

MONTANA PUBLIC DEFENDER COMMISSION
STRATEGIC PLANNING COMMITTEE MEETING

Goodkind Building
139 North Last Chance Gulch, Helena, MT 59601

September 16, 2015

MINUTES

(Approved at the October 21, 2015 Meeting)

Committee Members Present:

Ken Olson (Co-Chair), Great Falls; Bonnie Olson (Co-Chair), Marion; Roy Brown, Billings. Commission Chair Fritz Gillespie, Helena, was also in attendance.

Committee Members Absent:

Margaret Novak, Chester; Brian Gallik, Bozeman

Agency Team Members Present

Bill Hooks, Chief Public Defender; Wade Zolynski, Chief Appellate Defender; Kristina Neal, Conflict Coordinator; Harry Freebourn, Administrative Director; Wendy Johnson, Contract Manager; Peter Ohman, Training Coordinator; Carleen Green, Accountant; Malia Soyland, Accountant

Interested Parties

Pat Edgar, Professional Development Center; Timm Twardoski, AFSCME Council 9

1. Call to Order

Committee Co-Chair Ken Olson called the meeting of the Strategic Planning Committee to order at 1:08 p.m.

2. Approval of Minutes of April 9, 2015 Meeting (*Action Item)

Commissioner Bonnie Olson moved to approve the minutes of the April 9, 2015 meeting as drafted. Commissioner Ken Olson seconded and the motion carried.

3. Update on Staff Tasks from April Meeting

Chief Hooks reported that Program 1 has been working to enhance the integrity of the eligibility determination process by implementing a new policy and training manual and conducting internal audits. The public defender program has also put a lot of emphasis on the case weight system, trying to determine the cause of any red flag area and ensuring that the same best practices are being used in every office so that we have confidence in our reporting. OPD has also been working on a new process for

electronic claim submissions. It is being piloted in two regions, and will eventually be used throughout the state for both conflict and non-conflict attorney claims.

Kristina Neal noted that the testing for the online claims processing system is already up to four regions; she anticipates statewide implementation fairly soon. Reception from the vendors has been wonderful, even from those having problems with the learning curve. She hasn't received any negative comments so far. Ms. Neal is trying to find a way to balance costs in the conflict program, and is considering adding more FTE to address budget concerns.

Chief Zolynski is in the process of pulling outcomes from the past five years of appellate cases. He is also starting to work on case origination by region and district, and the average cost of a contract case. He and the Supreme Court Pro Bono Coordinator are in discussion about the possibility of a pro bono program for the appellate office.

Harry Freebourn said documents describing the statutory and constitutional duties of OPD are complete and have been forwarded to the Task Force on Public Defender Operations. Copies are included in the meeting materials. Staff met with Dr. Pat Edgar for a strategic plan brainstorming session, and the initial draft is also in the meeting materials.

In response to a question regarding supplemental appropriation requests by the judiciary before the creation of OPD, Mr. Freebourn said that there were at least two supplemental requests while public defense was under the purview of the district courts. They were not, however, of the same magnitude as OPD's last request. In some cases the Supreme Court did not reimburse the cities and counties in full for all of their expenditures.

4. Review/Discuss Draft Strategic Plan

Chairman Gillespie introduced Dr. Pat Edgar, director of the State Human Resources Division Professional Development Center. Dr. Edgar said that when he met with staff, he helped them to focus on a smaller number of goals. If you have 20 goals it's likely you will accomplish none. If you have five, you might accomplish three. He also helped the group focus on the future, not on the present—otherwise it is not a *plan*. He cautioned against making the document too large, which won't benefit day to day operations.

The draft strategic plan includes alternate mission and vision statements. The Committee was invited to comment on the draft. Eventually they will be asked to present a document to the full Commission for adoption, but approval is not an action item today.

Commissioner Bonnie Olson preferred the alternative mission statement, saying that it is more understandable to those who don't know OPD's mission. Commissioner Ken Olson agreed. Dr. Edgar suggested changing "that" to "who" in the third sentence.

Commissioner Bonnie Olson also preferred the alternate vision statement, because it talks about specifics regarding streamlining processes and improving public understanding. Commissioner Ken Olson and Dr. Edgar agreed.

Chairman Gillespie wants to discuss the draft at the October 2 meeting and invite comments from the full membership. His goal is to have the strategic plan ready for adoption before the Task Force finishes its work next September.

The goals and objectives are not prioritized. Commissioner Ken Olson suggested that they be prioritized with the current Goal 1 (strategic relationships) remaining in the first position, and current Goal 2 (linkage program with the university system) being last. Commissioner Bonnie Olson concurred.

Chief Hooks told the Committee that he had gathered his managers for a meeting earlier this summer. One of the items on their agenda was a discussion of the Commission's efforts to revisit the OPD strategic plan. Over the course of the meeting, the group developed a number of goals and objectives for Program 1 for consideration as part of the overall agency strategic plan. They will be distributed soon. Chief Hooks said that the group is engaged and invigorated by this process. Chairman Gillespie said that it is important to have as many people as possible involved and invested in the process to create ownership of the plan.

Commissioner Brown commented that normally goals are somehow tied into a vision. In the more verbose vision statement, he wondered how "enhancing public understanding" would be accomplished. He doesn't see a big public relations program in our future.

- 5. Review Information Provided to the Task Force on Public Defender Operations**
 - a. Constitutional, Statutory and Ethical Obligations
 - b. OPD Legislation since Inception
 - c. White v. Martz Stipulation

The Task Force materials were developed to try to explain a complicated set of issues as simply as possible in a "non-attorney" fashion. Commissioner Ken Olson thought that Chairman Gillespie and staff did a good job of "squashing it down" for lay people, with good references. The agenda for tomorrow's Task Force meeting was reviewed. Mr. Freebourn also distributed the proposed study plan and meeting schedule for the Task Force, which could be heavily revised tomorrow.

It was agreed that the stipulation is a good starting point for the effort to education the Task Force; some members may not even know that the agency was formed as a result of a court case.

6. New Tasks for Committee Members/Staff

Chief Hooks will circulate his draft goals and objectives for Program 1. Comments on the draft strategic plan will be forwarded to absent committee members for further comment. This committee will propose changes/additions to the draft plan, and make a recommendation to the Commission at a later meeting.

Chief Hooks would like to have an outside expert come in and do a study that would provide empirical data on resource needs. Commissioner Bonnie Olson asked if we believe in the integrity of our data, especially in regard to caseloads. Chairman Gillespie is confident that our case numbers are accurate, but he is also aware that we don't count our cases in the same way the courts do. Commissioner Bonnie Olson said that we need to be able to explain those differences in how cases are tallied.

Chairman Gillespie also acknowledged that there is room for improvement in some of our data, especially in regards to outcomes and timekeeping. Chief Hooks said that he is sending the message regarding better timekeeping, which will improve the case weighting system and help identify the need for additional resources.

7. Public Comment

No public comment was offered.

8. Set Next Meeting Date

The next meeting will be scheduled following the October 2 Commission meeting.

9. Adjourn

The meeting adjourned at 3:00 p.m.