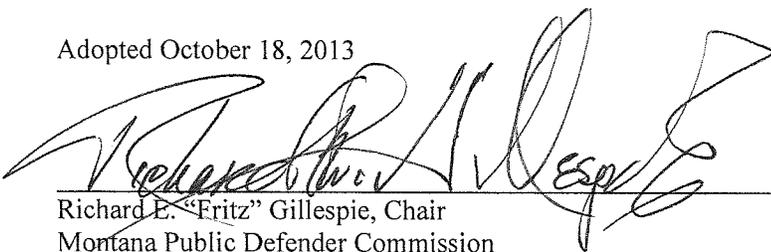
Whereas, OPD does not have the authority to refer its clients to the Department of Revenue (DOR) or any other collection agency to enforce collection of the court-ordered debts, which is a requirement of state agencies pursuant to the Montana Operations Manual Policy 320, Section XII; and

Whereas, OPD does not have the personnel or funds to commit toward collecting the detailed information it is not getting from 207 courts;

NOW, THEREFORE, BE IT RESOLVED BY THE PUBLIC DEFENDER COMMISSION OF THE STATE OF MONTANA:

1. The Commission understands that OPD can only record cash collected in summary until a resolution is found, because the agency does not receive detailed information from the courts and therefore will be out of compliance with state and accounting policy.
2. The Commission further understands that OPD will refrain from referring any open client account to the DOR or any other collection agency due to the facts noted above.

Adopted October 18, 2013


Richard E. "Fritz" Gillespie, Chair
Montana Public Defender Commission