

OFFICE OF THE STATE PUBLIC DEFENDER



STEVE BULLOCK
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CHIEF PUBLIC DEFENDER

STATE OF MONTANA

REPORT TO THE PUBLIC DEFENDER COMMISSION

William F. Hooks, Chief Public Defender

April 20, 2017

Mitigation Plan Update

Implementation of the mitigation plan remains a major concern in Program 1. We hired a number of attorneys pursuant to the plan, and a summary of modified employees hired was included in my prior Report. However, workload issues pose an on-going challenge.

Not all regions were at full-strength when the plan was implemented, and our regional leaders also must deal with turnover. From July 1, 2016 through March 31, 2017, Program 1 had turnover of 9% in our attorney ranks and 14% turnover in our support staff work force. When these turnover rates are annualized for Fiscal Year 2017, the rates are 12% for attorneys and 19% for support staff. Offices that are under-staffed struggle to effectively deal with the increased workload.

One measure of assessing workload is the agency's case-weight system, which is used to assign new cases in an office. The Commission determined that assigning no more than 125 hours' worth of new cases to an attorney in a month is the aspirational goal. Many of our attorneys routinely are assigned more than 125 hours per month. We also monitor the number of new cases coming in to the offices. We project we will see an increase of 4.1% in new dependent/neglect cases this year. Our current estimated number of new cases for FY 2017 is almost 37,000. We project an overall growth rate of 2%, which would represent an increase of about 578 new cases.

Excessive workloads raise ethical concerns for attorneys and supervisors. I discuss these concerns with supervisors and consider contracting out cases in a limited, as-needed basis.

Strategic Plan Goals

Goal 1.4 of the Strategic Plan directs us to develop strategic relationships with stakeholders.

I am proud to announce that Roger Renville, an attorney in our Helena office, was recently honored for his work as a public defender. Roger represents parents in dependent/neglect cases. These can be difficult, draining cases, as the parents often deal with personal challenges and face the prospect of losing their children. Roger represents these moms and dads with dedication, care and commitment. In recognition of his outstanding commitment to the cause of justice for his clients, the CASA Program for Lewis & Clark and Broadwater Counties awarded Roger their "Light of Hope" award.

I met with a group of contract attorneys in Billings on March 30. We discussed a number of topics, including implementation of a new Memorandum of Understanding, the mitigation plan, and the development of the soft cap billing system.

One performance measurement assesses our participation on commissions and committees. I serve as a Governor's appointee on the Montana Board of Crime Control. I also serve as a member of the Commission on Courts of Limited Jurisdiction, and attended meetings this quarter.

Goal 1.5 of the Plan directs us to develop social work and law internship and training programs in conjunction with colleges, universities and the law school. We have social worker positions in our Helena, Missoula and Billings offices.

Goal 2.1 directs us to be prudent stewards of the taxpayers' money, by ensuring that services are provided only to qualified clients. We have focused on collecting and developing the capacity to report on data regarding the eligibility process. These reports can be made available for review.

Agency personnel are working on a project to enhance the efficiency of our case management system in terms of entering eligibility information. This project, led by Chris Thomas, our eligibility trainer, Marsha Parr, our case management support leader, and Kyle

Belcher, our IT supervisor, will cut down on the amount of time spent by staff in entering data, and will streamline the process for our eligibility specialists in the offices.

Goal 2.2.2 directs managers to have regular strategic planning meetings. The legislative session has dominated much of our time and attention this quarter, and I have had regular contact and discussions with Kristina Neal, Chad Wright, Peter Ohman, Wendy Johnson and the central office staff. I have had discussions with regional deputies and provided updates, and convened a meeting with the regional deputies and managing attorneys by means of a Skype conference call on April 19.

Chad Glenn was hired as the new Region 9 Deputy Public Defender (Billings), and Adam Larsen was hired as the new Region 7 Deputy Public Defender (Lewistown). Both Chad and Adam were OPD staff attorneys before they moved up to the management ranks, and I am pleased to have them join the OPD management team.

Goal 2.3 directs us to ensure that clients' rights are preserved. Case outcomes and dispositions are an important measurement of the delivery of public defense. We collect and report on dispositive motions, and we are working on enhancing our ability to report on outcomes in criminal and civil cases. Reports can be made available for review.

For the period of July 1, 2017 through April 16, 2017, we had a total of 33,302 open cases in all regions. In the same time period, we had 7,945 inactive cases. Copies of reports on these data are attached.

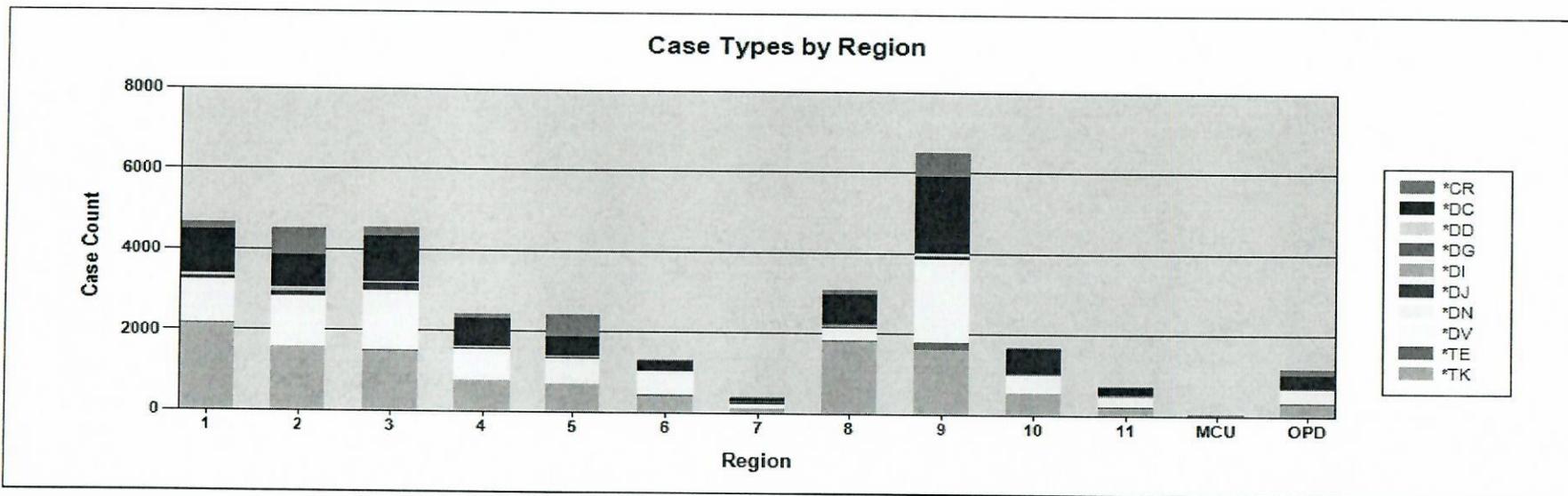
Conclusion

The attorneys, staff and investigators in Program 1 continue to provide a high level of service to the citizens of Montana in a cost-effective manner.



Office of the State Public Defender: OPD Open Case Matrix by Type Report

Period from: 7/1/2006 through 4/16/2017 11:59:59 PM

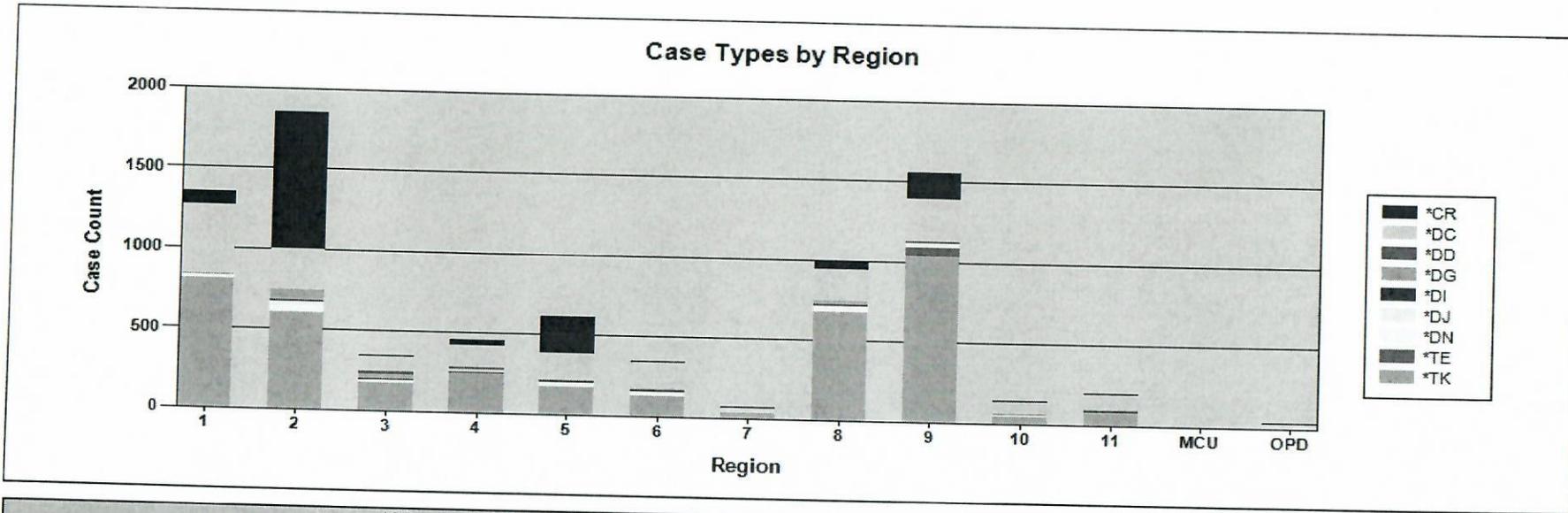


	*CR	*DC	*DD	*DG	*DI	*DJ	*DN	*DV	*TE	*TK	Total
Regional Office, Region 1	199	1,086	1	22	15	97	1,055	2	1	2,168	4,646
Regional Office, Region 2	650	814	4	45	67	114	1,216	1	30	1,562	4,503
Regional Office, Region 3	218	1,142	1	6	18	197	1,475	0	2	1,477	4,536
Regional Office, Region 4	89	688	9	21	17	38	728	1	1	804	2,396
Regional Office, Region 5	556	459	2	10	20	30	626	0	0	697	2,400
Regional Office, Region 6	7	270	1	3	1	26	556	0	50	390	1,304
Regional Office, Region 7	8	111	0	6	23	19	109	0	0	111	387
Regional Office, Region 8	110	764	0	14	27	52	280	1	2	1,837	3,087
Regional Office, Region 9	578	1,889	4	29	13	129	2,055	0	153	1,617	6,467
Regional Office, Region 10	26	641	0	3	9	41	401	1	0	563	1,685
Regional Office, Region 11	26	198	0	7	3	15	267	0	1	189	706
Major Crime Unit	3	23	0	0	0	0	0	0	0	2	28
Office Of State Public Defender	136	321	0	2	0	69	313	0	2	314	1,157
Total	2,606	8,406	22	168	213	827	9,081	6	242	11,731	33,302



Office of the State Public Defender: OPD Inactive Case Matrix by Type Report

Period from: 7/1/2006 through 4/16/2017 11:59:59 PM



	*CR	*DC	*DD	*DG	*DI	*DJ	*DN	*TE	*TK	Total
Regional Office, Region 1	79	433	0	1	0	7	16	0	807	1,343
Regional Office, Region 2	858	251	0	68	3	26	43	0	603	1,852
Regional Office, Region 3	7	100	12	28	4	14	8	0	174	347
Regional Office, Region 4	33	141	12	2	0	0	12	1	254	455
Regional Office, Region 5	234	165	0	8	6	10	20	0	169	612
Regional Office, Region 6	3	176	0	6	1	5	27	0	128	346
Regional Office, Region 7	2	29	0	0	0	3	2	0	37	73
Regional Office, Region 8	44	199	0	28	5	17	19	0	676	988
Regional Office, Region 9	170	262	0	0	1	30	7	55	1,033	1,558
Regional Office, Region 10	3	83	0	1	0	3	12	0	43	145
Regional Office, Region 11	10	91	0	4	1	5	9	0	76	196
Major Crime Unit	0	1	0	0	0	0	0	0	0	1
Office Of State Public Defender	3	16	0	0	0	1	6	0	3	29
Total	1,446	1,947	24	146	21	121	181	56	4,003	7,945