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June 14, 2010

Honorable Katherine M. Irigoien
District Court Judge
201 W. Main St.
Sidney, MT 59270

RE: Judicial Evaluation of Public Defender System

Dear Judge Irigoien:

I am writing this letter of introduction in my capacity as a member of the Montana State Public Defender Commission. I am a freshman Commissioner, having been recently appointed to the Commission in October, 2009. Recently, Commission Chairman, Mike Sherwood, appointed me to serve on the committee charged with establishing a methodology for evaluation of the Chief Public Defender, Managing Public Defenders, contract attorneys, Public Defenders and staff.

Establishing a uniform methodology for evaluation of the above listed public defenders is imperative for a credible assessment of our Public Defender System, its attorneys and staff. The committee has made some progress toward establishing an evaluation for both full time public defenders and contract attorneys. Generally speaking, the committee believes the attorney evaluation procedures should include evaluation at several levels, including self evaluation, peer evaluation, managing attorney evaluation and recommendations from the Courts that are served by the Public Defender System and its attorneys.

I have spoken with District Court Judges about this subject. Some judges have strong opinions about our Public Defender System and how it is being managed. Some judges did not wish to make critical recommendations on an individual basis, but preferred a collective judicial approach. Other judges question the appropriateness of a judicial evaluation of the Public Defender System and its attorneys. Obviously, if there is a major problem with any specific public defender in this State, the District Courts already have several options including sanctions and reporting the attorney to the Commission on Practice, with notice to the managing attorney and the Chief Public Defender, to name a few.

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In conclusion, our Montana State Public Defender Systems is still very young. The Commission wants to improve our system. This can and will be accomplished by improvement in management and establishing a methodology for evaluation of those employed within the system. We certainly look forward to the District Court Judge's Association's input and comments concerning this important evaluation and assessment process. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles E. Petaja".

Charles E. Petaja

CEP/mjg.