



Steve Bullock  
Governor

# OFFICE OF THE STATE PUBLIC DEFENDER STATE OF MONTANA

Wade Zolynski  
Chief Appellate Defender

## **Appellate Liaison Report to the Commission February 24, 2014**

The Appellate Liaison solicits comments from members of the OAD (attorneys and support staff), and compiles them into this Report to the Commission.

### **Appellate Office Move**

The Appellate Office in Helena recently moved a few blocks from the Goodkind Building into an office building located next to Women's Park. The move went very smoothly, and we were off-line for just a few hours. We are getting settled and are enjoying the new space, which is larger and provides room for future expansion.

We appreciate all those who helped make it possible, including Chief Appellate Defender Wade Zolynski, Central Services, and the IT Department. Kyle Belcher and his crew were outstanding and had our computers on-line within a few hours.

### **Support Staff**

We are looking forward to the addition of another member to the support staff team at the end of this month. The appellate support staff function is highly specialized. While we are all willing to do our own clerical work when necessary, it is not efficient or cost-effective for us to do so. Simply put, the time that appellate attorneys have to spend doing support staff work is time taken away from substantive work for a client and further delays appellate cases. The turnover in appellate support staff has been crippling at times. With Wade's management, and his willingness to answer phones, format briefs, and work long hours, we have made it through the crisis. We look forward to having the appropriate depth and stability in staffing for our office.



# STATE OF MONTANA

## Office of the State Public Defender

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*February 2014*

*Report to the Public Defender Commission*

*Catherine Huston, Liaison for Investigators and Support Staff*

### **SUPPORT STAFF:**

#### **Support Staff Training:**

Support Staff training is tentatively scheduled for April 30- May 1 in Helena. The agenda and details are still in the planning stages.

#### **Labor Management Committee:**

LMC met on January 31, 2014 with an excellent turnout considering the road conditions. We held a joint LMC meeting, which included the attorneys, investigators and support staff and combined the agenda items.

There was a great deal of discussion from the SS/Investigator LMC regarding the Support Staff Study and results. A private company, CMS, was hired to evaluate the Support Staff positions within the OPD. Additionally, a job classification and wage study was conducted. Mr. Hooks and Mr. Freebourn will be looking into the response rate with the CMS study and what conclusions were discovered.

Support Staff wages have been, and continue to be, a major concern. The wage gap and discrepancies in pay within our organization are only widening. The OPD has a large market problem amongst support staff personnel. The Support Staff's current salaries are based on a 2006 market. We're sitting at 2014 this next session, and we haven't been able to move our staff to the 2012 market salary.

Some "real life" stories were shared by members of Support Staff. We have Support Staff that qualify for public assistance and would qualify for a public defender if they needed one. In addition to wage discrepancies, the OPD is grossly understaffed which affects every aspect of the organization. Offices cannot function to full capabilities because there is insufficient Support Staff to do the job. Our case numbers continue to increase, but our staff and salaries do not.

Members of the Support Staff are prepared to send people to the next Legislative session to give the details of the wage discrepancies in our organization vs. other State agencies. Based on the conversations at the LMC meeting, both investigators and attorneys are very supportive of focusing on our Support Staff.

## **INVESTIGATORS:**

**Welcome:** Two new investigators Tom Sly in Polson and Tim Boileau in Hamilton

**Investigator Training:** TBD

**Investigator Firearms Bill:** Investigators plan to try again this Legislative session.