

# MONTANA PUBLIC DEFENDER COMMISSION

## CONFERENCE CALL

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

**April 25, 2014**

### MINUTES

*(Approved at the August 1, 2014 Meeting)*

#### **Commissioners Present**

Fritz Gillespie, (Chair), Helena; Chuck Petaja, Helena; Ken Olson, Great Falls; Roy Brown, Billings; Ann Sherwood, Pablo; Mike Metzger, Billings; Brian Gallik, Bozeman

#### **Commissioners Absent**

Chris Daem, Billings; Majel Russell, Billings; Margaret Novak, Chester

#### **Staff Members Present**

Bill Hooks, Chief Public Defender; Wade Zolynski, Chief Appellate Defender; Kristina Neal, Conflict Coordinator; Harry Freebourn, Administrative Director; Wendy Johnson, Contract Manager; Carleen Green, Accountant

#### **Interested Parties**

Greg DeWitt, Legislative Analyst, Legislative Fiscal Division

#### **1. Call to Order**

Chairman Fritz Gillespie called the meeting of the Public Defender Commission to order at 1:05 p.m.

#### **2. Approval of Minutes (\*Action Item)**

A. February 24, 2014 Meeting

*Commissioner Petaja moved to approve the minutes of the February 24, 2014 meeting as drafted. Commissioner Sherwood seconded and the motion carried.*

B. April 3, 2014 Meeting

*Commissioner Petaja moved to approve the minutes of the April 3, 2014 conference call meeting as drafted. Commissioner Olson seconded and the motion carried.*

#### **3. Prioritize 2017 Biennium Budget Items (\*Action Item)**

The Budget Committee met on April 17. They had a good discussion and agreed to adopt the recommendations in Mr. Freebourn's April 14 memo as their priorities for consideration by the Commission.

Chairman Gillespie said that priorities 1-4 are necessary to continue operations at the existing level. They include the base budget; making modified FTE positions permanent (some of which will not be filled until FY 15); funding contractor costs; and covering increased lease costs.

Although the Budget Committee recognized that it may not be realistic to get funding for all of the decision packages, they recommended that all of them be presented to the Governor's office so that the Governor, Legislature and the public know what the Commission believes the agency needs to run at optimum ability.

Commissioner Gallik asked if the Governor's recent press release regarding finding funds for the Bakken area would affect DP #16 (Priority 11). Chief Hooks said no, that the focus there is primarily on infrastructure for cities and counties, not for personnel.

Commissioners Gallik and Brown said that these priorities are consistent with what they heard based on conversations with OPD attorneys, especially the need to make increased pay for support staff a high priority. Chairman Gillespie said that he and the Central Services staff will work hard to get that done.

Chairman Gillespie invited public comment, but there was none.

***Commissioner Sherwood moved to approve the decision packages as currently prioritized, per Mr. Freebourn's memo. Commissioner Olson seconded and the motion carried unanimously.***

Chairman Gillespie asked if there was any new or old business to discuss. Commissioner Gallik asked for a status update on the capital cases. One is awaiting sentencing, and the other is waiting for a decision regarding fitness to proceed.

Commissioner Petaja asked whether the agency or the Commission has taken a position in light of the Governor's support of Barry Beach. Chairman Gillespie said that as an agency of state government, it is in our best interest not to take a position. That said, anyone, staff or Commissioner, is welcome to submit comments as a private citizen in the form of a letter to the editor, the Governor or the parole board.

Commissioner Brown asked if it would be appropriate for the Commission to propose legislation replacing the death penalty with life without parole. Chairman Gillespie said that in the past OPD has appeared as informational witnesses to explain the higher costs of defending against the death penalty. Commissioner Brown suggested that agency support or Commission sponsorship of the bill might increase the chances for success in the next session. Chairman Gillespie will discuss the possibility with the Governor's office and report back at the next meeting.

**4. Public Comment**

There was no public comment.

**5. Adjourn**

Commissioner Petaja moved to adjourn and Commissioner Sherwood seconded. The motion carried and the meeting adjourned at 1:30 p.m.