

June 16, 2010

Mike Sherwood, Public Defender Commission Chairperson

In your April 20, 2010 letter, you asked me to update the PDC on several items relating back to your February 17, 2010 letter to AFSCME Executive Director, Timm Twardoski. (See items 2, 3, 5, 6, 7, 8 15 & 16 of your April 20, 2010 letter.) Specifically, you asked that I provide the PDC with information as to whether these specific items you outlined had been raised with the OPD Regional Managers as you had concerns about going outside the chain of command.

In being tasked to make such a report, some folks suggested I merely report to the PDC the most recent information from our Labor Management Committee (LMC) meeting. Once the LMC minutes are approved, they are posted to the OPD Intranet where anyone who is interested can go to that site to review them. However, the problem with my relaying information from our Labor Management meeting to the PDC is that those minutes have not yet been vetted or finalized for distribution. Additionally, the PDC members who attended LMC already know the status of the majority of the issues in any event.

This quandary brings us back to the basic questions as to what is expected of the Attorney Liaison in conjunction with the Public Defender Commission? How do we envision that information will be shared between the OPD Attorneys, which the Liaison represents, and the Public Defender Commission? At the very least, we hope the Liaison position will not merely become making written responses to the PDC's requests for information. Even in responding to Mr. Sherwood's requests for information in writing, I was not even sure if it would be appropriate for me to use the State's letterhead. Because these basic guidelines have not yet been established, in conjunction with the fact that the LMC minutes are not yet finalized, I am not properly able to answer Mr. Sherwood's questions from his April 20, 2010 letter.

That being said, as the Liaison, I can provide responses to the PDC that were vetted through the Attorney's Executive Board members, by Timm Twardoski, and by Laura Bailey, Executive Rep. for the support staff, in addition to some Management responses made during PDC meetings.

1. Attorneys realize the importance of the time tracking via JustWare and the Case Weight System. However, the time tracking activities create additional workloads for every attorney, who are constantly being told not to work over 40 hours a week because the State does not want the additional financial liability of exempt comp time.
2. Some attorneys are being "hassled" by Managers and/or Human Resources if they have to work over 40 hours a week. Other attorneys are told they can't work over 40 hours a week without the express consent of their Manager. Our OPD attorneys are hopeful that Management and Human Resources will see the error in their mentality that the jobs we are doing can be done in

just 40 hours a week, and we hope they will loosen their stranglehold on those attorneys that they are micromanaging.

3. Employees were angered when they did not have the necessary office supplies with which to do their jobs, and many spent their own money to buy office supplies. Management has since indicated that the necessary offices supplies will be made available so that we don't have to purchase them out of our own pockets.
4. The Mental Health Protocol will be discussed at the next PDC meeting. Additional information will also be contained in the LMC minutes which will be published at a later date once they have been approved for publication.
5. Staff reimbursement for mileage when using their personal car, in addition to possible cash advance to cover OPD expenses incurred by employees, will be handled by the LMC.
6. Many of our attorneys, both those doing felonies and misdemeanors, feel there is an overall lack of investigators and investigative services available to them. Our OPD Chief is aware of this concern.
7. The attorneys also believe our support staff is underpaid and overworked. In fact, it has come to our attention that many of our support staff need their job descriptions reclassified as many of the support staff are doing work that is not even included in their job descriptions. For example, our legal secretaries are doing work that appears to be work classified for our paralegals. Also, our receptionists are doing work that would more properly be classified as duties of a legal secretary. Accordingly, because of these misclassification issues, our support staff is doing work for which they are not being properly paid.
8. The issue of attorneys not getting proper credit for working more than a 40-hour week ties back into issues 1 & 2 above. Again, some attorneys are micromanaged and not allowed to accrue exempt comp time even if they have earned it.
9. The frontline attorneys see a definite shift in management and we want to know what the OPD's long term vision is with respect to these management changes.
10. The frontline attorneys suggest that FTE vacancy savings be used to hire more FTEs who will be online with us and in the courtrooms. Further, we suggest that management positions, which are presently vacant, be used instead to bring on more FTEs for the courtrooms which would leave fewer managers to micromanage us.
11. The ethical dilemma presented by a perceived reluctance to declare a conflict of interest in cases will be addressed through LMC and policies developed there from.
12. Many of our online attorneys have exceptionally high caseloads which partly results from hanging on to conflict cases.
13. The lack of confidence or affection toward our in-house psychologist will be dealt with by LMC.
14. The frontline attorney's performance evaluations are too subjective. This issue is being dealt with by LMC also as Management is seeking a better performance evaluation form with which to evaluate the attorneys.
15. The rumor that attorneys will be forced to work nights and weekends, with or without compensation, is untrue per Management.

Laura L. Simonson
Public Defender Attorney Liaison to the PD Commission

16. Management has backed off on its earlier refusal to provide personalized business cards to the frontline attorneys. At this time, Management is in the process of ordering personalized business cards as it located a cheaper supplier than used previously by the State.

I look forward to working with the Public Defender Commission as we move forward on the issues.

Sincerely,

Laura L. Simonson
OPD Attorney Liaison