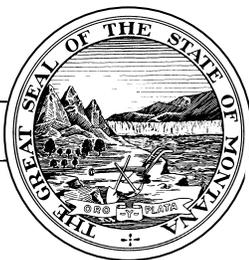


OFFICE OF STATE PUBLIC DEFENDER



BRIAN SCHWEITZER
GOVERNOR

KRISTINA NEAL
CONFLICT COORDINATOR

STATE OF MONTANA

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August 27, 2012

To: Montana Public Defender Commission

From: Kristina Neal, Conflict Coordinator

RE: Report to the Commission

UPDATES

Conflict cases: Between April 1, 2012 and June 30, 2012, I appointed counsel in 1,023 cases, or approximately 85 cases per week (see attached). This is a significant increase from the last quarter, which totaled 893 cases.

Standards: I have proposed to the commission changes in the standards involving conflicts of interest and conflict cases, specifically Section III.4 and III.5. My proposed changes to the standards merely reflect the statutory creation of the conflict coordinator position.

Standards Compliance Interviews: I assisted Larry Murphy with standards compliance interviews of contract attorneys in Great Falls and two attorneys in Havre via Skype. Upcoming interviews are scheduled for Missoula. This process has been a very beneficial opportunity to meet attorneys that I had not yet worked with and also a chance to receive input and suggestions from several of the more experienced attorneys.

Training: I am serving as the case coordinator for State v. Lester Waters, one of the two capital cases currently in Richland County. Therefore, I participated in the capital litigation training program offered at the University of Montana. All of the attorney team members in this case also participated in the training.

Support Staff: Given the consistent increase in cases being handled by my office, I received approval for a part-time support staff to assist me. I am in the process of working with Barb Kain to develop a job description and classification and then will begin a hiring process.

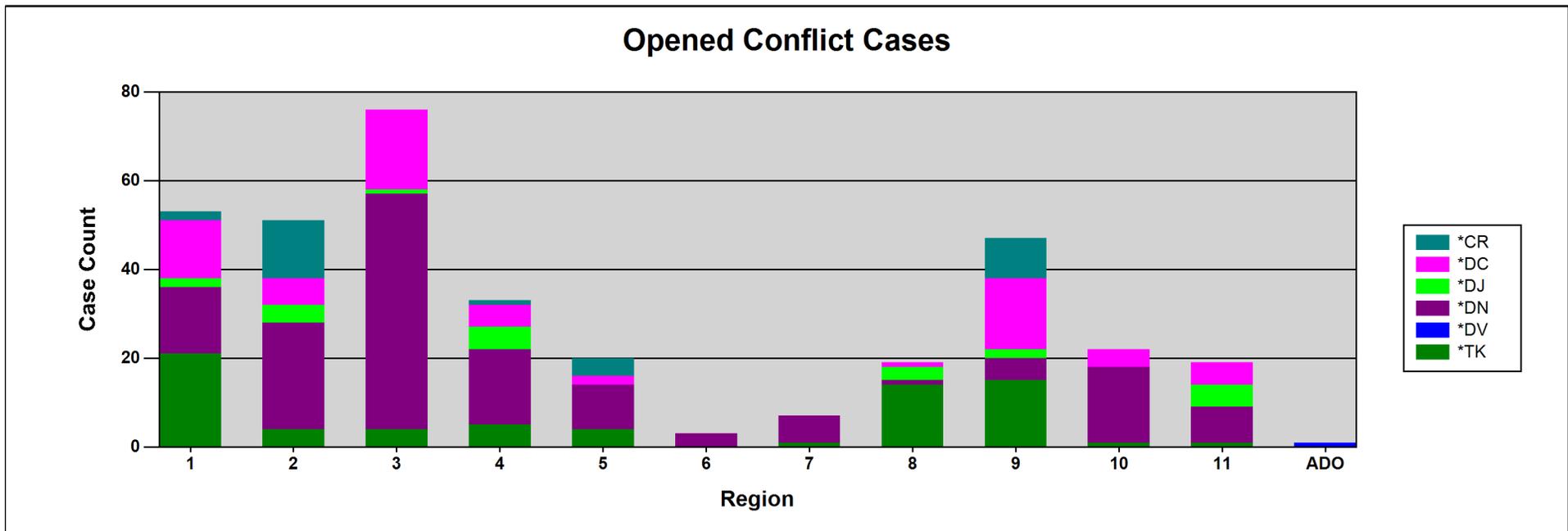
Concerns: I continue to see an increase in the number of conflict cases in several of the regions, in which the need for conflict counsel is greater than the availability. Great Falls is the region of most concern. However, Helena, Butte, Billings, Region 10 (Glendive) and Region 11 (Miles City) are all areas in which contract counsel are being pushed to their limits. In trying to recruit new attorneys or persuade attorneys to accept more cases, quite often the reason for not agreeing to accept OPD appointments is the \$60 per hour rate.

JustWare: Marsha Parr has modified JustWare so that I am now able to review the total number of open cases for a contract attorney to include every region in which the attorney accepts cases and both conflict and non-conflict work.



Office of the State Public Defender: OPD Opened Conflict Cases by Type Report

Period from: 4/1/2012 through 4/30/2012 11:59:59 PM



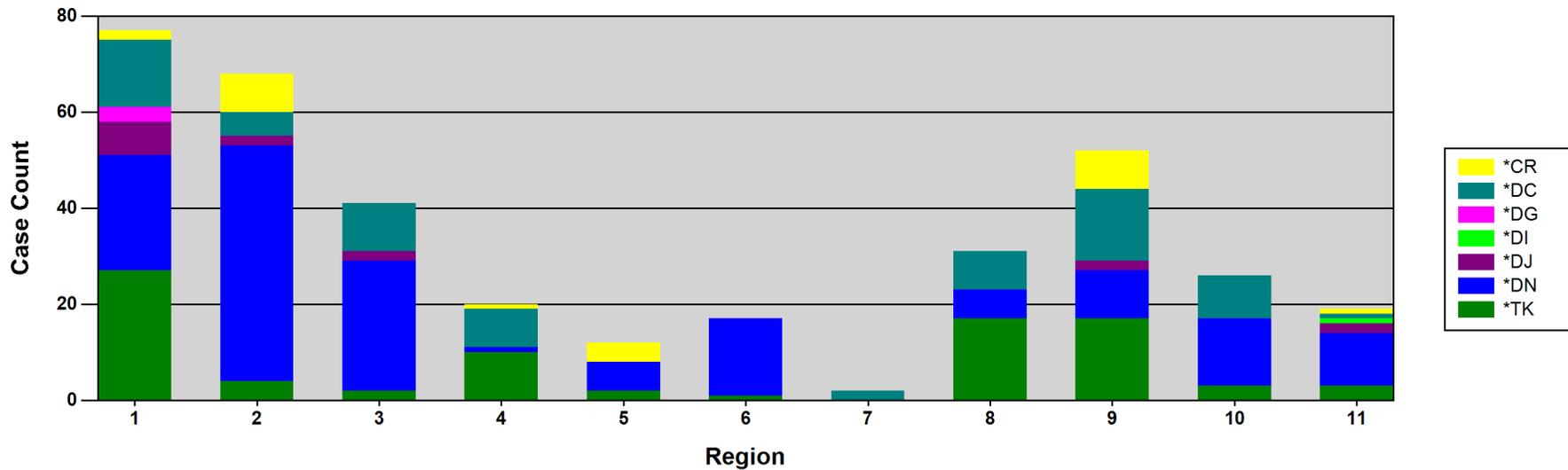
	*CR	*DC	*DJ	*DN	*DV	*TK	Total
Regional Office, Region 1	2	13	2	15	0	21	53
Regional Office, Region 2	13	6	4	24	0	4	51
Regional Office, Region 3	0	18	1	53	0	4	76
Regional Office, Region 4	1	5	5	17	0	5	33
Regional Office, Region 5	4	2	0	10	0	4	20
Regional Office, Region 6	0	0	0	3	0	0	3
Regional Office, Region 7	0	0	0	6	0	1	7
Regional Office, Region 8	0	1	3	1	0	14	19
Regional Office, Region 9	9	16	2	5	0	15	47
Regional Office, Region 10	0	4	0	17	0	1	22
Regional Office, Region 11	0	5	5	8	0	1	19
Appellate Defender's Office	0	0	0	0	1	0	1
Total	29	70	22	159	1	70	351



Office of the State Public Defender: OPD Opened Conflict Cases by Type Report

Period from: 5/1/2012 through 5/31/2012 11:59:59 PM

Opened Conflict Cases

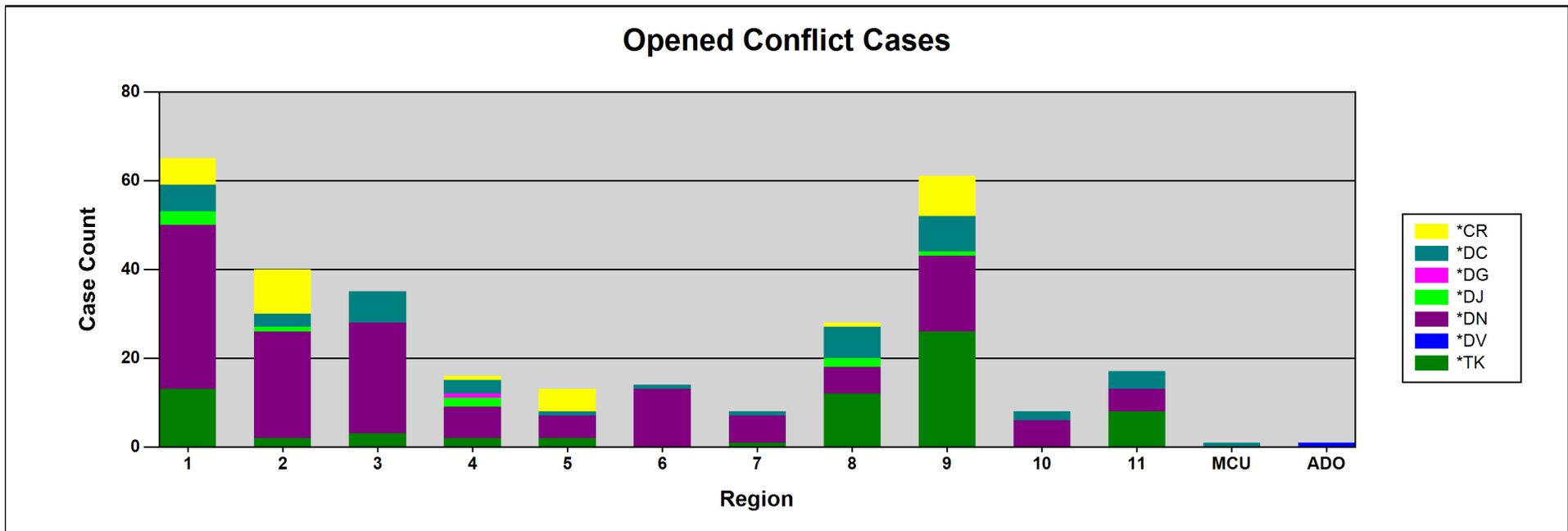


	*CR	*DC	*DG	*DI	*DJ	*DN	*TK	Total
Regional Office, Region 1	2	14	3	0	7	24	27	77
Regional Office, Region 2	8	5	0	0	2	49	4	68
Regional Office, Region 3	0	10	0	0	2	27	2	41
Regional Office, Region 4	1	8	0	0	0	1	10	20
Regional Office, Region 5	4	0	0	0	0	6	2	12
Regional Office, Region 6	0	0	0	0	0	16	1	17
Regional Office, Region 7	0	2	0	0	0	0	0	2
Regional Office, Region 8	0	8	0	0	0	6	17	31
Regional Office, Region 9	8	15	0	0	2	10	17	52
Regional Office, Region 10	0	9	0	0	0	14	3	26
Regional Office, Region 11	1	1	0	1	2	11	3	19
Total	24	72	3	1	15	164	86	365



Office of the State Public Defender: OPD Opened Conflict Cases by Type Report

Period from: 6/1/2012 through 6/30/2012 11:59:59 PM



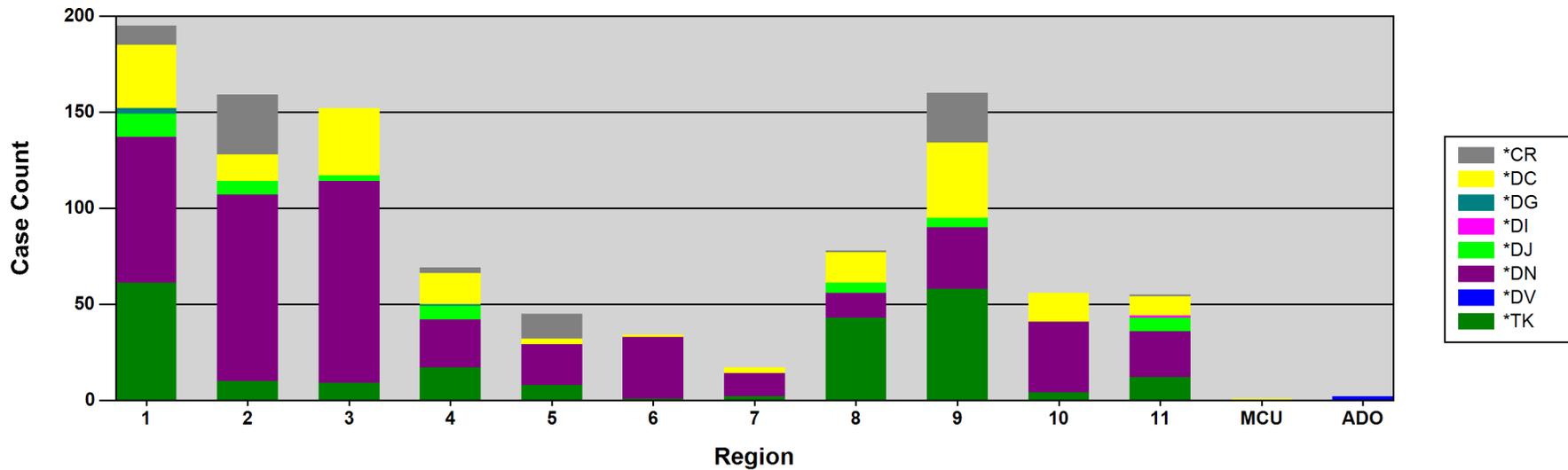
	*CR	*DC	*DG	*DJ	*DN	*DV	*TK	Total
Regional Office, Region 1	6	6	0	3	37	0	13	65
Regional Office, Region 2	10	3	0	1	24	0	2	40
Regional Office, Region 3	0	7	0	0	25	0	3	35
Regional Office, Region 4	1	3	1	2	7	0	2	16
Regional Office, Region 5	5	1	0	0	5	0	2	13
Regional Office, Region 6	0	1	0	0	13	0	0	14
Regional Office, Region 7	0	1	0	0	6	0	1	8
Regional Office, Region 8	1	7	0	2	6	0	12	28
Regional Office, Region 9	9	8	0	1	17	0	26	61
Regional Office, Region 10	0	2	0	0	6	0	0	8
Regional Office, Region 11	0	4	0	0	5	0	8	17
Major Crime Unit	0	1	0	0	0	0	0	1
Appellate Defender's Office	0	0	0	0	0	1	0	1
Total	32	44	1	9	151	1	69	307



Office of the State Public Defender: OPD Opened Conflict Cases by Type Report

Period from: 4/1/2012 through 6/30/2012 11:59:59 PM

Opened Conflict Cases

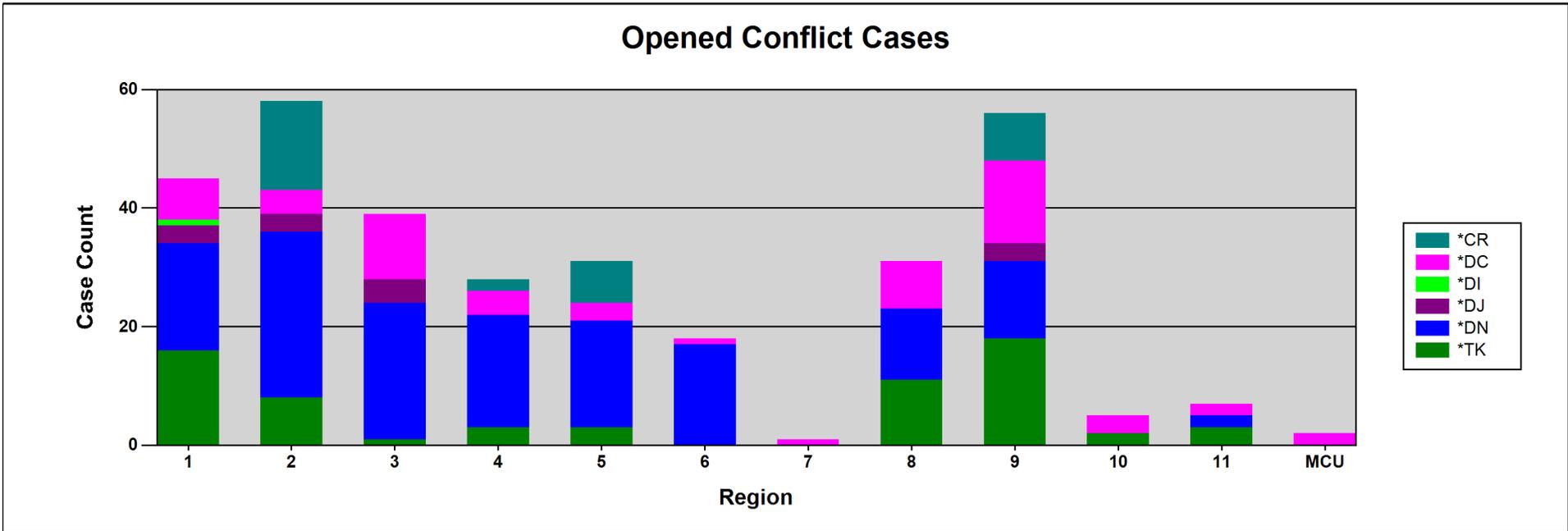


	*CR	*DC	*DG	*DI	*DJ	*DN	*DV	*TK	Total
Regional Office, Region 1	10	33	3	0	12	76	0	61	195
Regional Office, Region 2	31	14	0	0	7	97	0	10	159
Regional Office, Region 3	0	35	0	0	3	105	0	9	152
Regional Office, Region 4	3	16	1	0	7	25	0	17	69
Regional Office, Region 5	13	3	0	0	0	21	0	8	45
Regional Office, Region 6	0	1	0	0	0	32	0	1	34
Regional Office, Region 7	0	3	0	0	0	12	0	2	17
Regional Office, Region 8	1	16	0	0	5	13	0	43	78
Regional Office, Region 9	26	39	0	0	5	32	0	58	160
Regional Office, Region 10	0	15	0	0	0	37	0	4	56
Regional Office, Region 11	1	10	0	1	7	24	0	12	55
Major Crime Unit	0	1	0	0	0	0	0	0	1
Appellate Defender's Office	0	0	0	0	0	0	2	0	2
Total	85	186	4	1	46	474	2	225	1,023



Office of the State Public Defender: OPD Opened Conflict Cases by Type Report

Period from: 7/1/2012 through 7/31/2012 11:59:59 PM



	*CR	*DC	*DI	*DJ	*DN	*TK	Total
Regional Office, Region 1	0	7	1	3	18	16	45
Regional Office, Region 2	15	4	0	3	28	8	58
Regional Office, Region 3	0	11	0	4	23	1	39
Regional Office, Region 4	2	4	0	0	19	3	28
Regional Office, Region 5	7	3	0	0	18	3	31
Regional Office, Region 6	0	1	0	0	17	0	18
Regional Office, Region 7	0	1	0	0	0	0	1
Regional Office, Region 8	0	8	0	0	12	11	31
Regional Office, Region 9	8	14	0	3	13	18	56
Regional Office, Region 10	0	3	0	0	0	2	5
Regional Office, Region 11	0	2	0	0	2	3	7
Major Crime Unit	0	2	0	0	0	0	2
Total	32	60	1	13	150	65	321