

OFFICE OF THE STATE PUBLIC DEFENDER

AU RECOMMENDATIONS ASSIGNED TO PERSONNEL COMMITTEE

Summary of Issues, Management Team Results and Committee Action at 8/18/10 Meeting

#5 Reduce/eliminate minimum caseloads for managing attorneys

- Commission undergoes process to set caseload limits
- Agency implements Commission's limits
- Maybe change law to delete caseload requirements
- Commission explores ways to assess management effectiveness

Team Results

- Caseloads for managing attorneys are currently set by Policy 114
- Caseloads for managing attorneys should not be eliminated
- Working cases alongside line attorneys helps managing attorneys maintain credibility, assists in mentoring, and promotes ongoing assessment of attorneys
- To eliminate caseloads of managing attorneys would adversely impact the system by removing from the courtroom the most experienced attorneys in the system

Committee Action

- Caseloads for managing attorneys are currently set by Policy 114
- Caseload for the Chief should be set at 300 hours per year excluding mentoring time and action only as second chair in cases

#8 Training Officer should regularly survey staff and contract attorneys to determine training needs

Committee Action

- This is being done

#9 Each training program should have systematic feedback and evaluations from attendees

Committee Action

- This is routinely being done

#10 Trial notebooks for each category of cases; orientation program; initial skills program; brief bank; video recordings of trainings; and newsletter.

Committee Action

- Trial notebooks are on ongoing task
- Orientation program will be rolled out by September 15
- The initial skills program has been held each year
- The brief bank is operational and the appellate brief bank is an ongoing task
- All trainings are video recorded
- The newsletter goes out quarterly
- A summary of new cases decisions is sent out weekly

#11 An evaluation procedure for lawyers needs to be developed which is timely, is based primarily on objective data, and promotes the lawyer's professional development over the next year.

Team Results

- Current performance appraisal tool implemented in 2009 for FTE attorneys
- Document is being further refined for fall implementation

Committee Action

- Committee members offered comments on the revised form.

#14 Emergency attorney on call 24/7

Commission has moved this to 2015

Agency to seek information on extent of problem

Develop a strategy to address the issue

Negotiate with union to implement strategy

Submit budget item

Team Results

The team does not see a need or a real benefit to this recommendation at this time. The team agrees with the PDC that this should be deferred to a later time

Committee Action

- Deferred

#15 Develop a plan to deal with case overloads

Due to lack of attorneys or funding

Develop a strategy with the LMC

Develop reports to identify overloads

Assess impact of Major Crimes Unit on system

Write policy and/or procedure

Communicate policy and/or procedure to stakeholders

Team Results

- The team recommends continued work with the LMC on the Case Weighting system and recommends that the system become a part of policy which includes steps to report excess caseloads.
- The team believes that the solution to case overloads is ultimately provided by the contract lawyers.

Committee Action

- Recommend approval of the Case Weighting System

#16 When caseloads are at a maximum level, OPD refuses cases

Develop a strategy with the LMC

Write policy and/or procedure

Communicate policy and/or procedure to stakeholders

Team Results

- Again, the team believes the LMC work on the CWS, and subsequent policy, will deal with this issue.
- Contract attorneys would be available to relieve caseloads.

Committee Action

- Recommend approval of the Case Weighting System

#19 Chief should communicate with staff regularly regarding policies, procedures, evaluations, compensation, etc.

Committee Action

- Chief will continue to improve communication through the newsletter and other means
- Commission should discuss hiring a communications officer

#20 Explain why different resource distributions among regions

Write analysis for distribution to stakeholders

Include Commission in the Grievance process

Team Results

The Team developed the following options to be considered by the Committee:

- (1) The agency's regions and departments request budgets and the Chief and her staff allocate the appropriation to meet needs as best as possible and these allocations and the basis for them are placed in writing to the Commission.
- (2) The regions and departments report funding needs directly to the Commission and ask them allocate the funds.
- (3) Consider a hybrid where the Chief and her staff develop budgets with the regions and departments and they both meet with the Commission to discuss the agreed upon allocations.

Committee Action

- The Committee agreed to recommend the adoption of option 1 above with the addition that any region or department or program that did not agree with the allocation would be able to come to the Commission to state why it does not agree and the Commission would make the final decision.

#21 Remove fear of retaliation for noting agency problems

Consult with LMC about how to locate problem areas

Develop policy and/or procedure to address issue

Communicate decision at annual meeting

Explore other agencies' policies

Team Results

- Prepare a memo or letter to go to each employee of the OPD setting out the state and federal policy against retaliation. The memo or letter would fully endorse those policies and be signed by every manager in the agency. It would also set out the union and state grievance remedies available to anyone who feels retaliated against.

Committee Action

- Agrees with agency plan

#24 Commission to challenge staff to promote new options

Identify the areas in which staff could promote new options

Staff responds

Rewards for ideas to save \$ or improve services

Team Results

- The team recommends adoption of Policy – Incentive Awards

Committee Action

- Recommendation satisfied with the adoption of the policy

#25 Commission should select a secretary that reports to them

Develop a budget item

Write job description/interview/select secretary

Agency revisits/advises: admin/conflict resources

Team Results

- The team defers to the PDC on this recommendation

Committee Action

- Deferred to whole commission on August 30

#26 Commission should insist on definite lines of authority

Present org chart/reporting policy to commission

Job descriptions to all

Communicate to staff – e-mail/phone calls/web

Team Results

- Job descriptions have been given to every employee and the employees have been asked to sign off on receiving them.
- A detailed organizational chart is on the website and the agency will e-mail employees reminding them of where to find the chart

Committee Action

- Recommendation is completed by the agency actions on job descriptions and the organizational chart

#27 Commission to impose limitations on private practice lawyers in system

Team Results

- The team recommends adoption of a policy on Outside Employment which conforms to case law as set out in State v. Wadsworth, 275 Mont. 287 (1996)

Committee Action

- Recommendation is satisfied by the adoption of the policy

#28 Commission require a strategic plan for all regions

Develop format of plan and train regions

Regions develop plan

Team Results

- As part of the regional reports that are now being required of the Regional Deputy Public Defenders, they are required to set out their specific strategic plans for the delivery of services in their regions. The first report is due August 30th and quarterly thereafter.

Committee Action

- Agency to report on the plans submitted by the regional deputies