

MONTANA PUBLIC DEFENDER COMMISSION

Central Services Conference Room
44 W. Park
Butte, MT

June 1, 2017

MINUTES

(Approved by email June 26, 2017)

Commissioners Present

Ann Sherwood (Acting Chair), Pablo; Larry Mansch, Missoula; Maylinn Smith, Missoula; Margaret Novak, Chester

Commissioners Absent

Mark Parker, Billings; Roy Brown, Billings; Brian Gallik, Bozeman; Mike Metzger, Billings

Staff Members Present

Bill Hooks, Chief Public Defender; Chad Wright, Chief Appellate Defender; Kristina Neal, Conflict Coordinator; Peter Ohman, Interim Chief Administrator and Training Coordinator; Carleen Green, Accounting Supervisor; Cathy Doyle, Administrative Specialist; Chris Thomas, Training Assistant

Interested Parties

Candidates Ed Sheehy, Jim Taylor, and Larry LaFountain; Malissa Williams, Office of Budget and Program Planning

1. Call to Order

Vice-Chair Ann Sherwood called the meeting to order at 8:35 a.m. All participants attended by conference call.

2. Approve Minutes of May 5, 2017 Meeting (*Action Item)

Commissioner Smith moved to adopt the minutes as drafted. Commissioner Novak seconded and the motion carried.

Newly enacted legislation revising Montana's public defender system created a new position, director of the Office of the State Public Defender. The director will be hired by the Director of the Department of Administration (DOA) by July 1, 2017. The legislation requires the Public Defender Commission to submit a list of nominees to the DOA director for consideration, although the DOA director may hire someone not recommended by the Commission.

The Commission sought candidates for the nomination and selected three applicants for interviews. Interviews were conducted using the attached list of questions (Attachment A). Commissioners were allowed to ask follow up questions.

3. Interview: Ed Sheehy

4. Interview: Jim Taylor

5. Interview: Lawrence LaFountain

6. Public Comment

There was no public comment.

7. Executive Session (Closed)

Commissioner Sherwood closed the meeting at 10:55 a.m. for discussion of matters related to individual privacy.

8. Announce Nominees to be Submitted to DOA (*Action Item)

Commissioner Sherwood reopened the meeting at 11:10 and again invited public comment, but there was none. She reported that the members voted unanimously to forward one name to the DOA director for consideration, and that is Jim Taylor. The Commission believes that Mr. Taylor displays the leadership, vision, knowledge of the agency and the legislature, and the planning skills to move the agency forward at this critical time.

9. Status of Commission

Commissioner Smith said that based on a conversation with Representative Kim Dudik, she understands that the intent of the legislature was to sunset the Commission as of July 1. Based on that discussion, she did not ask for an advisory opinion from the Attorney General's office. However, Commissioner Smith thinks that it would be within the director's discretion to have an advisory commission. Mr. Taylor said that would be great; he prefers to have more input, not less. It would be a discussion to have with the director of the Department of Administration. Commissioner Sherwood said that regardless of the status of a commission, she will be available to help with holistic defense or other matters. There was discussion regarding the possible composition of a new advisory commission, and the importance of keeping all stakeholders in the loop.

Commissioner Novak asked Ms. Williams what the next step will be, and how the DOA process will meld with what the Commission has done. Ms. Williams said she is assuming the DOA will also post the position and do interviews. She expects things to move quickly since the director is to be hired by July 1. State Human Resources will manage the process and can provide more details.

Commissioner Sherwood will draft a memorandum to DOA Director Lewis (Attachment B) regarding the Commission's choice for nominee, including a description of the process so they will know the Commission tried to be as thorough as they could.

There was a final call for public comment at 11:30, but there was none.

10. Adjourn

Commissioner Smith moved to adjourn at 11:30 a.m. Commissioner Novak seconded and the motion carried. The members thanked Commissioner Sherwood for leading the recruitment process.

ATTACHMENT A

**DIRECTOR, MONTANA OFFICE OF PUBLIC DEFENDER
Full Commission Interview Questions**

Applicant: _____

Date: June 1, 2017

Interviewer: _____

1. Please tell us why you are interested in the position. Your comments should include your interest in the mission of the Office of the Public Defender.

2. Please describe your experience with the legislative process, including experience with lobbying.

Follow up: What was your most successful lobbying experience?

3. Please describe your understanding of Montana's standards for public defender services and what, if any, changes you would implement?

4. Please tell us about your budgeting experience, including your experience with the public sector budgeting process.

Follow up: Please describe your understanding of OPD's budget issues and how you would address them?

Follow up: Please tell us about your fundraising experience, including any experience you may have with grant writing?

5. Tell us your philosophy of supervision and management. What does good management look like to you?

Follow up: Describe a difficult management challenge you addressed and what was the outcome?

6. Please describe a time when you developed and implemented strategic planning? What are your ideas about how to implement strategic planning for OPD?

Follow up: What ideas do you have for innovation?

7. Please describe what you believe are the challenges to public defender staff? How would you address those challenges?

8. Please describe how you would determine the needs of public defender clients, and the interests of other stakeholders. How would you address those needs and those interests?

MONTANA PUBLIC DEFENDER COMMISSION



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BUTTE, MONTANA 59701

June 5, 2017

John Lewis, Director
Montana Department of Administration
P.O. Box 200101
Helena, MT 59620

RE: Nomination of James Park Taylor for the Director of the Office of Public Defender

Dear Mr. Lewis:

As you know, the legislature's revision of Montana's public defender system requires hiring a Director, replacing the Public Defender Commission's supervisory function. In accordance with the legislation, the Commission solicited applications, reviewed application materials, and interviewed applicants. I am including the solicitation we posted, the interview questions we used, and the application materials of Jim Taylor, the Commission's unanimous choice to nominate for the Director.

After reviewing the applications and interviewing three individuals, the Commission finds Jim Taylor is far and above the best person to run the Office of the Public Defender (OPD) and would stand out in any pool of applicants for this position. He demonstrates exceptional leadership skills, a clear and efficient communication style, and would administer OPD using innovation and fiscally responsible methods. He recognizes the challenges facing this agency and has tangible ideas to address them on multiple levels in a progressive manner.

Jim's background experience makes him uniquely qualified to facilitate changes that can improve the public defender system. In addition to his practice experience in all court systems within this state, Jim was the first chair of the Public Defender Commission. He co-authored the public defender standards and worked closely with the legislature during the implementation of the state-wide defender system. Since leaving the Commission in 2011 he continued to work locally and internationally training attorneys, developing policy, and building collaborations to improve justice systems. In his capacity as Legal Director for the ACLU of Montana, Jim monitored the progress of OPD by attending Commission meetings, legislative hearings, and meetings of the OPD Task

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Force. He is already familiar with the structure of the system and the various internal and external challenges associated with providing public defender services in Montana.

Jim was able to articulate the benefits and structure associated with effective strategic planning and is already working on ideas for innovation, finding alternative funding sources, and making the agency more fiscally responsible. We believe he understands the clients of OPD as well as the various stakeholders in the justice system. He has demonstrated an ability to work effectively with Indian people and to engage with tribal governments in Montana. He recognizes the disparity among native people in the criminal justice system and has ideas regarding addressing this concern.

Jim expressed a desire to continue building working relationships on both sides of the aisle in the state legislature. As part of this effort Jim identified the benefits of improving communication, being more collaborative, transparent, proactive, and innovative when it comes to accomplishing more with less.

The Commission believes Jim has a clear vision for what OPD should and could be, as well as a process for successfully facilitating improvements in the agency. As a person of action, Jim Taylor would be an extremely positive influence to improve delivery of services, morale, and the image of OPD. Jim is an excellent spokesperson. His background in criminal defense, public defense, international law, academia, management, and policy making give him credibility with OPD staff, the legislature, criminal justice agencies and other stakeholders. It is without hesitation that the Commission nominates Jim Taylor to be the Director of the Office of Montana's Public Defender.

If you have questions, please feel free to contact me or others on the Commission.

Sincerely,



Ann Miller Sherwood
Vice-Chair, Montana Public Defender Commission
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