We are deep into the legislative session, and although the budget bill (HB 2) is still evolving, other legislation has been moving through the process. We have been closely monitoring several bills, some of which are expected to decrease our workload. They include:

- **HB 77** The Task Force on State Public Defender Operations requested this bill to reorganize OPD’s management structure. Under the bill, an Executive Director would oversee all OPD programs. The Public Defender Commission would become advisory, and be decommissioned by 2019. HB 77 is in the second house.

- **HB 89** The Task Force sponsored this bill to establish one or more holistic defense pilot projects within the state public defender system. This bill has been signed by the Governor.

- **HB 59** The Task Force sought to reduce OPD’s DN workload by relieving us from the duty to assign counsel to putative fathers who cannot be personally served. This bill has been signed by the Governor.

- **HB 133** The Commission on Sentencing proposed this wide-ranging proposal to reform sentencing practices. This is one of the bills that would have significant budget impact on OPD. For OPD’s purposes the most significant change would be to remove jail time from sentences for non-violent first offense misdemeanors. HB 133 would also change the definition of Persistent Felony Offender. It is still in the first house.

- **SB 63** The Commission on Sentencing also recommended changes that might reduce the number of revocations we handle. The bill is in the second house.

The session is scheduled to adjourn on April 29. Look for information on the agency budget and the reorganization later in the spring.
Congratulations to Our New Regional Deputies

I am pleased to formally announce the addition of two new regional deputies to the management team.

Adam Larsen is the new Regional Deputy for Region 7 in Lewistown. Adam grew up on a cattle ranch and graduated from the University of Utah College of Law. He and his family moved to Lewistown, and Adam worked in our Lewistown office with Douglas Day for several years.

Chad Glenn is the new Regional Deputy for Region 9 in Billings. Chad is a UM graduate, and he has worked both in private practice and in public defense. Chad handled felony cases in the Tampa, Florida public defender office, and he also supervised attorneys and staff. More recently, Chad served for several years in the Helena and Bozeman OPD offices.

Budget Update

Bill Hooks

The 2017 Legislature has passed the half-way point in the budget process, and OPD’s budget reflects some positive developments and some challenges for the next two fiscal years.

Our budget process began in Spring 2016, when the Public Defender Commission voted on budget proposals, and submitted the proposed budget to the Governor to consider for inclusion in the Executive Budget. The Governor’s budget, released in November, provided for additional FTE positions in the three programs. The budget also included reductions. The Executive cut budgets in most executive branch agencies, and OPD was not excepted from these cuts. The budget contemplated that some of our budget cuts would be offset by hiring additional FTEs instead of relying on contract attorneys.

In February, we presented our budget needs to the joint appropriations budget subcommittee which oversees the judicial branch, the Department of Justice, the Department of Corrections and OPD. Several attorneys and staff members appeared and spoke about the work we do and the challenges we confront in the face of ever-increasing workloads. The subcommittee voted to recommend funding to maintain the staffing levels we had at the end of June, 2016, and to add five social workers. The overall budget recommendations for the next two fiscal years are between $2 and $3 million less than we received from the 2015 Legislature. The rationale for less funding is based on the anticipated passage of several proposals from the interim Commission on Sentencing and the Task Force on State Public Defender Operations. Legislators anticipate that if these proposals are passed and become law, OPD’s workload will decrease, and so our need for funding likewise will be reduced.

The subcommittee’s recommended budget was included into HB 2, the overall statewide budget bill for the next two years. The House Appropriations Committee considered HB 2 during several days of hearings and approved the bill without changes to OPD. The full House then debated and voted to approve HB 2.

HB 2 has now moved to the Senate side. The bill was presented in the Senate Finance and Claims Committee on Monday, March 27. The Committee will pass a version of HB 2 to the full Senate for consideration, followed by a joint conference committee to work out any differences.

So, the current budget proposals will let all programs maintain the staffing levels we had near the start of this fiscal year in July, 2016, with the addition of social worker positions. (Please note this does not include the modified positions added to our workforce as part of the Commission’s budget mitigation plan.). Overall, our budget for the next two fiscal years will be reduced based on the expectation that our workload will decrease, but the final numbers are yet to be determined.
Lexis Tip

Peter Ohman, Training Coordinator

Here’s a practice tip for finding resources on Lexis Advance. Click on Browse at the top of the screen; hover over then click “Sources;” move to the right; hover over and click “By Practice Area;” hover over and click “Criminal Law and Procedure.” Numerous resources are available on the next screen. Explore the options – there are great manuals and practice guides on DUI, narcotics, investigations and much more. *Note: If there is a * next to the Title of the resource we do not have access to it. If there is no * then we can use it.*
Managing Your Mailbox
Kyle Belcher, IT Supervisor

All employees get 250 MB of space in their primary mailbox. This space can be consumed quickly with our increasing use of email for sharing case-related documents. This is where your Online Archive mailbox comes in. You can store up to 20 GB (20,000 MB) of email in this folder. The Online Archive is also available externally via Webmail. Below are a couple methods you can use to manage the archiving process. Don’t be concerned with having to dig around in multiple places to find email—I will cover that below as well.

Archiving Policies
This is by far the most efficient method and happens in the background. First, you select the folder you want to set up archiving on (see 1 below). Then click the Folder TAB in the Office Ribbon (2) and select the Policy button (3). You will likely gain the most space by setting a policy up on your Sent Items folder.

In the window that opens (see next page), select the policy you would like to apply to your folder (it will also apply to any sub-folders). What this will do is move any mail item that is older than the selected option. Items are moved to an identical folder inside your Online Archive folder. If the folder doesn’t exist in the archive when this process runs, it will automatically create the folder/sub-folder for you.

Continued next page
Managing Your Mailbox (continued)

RetentionPolicy

You can also set RETENTION policies to folders inside your archive. Any items that meet the age you specify will be DELETED permanently. This can be a helpful tool for adhering to OPD file retention policies if the folder structure is properly set up.

Manual Management

This is not the recommended method, but you can always manually create your own folders directly in the Online Archive and just drag emails into the folders.

Continued next page
Managing Your Mailbox (continued)

Search Tools in Outlook

Don’t let a fear of not being able to find an email prevent you from using the Archiving Policies. Outlook has an incredibly powerful search engine. To get started, click into the Search box above your email list (1 below). You will notice that this opens the Search tools Office Ribbon (2). The most important search tool is the Scope selection (3). The easiest way to find an item no matter its location is to choose the All Mailboxes scope option. This will search your primary mailbox AND your online archive. Think of it as the Google of Outlook.

You can type anything you want to search. If your initial search returns too many results you might want to try adding a cause number or other more distinguishing piece of information. There are also many Refine tools you can use to target particular attributes of an email, such as who it came from, what the subject is, or whether it has attachments (4). You will also notice that Outlook will highlight search terms in the search results.

Got Commas?

The New Yorker had a few words to say about the ten-million-dollar serial comma that was recently in the news. “The case of the Maine milk-truck drivers who, for want of a comma, won an appeal against their employer, Oakhurst Dairy, regarding overtime pay (O’Connor v. Oakhurst Dairy) has warmed the hearts of punctuation enthusiasts everywhere . . . Nothing, but nothing—profanity, transgender pronouns, apostrophe abuse—excites the passion of grammar geeks more than the serial, or Oxford, comma. People love it or hate it, and they are equally ferocious on both sides of the debate. . . . At The New Yorker, it is a copy editor’s duty to deploy the serial comma, along with lots of other lip-smacking bits of punctuation, as a bulwark against barbarianism.” More here.
Mastering JustWare: Auto-Generated Documents

Marsha Parr, Case Management Support

The auto-generated documents within JW are not only easy to use but they are time savers too! No more having to type over information on a standard template. JW will automatically change all the information that is specific to that particular case: Client, Judge, Cause Number, Prosecutor

- Open the case in JW
- Click on the File Cabinet Tab
- Click on the Generate Doc snap in
- Choose your template from the pop up window

- The document will show with an hourglass next to it
- Save (CTRL S) the case and it will populate your document
- When created, you now have a Word document that can be edited.

Continued next page
The document can be renamed
Click on the Properties snap in
Click into Name and rename
Save (CTRL S)

Now your motions, orders, and client letters are saved in JW—quick and easy. Just one of the many benefits of JW. And as always, we’re open to hearing your suggestions on how to make JW work better for you!
10 Tips to Banish Typos

Typos can seem funny after the fact. Someone accidentally recommended a friend as a “fat and accurate typist” instead of a “fast and accurate typist.” But some typos are more than embarrassing; they’re costly. You may have heard about the recent class action suit that awarded $10 million to dairy workers based on a missing serial comma.

When you want to avoid embarrassing yourself, incurring costly lawsuits, and leading believers astray, here are 10 tips to help.

1. **Have someone else read your work.** The best way to find typos is to have someone else read your work. They don’t know what you meant to say, and their fresh eyes will almost always catch things you missed.

2. **When you’re writing on your computer, use the auto-correct feature.** Think of it as the “know thyself” trick. If you always type “pateint” instead of “patient,” you can tell the word-processing software to correct it automatically.

3. **Use your computer’s spell-checking tool—but don’t trust it.** In particular, be aware of homophone confusion: complement and compliment, accept and except, effect and affect, oversees and overseas. Beware of contractions and apostrophes: their and they’re, its and it’s, your and you’re.

4. **Proofread a printed version of your work.** It’s easier to miss errors on a monitor.

5. **Try printing your work in a different font with different margins.** It will give you a different view.

6. **Give yourself some time.** If possible, let your work sit for a while before you proofread it. If you are able to clear your mind and approach the writing from a fresh perspective, then your brain is more able to focus on the actual words, rather than seeing the words you think you wrote.

7. **Read your work aloud.** This forces you to read each word individually.

8. **Or, force yourself to view each word by using the tip of a pencil or pen to physically touch each word.** You can also force yourself to focus on smaller sections of the document by putting a ruler under each line of text as you are reading or by cutting out a small rectangular window on an index card and sliding it over your copy as you read.

9. **Read your work backward,** starting with the last sentence and working your way in reverse order to the beginning. This will help identify spelling mistakes you might miss when you’re reading forward and know what you meant to say.

10. **Separate proofreading tasks.** Read the document through once for content, again to just check the spelling, and another time to check only the punctuation. By separating tasks, you’ll be able to focus better on each one.

Do You Qualify for FMLA?

Barb Kain

The Family and Medical Leave Act (FMLA) allows employees to balance their work and family life by taking reasonable leave for qualifying family and medical reasons. The FMLA provides eligible employees with job-protected leave and requires group health benefits to be maintained during the leave.

Eligibility Requirements: Employees are eligible if they have worked for the state of Montana for at least 12 months, and have 1,040 hours of service in the previous 12 months.

Employees eligible for leave may take up to 12 workweeks of FMLA leave within a 12-month period for certain types of family and medical leave. The 12-month period begins on the first day leave is taken as FMLA leave. Exceptions to this are in the case of qualifying FMLA leave for adoption or birth. In these cases, the 12-month period starts on the date of the birth or adoption. Leave may be taken for any one, or for a combination, of the following reasons:

- the birth of a son or daughter and to care for the newborn child;
- for placement of a son or daughter for adoption or foster care;
- to care for a spouse, son, daughter, or parent with a serious health condition;
- for the employee's serious health condition;
- a qualifying exigency because the employee's spouse, son, daughter, or parent is on covered active duty or has been notified of or called to covered active duty; or
- to care for a spouse, son, daughter, parent, or next of kin who is a covered service member with a qualifying injury.

Employee Responsibilities: Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures. Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities: Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees’ rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility. Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee’s leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

If you meet any of the above criteria contact Barb Kain, Human Resource Officer, at 444-9545 to learn more about the Family Medical leave benefits and requirements.