



OFFICE OF THE STATE PUBLIC DEFENDER STATE OF MONTANA

June 30, 2016

To: Montana Public Defender Commission

From: Peter Ohman, Training Coordinator

Re: Training Report (4/01/2016 – 6/30/2016)

Since the last report we have conducted several training events.

On April 19, 2016, assistant appellate defender Natalie Wicklund, presented a one-hour webinar entitled *Ineffective Assistance of Counsel*. The training covered topics including the difference between IAC claims and disciplinary proceedings, how to avoid IAC from clients and how IAC claims may be raised. The training was an ethics training as well.

On April 21-22, 2016, OPD held a training entitled *Mental Health Advocacy in Montana*. The conference took place at Fairmont Hot Springs on the first day, and the Montana State Hospital on the second. Topics included how to evaluate client capacity; the nuts and bolts of a civil commitment proceeding; criminal processes for mentally ill clients (NGBMI, etc.); the pharmacology of mental illness, and mental health evaluations in Montana. The second day of the training involved a visit to the Montana State Hospital. Attendees met with MSH staff and received an overview of admission processes, discharge processes, how clients are recommitted, involuntary medication protocol, composition of treatment teams, fitness and not guilty by reason of mental illness evaluation processes, and step-down placements available at the campus. The group then received a tour of the facility so as to be better able to advise clients of the situation they would face if placed at the hospital. After the tour the group received valuable information from the Hospital's Residents Council. The Council consisted of three clients who had been represented by public defenders in civil commitment proceedings. They provided feedback on their experience with their attorneys, their experience at the Hospital and the advice they thought lawyers should give clients who are ultimately committed to MSH.

On April 29, 2016, assistant appellate defender Koan Mercer, presented a one-hour webinar entitled *Spring Case Update Training*. The training covered topics including criminal cases and the many abuse and neglect cases issued in the last few months. Civil commitment opinions were also explained.

On April 30-May 1, 2016, OPD held a training for the agency office managers. The training took place at the Office of Public Instruction conference room in Helena. The conference was focused on developing and ensuring the offices were using uniform processes around the state with respect to opening and closing cases in the case management system, scanning discovering into the case management system, working on eligibility questions, exploring HR issues, and getting feedback on development of the agency's website.

On May 12, 2016, Lexis representative and attorney Dayna Trautwein, presented a webinar *Legal/Lexis Research Training*. Ms. Trautwein taught attendees how to maneuver through the

Lexis Advance program, options for performing searches, how to create folders, narrow searches to states and circuits, save search criteria, locate secondary sources and more.

Finally, OPD was able to take advantage of a scholarship opportunity sending Lisa Kauffman, an attorney in the conflicts office, to the National Association of Criminal Defense Lawyers-Cardozo Law National Forensic College in New York City. This intensive week long training covered myriad topics related to forensics. Ms. Kauffman will share the information she gained with OPD attorneys and present at the Annual Conference, scheduled for October 12-13 in Bozeman.

OTHER MATTERS

In addition to specific training events the Training Office provides direct support in a variety of ways. We participate in one-on-one online meetings with new attorneys; provide orientations in the area of sentencing, client relationships, DUIs, civil commitment proceedings, and management orientation; send teams to offices upon request for one day in-person trainings; and maintain the Brief Bank.

Eligibility Coordinator Chris Thomas travels to multiple locations around the State to assist offices with agency procedures. Not only has she and others trained on eligibility but they have also coached support staff in areas such as efficient use of the case management system, discovery, and file management. Ms. Thomas is also the Vehicle Manager for all OPD cars and assists in regular Communications Meetings.

In addition to training responsibilities the Training Coordinator is involved with a number of boards and commissions. These include membership on the Court Assessment Program Advisory Committee, the Interim Commission on Sentencing, the SJ 24 Working Group, the Western Juvenile Defender Center Board, the National Association for Public Defense Education Workgroup, and the Youth Justice Council. All of these entities are directly involved in projects that have an impact on OPD business.

Jennifer Streano recently left the Training Office to take a position as the Regional Deputy Public Defender in Region 2 (Missoula and surrounding counties). Brent Getty, formerly of the Kalispell office, recently took over Ms. Streano's duties in the Missoula branch of the Training Office. He continues the internship program with the University of Montana Law School, supervising multiple third-year law students representing clients in a variety of misdemeanor cases.

The training office also handles all of the Sentence Review cases for OPD. The Sentence Review Division is composed of a three judge panel of district court judges. The Panel sits six times per year – quarterly for men and biannually for women. The hearings take place at the Montana State Prison or the Montana Women's Prison. Meeting with clients prior to hearings can be time consuming due to the fact the clients are in placements throughout Montana. The Training Office handled approximately 200 sentence review cases in fiscal 2015.

Future training events include monthly webinars, sending OPD attorneys to the Western Juvenile Summit in Spokane, Washington, conducting another trial skills training, co-sponsoring a training on forensics with the Montana Association of Criminal Defense Lawyers, orientation for new attorneys, the annual conference at the beginning of October, ongoing management training, and others as the fiscal situation and attorney demand provide.