

OFFICE OF THE STATE PUBLIC DEFENDER



STEVE BULLOCK
GOVERNOR

KRISTINA NEAL
CONFLICT COORDINATOR

STATE OF MONTANA

Phone: (406) 444-0104
Fax: (406) 444-2669
PO Box 200145
Helena, MT 59620-0145

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To: Montana Public Defender Commission

From: Kristina Neal, Conflict Coordinator

RE: Report to the Commission

Through hiring pursuant to the mitigation plan, my program is now staffed by 20 FTE; myself, 15.5 assistant public defenders, two investigators, one administrative support staff and one support staff intern. My attorneys are located in Kalispell/Whitefish, Missoula, Billings, Great Falls, and Helena. My investigators are placed in Billings and Missoula. I have been contracting for paralegal services.

Program 3 utilizes the same case weighting and time tracking systems as Program 1. My attorneys in Missoula, Great Falls, and Helena either work from a home-based office or have their own established office, and we provide an office stipend¹. In Billings, I was able to find office space in the lower level of the same building as the Billings OPD for three of the attorneys. The other attorneys and investigator either work from a home-based office or receive an office stipend.

My staff attorneys' case assignments range from attorneys in two municipal courts, district court cases (felonies and youth court) and in youth in need of care proceedings. Four of my attorneys are also handling time-consuming homicides, which could not be assigned to the Major Crimes Unit.

I still need to rely on contract attorneys in areas of the state in which I do not have an FTE presence. Further, I also need to assign cases to contract attorneys when multiple parties are involved. For example, in jurisdictions in which the courts routinely appoint an attorney for the children in a DN case, the local OPD office will generally keep the

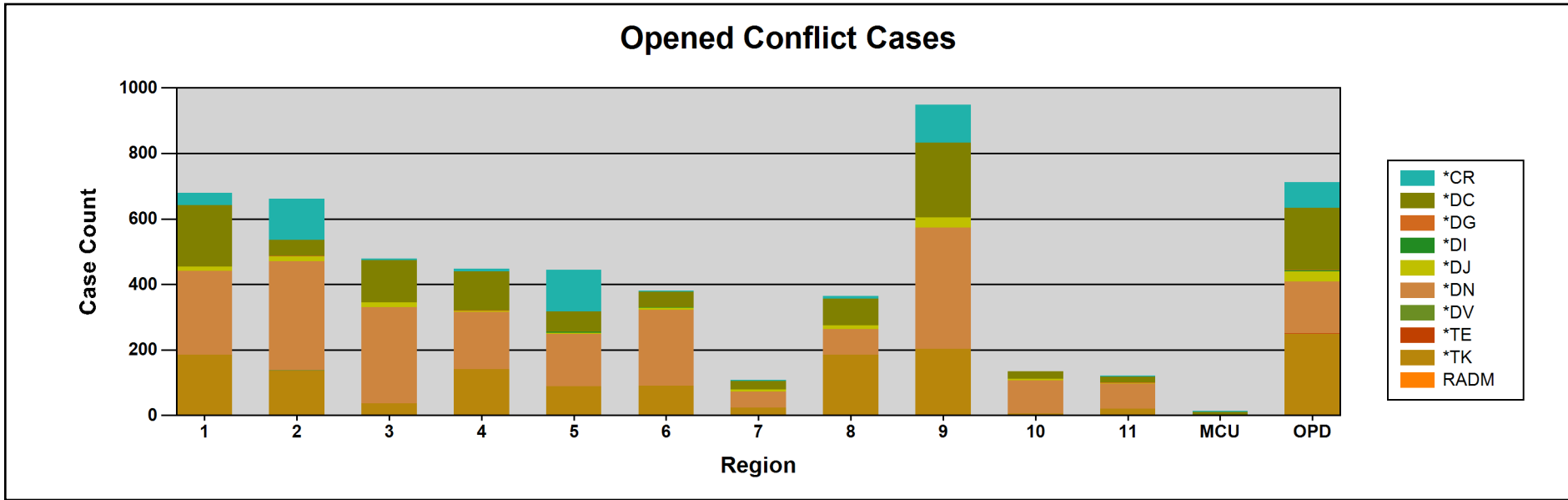
¹ The office stipend is \$200 per month.

most time-intensive client and will refer the other parent (or parents) and children to my office. Since it would be a conflict for me assign an FTE to one party and conflict counsel to the other parties, in that situation, I need to assign all the parties to private conflict counsel, who work as independent contractors. However, in jurisdictions in which the court does not routinely assign counsel for the children, and only one other parent is referred to my program, such as Billings and Helena, I can assign the case to an FTE. I handle criminal cases, in which multiple co-defendants or other conflicts are presented, in a similar manner.



Office of the State Public Defender: OPD Opened Conflict Cases by Type Report

Period from: 7/1/2016 through 3/31/2017



	*CR	*DC	*DG	*DI	*DJ	*DN	*DV	*TE	*TK	RADM	Total
Regional Office, Region 1	38	186	0	0	14	256	0	0	185	0	679
Regional Office, Region 2	125	49	1	0	16	333	1	0	136	0	661
Regional Office, Region 3	6	128	0	0	14	294	0	0	37	0	479
Regional Office, Region 4	9	118	1	1	4	174	0	0	141	0	448
Regional Office, Region 5	127	63	0	3	4	159	0	0	89	0	445
Regional Office, Region 6	3	48	0	1	7	231	0	0	91	0	381
Regional Office, Region 7	4	26	0	0	7	49	0	0	23	0	109
Regional Office, Region 8	8	82	0	0	11	79	0	0	185	0	365
Regional Office, Region 9	117	228	0	0	30	371	0	0	203	0	949
Regional Office, Region 10	0	22	0	0	5	101	0	0	6	0	134
Regional Office, Region 11	3	18	2	0	1	77	0	0	21	0	122
Major Crime Unit	3	10	0	0	0	0	0	0	1	0	14
Office Of State Public Defender	79	189	2	2	32	158	0	1	248	1	712
Total	522	1,167	6	7	145	2,282	1	1	1,366	1	5,498