

MONTANA PUBLIC DEFENDER COMMISSION
STANDARDS COMMITTEE MEETING

Central Office □ 44 W. Park, Butte, MT 59701
and by teleconference

August 18, 2010

MINUTES

Approved at the August 8, 2012 Meeting

Call to Order

The meeting of the Standards Committee was called to order at 2:55 p.m. by acting Committee Chair Fritz Gillespie

Commissioners Present

Fritz Gillespie, Helena; Ken Olson, Great Falls; Jim Taylor, Missoula

Interested Parties

Randi Hood, Chief Public Defender; Harry Freebourn, Administrative Director; Eric Olson, Training Coordinator; Niki Zupanic, Public Policy Director, American Civil Liberties Union, Montana (ACLU); Katie Heisterman, member of the public.

Approval of Minutes

Commissioner Olson moved to approve the minutes of the July 24, 2009 meeting as submitted. Commissioner Gillespie seconded. Commissioner Taylor abstained since he did not attend that meeting. The motion carried.

American University (AU) Recommendations

AU Recommendation 22: Staff must be accountable to implement Standards and policies
Training Coordinator Eric Olson said that OPD Policy 136 creates a process for monitoring Standards compliance. Mr. Olson said he has begun contacting 10 attorneys per month to monitor compliance and will have a detailed report at the end of year.

A new employee orientation is being developed, consisting of video presentations and written information in binders. The orientation will be mandatory for all new employees, and recommended for contract attorneys. Completion is scheduled for the end of the month.

Chairman Gillespie asked about the format for Standards compliance under Policy 136. Mr. Olson said that he selects randomly from various geographic areas, and they meet in person or by phone. Together, they review three closed case files in relation to the Standards. He also requests input from the attorney on Standards that pose a compliance issue. He stresses that this is a training tool and is not related to performance evaluation.

Commissioner Taylor asked if the compliance process applied to contract attorneys as well as FTEs. It is being piloted with FTEs, with implementation for contractors planned for November. Contract Manager Larry Murphy will oversee contractor compliance. Checklists are being developed for each area of practice.

AU Recommendation 23: Commission must be assertive in demanding information from staff

The committee determined that this item is related to the previous recommendation. Commissioner Gillespie said that in addition, the Commission must determine what information they want staff to provide on a regular basis to facilitate the Commission's oversight of the system. He will poll the Commission members and include this as an action item on the August 30 agenda. The requested information must be relevant and available without overburdening staff.

The committee supported the idea of creating an audit team to ensure reporting accuracy, but noted that it would involve additional resources.

Public Comment

Niki Zupanic, ACLU Public Policy Director, said the committee was hitting on the crux of the issue regarding how to collect information uniformly and reliably and report on it on a regular basis. She agreed that priorities need to be identified and that the information provided must have a specific purpose. Overall the ACLU is very pleased that the committees have devoted an entire day to addressing the AU recommendations.

Old Business/New Business

There was no old business.

Commissioner Taylor said that the Standards need to be changed to incorporate the change in organization related to creating the Major Crime Unit (MCU) and ensure there is no cross pollination of information between the regions and the MCU. Chief Hood will draft a revision for review at the next Commission meeting.

Commissioner Taylor also identified an issue related to DN cases. Chief Hood said that the Standards for representation of children are being worked on as part of the DN uniform practice project Mr. Olson is working on.

There was no additional new business.

Adjourn

Commissioner Olson made a motion to adjourn, Commissioner Taylor seconded, and the motion carried. The meeting adjourned at 3:50 p.m.