



Steve Bullock
Governor

OFFICE OF THE STATE PUBLIC DEFENDER STATE OF MONTANA

MEMORANDUM

TO: Montana Public Defender Commission

FROM: Program Managers

DATE: September 16, 2016

RE: TASK FORCE ON PUBLIC DEFENDER OPERATIONS

The Task Force on State Public Defender Operations held its final meeting on Monday, September 12, and voted on draft legislation to propose as bills in the 2017 session. Over the past year OPD produced comprehensive data and information on virtually all aspects of our operations. We responded to inquiries about our eligibility determination processes, our contract attorney program, workloads, case filing increases, DN case challenges, training, staffing, management, and resource needs.

The Task Force voted to proceed with the following legislation:

- LCpd1a—reorganize OPD by making the Public Defender Commission advisory, and creating a director position to be selected by the Governor from PDC nominees
- LCpd04—transfer eligibility determination to the Department of Public Health and Human Services
- LCpd05—make the Department of Revenue responsible for collecting public defender fees
- LCpd06—establish holistic defense pilot projects
- LCpd07—require the PDC to contract for a workload assessment study
- LCpd09—statutorily separate the trial, appellate and conflict offices (no budgetary oversight by chief public defender)
- LCpd10—prohibit OPD from providing counsel for putative or unknown fathers in DN cases
- New—revise appointment of public defender to an absent parent in a DN case

How these bills will fare in the upcoming session remains to be seen. We will keep you posted as they proceed through the legislative process.