

MONTANA PUBLIC DEFENDER COMMISSION PERSONNEL COMMITTEE

Conference Call

Public Location: Helena Regional Office
139 N. Last Chance Gulch, Helena MT 59601

April 20, 2012

MINUTES

(Approved at the May 15, 2012 Meeting)

Commissioners Present

Charles Petaja, Helena; Richard (Fritz) Gillespie, Helena; Ann Sherwood, Pablo

Commissioners Absent

None

State Human Resource Officers

Lisa Coligan and Peggy MacEwen

Staff Members Present

William F. Hooks, Chief Public Defender; Harry Freebourn, Administrative Director; Assistant Appellate Defenders Eileen Larkin, Chase Naber, Wade Zolynski, and Koan Mercer; Appellate defender support staff Angela Stagg and Sarah Braden

Interested Persons

Scott Crichton, Executive Director, American Civil Liberties Union of Montana (ACLU)

1. Call to Order

Committee Chair Charles Petaja called the meeting to order at 12:45 p.m.

2. Recruitment Plan for Selecting Permanent Chief Appellate Defender

Commissioner Petaja summarized the recruitment plan, which will involve initial screening of applications by the Personnel Committee followed by interviews of three finalists by the full Commission. The procedure is similar to the one used to select the chief public defender, except that the phone interview step has been eliminated to expedite the process.

State Human Resource Division staff will post the vacancy announcement today, and it will be open for about two weeks. Mr. Crichton asked if there is a minimum requirement for posting an open position; the ACLU typically has 30 day recruitments. The state's requirement is only five days. Mr. Crichton thinks the short time frame will make it difficult for out of state applicants and asked if the Commission would consider remote interviews. Commissioner Petaja said they would.

Chairman Gillespie had some suggestions regarding the vacancy announcement, including increasing the salary range by \$5,000 to \$70,000-80,000. Commissioners Petaja and Sherwood concurred with the changes.

Commissioner Sherwood asked if the other commissioners had any problem with the number of years of experience required, and they did not. Mr. Crichton asked if someone with less than the required experience could be a still potential candidate, and they can.

3. Appointment of Interim Chief Appellate Defender

Commissioner Petaja did some independent research in case there were no applicants for the interim position. He contacted conflict coordinator Kristina Neal to ask if she would be interested in serving as the interim on a short term basis. Ms. Neal agreed to serve as interim and is not interested in being a candidate for the permanent position. Commissioner Petaja favors this approach as a way to provide objectivity in the hiring of the permanent position, and not giving any perceived advantage or disadvantage to the applicant holding the interim position. However, he noted that the Commission's motion at the last meeting was to select an interim from within the appellate office, so if the Commission wishes to consider Ms. Neal or someone else from outside the appellate office, it would require another vote.

Two assistant appellate defenders did apply for the interim position, Koan Mercer and Eileen Larkin. Commissioners Petaja and Sherwood concurred in recommending Ms. Larkin to the full Commission, subject to the other possibility of appointing Ms. Neal.

4. Public Comment

Ms. Larkin thanked the Committee for the vote of confidence, but said that she would give Ms. Neal her total support if the Commission should choose to go that way.

Mr. Crichton asked if those applying for the interim position are also eligible to apply for the permanent position. Commissioner Petaja said that they are, but Ms. Neal does not intend to apply for the permanent position.

5. Adjourn

The meeting adjourned at 1:00 p.m.