

OFFICE OF THE STATE PUBLIC DEFENDER



BRIAN SCHWEITZER
GOVERNOR

RANDI HOOD
CHIEF PUBLIC DEFENDER

STATE OF MONTANA

Phone: (406) 496-6080
Fax: (406) 496-6098
www.publicdefender.mt.gov

44 WEST PARK STREET
BUTTE, MONTANA 59701

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To: Montana Public Defender Commission
From: Randi Hood, Chief Public Defender
RE: Report to the Commission

Caseload

As previously reported, I have one case, a first offense DUI. All motions have been filed and the case is now set for trial November 9, 2010. I anticipate spending another 2 hours in preparation for what should be a one day trial.

Training/Mentoring

I participated in the training for new attorneys in August. Eighteen new attorneys from around the state participated. This was another successful training put together by Eric Olson. The participants were enthusiastic and engaged throughout the 3+ days.

I also put on training for the Helena office covering trial notebooks, direct and cross-examination.

Management team

I am the leader for the Agency Structural Issues team which includes Doug Day, Ed Sheehy, Roberta Drew, and Sherry Staedler. We had one lengthy conference call to discuss our position on assigned American University recommendations as well as many e-mails. We were able to agree on resolutions or work plans for all 16 recommendations that were assigned to us.

Indigency review

Harry Freebourn and I continue to work on the indigency review project. We have decided to organize a small committee to work on improving the indigency questionnaire while Harry and I continue to work on the procedural issues. While I have amended policy to require verification in more cases, we are also considering moving any determination of indigency under the hardship criteria to the Central Office to provide for greater standardization.

Caseload valuations/labor-management committee

As will be further discussed at the Commission meeting, the labor-management committee met and reached agreement on the refined valuations given to various cases in the case weighting system (CWS). After the Commission reviews and discusses the CWS tool, I intend to have Harry and Brian

Smith begin the rollout by visiting with every office. I intend for the rollout to begin the week after the Commission meeting.

Budget work

Harry and I have continued to assess the needs of the system for FY12 and FY13 as we prepared the decision packages for your consideration. All of the managers in each region have been consulted and have had input into their projected needs. Once the Commission finalizes the decisions packages, Harry and I will complete the justifications required by the budget office.

Audit

During the Commission meeting, one of our auditors will give the Commission an overview of the audit. We received good marks on the audit and the thanks really goes to Harry and his financial staff.

DN Cases

I continue to be interested in the consortium concept for dealing with the conflict issues in DN cases. I will be putting together a telephonic meeting with interested attorneys in Missoula and Billings.

I have recently reminded the Regional Deputy Public Defenders that DN parents need to meet indigency qualification guidelines. We continue the practice of keeping one parent in house and contracting one or more parents to contract attorneys. The only exception to this is when a parent is not identified or whose location is unknown. Those cases are kept in house until and unless the parent is identified and located.

Law and Justice Interim Committee

At the instruction of the Law and Justice Committee, I am preparing legislation relating to the following areas:

1. Amending Section 47-1-205 to remove language that provided for my supervision of the Chief Appellate Defender. This conforms the statute to the way the Appellate Office is structured in Policy 301.
2. Amending Section 47-1-104 to clarify our access to jailed persons prior to court appointment.
3. Amending Section 47-1-216 to allow flat fee contracts for specialty courts and consortiums with PDC approval and verifiable assurances of effective representation.
4. Amending Section 47-1-110 to allow the recovery of public defender costs in guardianship cases or commitment of the developmentally disabled when the respondent has the financial ability to pay.
5. Amending several criminal or traffic offense to remove jail time.

John R. Justice loan forgiveness

The loan forgiveness grant has been submitted and accepted by the federal government. I, with the assistance of Harry, Eric Olson, and Jon Moog, developed the criteria for eligibility that was part of the grant submission. Sometime in late fall, a committee will be formed to review the applications and we are hopeful that awards will be made by January.

Montana Board of Crime Control and Commission on Courts of Limited Jurisdiction

I attended meetings of the Board of Crime Control and of the Commission on Courts of Limited Jurisdiction, both of which I am a member. At the COCLJ, we heard a presentation on the Prime for Life program, which is replacing the ACT program. I shared this information with all of our public defenders in the newsletter.

Orientation Program

I and a number of folks in the agency have devoted time to finishing the video orientation program. Everyone filmed was very generous with their time and expertise. Eric has done great work in developing and executing the program. Kyle Belcher did the filming and editing while making us all stars.