

MONTANA PUBLIC DEFENDER COMMISSION

State Capitol, Room 152

Helena, MT

May 15, 2012

MINUTES

Approved at the August 27, 2012 Meeting

Commissioners Present

Charles Petaja, Helena; Richard (Fritz) Gillespie, Helena; Ann Sherwood, Pablo; Alfred Avignone, Bozeman; Kenneth Olson, Great Falls; Majel Russell, Billings

Commissioners Absent

Margaret Novak, Chester; Christopher Daem, Billings; William Snell, Billings

State Human Resource Officers

Peggy MacEwen and Lisa Coligan

Staff Members Present

Larry Murphy, Contracts Manager; Harry Freebourn, Administrative Director; Dan Minnis, Regional Deputy Public Defender (RDPD), Havre

Liaisons

Chris Abbott, liaison for union attorneys, and Lisa Korchinski, liaison for non-management appellate defender staff and attorneys, were in attendance. The position for union support staff and investigators is vacant.

Interested Persons

Appellate defender staff and attorneys: Jennifer Hurley, Eileen Larkin, Angela Stagg, Sarah Braden

1. Call to Order

The Montana Public Defender Commission meeting was called to order by Chairman Fritz Gillespie at 9:10 a.m.

2. Approval of Minutes of April 13 and April 20, 2012 meetings (*Action Item)

Commissioner Olson moved to adopt the minutes of the April 13 and April 20, 2012 meetings as drafted. Commissioner Avignone seconded and the motion carried.

3. Commission Liaisons

The liaisons in attendance had nothing to report.

4. Chief Appellate Defender Interviews

Chairman Gillespie said that each interviewee will be asked the same set of questions and that following the set questions Commission members may ask follow up questions. Members of the public will not be allowed to ask questions, but may make public comment at the conclusion of all three interviews.

Chairman Gillespie introduced Ms. MacEwen and Ms. Coligan, and thanked them for their help throughout the hiring process. They will document the actual interviews as part of the overall recruitment and selection process.

- A. Wade Zolynski
- B. Tom Bartleson
- C. Chad Wright

5. Public Comment

Chairman Gillespie invited public comment, and specifically encouraged the staff from the appellate office to speak.

Assistant Appellate Defender Lisa Korchinski spoke on her own behalf, not as the liaison. She thanked the Commission for their time and energy in this process. She said that the appellate office needs someone uplifting, who will support them and help them to improve, and who will be a unifying force. Ms. Korchinski thinks it is important to look outside the agency for external resources and said that even though their office is small, experience managing attorneys is necessary. Finally, she feels very strongly that their support staff needs to be valued for their hard work and dedication, especially in view of the fact that they are grossly underpaid. The suggestion of one candidate to assign more work to the support staff is not feasible; there are limits to what two people can do.

Assistant Appellate Defender Eileen Larkin appeared on her personal time, and offered her personal opinion, perhaps at her own peril since she doesn't know who her new boss will be. She wanted to put on record that Anders briefs are not filed because there are losing issues, but only when it is a frivolous appeal. She agreed with Ms. Korchinski that the office needs to look forward, not backward. She has been very impressed with Mr. Zolynski's work ethic and the new energy he has brought to their office. He has extensive trial experience, including the recent *Gonzales* deliberate homicide trial and acquittal in Missoula. He has management experience with hundreds of attorneys during difficult transitions and Ms. Larkin hopes the Commission will strongly consider him as the next chief.

Sarah Braden, paralegal and office manager, has been with OPD since its inception. She has 17 years of paralegal experience in the criminal arena. She is concerned about the idea of assigning more work to support staff. There are only two of them to support a total of 16 FTE and contract attorneys. Their work is A+ and at a much lower pay than the staff of private attorneys.

There was no additional public comment.

6. Executive Session (Closed)

Chairman Gillespie closed the meeting, stating "The following portion of the meeting relates to matters of individual privacy. As Commission Chairman, I have determined that the demands of individual privacy clearly exceed the merits of public disclosure. As such, this portion of the meeting will be closed."

7. Announce Selection of Chief Appellate Defender

Chairman Gillespie reopened the meeting at 5:00 p.m. Following their deliberations, the Commission talked privately with each of the individual candidates. What was said in executive session or with each individual applicant will remain as matters of individual privacy.

The Commission offered the position of chief appellate defender to Mr. Zolynski and he accepted. He is

prepared to start his new role immediately. Chairman Gillespie thanked Mr. Wright and Mr. Bartleson for their time. It was a very difficult decision as each candidate brought unique and excellent qualifications. Chairman Gillespie hopes to be able to call on them at some other point in time.

8. Set future Commission meeting dates

The next meeting will be held by conference call on June 4, 2012 beginning at 10 a.m.

9. Adjourn

The meeting adjourned at 5:05 p.m.