

OFFICE OF THE STATE PUBLIC DEFENDER

STRATEGIC PLAN

The Office of the State Public Defender Management Team will review the strategic plan on a regular basis for improvements and updates regarding performance measurements and refining goals.

MISSION

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

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.

GOALS AND OBJECTIVES, SECTION 1

OFFICE OF THE PUBLIC DEFENDER—GOALS FOR THE ENTIRE AGENCY

GOAL 1.1: Improve overall outcomes for clients

Objective 1.1.1: Coordinate OPD services with community-based services

- *Performance Measurement:* Coordinate OPD services with community-based services by reporting on repeat clients.
- *Timetable:* 6/30/2019

GOAL 1.2: Develop criteria to identify the most cost-effective combinations of FTE positions and contract attorney resources

Objective 1.2.1: Utilizing agency data, report on actual costs of services and provide a cost-benefit analysis of services by FTE positions and by contract attorneys.

- *Performance Measurement:* Reports generated from online billing system
- *Timetable:*

Misdemeanors:	June 30, 2018/2019
Felonies:	June 30, 2018/2019
Dependent Neglect:	June 30, 2018/2019
- *Status:* Continued data accumulation from online billing

GOAL 1.3: Develop a mechanism to assess and evaluate support staff and investigator workloads

Objective 1.3.1: Retain the services of an independent expert to track and analyze attorney, support staff and investigator hours spent on specific tasks, dependent on funding.

- *Performance Measurements:*
 1. Obtain funding for time and workload study
 2. Develop a Request for Proposals (RFP)
- *Timetable:* Part of 2021 biennium budget request
- *Status:* Pending

GOAL 1.4: Build and develop strategic relationships with stakeholders

Objective 1.4.1: Increase OPD presence on commissions, committees and meetings with stakeholders, and participate in conferences.

- *Performance Measurement 1:* Maintain participation on commissions and committees, including Montana Board of Crime Control; Commission on Courts of Limited Jurisdiction; Forensic Science Laboratory Advisory Board; Law and Justice Interim Committee
- *Timetable:* Review annually in October and include in quarterly staff report
- *Status:* Ongoing

- *Performance Measurement 2:* Seek new opportunities to participate in meetings and conferences with stakeholders, including prosecutors and law enforcement, as funds permit, in order to add value and services to both clients and staff.
- *Timetable:* Include in quarterly staff report
- *Status:* Ongoing

Objective 1.4.2: Expand usage of technology to provide information to our stakeholders.

- *Performance Measurement:* Continue improving OPD website
- *Status:* Ongoing

GOAL 1.5: Continue to develop relationships with Montana's colleges and universities and internship and training programs

Objective 1.5.1: Continue to develop social work and law internship and training programs in conjunction with colleges, universities and the law school for the entire agency.

- *Performance Measurement:* Report on number of interns and their programs
- *Timetable:* Review annually at end of academic year and include in quarterly staff report
- *Status:* Ongoing

GOALS AND OBJECTIVES, SECTION 2

PROGRAMS 1-3—GOALS FOR CLIENT SERVICES PROGRAMS

- Program 1, Public Defender Program
- Program 2, Appellate Defender Program
- Program 3, Conflict Defender Program

GOAL 2.1: Develop and maintain a client-centered practice that promotes excellence

Objective 2.1.1: Develop and maintain resources to enhance communication regarding current developments in law(s) affecting our clients.

- *Performance Measurement:* Redesign and implement a resource for FTE and contract attorneys.
- *Timetable:* June 2019
- *Status:* Ongoing

Objective 2.1.2: Monitor and address issues relating to attorney workloads.

- *Performance Measurement 1:* Continue to collect and report on attorney time-keeping in the case management system.
- *Timetable:* Summarize in quarterly staff reports
Central Services Division reports annually
- *Status:* Ongoing
- *Performance Measurement 2:* Assess the case-weighting system, making changes where appropriate as determined by the joint Labor-Management Committee (LMC).
- *Timetable:* Convene an LMC meeting by June 30, 2019 and include a summary of changes in quarterly staff reports.
- *Status:* Ongoing

Objective 2.1.3: Assess whether, and under what circumstances/factors, OPD will continue to be involved in providing representation in treatment courts.

- *Performance Measurement 1:* Develop practice standards for representation in treatment courts.
- *Timetable:* January 2019
- *Status:* Ongoing
- *Performance Measurement 2:* Develop an MOU with the Office of Court Administrator
- *Timetable:* Implemented; continue monitoring
- *Status:* Ongoing
- *Performance Measurement 3:* Develop a “soft cap” contract for representation by contract attorneys in treatment courts.
- *Timetable:* June 2019
- *Status:* Contract language is pending

Objective 2.1.4: Assess OPD's current standards and policy provisions relating to cases in which the client presents or files a complaint or grievance regarding the representation provided by counsel assigned to the case.

- *Performance Measurement:* Monitor complaints completed by regional managers
- *Timetable:* Summarize in quarterly staff reports
- *Status:* Ongoing

GOAL 2.2: Ensure that clients' rights to effective representation are preserved

Objective 2.2.1: Ensure that attorneys utilize an appropriate motions practice. Filing motions is often necessary to protect the constitutional rights of the criminally accused. An appropriate motions practice is indicative that a client is receiving quality representation. The absence of motions practice may be indicative that attorneys have excessive workloads.

- *Performance Measurement 1:* Monitor motions practice as part of attorney evaluation process.
- *Timetable:* Summarize in quarterly staff reports
- *Status:* Ongoing

Objective 2.2.2: Take steps to ensure that cases are resolved in a timeframe most advantageous to the client. Prolonged litigation and repeated court appearances can negatively impact the client, especially when they are incarcerated. The timely resolution of a case clears docket space for indigent defense, the prosecution, and the judiciary.

- *Performance Measurement:* Collect and report on the number of open cases, and the number of inactive cases.
- *Timetable:* Summarize in quarterly staff reports
- *Status:* Ongoing

Objective 2.2.3: Monitor the dispositions and direct consequences to clients to measure case outcomes. Case outcome/disposition data is the foundation for evaluating all aspects of our delivery system. Caseload standards, motions practices, standards for representation and eligibility review processes all depend on the outcomes they produce.

- *Performance Measurement 1:* Collect and report on felony case outcomes, by region:
 - total number of criminal cases resolved in District Courts
 - nature of the disposition (plea agreement, open plea, jury trial, bench trial)
 - resolution (guilty, not guilty, dismissed)
 - whether PD fees were ordered and if so, the amount.
- *Timetable:* Summarize in quarterly staff reports
- *Status:* Ongoing
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- *Performance Measurement 2:* Collect and report on civil case outcomes, by region:
 - total number of civil cases resolved in District Courts
 - nature of the disposition (stipulation, contested case, relinquishment, open adoption)
 - resolution (termination, commitment, conservatorship, long term legal custody, guardianship, adoption, dismissal)
- *Timetable:* Summarize in quarterly staff reports
- *Status:* Ongoing

GOALS AND OBJECTIVES, SECTION 3

PROGRAM 4, CENTRALIZED SERVICES DIVISION

GOAL 3.1: Ensure that services are provided only to qualified clients

Objective 3.1.1: Continue to apply statutory eligibility criteria to ensure that the State provides counsel at public expense **only** to those persons who are eligible for services.

- *Performance Measurement 1:* Collect and report on the total number of cases OPD is ordered to assign counsel, by region and fiscal year.
- *Timetable:* Report annually in December
- *Status:* Included in Annual Report to the Governor, Legislature, and Supreme Court

- *Performance Measurement 2:* Collect and report on the number of applications in which the client was found eligible for services, by basis for eligibility: income based, presumptive eligibility, substantial hardship.
- *Timetable:* Include in quarterly staff reports
- *Status:* Ongoing

- *Performance Measurement 3:* Conduct internal audits to determine the number of applications with verified information, by approval type and region.
- *Timetable:* Include in quarterly staff reports
- *Status:* Ongoing

- *Performance Measurement 4:* Collect and report on the number of denials by type by region.
- *Timetable:* Include in quarterly staff reports
- *Status:* Ongoing

- *Performance Measurement 5:* Develop guidelines for use in making consistent hardship determinations.
- *Timetable:* Review annually
- *Status:* Implementation 7/1/18

Objective 3.1.2: Pursue efforts to address support staff turnover, which in turn creates difficulties in consistently and uniformly conducting the eligibility screening process.

- *Performance Measurement:* Monitor turnover, continue to conduct exit interviews
- *Timetable:* As terminations occur
- *Status:* Ongoing

GOAL 3.2: Continue to ensure the system for the provision of legal services is accountable to taxpayers

Objective 3.2.1: Maintain financial transparency. The taxpayer has the right to know how tax dollars are being spent.

- *Performance Measurement 1:* Support regular audits by the Legislative Audit Division
- *Timetable:* As they occur
- *Status:* Ongoing

- *Performance Measurement 2:* Continue internal audits of contractor claims and summarize results in quarterly staff report.
- *Timetable:* Monthly
- *Status:* Ongoing

Objective 3.2.2: Develop a communication plan to illustrate and explain the need to utilize both FTE positions and contract services.

- *Performance Measurement:* Consult with the state communications director, university communications departments or commercially available communication consultants for the development of an OPD communication plan.
- *Timetable:* June 30, 2019
- *Status:* Ongoing

Objective 3.2.3: Continue to ensure that the system uses taxpayer funds in a way that compensates service providers on a timely basis. Employees and contractors deserve to be paid on time for the work they do. Timely payment of private appointed counsel positively affects the retention and recruitment of quality indigent defense lawyers.

- *Performance Measurement:* 95% percent of claims paid within 30 days (17-8-242, MCA)
- *Timetable:* Monthly
- *Status:* Ongoing

Objective 3.2.4: Analyze data from the online billing and case management systems to develop a proposal to identify and implement case compensation limits, by case type and based on regional considerations.

- *Performance Measurement 1:* Invite contract attorneys and other stakeholders to provide input into the plan.
- *Timetable:* Summarize in quarterly staff reports
- *Status:* Ongoing

- *Performance Measurement 2:* Develop specific criteria and a request template by which OPD management could approve requests for excess compensation payments to counsel when in management's judgment the case involves extended or complex representation and the amount certified is necessary to provide fair compensation and effective representation.
- *Timetable:* Summarize in quarterly staff reports
- *Status:* Ongoing

Objective 3.2.5: Maintain additional efficiencies using the online billing system software.

- *Performance Measurement:* Quality assurance reporting to define functionality and design.
- *Timetable:* Monthly
- *Status:* Ongoing

GOAL 3.3: Enhance leadership and management skills

Objective 3.3.1: Continue to enhance leadership and management skills by developing training programs and utilizing resources to support management skills development.

- *Performance Measurement 1:* Continue with twice per year in-person management trainings and monthly management calls; incorporate leadership training into breakouts at annual conference; utilize relevant trainings available through the State Professional Development Center
- *Timetable:* As outlined above
- *Status:* Ongoing

- *Performance Measurement 2:* Develop and implement specific expectations in the employee evaluation tool to assist managers
- *Timetable:* Annually during performance evaluations
- *Status:* Ongoing

Objective 3.3.2: Enhance the ability of the Human Resources unit to provide management consultation, develop an employee health and welfare support system, and enhance OPD's ability to identify and recruit to meet the needs of the agency and the people we serve.

- *Performance Measurement:* Identify and recruit a human resource manager
- *Timetable:* August 2018
- *Status:* Classification of position pending

GOAL 3.4 Information Technology

Objective 3.4.1: Identify sufficient Information Technology (IT) resources to meet agency technical priorities and empower the full use of technical resources.

- *Performance Measurement:* Review IT resources to determine equipment needs and create a list of agency IT priorities: tablets, mobile apps for case management system
- *Timetable:* Part of 2021 biennium budget request
- *Status:* Pending

Objective 3.4.2: Enhance enterprise information security training and awareness.

- *Performance Measurement:* Develop additional criteria and training for staff.
- *Timetable:* June 2019
- *Status:* Ongoing

Objective 3.4.3: Identify and develop automated processes to monitor risk management, gain efficiencies, and overcome resource limitations.

- *Performance Measurement:* Analyze current systems and vendors to implement best practices in system management.
- *Timetable:* June 2019
- *Status:* Ongoing

Objective 3.4.4: Develop and implement a disaster and recovery plan for all systems.

- *Performance Measurement:* Analyze current systems and vendors to develop best practices in disaster recovery.
- *Timetable:* June 2019
- *Status:* Ongoing