

OFFICE OF THE STATE PUBLIC DEFENDER



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TO: Public Defender Commission

FROM: Randi M. Hood, Chief Public Defender

RE: Report for April 23, 2010 Meeting

As you know, I spent six weeks in February and March in Billings on the Covington case. Although Harry and I talked frequently, Harry, Eric, and Larry went the extra mile to keep the agency together during my absence. I certainly would never want to spend that long away from my primary job.

CASELOAD

My current caseload is at three. Sentencing in the Covington case is set for June 4, 2010. I have a sentencing on April 30, 2010 for my other remaining felony. The other pending case is a first offense DUI that should be resolved by mid-May.

NATIONAL SYMPOSIUM ON INDIGENT DEFENSE

I attended the National Symposium on Indigent Defense in Washington, D.C. February 18-19. As a representative from Montana, all of my expenses were paid. Mike Menahan, deputy county attorney in Lewis and Clark County and a state representative, was my invited guest.

During the conference, I was able to attend several relevant breakout sessions. The sessions dealt with mobilizing public support for public defender offices; contract attorney supervision and evaluation; forensic evidence training; drug courts; and resources for more holistic approaches to cases. Beyond the information provided in the sessions, I was able to visit with public defenders from several different programs to discuss contract attorneys, performance evaluations, and budgetary concerns. I came back with not only the information that was provided but also a number of websites relating to publications and projects by other public defender offices. I am currently reviewing those websites and passing them on to Eric Olson or some of the management working groups.

MANAGEMENT TRAINING ACTIVITY

During the management training in December, we developed some goals with which to go forward. Five teams were formed to address each of the goals, as follows:

1. Improve OPD's information gathering process
2. Establish better communications with the public
3. Identify and improve structural problems
4. Expand the agency training program
5. Increase recruitment and retention

Because these are areas identified in the American University report, we have connected them to items on the Gantt chart. While each of these groups continue to work on the defined goals, they are also ready to assist commission committees assigned to the comparable goals in the Gantt chart.

PERFORMANCE EVALUATIONS

The performance evaluations for the regional deputy public defenders, the training officer and the contract manager are finished. The evaluations for attorneys are finished in every office except one and, in that one, all that is left is to finish discussing the evaluations with the attorney.

REGIONAL DEPUTY PUBLIC DEFENDER MEETING

The regional deputy public defenders (RDPDs) met with me in Helena on April 15, 2010. Each deputy reported on his/her region in terms of issues or concerns, morale, and use of resources. We discussed the following topics:

1. The upcoming budget cycle
2. Suggestions for legislation were made.
3. Issues related to assessments of attorneys fees
4. Increased contractor rates and how to get contract attorneys to participate in the process
5. RDPD caseloads and limits
6. Mentoring
7. Performance appraisal process
8. JustWare and the information they need from it to do their jobs within their regions
9. Upcoming trainings and discussions of training needs

REGIONAL DEPUTY PUBLIC DEFENDER CASELOADS

Section 47-1-215(h) provides that I determine the minimum caseloads for the regional deputy public defenders. I take very seriously the concerns of both the American University report and the commission. I believe the caseloads of the RDPDs need to address the following variables:

1. The size of the region
2. The management skills of the individual RDPD
3. The management requirements of the particular offices

4. The type of cases on the caseload
5. The existence or not of a managing attorney
6. The amount of travel required
7. Vacancies in the office

I am reviewing the caseloads on a monthly basis and making adjustments as I feel are necessary.

ORIENTATION

We are proceeding with the Orientation Program discussed at the last commission meeting. We recently hired a new IT person who has the skill set to do the filming of the program. We have set deadlines for scripts to be written and will start filming within a month.

KALISPELL UPDATE

I continue to monitor the Kalispell region particularly since the personnel change in the Kalispell office. A new managing attorney has been selected and we are currently negotiating salary and work responsibilities.

INDIGENCY PROJECT

Harry and I have received indications that the legislature may be concerned with our indigency procedures and compliance with those procedures. In light of that, I am heading up an indigency project team. We are speaking with each person in each region who determines indigency. This will gather the information on how closely policy is being followed. We hope to figure out why some regions have greater success in getting indigency questionnaires returned. The issue of requesting verification by pay stubs, tax returns, etc. will also be addressed. The goal of the project is to be able to report on a fairly uniform method of determining indigency according to statute and policy. We also will be looking at modifying policy to deal with the verification issue.

I would be delighted to answer any Commission questions on these areas of work or anything else.