OFFICE OF THE STATE PUBLIC DEFENDER

Agency Strategic Plan

Strategic Planning Committee

March 2012

PURPOSE OF THE PLAN

- Identifies the services provided by the Office of the State Public Defender (OPD) to clients
- Defines how OPD will provide these services
- Provides a cost estimate for providing a service
- Provides an organizational structure to operate and manage the system that provides the services

HOW ARE SERVICES PROVIDED TODAY?

- The agency is supervised by an 11 member Montana Public Defender Commission appointed by the Governor
- Services are provided by two programs:
  - Program 1: Public Defender Program
    - Conflict Coordinator (under Program 1)
  - Program 2: Appellate Defender Program

The Chief Public Defender, Appellate Defender, and Conflict Coordinator report directly to the Commission

HOW ARE SERVICES PROVIDED TODAY?

- The Public Defender Program conducts services
  - In 11 regions via regional deputy public defenders
  - In 16 offices – each with a Managing Attorney
    - The agency may add or remove offices as necessary to serve the mission
  - The agency has certain centralized services:
    - Central services – accounting/budgeting/IT/administration/payroll/HR
    - Training function
    - Contract management function

WHAT SERVICES ARE PROVIDED TODAY?

The Public Defender Program provides legal services to individuals that qualify under Title 47 including:

- Persons determined to be indigent in criminal cases and parents or children involved in dependent/neglect cases
- Respondents in proceedings for involuntary commitment
- Persons who are the subject of a petition for the appointment of a guardian
- Youths in youth court

HOW ARE SERVICES PROVIDED TODAY?

- The Appellate Defender Program provides services to clients located throughout the state.
- The Supreme Court is located in Helena, so the Appellate Defender Program also conducts operations in Helena

HOW ARE SERVICES PROVIDED TODAY?

- The Appellate Defender Program provides appeal services to individuals that qualify under Title 47 including:
  - Persons in criminal cases
  - Parents or children involved in dependent/neglect cases
  - Respondents in proceedings for involuntary commitment
  - Persons who are the subject of a petition for the appointment of a guardian
  - Youths in youth court
  - Persons in post conviction cases
  - Persons in state habeas proceedings

HOW ARE SERVICES PROVIDED TODAY?

- The agency has an executive group that coordinates policy for all programs and addresses system issues

- This group consists of:
  - The Chief Public Defender
  - The Chief Appellate Defender
  - The Administrative Director
  - The Training Coordinator
  - The Contract Manager
  - A Regional Deputy Public Defender

MISSION STATEMENT

- The mission of the Office of the State Public Defender is to provide effective assistance of counsel to indigent persons accused of crimes and other persons in civil cases who are entitled to the assistance of counsel at public expense.

- The constitutions of the United States and the State of Montana guarantee the right to counsel where fundamental liberty interests are at stake.

- In Montana, minors have the same right to counsel as adults.

VISION STATEMENT

- Any person who is entitled to an attorney at public cost, will receive competent, vigorous representation
- The agency will employ full-time state public defenders and will also use contract attorney services
- The Commission will develop public defender Standards of legal practice
- The agency will maintain a meaningful training program

GOALS AND OBJECTIVES – PROGRAM 1

GOAL 1: Maintain and improve a statewide public defender system to provide effective assistance of counsel to indigent criminal defendants and other persons in civil cases who are entitled by law to assistance of counsel at public expense.

OBJECTIVE: Monitor the existing public defender system to assure that it provides high quality services at a reasonable cost.

ACTION ITEM: Periodically adjust the balance of state employees and contract services to achieve the best result.

ACTION ITEM: Periodically update the agency's plan for providing public defender services for presentation to the Montana Public Defender Commission and other interested parties.

GOAL 2: Ensure that the system is free from undue political interference and conflicts of interest.

OBJECTIVE: Assist the criminal justice system to treat people without bias and to provide fair treatment to all.

ACTION ITEM: Monitor the agency's uniform procedure for identifying conflicts of interest.

ACTION ITEM: Identify attorneys who are available to handle conflict cases.

GOAL 3: Monitor that public defender services are delivered by qualified and competent counsel in a manner that is fair and consistent throughout the state.

OBJECTIVE: Staff and support the agency's training function.

ACTION ITEM: The training coordinator, in consultation with the Chief Public Defender and the Public Defender Commission, will design annual training programs that best achieve the goals of the agency.

ACTION ITEM: The training coordinator will provide training to all members of the system including state employees and contract service providers.

ACTION ITEM: The training coordinator will provide training for attorneys representing those with physical or mental disabilities.

GOALS AND OBJECTIVES – PROGRAM 1 (CONTINUED)

GOAL 4: Assure that the system utilizes state employees, contracted services, or other methods of providing services in a manner that is responsive to and respective of regional and community needs and interests.

OBJECTIVE: Assure that the main focus of the Office of the State Public Defender is to provide the best client service. Assure that service is being provided by monitoring the performance of state employees and contracts with private attorneys.

ACTION ITEM: Continually identify attorneys willing to contract for public defender services.

GOAL 5: Advocate for adequate funding of the statewide public defender system.

OBJECTIVE: The agency will communicate to the Montana Public Defender Commission, all branches of state government, and other interested parties information related to the caseloads and costs of the public defender system.

GOAL 6: Advocate for parity in pay and resources with the prosecution.

OBJECTIVE: The agency will communicate to the Montana Public Defender Commission, all branches of state government, and other interested parties information related to disparity in pay and resources with prosecutors.

ACTION ITEM: Continually identify the disparities and work to correct them.

GOALS AND OBJECTIVES – PROGRAM 2

GOAL 1: Maintain and improve a statewide appellate defender system to provide effective assistance of counsel to indigent criminal defendants and other persons in civil cases who are entitled by law to appeals at public expense.

OBJECTIVE: Monitor the existing appellate defender office to assure that it provides high quality services at a reasonable cost.

ACTION ITEM: Periodically adjust the balance of state employees and contract services to achieve the best result.

ACTION ITEM: Periodically update the agency's plan for providing appellate services for presentation to the Montana Public Defender Commission and other interested parties.

GOAL 2: Ensure that the system is free from undue political interference and conflicts of interest.

OBJECTIVE: Assist the criminal justice system to treat people without bias and to provide fair treatment to all.

ACTION ITEM: Monitor the agency's uniform procedure for identifying conflicts of interest.

ACTION ITEM: Identify attorneys who are available to handle post-conviction relief petitions.

GOAL 3: Monitor that appellate defender services are delivered by qualified and competent counsel.

OBJECTIVE: Staff and support the agency's training function.

ACTION ITEM: The training coordinator, in consultation with the Chief Public Defender and the Public Defender Commission, will design annual training programs that best achieve the goals of the agency, including goals of the appellate office.

ACTION ITEM: Provide for out-of-state specialized appellate training for one appellate attorney each year.

ACTION ITEM: The training coordinator will include appellate attorneys in trainings to further the understanding of appellate issues for all public defenders.

GOALS AND OBJECTIVES – PROGRAM 2 (CONTINUED)

GOAL 4: Assure that the system utilizes state employees and contracted services to avoid conflicts of interest and to process appeals in a timely manner.

OBJECTIVE: Assure that the main focus of the Appellate Office of the Office of the State Public Defender is to provide the best appellate service. Assure that service is being provided by monitoring the performance of appellate attorneys.

ACTION ITEM: Continually identify attorneys willing to contract for appellate services.

GOAL 5: Advocate for adequate funding of the statewide appellate defender system.

OBJECTIVE: The agency will communicate to the Montana Public Defender Commission, all branches of state government, and other interested parties information related to the caseloads and costs of the appellate defender system.

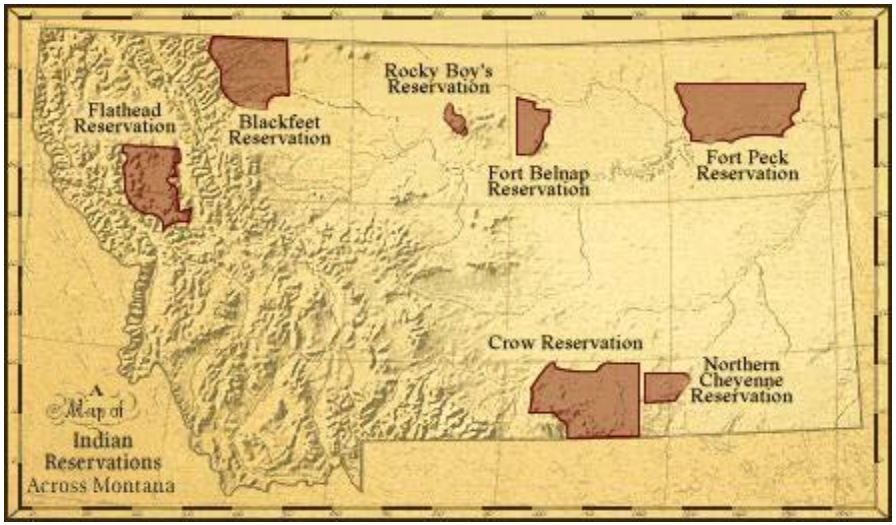
GOAL 6: Advocate for parity in pay and resources with the Attorney General's Office.

OBJECTIVE: The agency will communicate to the Montana Public Defender Commission, all branches of state government, and other interested parties information related to disparity in pay and resources with the Attorney General's Office.

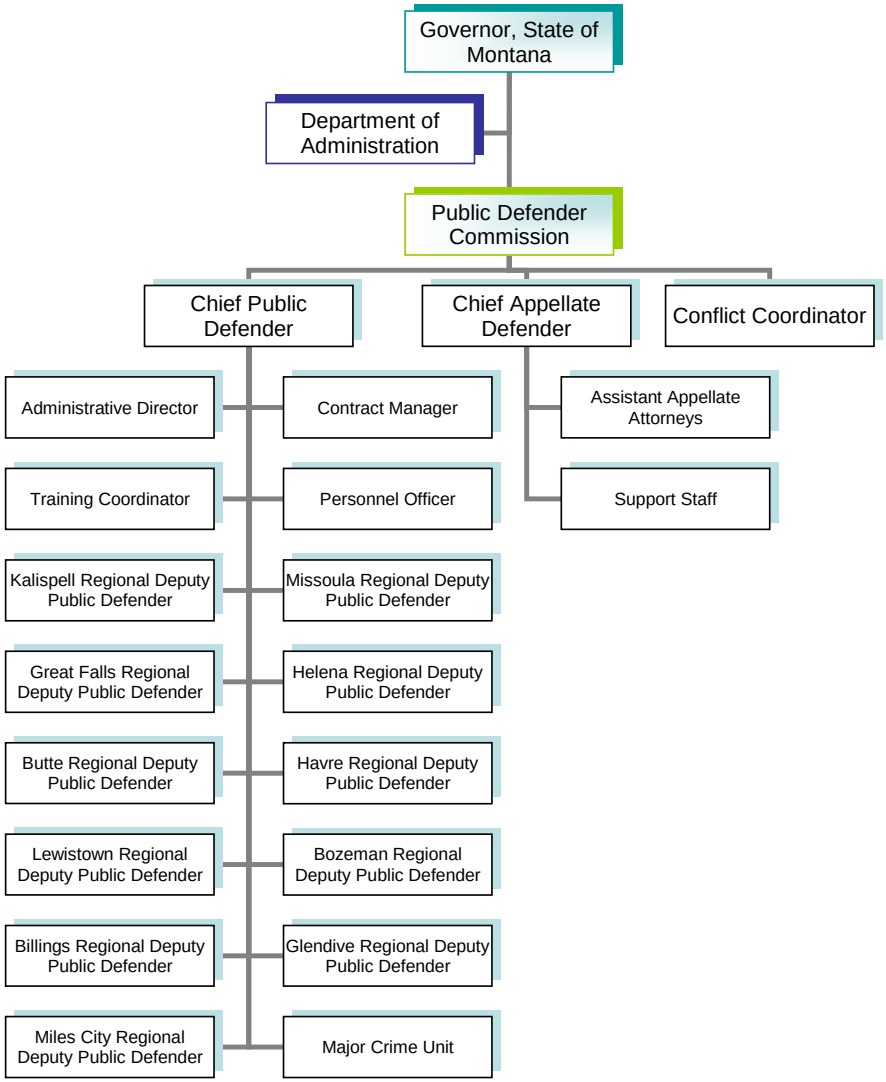
ACTION ITEM: Continually identify the disparities and work to correct them.

EMPHASIS ON NATIVE AMERICAN ISSUES

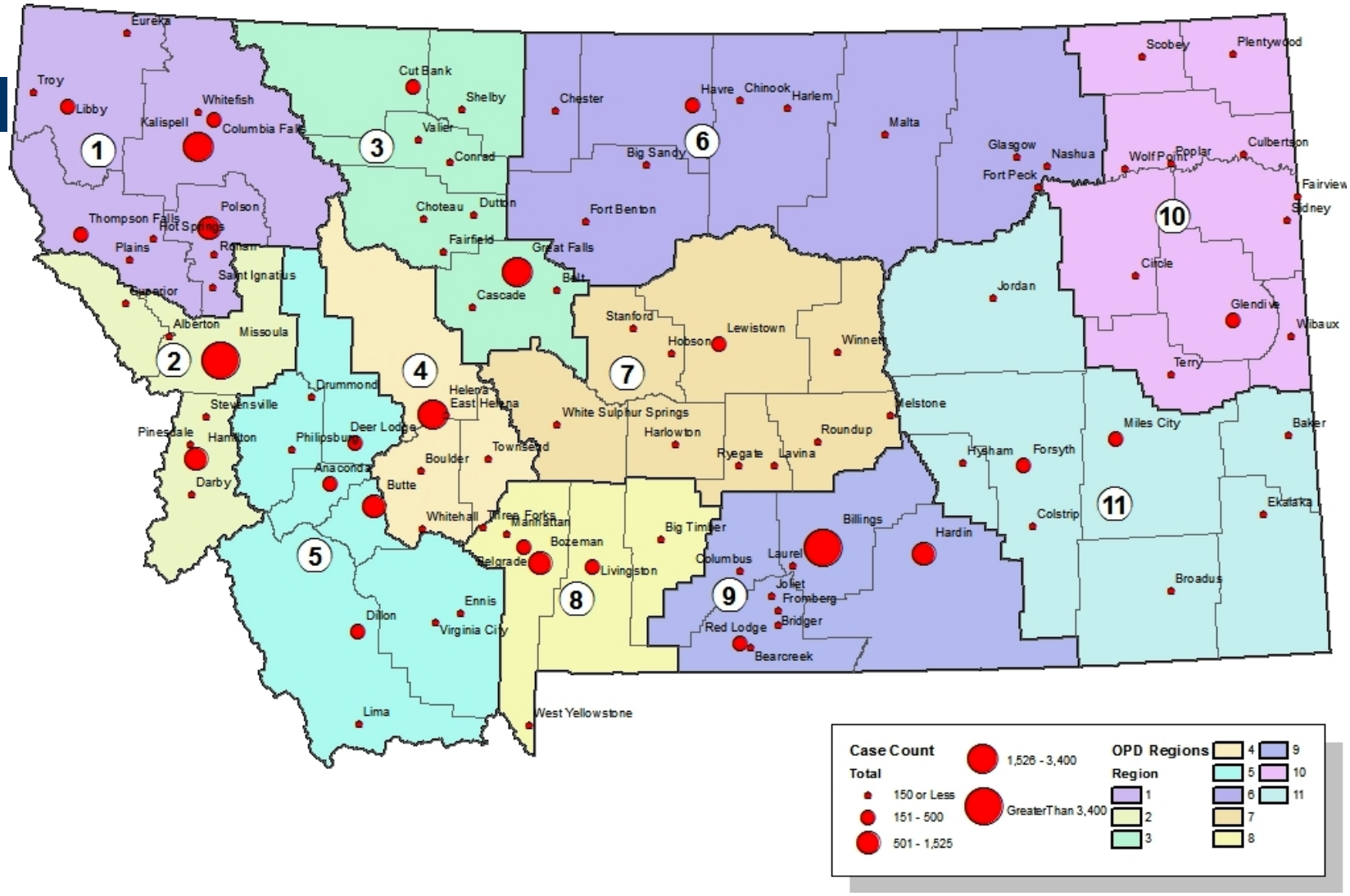
- Investigate and correct any role the public defender system plays in the disproportionate representation of Native Americans in our justice system
- Ensure adequate education and training on the impact of the Indian Child Welfare Act in dependent and neglect cases
- Coordinate with the Tribal Governments and those providing indigent defense services in the Tribal Courts



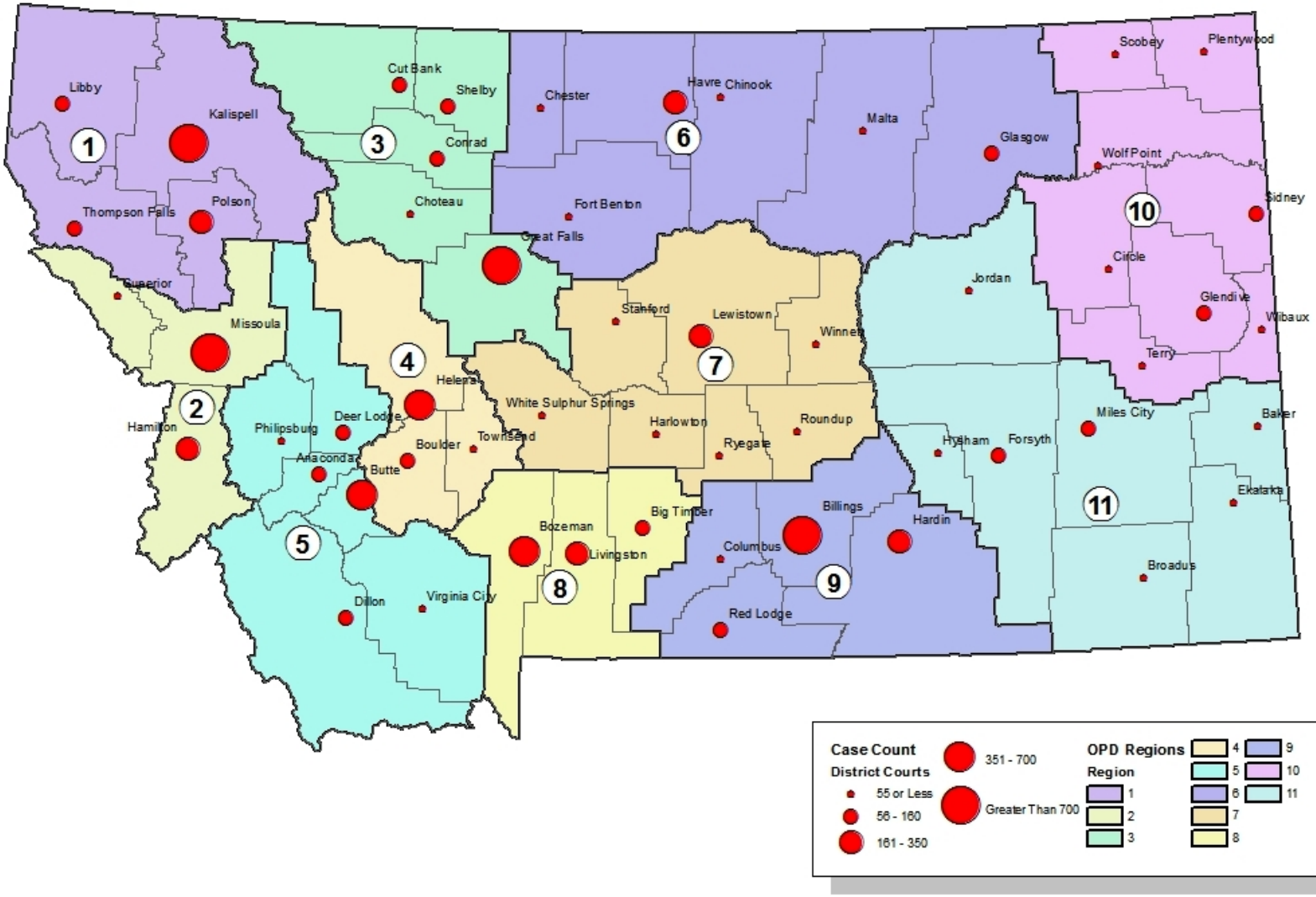
ORGANIZATIONAL STRUCTURE



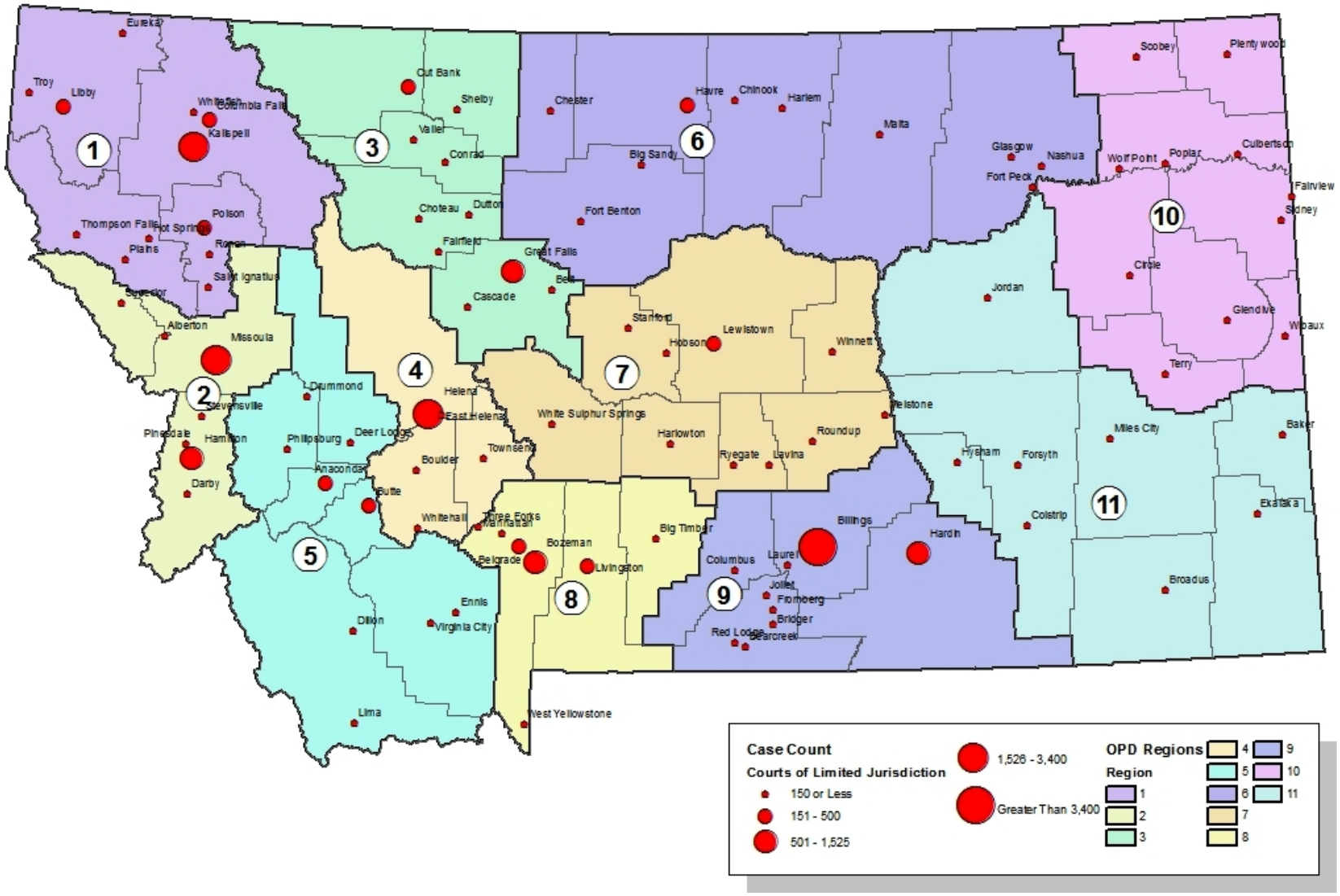
TOTAL NEW CASES BY CITY – FY 2011



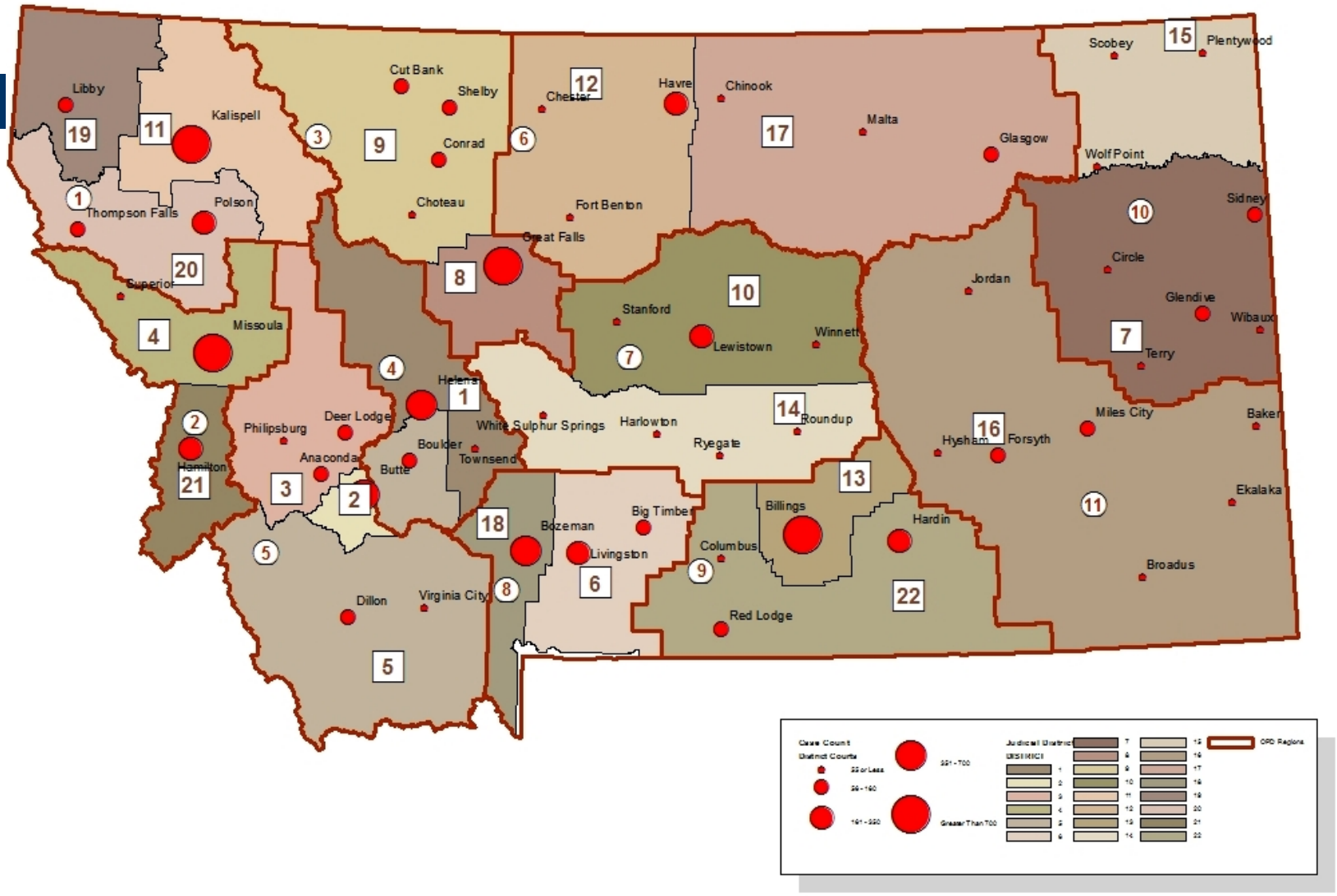
NEW DISTRICT COURT CASES BY CITY – FY 2011



NEW CASES FOR COURTS OF LIMITED JURISDICTION BY CITY – FY 2011



NEW DISTRICT COURT CASES BY CITY BY JUDICIAL DISTRICTS – FY 2011

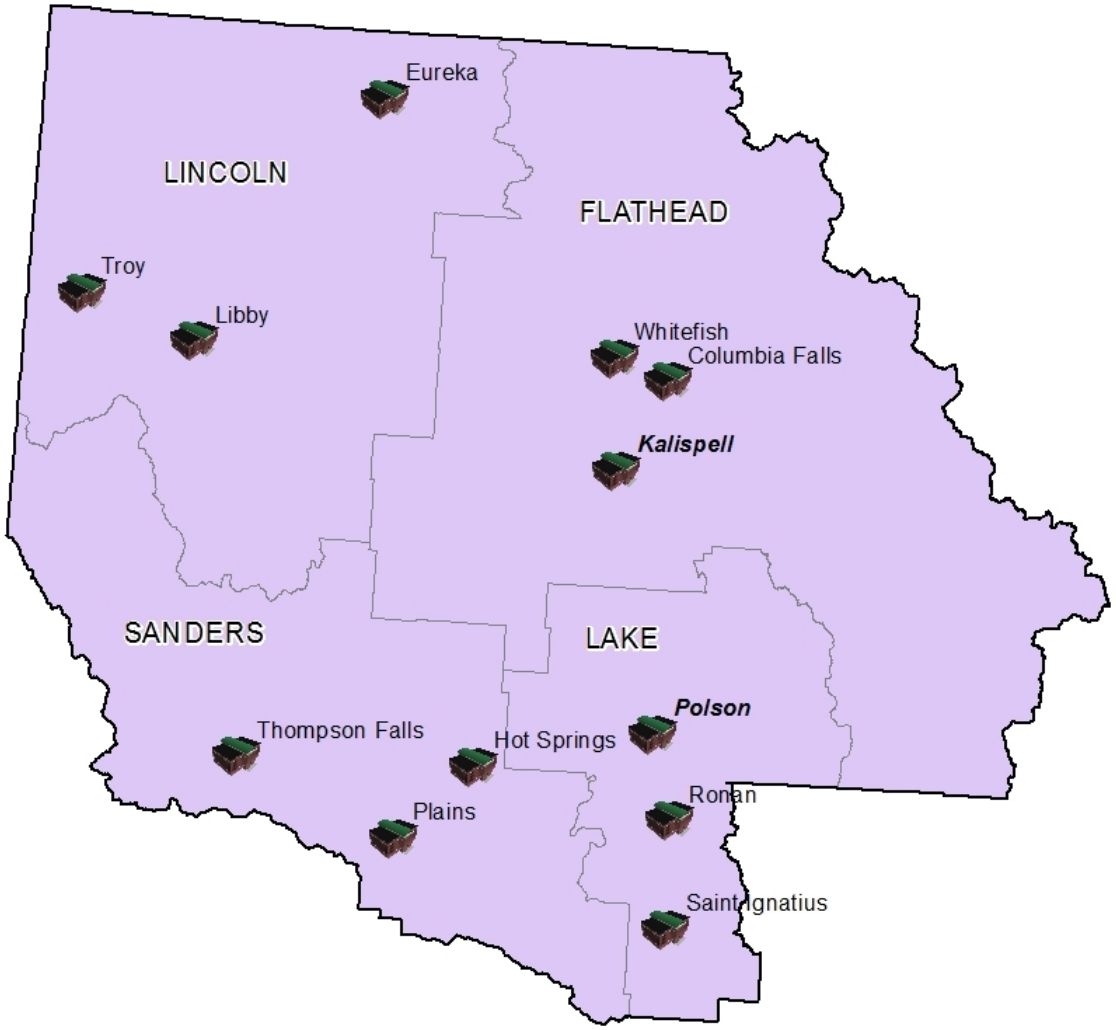


Region 1 – Kalispell

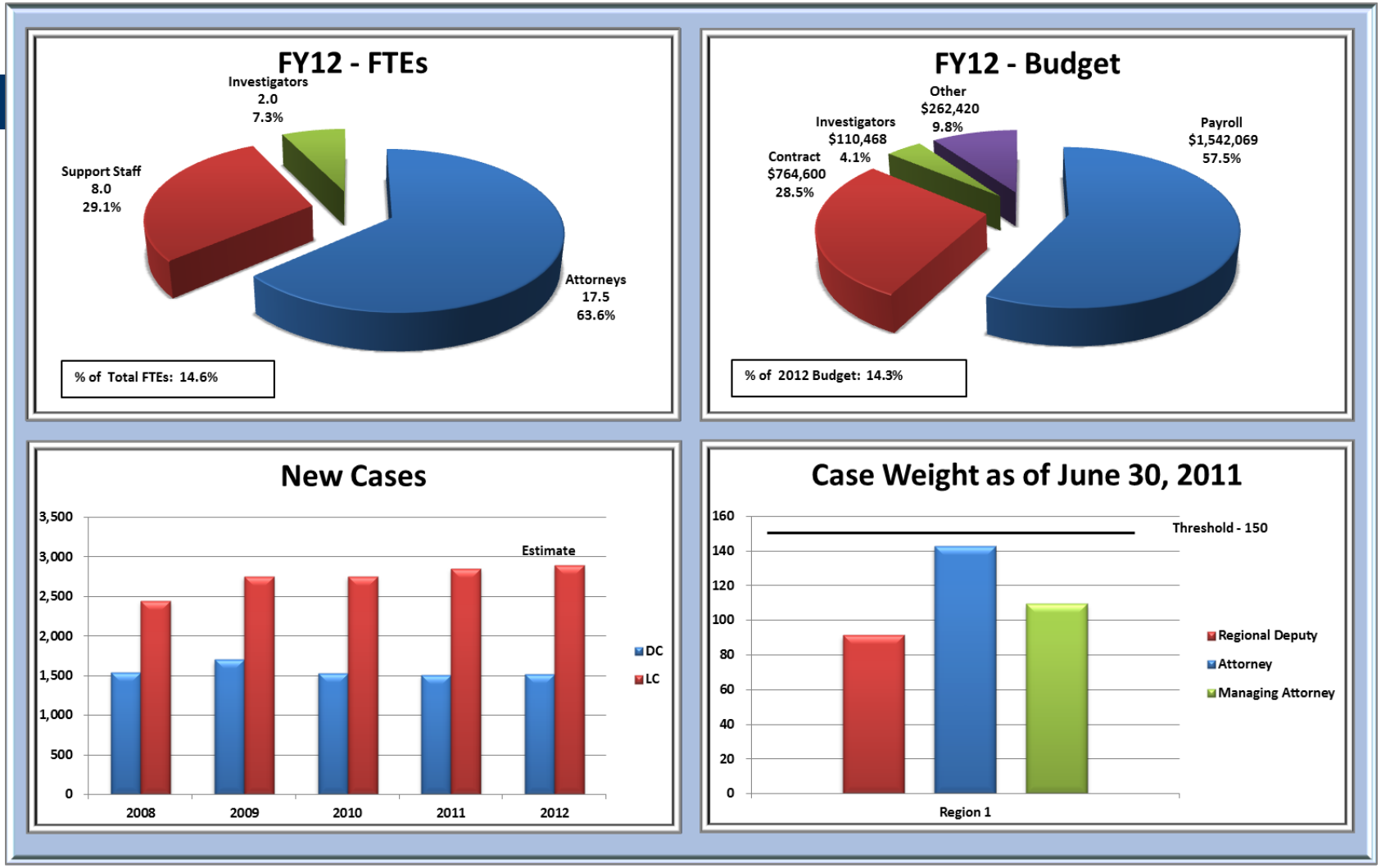
Attorneys: 17.5
Support Staff: 8
Investigators: 2
Contract Attorneys: 24
FYE 2011 Cases Opened: 4,361

- District Court Cases: 1,510
- Cases in Courts of Limited Jurisdiction: 2,851

District Courts: 4
Lower Courts : 16
Sq. Miles: 12,967



Region 1 – 2012 Snapshot

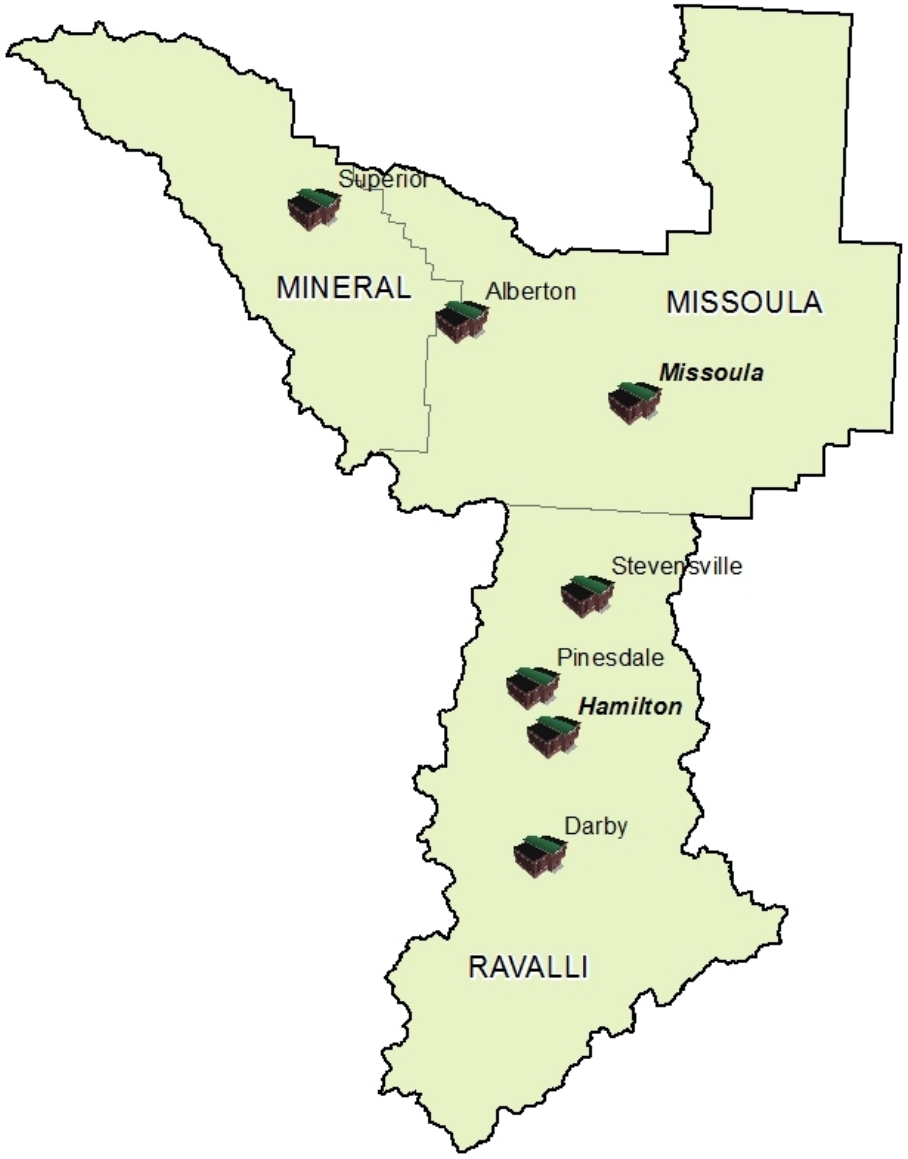


Region 2 – Missoula

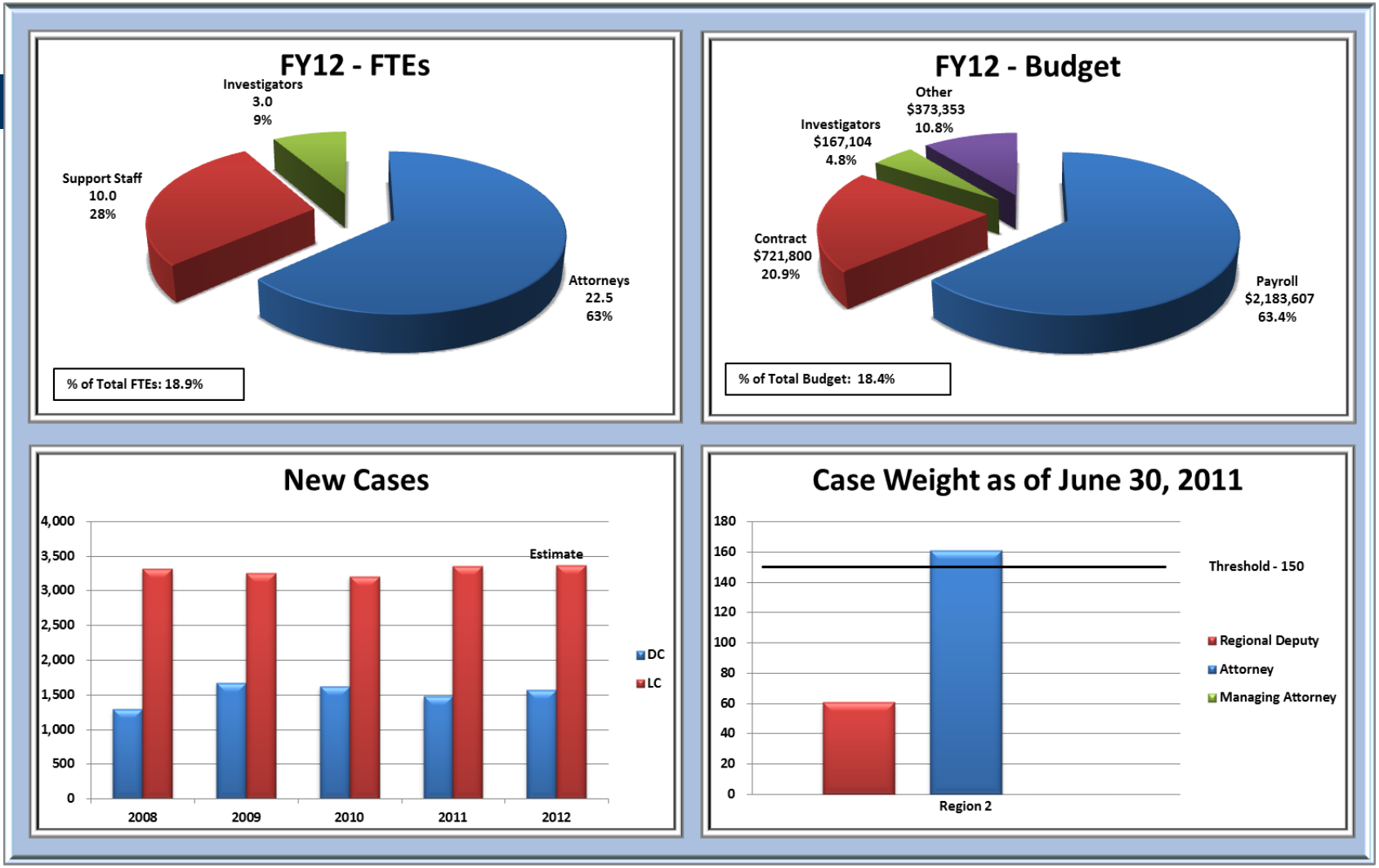
Attorneys: 22.50
Support Staff: 10
Investigators: 3
Contract Attorneys: 47
FYE 2011 Cases Opened: 4,831

- District Court Cases: 1,477
- Cases in Courts of Limited Jurisdiction: 3,354

District Courts: 3
Lower Courts: 10
Sq. Miles: 6,212



Region 2 – 2012 Snapshot

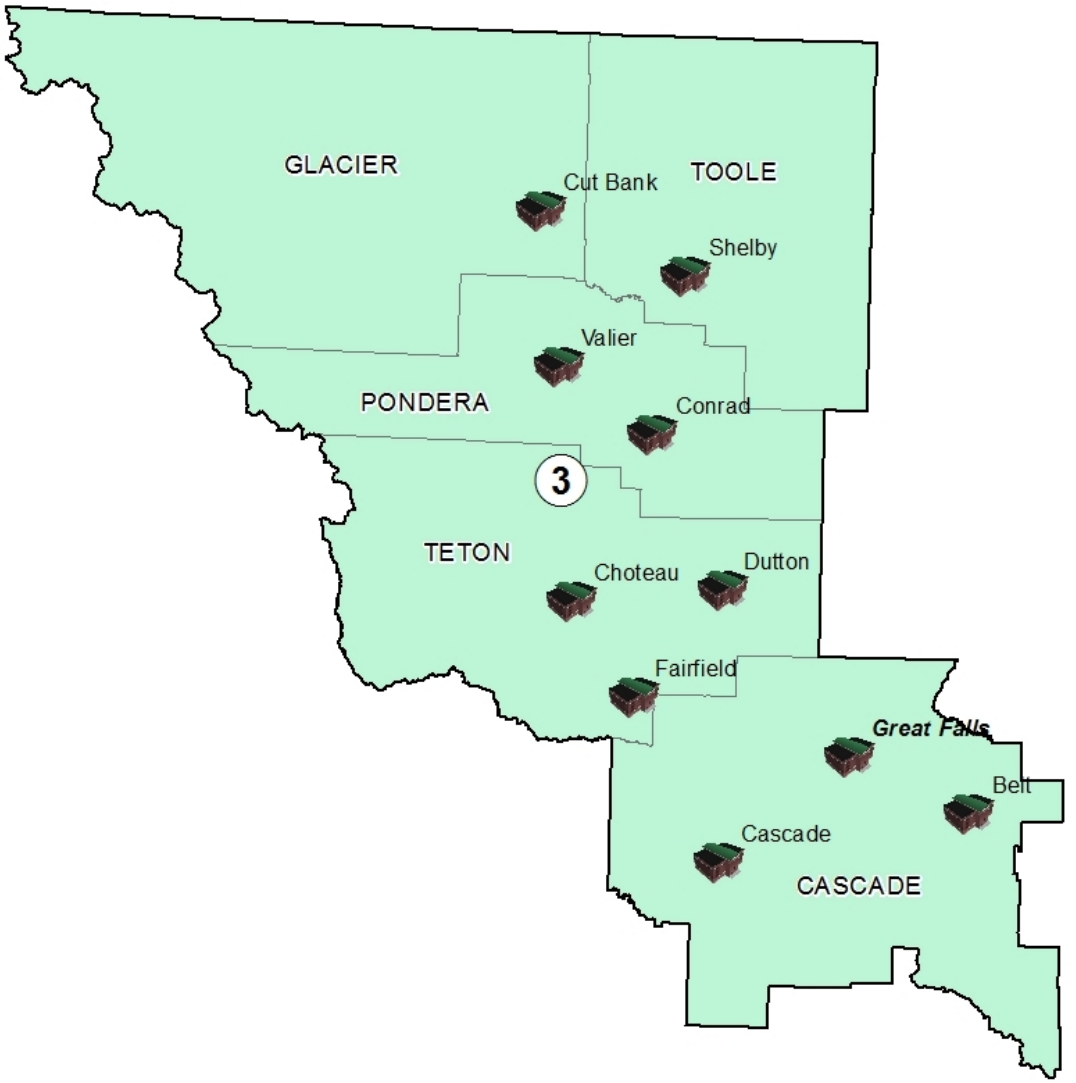


Region 3 – Great Falls

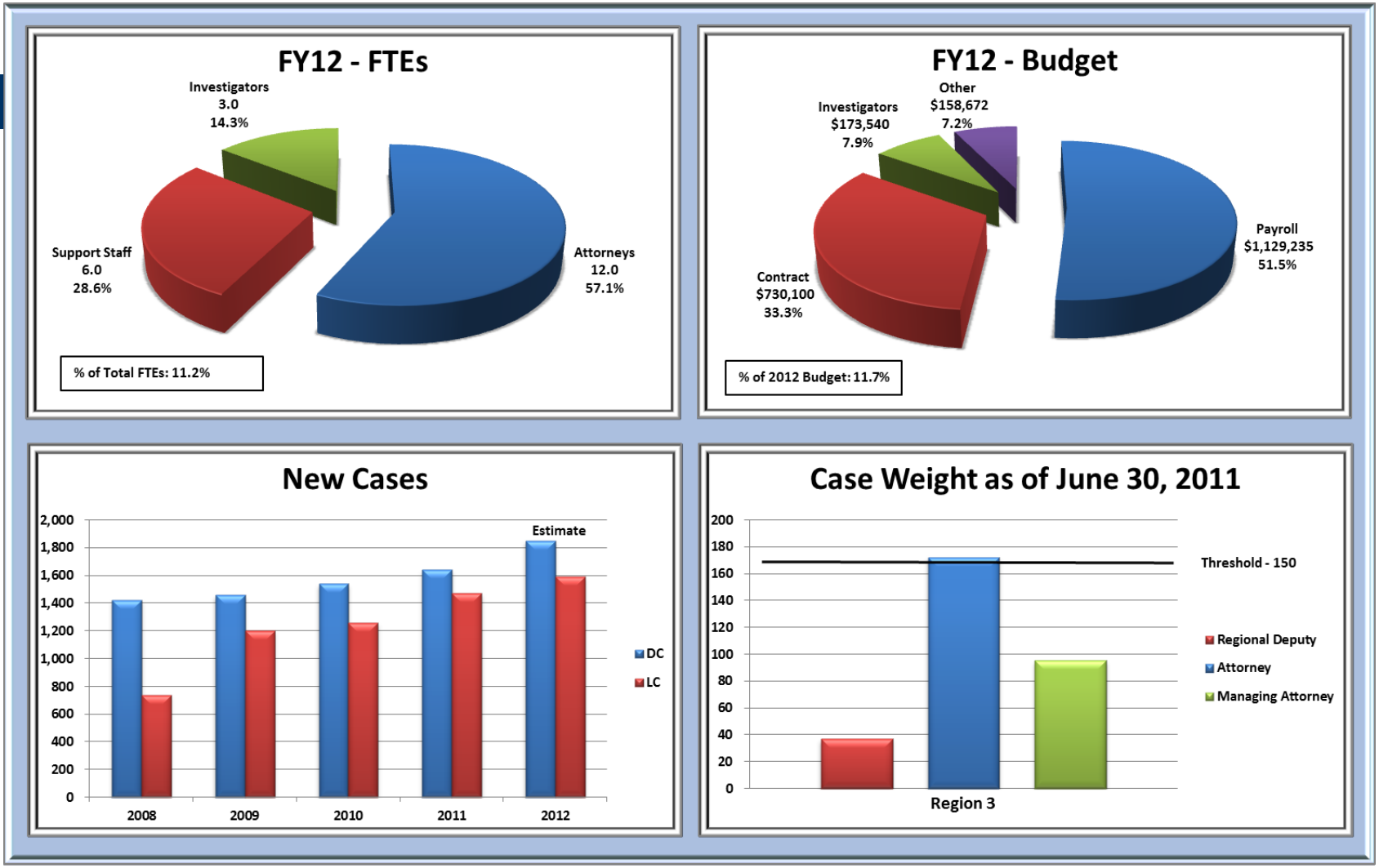
Attorneys: 12
Support Staff: 6
Investigators: 3
Contract Attorneys: 26
FYE 2011 Cases Opened: 3,116

- District Court Cases: 1,642
- Cases in Courts of Limited Jurisdiction: 1,474

District Courts: 5
Lower Courts: 16
Sq, Miles: 11,501



Region 3 – 2012 Snapshot

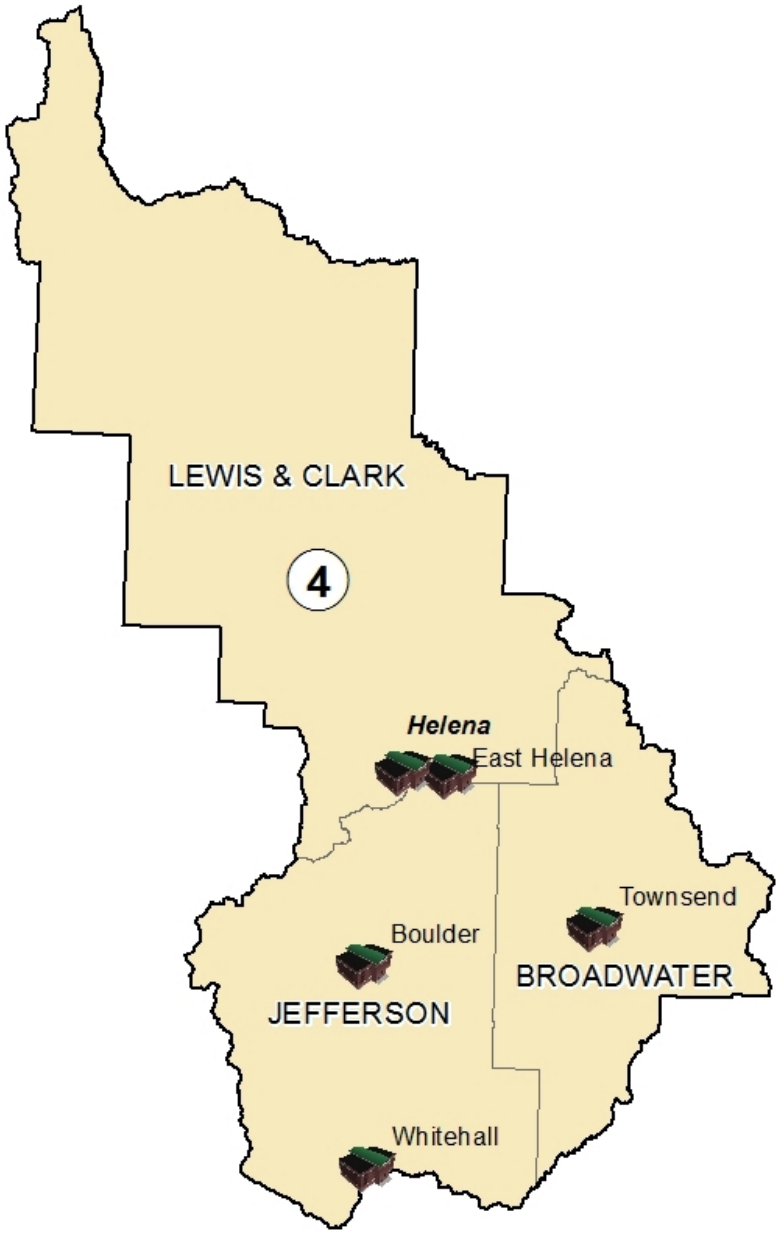


Region 4 – Helena

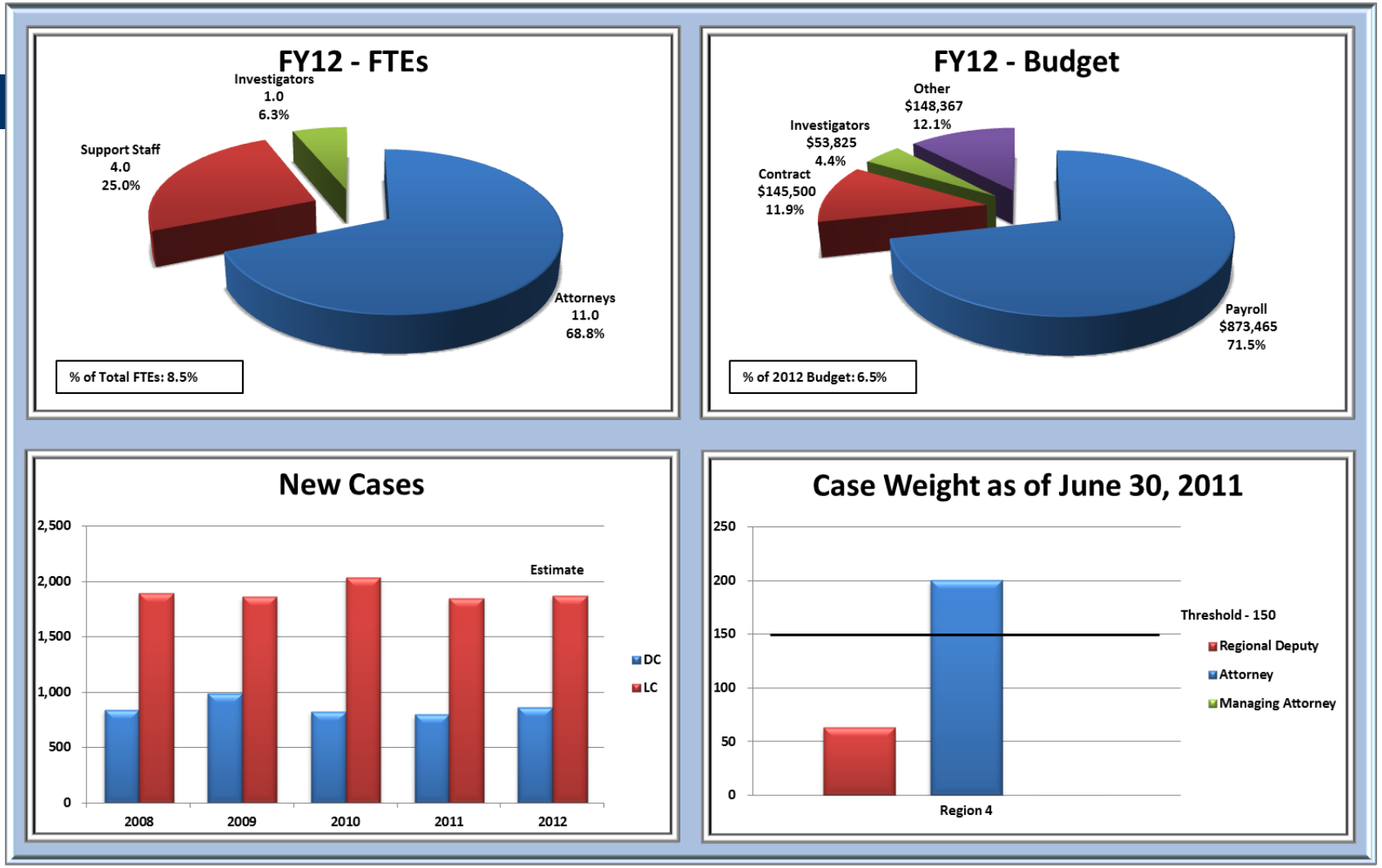
Attorneys: 11
Support Staff: 4
Investigators: 1
Contract Attorneys: 13
FYE 2011 Cases Opened: 2,644

- District Court Cases: 796
- Cases in Courts of Limited Jurisdiction: 1,848

District Courts: 3
Lower Courts: 8
Sq. Miles: 6,309



Region 4 – 2012 Snapshot

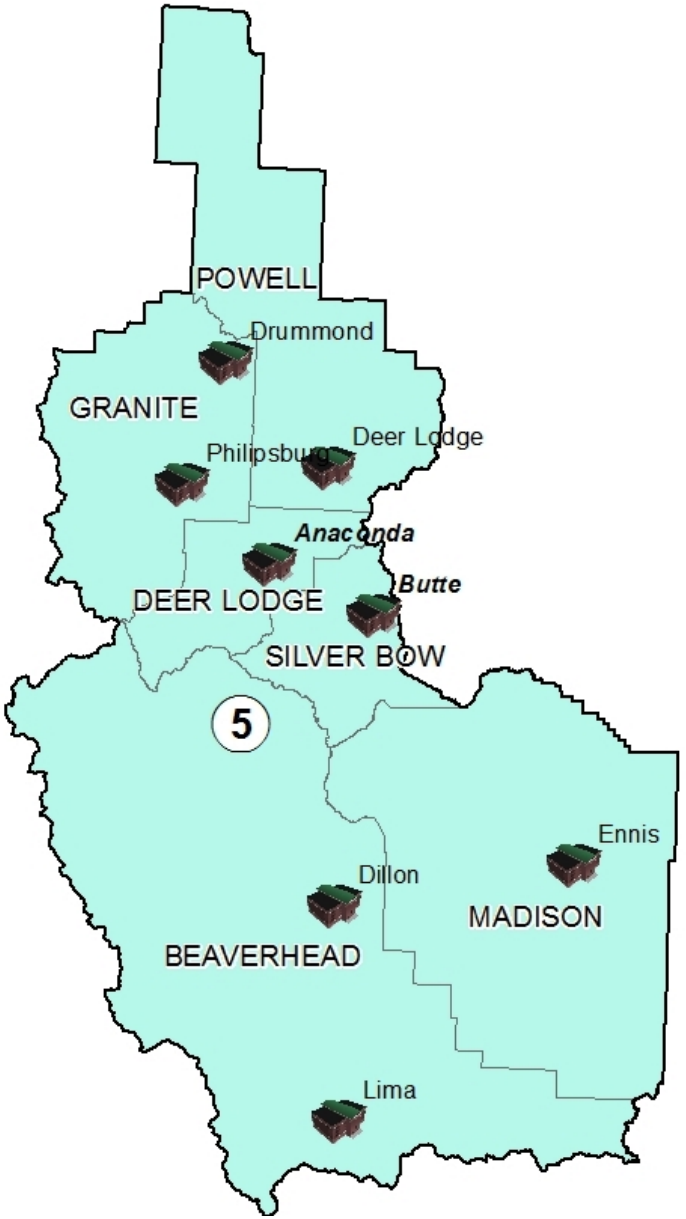


Region 5 – Butte

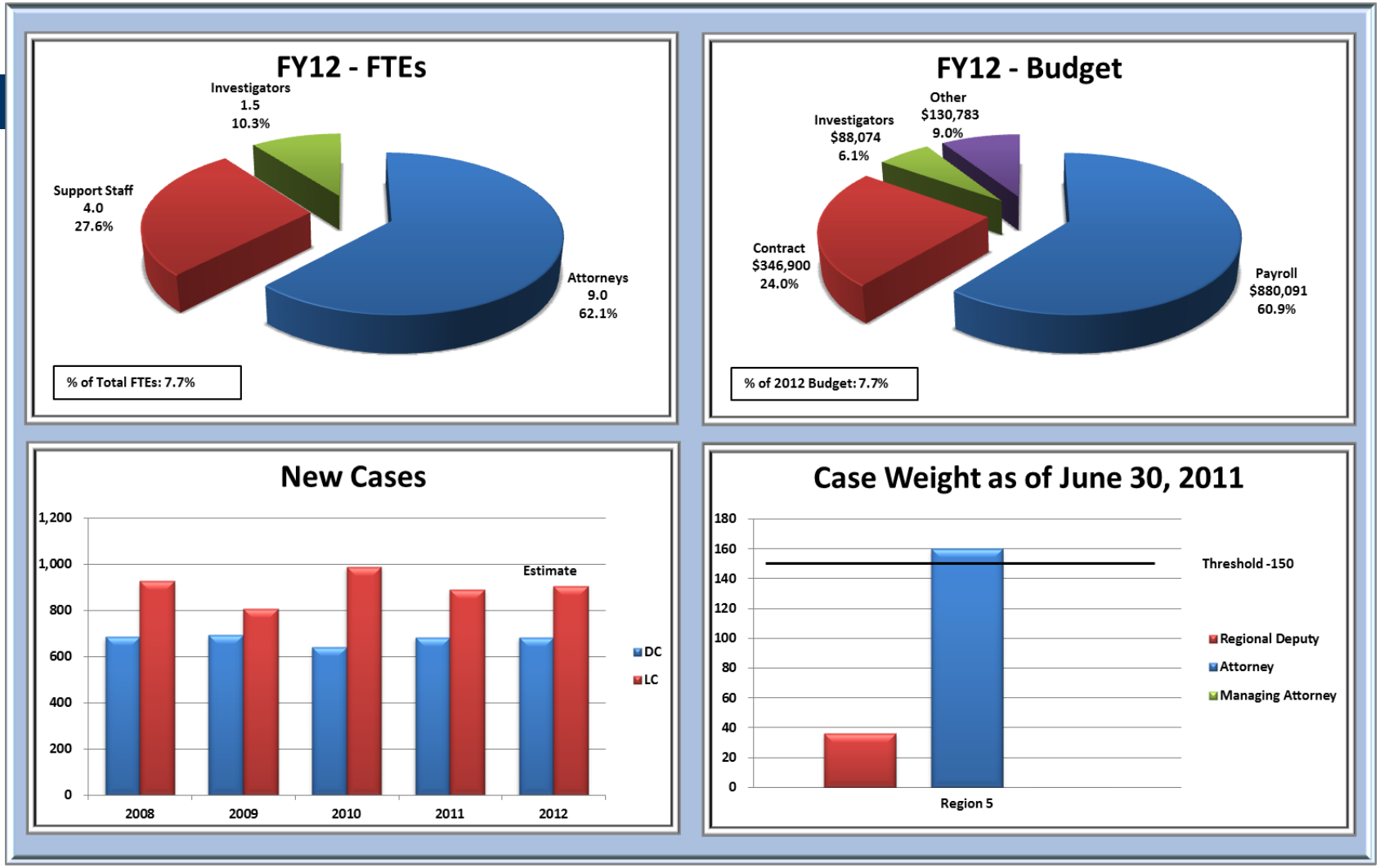
Attorneys: 9
Support Staff: 4
Investigators: 1.5
Contract Attorneys: 7
FYE 2011 Cases Opened: 1,573

- District Court Cases: 693
- Cases in Courts of Limited Jurisdiction: 890

District Courts: 6
Lower Courts: 14
Sq. Miles: 14,638



Region 5 – 2012 Snapshot



Region 6 – Havre

Attorneys: 2

Support Staff: 1

Investigators: 1

Contract Attorneys: 10

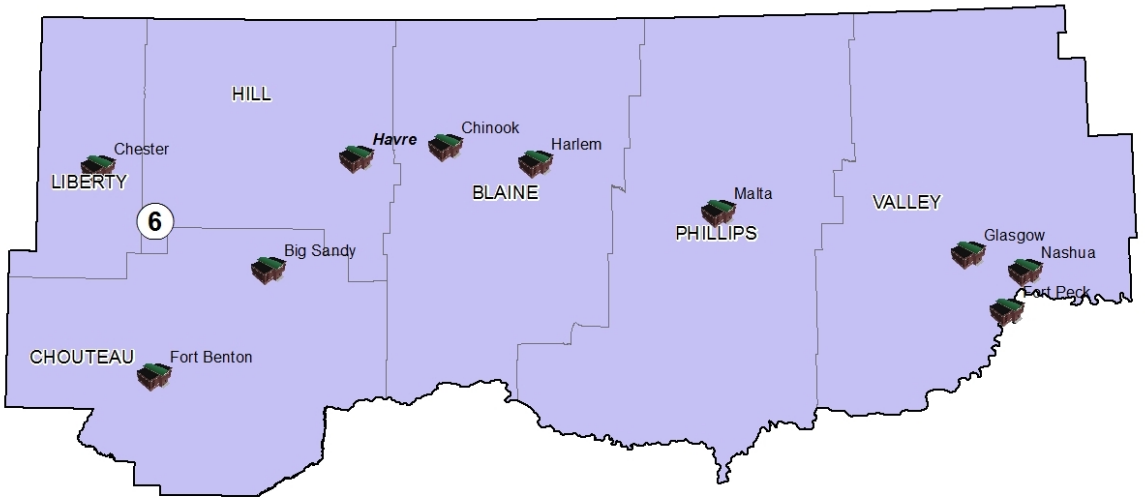
FYE 2011 Cases Opened: 774

- District Court Cases: 416
- Cases in Courts of Lower Jurisdiction: 358

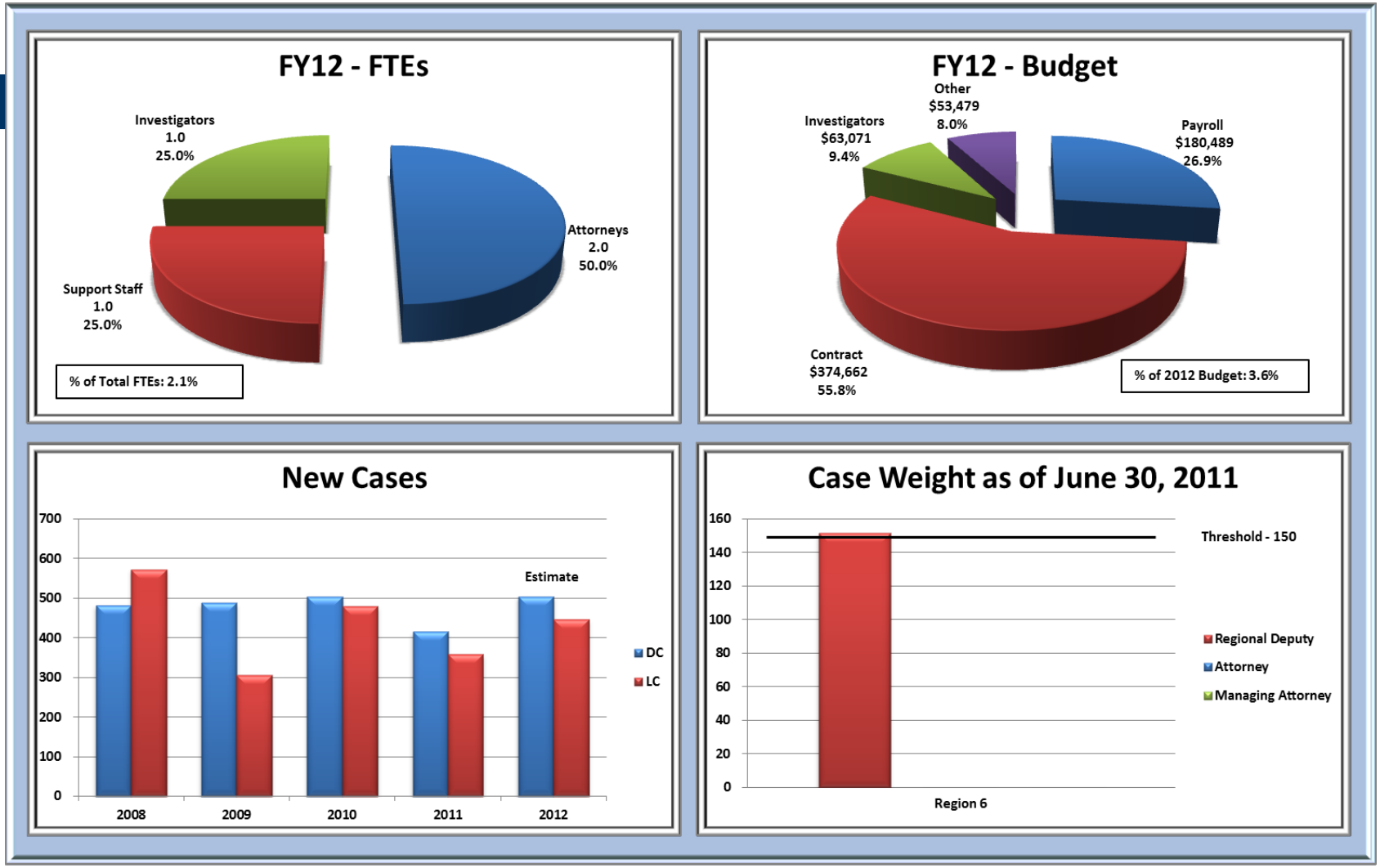
District Courts: 6

Lower Courts: 16

Sq. Miles: 22,586



Region 6 – 2012 Snapshot



Region 7 – Lewistown

Attorneys: 2

Support Staff: 1

Investigators: 0.5

Contract Attorneys: 18

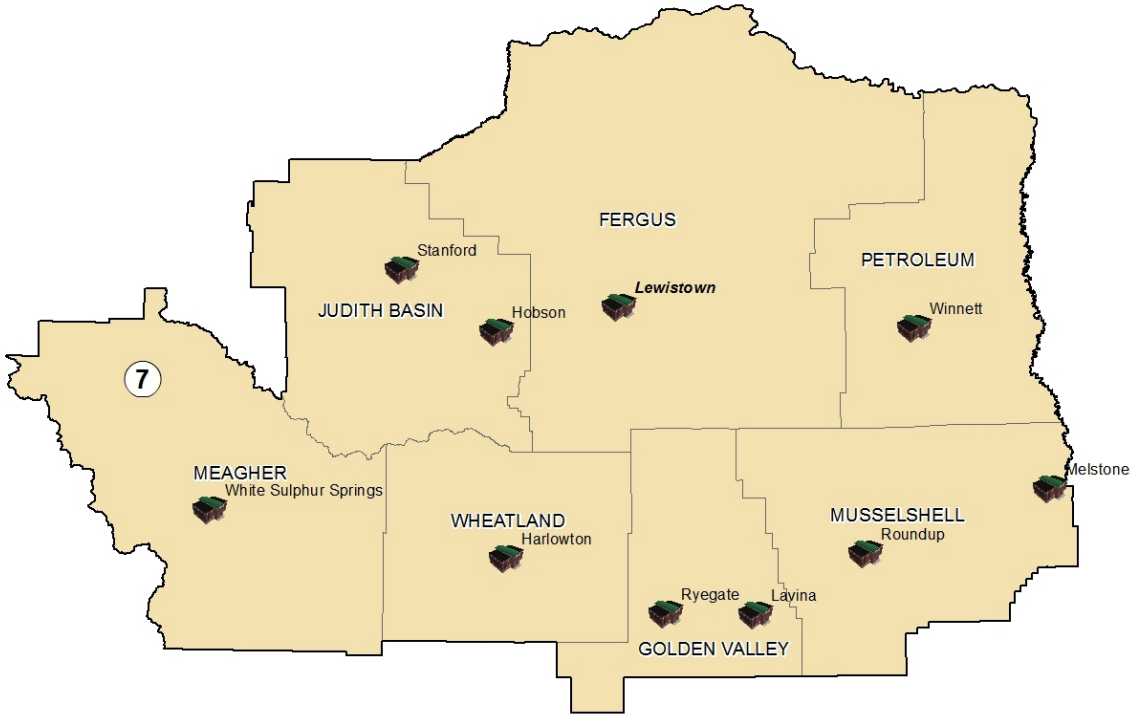
FYE 2011 Cases Opened: 520

- District Court Cases: 281
- Cases in Courts of Limited Jurisdiction: 239

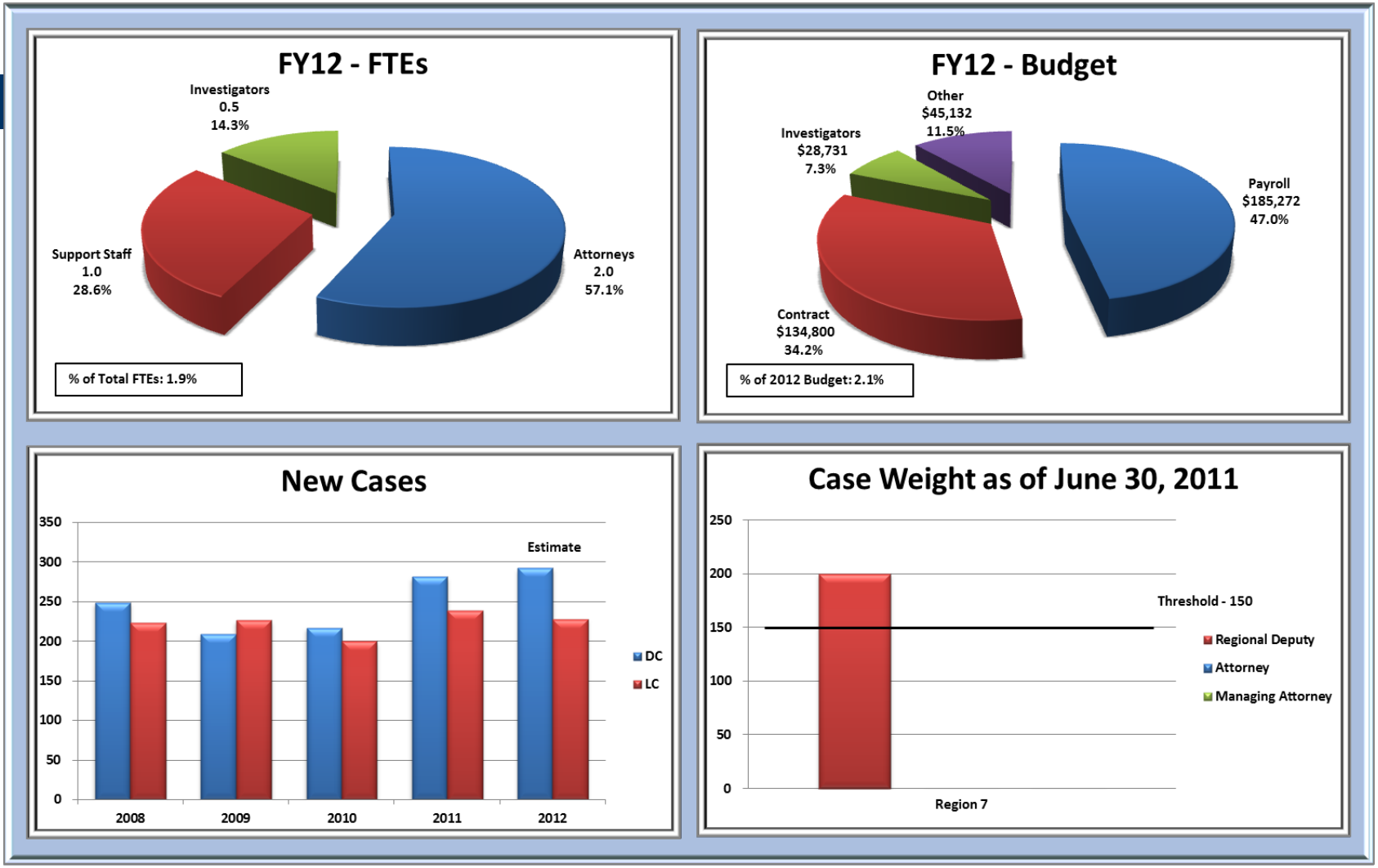
District Courts: 7

Lower Courts: 17

Sq. Miles: 14,720



Region 7 – 2012 Snapshot



Region 8 – Bozeman

Attorneys: 10

Support Staff: 6

Investigators: 2

Contract Attorneys: 27

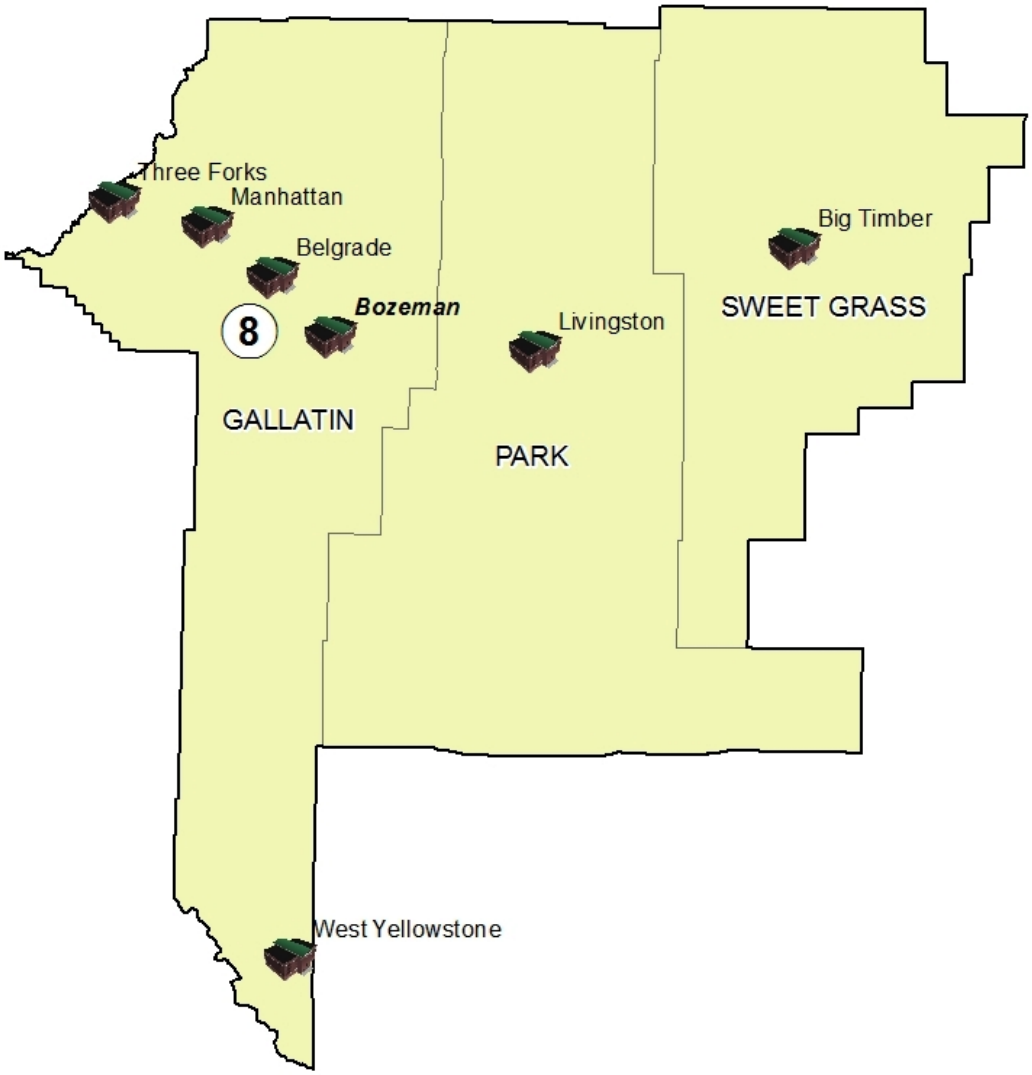
FYE 2011 Cases Opened: 2,251

- District Court Cases: 772
- Cases in Courts of Limited Jurisdiction: 1,529

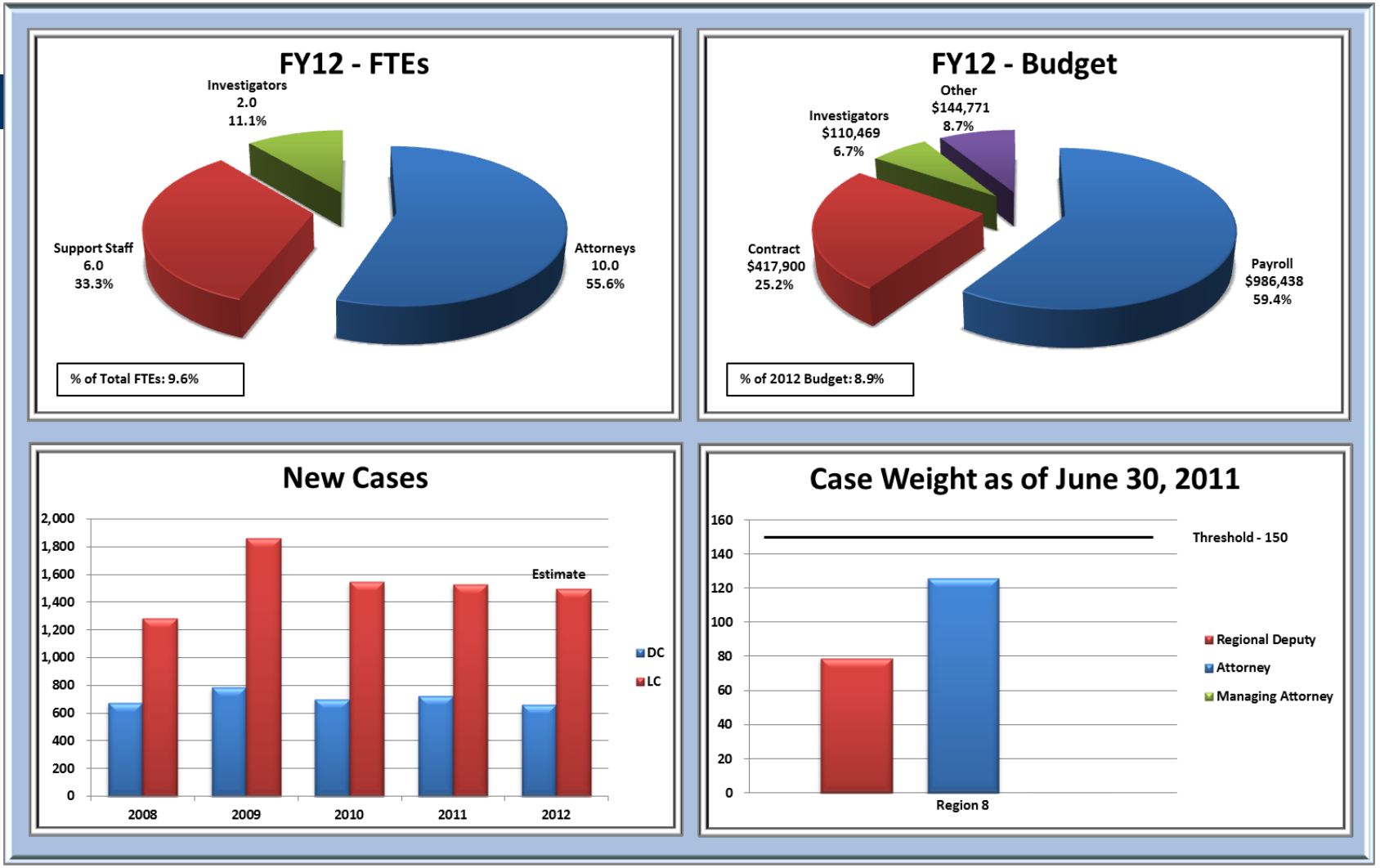
District Courts: 3

Lower Courts: 14

Sq. Miles: 7,263



Region 8 – 2012 Snapshot

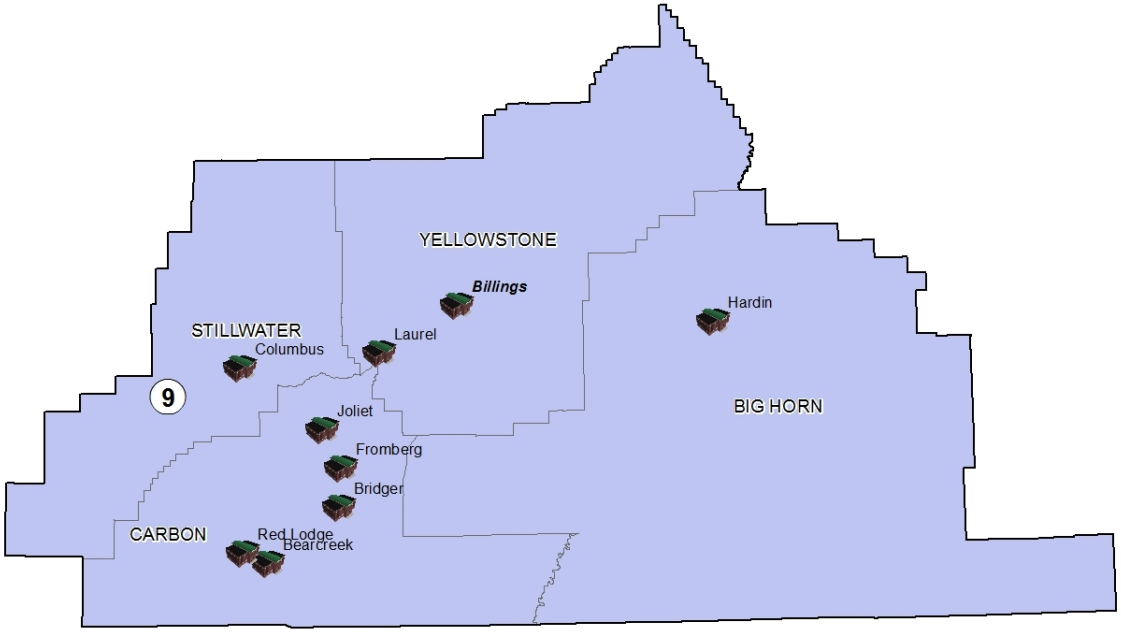


Region 9 – Billings

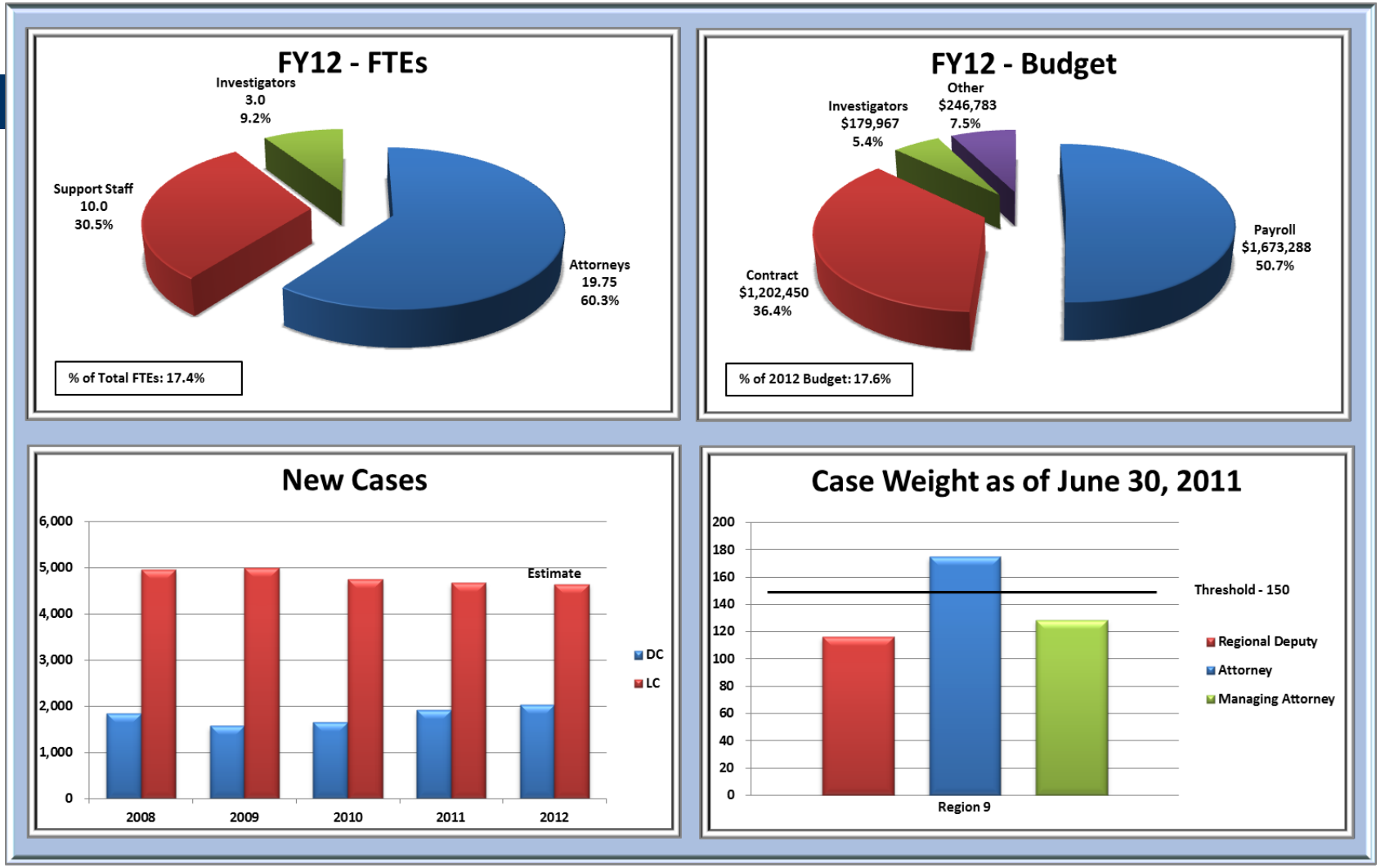
Attorneys: 19.75
Support Staff: 10
Investigators: 3
Contract Attorneys: 38
FYE 2011 Cases Opened: 6,568

- District Court Cases: 1,907
- Cases in Courts of Limited Jurisdiction: 4,661

District Courts: 4
Lower Courts: 13
Sq. Miles: 11,473



Region 9 – 2012 Snapshot

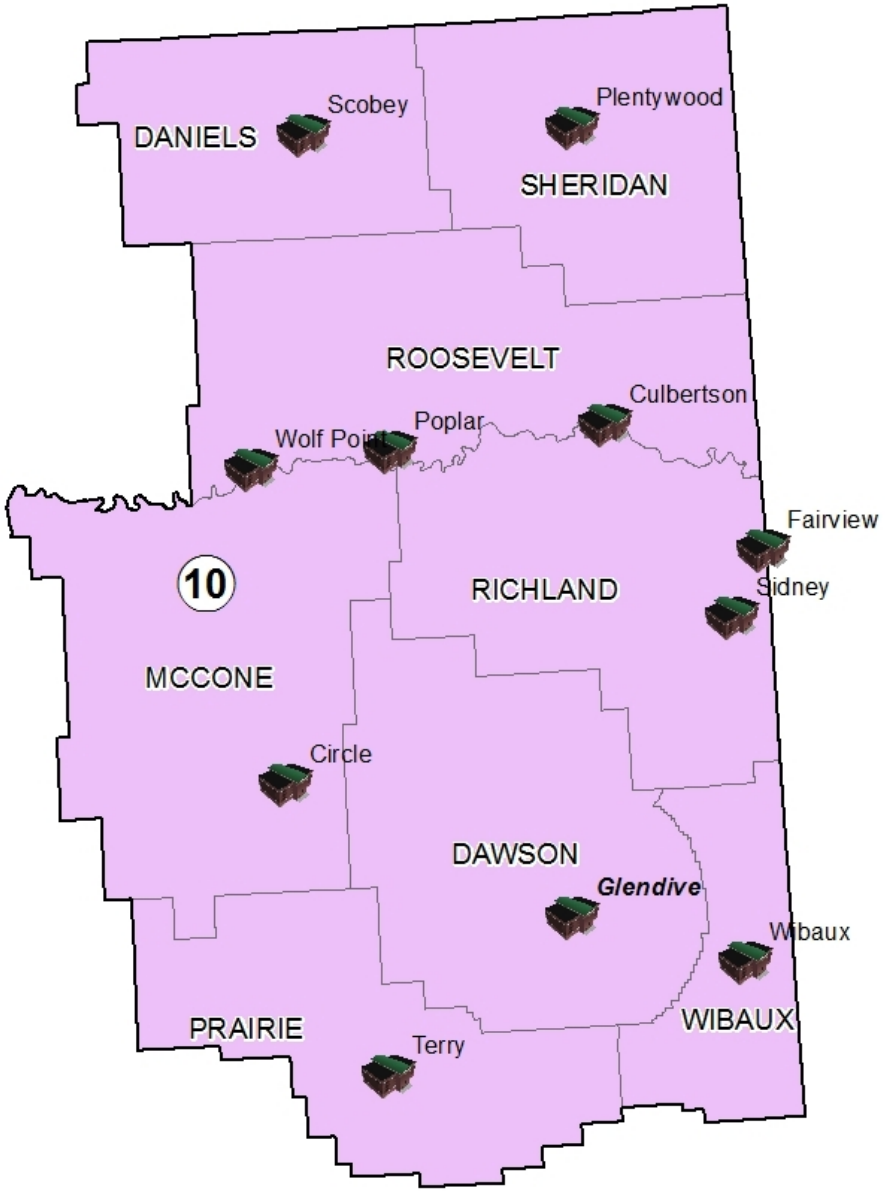


Region 10 – Glendive

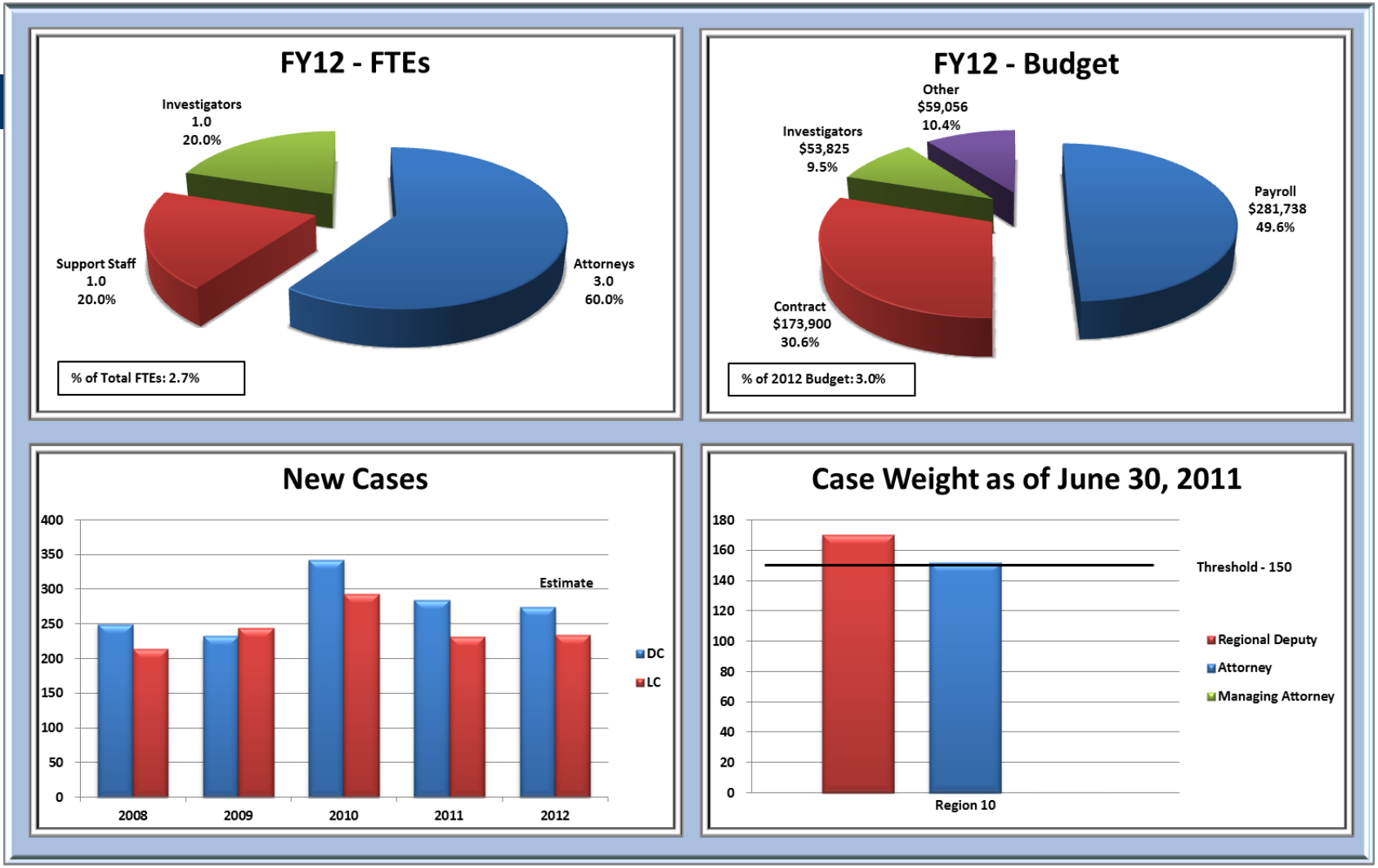
Attorneys: 3
Support Staff: 1
Investigators: 1
Contract Attorneys: 10
FYE 2011 Cases Opened: 517

- District Court Cases: 285
- Cases in Courts of Limited Jurisdiction: 232

District Courts: 8
Lower Courts: 19
Sq. Miles: 15,184



Region 10 – 2012 Snapshot

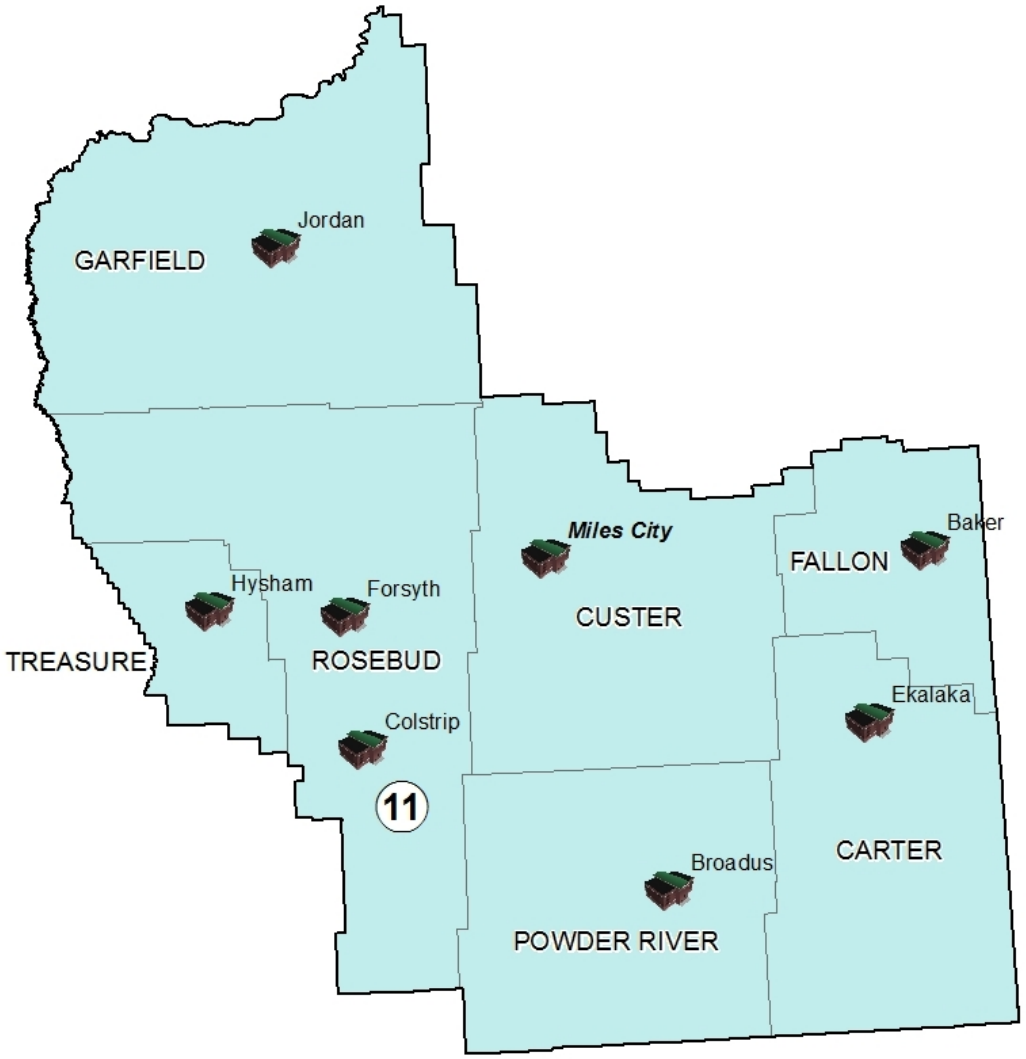


Region 11 – Miles City

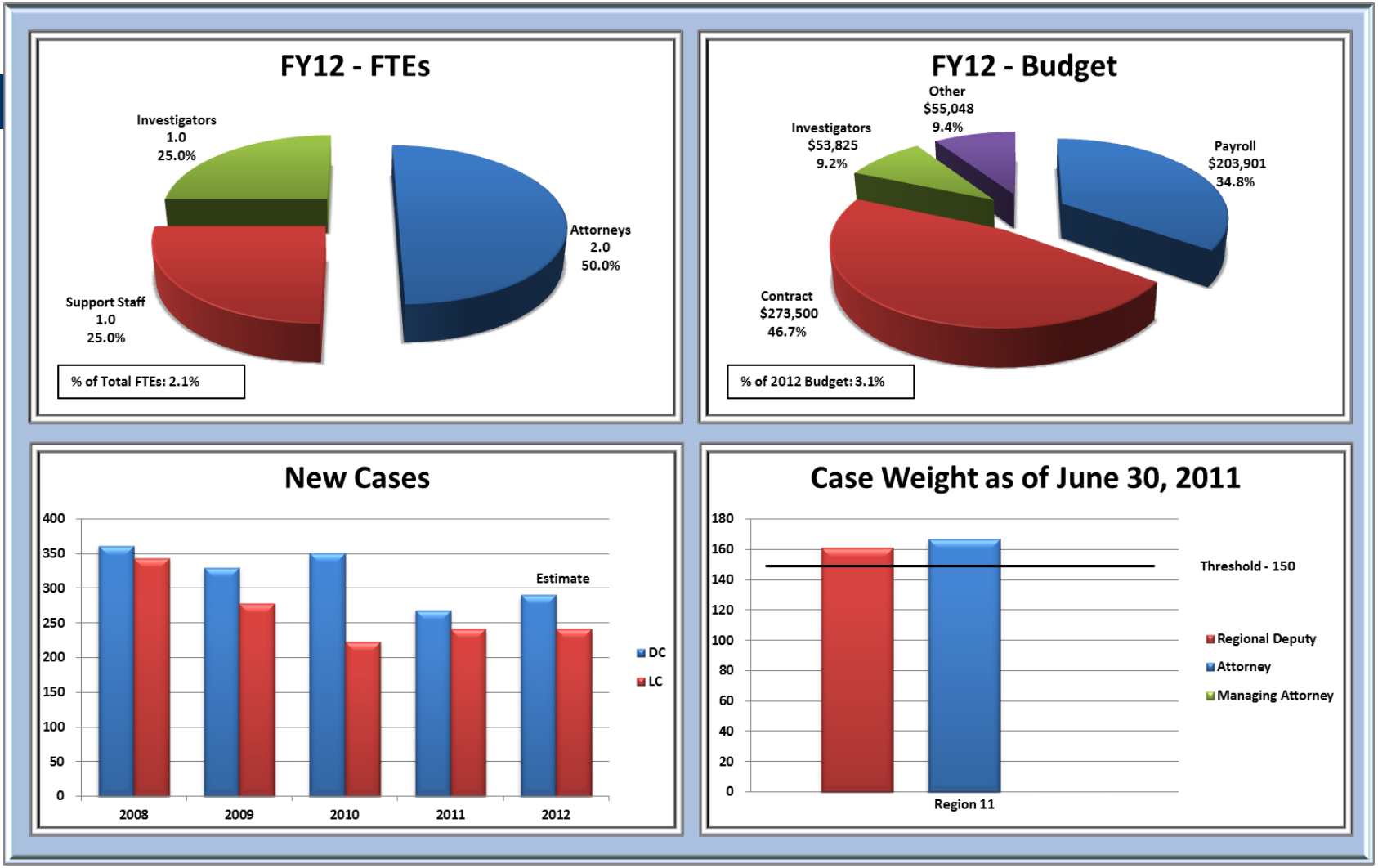
Attorneys: 2
Support Staff: 1
Investigators: 1
Contract Attorneys: 17
FYE 2011 Cases Opened: 509

- District Court Cases: 268
- Cases in Courts of Limited Jurisdiction: 241

District Courts: 7
Lower Courts: 14
Sq. Miles: 22,700



Region 11 – 2012 Snapshot

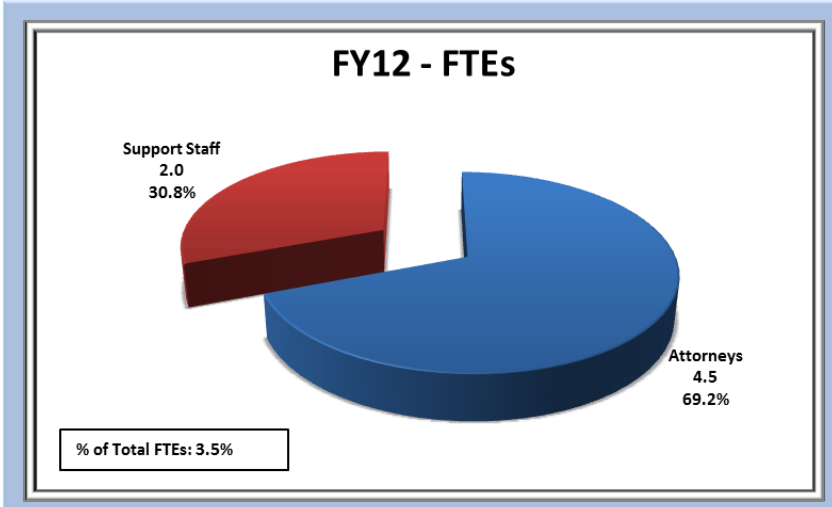


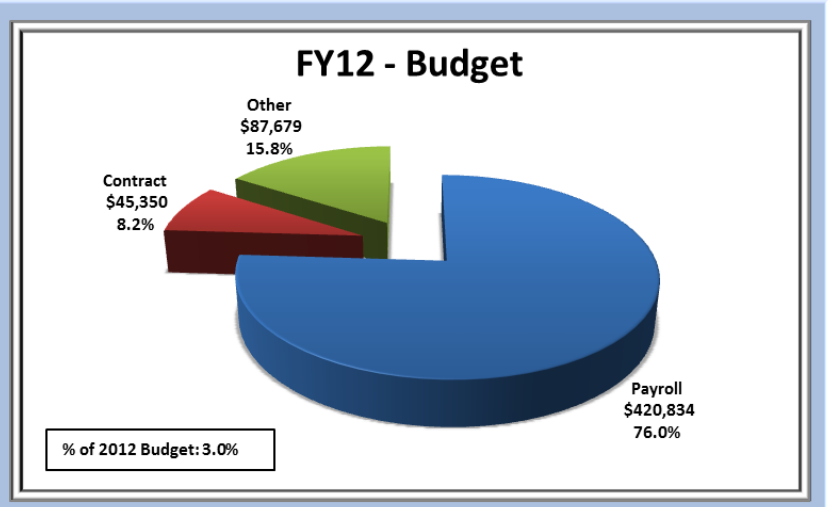
Major Crimes Unit

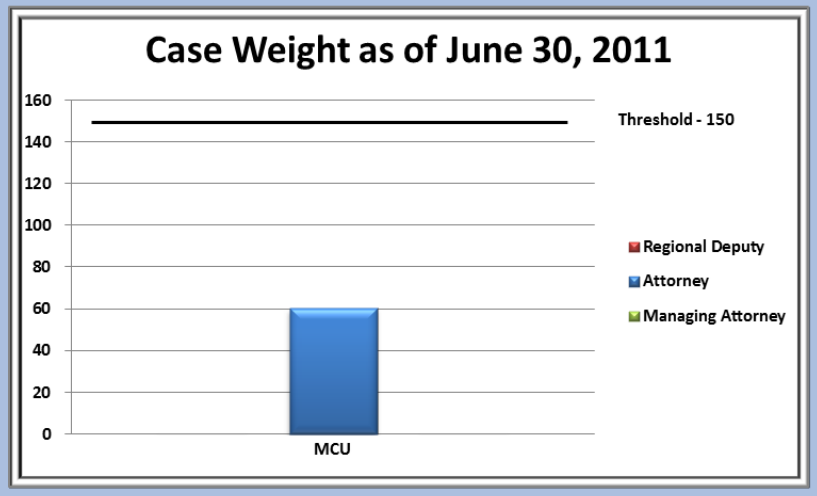
Major Crimes Unit – Serves Entire State

Attorneys: 4.5
Support Staff: 2

Major Crimes Unit – 2012 Snapshot







Conflict Coordinator

Conflict Coordinator

Attorneys: 0.5

Central Office

Central Office - Butte

Attorneys: 3.5 (Non Practicing)

Support Staff: 15

Investigators: 0.5

Appellate Defender

Appellate - Helena

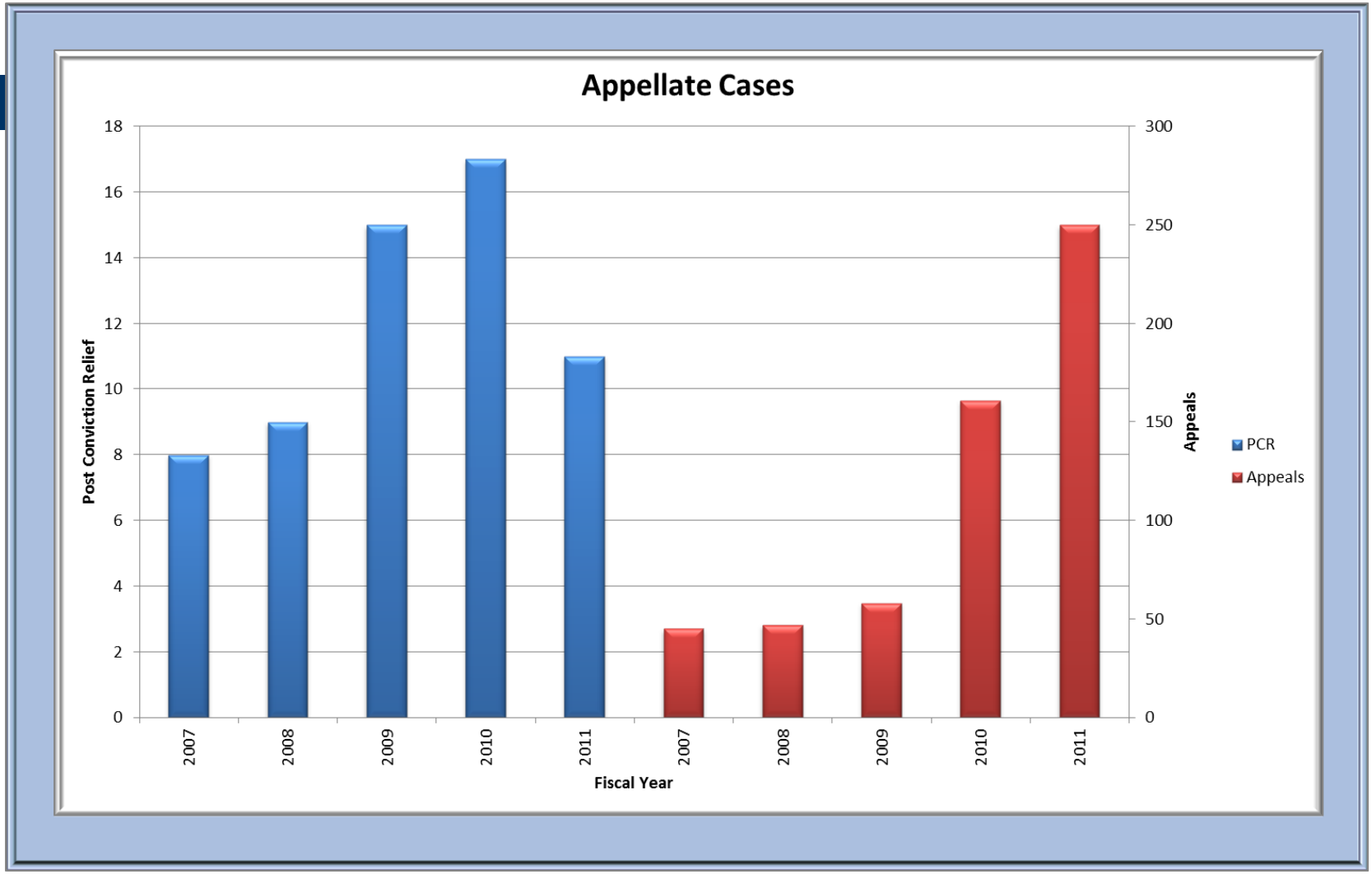
Attorneys: 9

Support Staff: 2

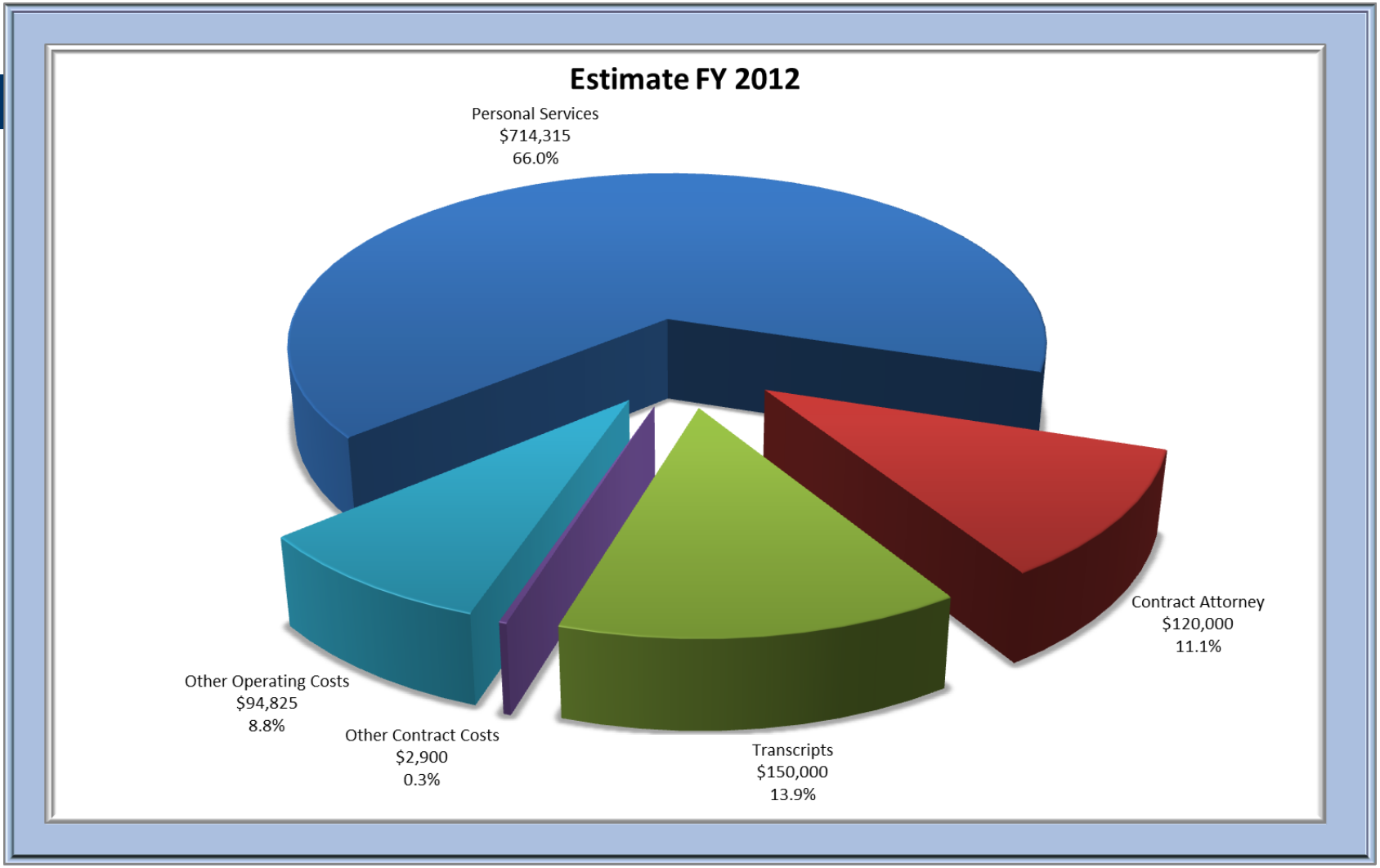
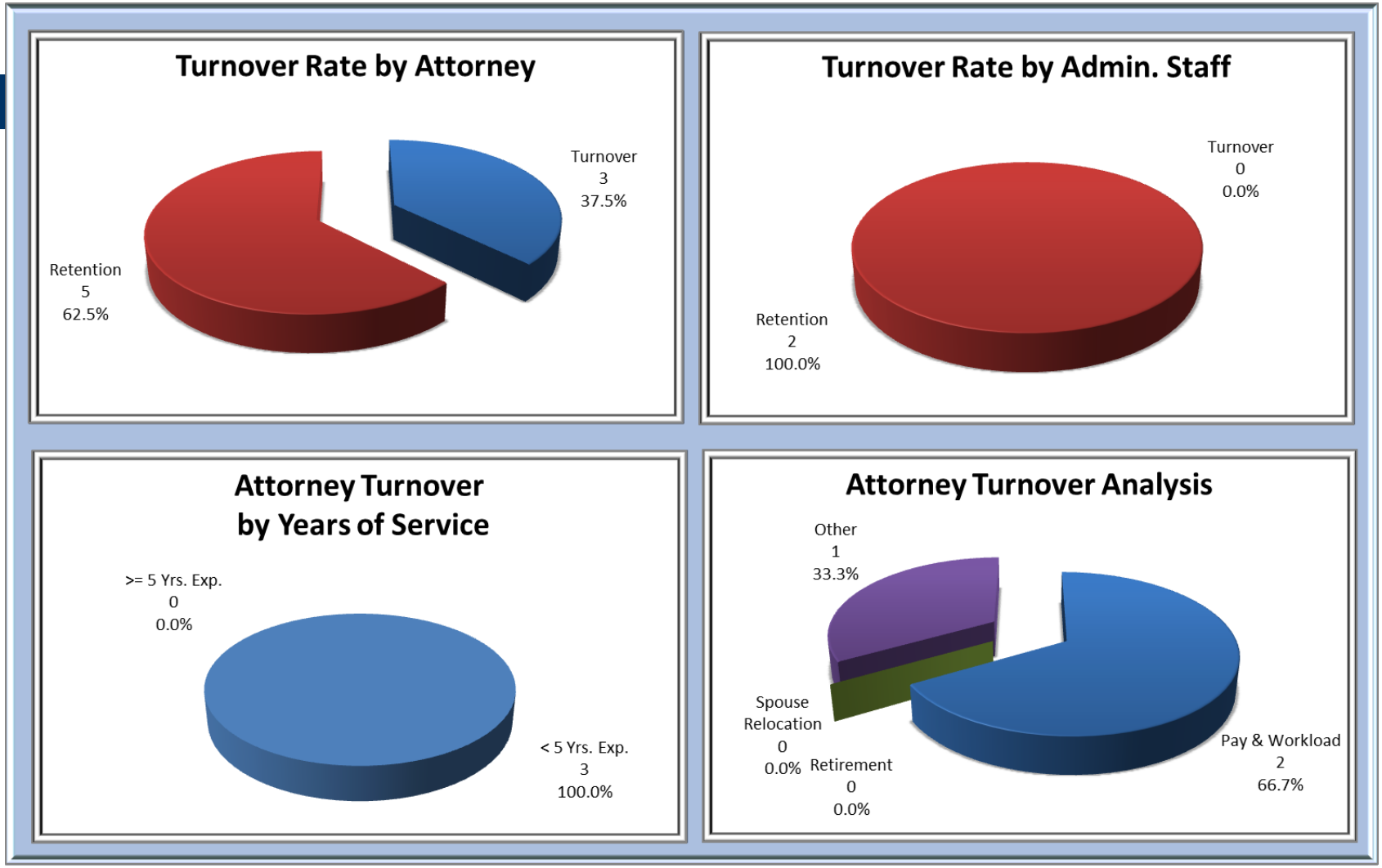
Contract Attorneys: 5

Supreme Court: 1

PCR & Appeal Ending Balance



Appellate Program Expenditures



Appellate Program Turnover Analysis