



OFFICE OF THE STATE PUBLIC DEFENDER STATE OF MONTANA

September 30, 2016

To: Montana Public Defender Commission

From: Peter Ohman, Training Coordinator

Re: Training Report (7/01/2016 – 9/30/2016)

Since the last report we have conducted several training events.

On August 31 – September 1, OPD held a management conference in Helena. The meeting centered around developments in the agency and allowed managing attorneys, regional deputies and other staff to learn and share ideas about how to best provide representation for our clients while keeping in mind the reality of budgetary constraints. An afternoon session was devoted to human resource and management issues focused on working with an organized workforce.

On September 8, assistant public defender Brent Getty, presented a one-hour webinar entitled *Evidence: Foundation, Objections and Winning at Trial*. He unlocked the issues raised in *State v. Weber*, a case where an attorney (public defender) was found to be ineffective because he could not get an exhibit admitted as a business record. Mr. Getty provided specific examples of how to get various kinds of exhibits admitted, including the evidence at issue in *Weber*. Mr. Getty also discussed common objections criminal defense lawyers can make and provided a reference sheet for such objections.

On September 9, OPD co-sponsored a training with the Montana Association of Criminal Defense Lawyers, entitled *Lawyers, Guns and Forensic Evidence*. The training took place in Billings and educated attorneys and investigators on issues related to blood spatter evidence, electronic evidence, firearms, impression evidence, and ethical challenges in an age of social media and electronic communications. Presenters came from Arizona, Alberta and Georgia in addition to Montana.

September 14–16, OPD conducted a Trial Skills Training. We previously held this training annually; however, due to increased turnover and bringing on additional lawyers we determined that we had to do it a second time in calendar year 2016. The training was held at the Finlen Hotel in Butte, and approximately 16 attorneys including 2 contract attorneys participated. The training focuses on building trial skills and includes an introduction to the Chapter method of cross-examination, theme and theory of defense, managing a high caseload, interviewing and interacting with clients, overcoming trial objections and making your record. The participants broke into two groups to develop their jury selection skills with other attendees sitting as mock jurors. Lawyers brought their own cases for the voir dire, opening, cross, and closing exercises, so hopefully they will have learned what to do and not to do when they try the matters for real. Trainers included Brian Smith, an attorney

in private practice in Missoula, and OPD attorneys Annie DeWolf, Brent Getty, Lisa Kauffman, Peter Ohman and Jennifer Streano.

Finally, the OPD was able to take advantage of outside funding to send numerous OPD attorneys to the *Fall CSKT – ICWA Legal Summit* in Polson, Montana. The conference took place from September 7-8 and focused on the Indian Child Welfare Act and its application in state court proceedings.

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, and civil commitment proceedings, management orientation; send teams to offices upon request for one day in-person trainings; and maintain the Brief Bank.

The Training Office also assists with Central Services operations, working with regional deputies and staff to ensure compliance with the case weight system. Administrative Assistant Chris Thomas has traveled 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.

Brent Getty, formerly of the Kalispell office, recently took over Ms. Streano's duties in the Missoula branch of the Training Office. He supervises the internship program with the University of Montana Law School, supervising multiple third-year law students who are representing clients in a variety of misdemeanor cases and before the Sentence Review Panel.

The training office also handles 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 2016.

Future training events include monthly webinars, sending an OPD attorney to the National Juvenile Defender Center Summit, orientation for new attorneys, youth court training, office manager conference, annual conference at the beginning of October, ongoing management training, trial skills practice, and others as the fiscal situation and attorney demand provide.