



PUBLIC DEFENDER NEWS

A New Season

Rhonda Schaffer, Director

I hope September finds you well.

Fall is in the air bringing warm days and crisp nights. The colors of fall are a beautiful reminder that a new season can be a reason for new inspiration.

Each of us are inspired differently. Do you know what this is for you? Is it love, community, parents, family or friends? Does defending constitutional rights speak right to your soul? Maybe a little bit of each?



As we look forward to a legislative session or new season, I am inspired to deliver the message of the tireless work that each of you do for our clients. **Your** management team is working hard to explain how caseload relates to workload. They are inspired by the compassion and ethics you bring to the job each day.

In the last few months, reports have been provided to the Law and Justice Interim and Legislative Finance committees. In addition, OPD has participated in the Criminal Justice Oversight Committee and worked with the Office of the Court Administrator regarding pre-trial services. Yes, the word is out OPD provided client services to approximately 35,000 in fiscal year 2018. We are talking to these stakeholders about the consequences of adding more community safety staff such as police officers, county attorneys and judges. There is communication regarding increased dependent neglect cases as reported by DPHHS, and changes in local ordinances such as open container laws. The lack of community services that may result in a client reoffending is also a topic.

The message is simple: we cannot continue to provide additional services without adding resources. If you push the criminal justice system on one side all sides will feel the pressure.

Keep up the great work. You are the difference. I am inspired by this agency and the many reasons to celebrate you will read about in this issue.

Rhonda



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Special points of interest

- Wanted: Your Ideas
- Supporting Our Communities
- State Employee Charitable Giving Campaign in Progress
- Open Enrollment is Coming
- Word Tips and Tricks

Congratulations, Clark!

Kris Copenhaver, Billings Regional Deputy Public Defender

I am thrilled to let you all know that Clark Mathews is this year's recipient of the 2018 Governor's Excellence Award for the Office of Public Defender!

We are so fortunate that Clark came back to Region 9 last fall from his tour of duty with the OPD Major Crimes Unit, representing clients and trying major cases throughout Montana. And we have been even more fortunate that he has taken over as our felony managing attorney for the Billings office and outlying areas.



I truly admire and respect Clark's dependability and dedication to our clients and his passion for defense work – he can amazingly step up into any situation with confidence and proficiency. He has the ability to be a skillful, zealous advocate for our clients while maintaining a professional and effective relationship with opposing counsel. Clark's energy and enthusiasm are contagious and he brings powerful gusto to our office daily. He is well-respected by the judiciary and extremely effective in the courtroom, as evidenced by his Montana Supreme Court reversal on Polack and various other dismissals – sometimes with argument, sometimes on brief, and sometimes just by threatening to file the brief on an issue!

Thank you, Clark, for all you do for the office ~ we already knew you were excellent, but now you have the Governor's seal of approval to prove it!

Region 10 Makes Worldwide News

The Washington Post, UK Daily Mail and a Japanese news agency picked up an AP story regarding the Todd Fisher homicide case the Glendive office is working on. Mr. Fisher is represented by Cyndi Thornton, David Garfield, Mike Haase and investigator Rich Peck.

The defense filed a motion for dismissal pointing out that Dawson County Sheriff Chief Deputy Brett Hoagland and his wife are named as beneficiaries in the deceased's will. The motion alleges that as a result of this connection, Hoagland was ordered to avoid the investigation, but he had a janitorial service clean up the crime scene, destroying key evidence.

Cyndi reports that they are awaiting a transcript of the hearing, and will then have two weeks to file proposed findings. "It has been a complicated, time-consuming, and very interesting case," she said. Thank you, Region 10 folks, for your hard work on behalf of Mr. Fisher.

SECGC In Progress!

28 Years of State Employees' CHARITABLE GIVING!

September 24 to November 2

The State Employees' Charitable Giving Campaign (SECGC) is the annual opportunity for all state employees to make donations to their favorite non-profit organizations. The convenience it offers through either payroll deduction or one-time contributions is its hallmark.

Most likely there is a nonprofit, or five, serving any cause, group, or issue you are passionate about. Whether you want to play your part in helping early childhood education, senior independence, children at risk, wildlife, pets, public land conservation, food and nutrition, education, homelessness, job training, literacy, after school programs, domestic violence assistance and prevention, or addictive substance abuse programs just to name a few, you can do that through this campaign. Research has proven that every dollar donated returns a \$3 economic impact!

Will you be a part of a \$1.3M impact in the state of Montana? Our goal is to raise \$455,000 this year, and we would love to partner with you to do so.

On behalf of all the communities across Montana, thank you for your generosity!

Give online before November 2 at secgc.mt.gov



Justice Reinvestment— Where We Are Today

Peter Ohman, Public Defender Division Administrator

As many of you know, substantial changes were made in the 2017 Legislature for how we approach criminal justice in Montana. Led by



the Center for State Governments, Montana embarked on a data-driven approach to addressing the risk and needs of those sentenced for criminal acts. While the bills were effective upon passage, the enormity of the task meant actual implementation was months away. For example, the Montana Intervention and Incentives Grid (MIIG) – the tool probation officers use to monitor, sanction and

reward clients who are under Department of Corrections (DOC) supervision – has only recently been fully deployed and adopted in the field. DOC has provided training to OPD and others on the MIIG and it will be interesting to see if it results in more effective and hopefully helpful outcomes for our clients and their families.

[OPD’s felony numbers
continue to rise.]

On the front end, the modification in sentencing laws has been felt initially by the removal of jail time for a myriad of misdemeanors. OPD experienced a one-time reduction in the number of misdemeanor cases in FY 18, but those stats will likely creep up as we move into FY 19. Time will tell what the impact will be, for example, from tiered sentencing for property crimes.

Speaking of data, OPD’s felony numbers continue to rise and the increases vary substantially by jurisdiction. Many of you have spoken about the number of folks we’re seeing with serious mental health issues resulting in more DIs and criminal cases. Anecdotally, this might reflect the decrease in community case management and other MH services.

Despite the attempt to focus on a data-driven approach to placements and sentencing, there are still plenty of people finding themselves deep within the maw of the criminal justice system. Much remains to be done, and whether collectively as a State we can staunch the flow using the tools of Justice Reinvestment remains to be seen. As always, please feel free to reach out to me with what you’re seeing from Justice Reinvestment good, bad or otherwise.

Word Tips and Tricks

Using the Clipboard to Multi-Paste

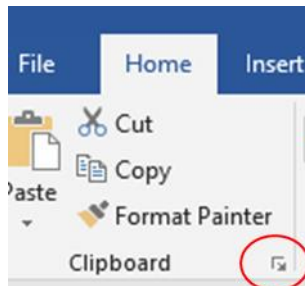
Sometimes you might find yourself using a few of



the same phrases over and over when drafting a pleading or other document. Rather than going back and copying those snippets repeatedly (or worse, retyping them), use the Microsoft Word

Clipboard to quickly access and paste them again and again.

You can view the current contents of the Clipboard by clicking the launcher arrow in the lower right-hand corner of the Paste area on the Home tab.



As you copy text within your documents, they will accumulate within the Clipboard, and you can view and work with them within the Clipboard pane

on the left. Want to re-use a particular snippet? Simply place your cursor where you want the text to appear, then click the item in the Clipboard to drop it in. Easy!

Bright Ideas?

We are fortunate to have so many dedicated and innovative employees. Do you have an idea that will strengthen our agency? Ways to enhance client services, improve our processes, or create a better workplace? We want to hear it! Send your suggestions to Cathy Doyle, and she will forward them to your management team.



Update from the Central Services Team

Carleen Green, Division Administrator

Time flies! Fiscal year 2018 has ended and now we are already through the first quarter of fiscal year 2019!

The legislative auditors have completed OPD's financial compliance audit of fiscal years 2017 and 2018. We will have their report in the next couple of weeks and it will be submitted to the Legislative Audit Committee later this fall.

We are in the process of finalizing our financial and case count reports for fiscal 2018. We are also working on our fiscal 2018 report to the Governor, Legislature and Supreme Court which will be posted to our website when it is complete.



The 2019 Legislature is scheduled to convene in Helena on January 7, 2019.

OPD submitted several legislative proposals that were approved by the Law and Justice Interim Committee, primarily to clean up statutory inconsistencies.

We've submitted our budget for fiscal 2020 and 2021 for review by the Office of Budget and Program Planning (OBPP). OPD's budget is part of the Governor's Executive Branch budget; OBPP will determine which of our requests to incorporate into the final HB 2 budget that will be considered and modified by the 2019 Legislature.

Cathy and I recently met with the Commission on the Courts of Limited Jurisdiction to talk about the eligibility changes mandated by HB 77. We spoke about our efforts to improve consistency in determining eligibility for OPD's services and they were very supportive. We also emphasized the courts still have ultimate discretion in requiring OPD to provide representation.

The hardship eligibility determination process seems to be running smoothly now that we all have more experience with the new task model. We're developing new reports in anticipation of the upcoming session to demonstrate our improved consistency in eligibility determination. Thank you all for your patience and hard work during this process. If you have questions concerning eligibility, please contact Cathy Doyle.

Please let us know how we can support you as we all work to fulfill our mission.

See You at the Annual Meeting!

We have a record number of registrants for this year's annual training conference, October 16-17 at the Holiday Inn Downtown Missoula.

Well over 200 FTE and contract attorneys and investigators will gather to hear top-notch speakers from around the country .

The annual conference provides valuable training in a variety of practice areas, as well as required CLE credits, for both staff and contract attorneys. This year's conference features tracks for DN practice, Sentencing, and Practice Management among others.

Along with other remote and in-person trainings such as the Trial Skills "Boot Camp" provided to all new attorneys, the annual conference helps ensure that we are providing effective representation to all clients entitled to public defender services.

For more information, contact [Nate McConnell](#) or [Sharon Reed](#) in the Training office.

*We provide effective professional legal services
with equal access to quality client-centered
representation.*

Best of the Flathead!

*Nick Aemisegger, Kalispell Regional Deputy
Public Defender*

Congratulations to Alisha Backus and William Managhan for placing second and fourth, respectively, in the “Best Attorney” category of the Daily Interlake’s “Best of Flathead 2018” campaign.

Every year the Daily Interlake provides an opportunity via its website for people to nominate and vote for their favorite professionals, restaurants, health care providers, etc. This year marks the first year attorneys from the Kalispell Public Defender Office were nominated. We are very pleased with the results.

Alisha and William have been with the office for approximately three and a half and four and a half years, respectively. Both have been assigned to virtually every type of case OPD handles, and

I believe this reflects a larger shift in how the general public views the service we perform for both our clients and our communities.

both are experienced litigators who work hard for their clients. Alisha and William are committed to the cause of protecting and defending the rights of our clients, and by so doing, protecting all of our rights.

I count it a great accomplishment that one of the most conservative areas in Montana chose to include two public defenders among the top four attorneys in this area. This is a testament to changing values and perceptions, and I believe reflects a larger shift in how the general public views the service we perform for both our clients and our communities. In this respect, we can all share in Alisha and William’s accomplishment.



Brett and Emily's Big Adventure

Emily Copeland, Quality Control and Contracts Programs Assistant



Last month, Brett and I traveled across the State and had the opportunity to introduce ourselves, discuss current happenings in the agency, and perhaps most importantly, meet as many OPD staff and contractors as possible. During our trip we visited seven OPD offices: Glendive, Miles City, Billings, Lewistown, Great Falls, Kalispell, and Polson. We also had the opportunity to meet with contractors in Billings, Great Falls, Kalispell and Missoula. We genuinely

enjoyed having a better opportunity to understand the important and distinct needs of each office, as well as the current overarching needs for OPD. Further, this trip provided valuable insight into the policies and procedures that are working well, and those that are not. All this feedback will help inform decisions on how to improve the effectiveness and efficiency of the agency.

For those unable to attend, and for the offices we couldn't make it to on this trip, here are the highlights:

- Krispy Kreme donuts. Yum.
- Brett and I shared more information about the current migration of our contracting system to eMACS, an electronic contract management platform. This transition will streamline application, approval and MOU management for our 300 OPD contractors. The entire process will be electronic and will substantially reduce time spent on applications and contract management for both contractors and agency staff. Further, eMACS will allow for timely and accurate reporting on the contracting program. Finally, eMACS allows us to be a completely paperless office.
- We are just beginning the process of navigating the important role of quality control within OPD. This is a combination of understanding the sources, scope, and purpose of current statutes, policies, and procedures as well as gaining feedback from staff and contractors regarding their experiences of current processes. We are very motivated to understand what is working, what is not working, and how we address both of these within the bounds of our roles. Additionally, we are also very interested in how we can use reliable and accurate data to better inform our communities and legislature about the important work we do and the strengths and needs of our agency.
- In response to important feedback from staff and contractors, we are working to improve the case closing and case audit processes to decrease the time, effort and duplication of work currently required. Stay tuned for information as this process continues.

Thank you to all of you that took the time to meet with us and share your thoughts. We are very excited to be working with such a great group of people doing challenging but important work in our State.

Almost That Time Again!



Once again, the Billings office has more fun than should be allowed on the job. They put that OPD hand truck to good use, thanks to donations from Sam's Club, and reported all of the candy was gone by 4:20. Another successful community project!

Live Better with the EAP!

The Employee Assistance Program (EAP) helps you **privately** solve problems that may interfere with your work, family, and life in general. EAP services are FREE to you, your dependents and all household members. Services are confidential and provided by experts.



In-person or online confidential counseling is available, in addition to 24-hour crisis help. Counselors can help with a variety of problems such as family, parenting, relationship, stress, anxiety and other challenges.

The EAP also offers resources on childcare, eldercare, legal and financial services, mediation, home ownership and identity theft.

For more information, click [here](#), or contact the EAP staff at 444-1345, or eap@mt.gov.

Is It “Autumn” or “Fall”?

Both *autumn* and *fall* originated in Britain. So why is *fall* primarily used in America?

The older of the two words is *autumn*, which first came into English in the 1300s from the Latin word *autumnus*. The common name for this intermediary season prior to the arrival of *autumn* was *harvest*, which was potentially confusing, since *harvest* can refer to both the time when harvesting crops usually happens (autumn) as well as the actual harvesting of crops (harvest). The word *autumn* was, then, a big hit.

Names for the season didn't just end with *autumn*, however. Poets continued to be wowed by the changes autumn brought, and in time, the phrase "the fall of the leaves" came to be associated with the season. This was shortened in the 1600s to *fall*.

Both *autumn* and *fall* were born in Britain, and both emigrated to America. By the middle of the 1800s, American English and British English had diverged, and so had *fall* and *autumn*. We aren't sure why *fall* flourished in the United States, but by the mid-1800s, *fall* was considered to be entirely American. *Fall* is still occasionally used in countries where British English is spoken, but usually only in a handful of fixed phrases, like *spring and fall*.

—Excerpted from merriam-webster.com

Open Enrollment for 2019 is Coming

Open Enrollment begins October 28. You will have until November 10 to make changes to your 2019 Benefit Elections in the MINE site.

There will be interactive webcasts on October 16, 17, and 18, and they will be available for on-demand viewing following the webcasts.

The Live Life Well incentive remains at \$30 per month for participating employees, and an additional \$30 for participating spouses or domestic partners.

Visit the HCBD [website](#) for more information.



Our Vision

As trained legal professionals we strive to represent our clients in an effective and efficient manner to ensure a more fair and balanced justice system. We are dedicated and committed to improving overall outcomes for our clients and addressing the conditions that led to their involvement with the justice system.

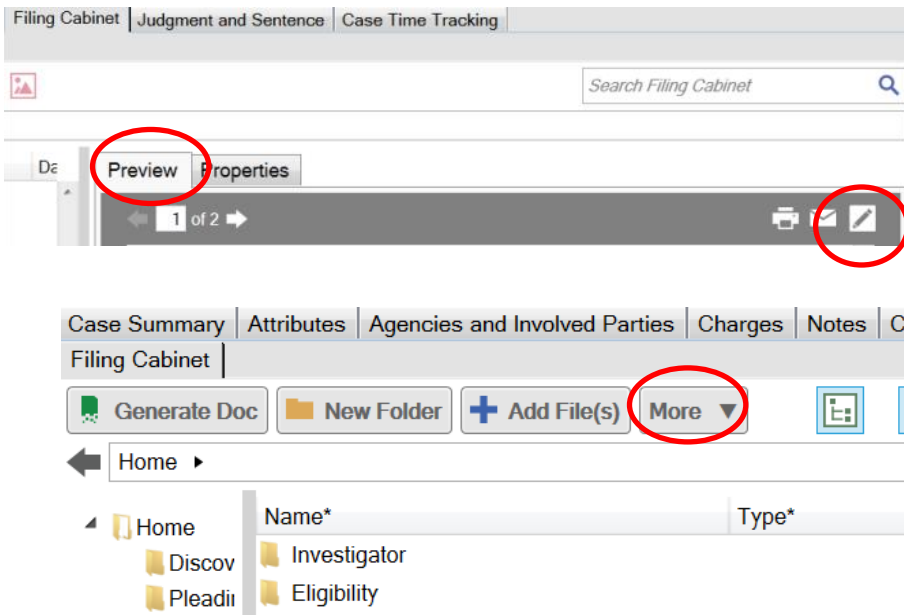
Mastering JustWare: PDF Redaction Tool



When releasing information such as discovery to clients, confidential information needs to be redacted prior to providing those reports to our clients. This information includes social security numbers, birthdates, addresses, names of witnesses/victims, or identifying information of witnesses/victims.

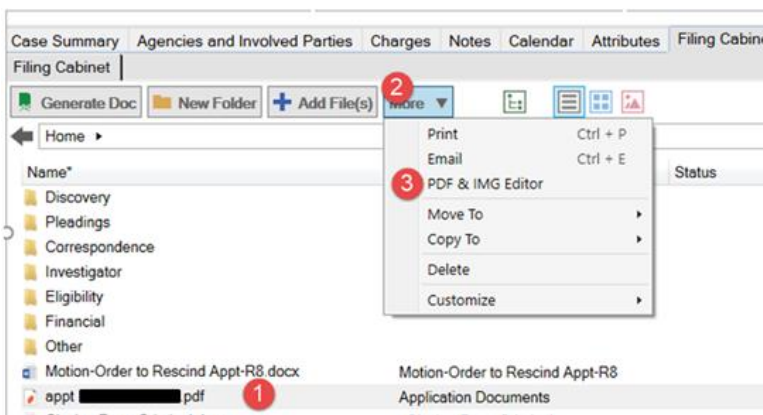
In the past, redacting has been cumbersome. You first print out the copy of the report; sit with your black sharpie or “white out” to conceal all confidential information; re-copy the redacted copy (since you know how you can see thru the sharpie lines when held to the light) and you would *finally* have a redacted copy to send to your client. Good news, we now have an easier way to accomplish this through JW.

The first time that you start to use the JW redaction tool, you’ll need to click on the edit button on the Preview screen within the filing cabinet. This will download the tool. You only have to do this the first time. After that you can use the More tab and access that way.



Go into the file cabinet in JW

1. Highlight the document that you would like to redact
2. Either right click OR click on MORE
3. Click on the PDF & IMG Editor



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Mastering JustWare

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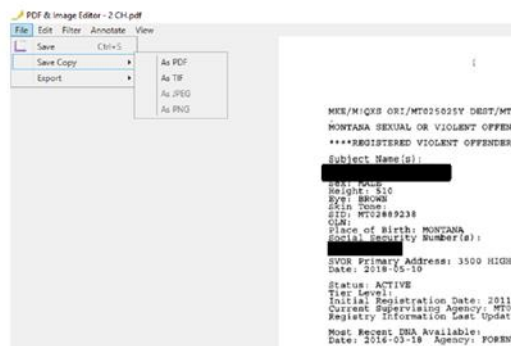
Your document will then open in a PDF & Image Editor

Click on Annotate and choose the REDACTION TOOL. It will then ask you to choose your color. You simply then drag a black square over the information you would like to redact.



In order to preserve your original copy AND save your newly redacted copy:

- Go to: File
- Click on: SAVE Copy
- Choose: As PDF



Your redacted copy is now SAVED into JW. You will notice the hour glass next to your newly redacted copy. Simply SAVE (CTRL S) and the redacted copy is saved into JW. It is now ready to disseminate to the Client.

NOTE: You may want to re-name your document as it will copy the name convention on the original document and put a (2) behind it.



This tool is available to attorneys and staff. Attorneys can redact the documents themselves or give staff guidance as to what is classified material.

Hopefully this will make it easier to get those documents redacted and saved into JW! And as always, we are continually looking to advance JW and make its functionality more useful to YOU . . . so keep those suggestions coming our way.

Marsha