

OFFICE OF THE STATE PUBLIC DEFENDER



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January 19, 2012

TO: Montana Public Defender Commission

FROM: Eric Olson, Training Coordinator

RE: Training Report

Standards Verification Completed: As of the verification target date (December 31, 2011) 112 staff attorneys had verified familiarity with the OPD standards relevant to their areas of practice. Attorneys not verifying will be contacted by regional deputies or managing attorneys and asked to complete the verification process by the end of January, 2012. The next round of computer based verification instruments will be posted on or before April 30, 2012 for verification by June 30, 2012.

OPD Grizzly CLE: On November 4, 2011 OPD sponsored a legal education program for any and all interested persons at the Holiday Inn in Missoula. The event, which was attended by forty-four lawyers, helps raise the level of awareness within the private bar regarding issues and challenges facing OPD and its clientele.

Leadership V: On December 8-9, 2011 all regional deputies and managing attorneys met at Fairmont Hot Springs to participate in the latest session of OPD's ongoing systemwide leadership training program. Leadership consultant Julie Benson-Rosston served as the principal instructor.

Dynamic Defender Development Group: In the wake of the Fairmont leadership conference the OPD has established a work group entitled the Dynamic Defender Development Group (DDDG). The group is comprised of eight FTE attorneys, each of whom has a experience with one of the specific fields of OPD legal practice, plus the Chief Public Defender and the Training Coordinator.

The DDDG will meet on a quarterly basis for the purpose of:

- (1) updating the legal resources within the OPD Brief Bank;
- (2) reviewing and posting standards verification instruments; and
- (3) developing and discussing innovative and dynamic ways of improving delivery of public defender services.

IQ Training: As a result of recent reorganization the case management support program is now part of the OPD training office. Based on input received from recent audits, the training office has developed an improved process for screening applicants and determining eligibility using the case management system. Statewide IQ training has already begun and will be complete by the middle of February, 2012, resulting in more consistent IQ processing. Use of the case management program in this process will also provide for improved reporting on eligibility determinations.

Boot Camp: The OPD will conduct its annual boot camp trial skills training program during the week of February 21-24. The program will use conference rooms at the University of Montana and courtrooms in the Missoula County courthouse. This year's program will focus on cross examination and voir dire and will feature Deja Vishny, Director of Training for the Wisconsin State Public Defenders. Deja is a longtime faculty member at the National College of Criminal Defense in Macon, Georgia and is a regular presenter at NACDL conferences.

OPD Peer-to-Peer Mentoring: Attorney Ed Sheehy is now assisting the regional deputy defenders and managing attorneys with peer-to-peer mentoring. We are very hopeful that Ed's wide and varied experiences will prove to be a valuable and effective way to help the training office and on-site supervisors address the local training concerns raised by the ACLU in its recent comments.

Standards of Practice for Children's Advocates in DN Cases: The OPD training office recently secured funds from the Montana Court Improvement Program which will permit us to develop practice standards for children's advocates. The mini-grant project – which has a targeted completion date of April, 2012 – will produce a set of proposed practice standards for attorneys appointed to represent children and for attorneys appointed to represent CASA/GAL representatives. These standards will be reviewed by the DN Uniform Practice Workgroup and then presented to the Montana Public Defender Commission for its consideration.

The project will also identify and present to the judiciary "best practice models" for CASA and GAL representatives.

The project staff includes the OPD Training Coordinator, a part time assistant, and the volunteer assistance of Meri Althaus (a private attorney in Missoula), as well as input from members of the DN workgroup.

Office of the State Public Defender

FY 12 PLANNED
TRAINING PROGRAMS
 July 1, 2011-June 30, 2012

| <u>Date Of Training</u> | <u>Description of Training</u> | <u>Internal Personnel</u> | | <u>External Personnel</u> | | <u>Totals</u> |
|-------------------------|---|---------------------------|---------------------|---------------------------|---------------------|---------------|
| | | <u>Attorney</u> | <u>Non-Attorney</u> | <u>Attorney</u> | <u>Non-Attorney</u> | |
| August 15-19, 2011 | University of Montana Capital Training Initiative (Defense-Part I | 17 | 0 | 4 | | 21 |
| August 29-31, 2011 | Investigator Training Conference (Butte) | | 19 | | | 19 |
| September 2011 | PACE University Public Defender Fellowship Program (UNLV Boyd School of Law plus week long placements in Miami and the Bronx) | 2 | | | | 2 |
| October 12, 2011 | NACC Child Welfare Specialist "Red Book" Training | 7 | | 11 | 26 | 44 |
| October 12-13, 2011 | OPD Statewide Training Conference (Whitefish) | 104 | 3 | 28 | | 135 |
| | - Ethics Issues in Conflict Cases | | | | | 0 |
| | - Montana Supreme Court/US Supreme Court Case Law Update | | | | | 0 |
| | - Protecting the Record | | | | | 0 |
| | - Immigration Law for Defenders II | | | | | 0 |
| | - DUI Practice Tips - DRE Evidence | | | | | 0 |
| | - Forensic Use of Neuropsychological Evaluations | | | | | 0 |
| | - Restitution Hearing Workshop | | | | | 0 |
| | - DOC Placement and Programming Policies | | | | | 0 |
| | - Issues in Courts of Limited Jurisdiction | | | | | 0 |
| | - Substance Abuse, Mental Illness, and the LAP | | | | | 0 |
| | - Understanding Psychological Tests | | | | | 0 |
| | - Science and Law of Eyewitness Evidence | | | | | 0 |
| | - Lessons and Practice Tips Gained from the Jury Insights Project | | | | | 0 |
| October 20-22, 2011 | National Juvenile Defender Leadership Summit (Seattle) | 2 | | | | 2 |
| November 4, 2011 | Grizzly CLE | 2 | | 42 | 1 | 45 |
| | - Tips and Techniques for Writing Effective Briefs | | | | | 0 |
| | - Understanding Montana's Marijuana Laws | | | | | 0 |
| | - Ethical Considerations in Representing Children | | | | | 0 |
| | - Jury Perspectives of the Trial Process | | | | | 0 |
| | - Substance Abuse, Mental Illness, and the LAP | | | | | 0 |

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|-------------------------|---|---------------------------|---------------------|---------------------------|---------------------|---------------|
| | | <u>Attorney</u> | <u>Non-Attorney</u> | <u>Attorney</u> | <u>Non-Attorney</u> | |
| | - Lawyers and Public Statements: Professional Responsibility Concerns | | | | | |
| November 2011 | National Forensic Training Program (Austin, TX) | 2 | | | | 2 |
| November 2011 | NACDL Defending Drug Cases Seminar (Las Vegas) | 1 | 0 | | | 1 |
| November/December 2011 | IT Training Conference (SITSD) | | 2 | | | 2 |
| December 2011 | OPD Leadership V | 23 | 6 | | | 29 |
| February 21-24, 2012 | OPD Boot Camp (Trial Skills Workshop) | | | | | 0 |
| May 2012 | University of Montana Capital Training Initiative (Defense-Part II) | | | | | 0 |
| Spring 2012 | Mental Health Issues Training (Cooperative with DOC/DPHHS) | | | | | 0 |
| Spring 2012 | IT Training | | | | | 0 |
| May 2012 | Cultural Communications Workshop | | | | | 0 |
| May 2012 | Appellate Advocacy Training | | | | | 0 |
| June 21-22, 2012 | OPD Support Staff Training Conference | | | | | 0 |
| Ongoing | New Employee Orientation | | | | | 0 |
| Ongoing | Semi-annual Standards Verification (Dec. 31 , 2011 and June 30, 2011) | | | | | 0 |
| Ongoing | Video/Computer Based | | | | | 0 |
| | - Federal Consequences of State Criminal Convictions | | | | | 0 |
| | - Child Sex Offenders | | | | | 0 |
| | - OPD Brief Bank Update Training | | | | | 0 |
| | - Immigration | | | | | 0 |
| | - DUI Practice Update | | | | | 0 |
| | - Civil Practice Quarterly Reviews | | | | | 0 |
| TBD | Major Crimes/Trial Training Skills Workshop | | | | | 0 |
| | Totals | 160 | 28 | 85 | 27 | 302 |