

OFFICE OF THE STATE PUBLIC DEFENDER



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October 8, 2010

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

Caseload

As previously reported, I have still have one case, a first offense DUI set for trial November 9, 2010.

Management team

I am the leader for the Agency Structural Issues team which includes Doug Day, Ed Sheehy, Roberta Drew, and Sherry Staedler. We presented our recommendations to the Budget and Legislative Committees on September 23. While this completes the team's recommendations related to the American University report, the team intends to meet periodically to address any issues or ideas that relate to the agency structure.

Travels

I spent the third week of September (and 1088 miles) visiting the offices in Bozeman, Billings, Miles City, Glendive and Havre. In each, I discussed the determination of indigency and I found that most people doing the determination are following policy by getting verification on hardship cases and on a sampling of the other determinations. Billings is not doing all the verification we would like in the cases coming out of the courts of limited jurisdiction. This is simply a function of resources. I intend to look for a student intern who could be used only on getting verifications, sending out letters to get the questionnaires, and other indigency tasks.

During my visits, I discussed the case weighting system with those who have that responsibility. We shared tips on making it happen on a contemporaneous basis. I am following up with letters to each of the regional deputy public defenders recapping my observations.

Pay issues

Harry and I have continued to assess the needs of the system for FY 2012 and FY 2013 as we prepared for budget meetings. Because the Commission has made pay ladder implementation one of its highest priorities, I would like to provide a review of the pay situation for public defenders since the inception of the agency.

Historically, most of the agency's employees received pay increases based upon anniversary dates. In FY 2007 the increase was 4%, although few people had been with the agency long enough to

qualify for that raise. Employees hired after July 1, 2006 received a 3% increase in FY 2008 and FY 2009. In FY 2008 and FY 2009, there was a .6% discretionary pay adjustment which, as a result of negotiations with the union, was paid to the union members. Sufficient funds remained to adjust the pay of non-union employees by \$250.

There has been a pay freeze in effect for FY 2010 and FY 2011. There was, however, a one-time payment of \$450 to all employees making less than \$45,000. Additionally, we were allowed to implement the union pay ladder which resulted in pay adjustments for attorneys, investigators, and administrative personnel. The costs in FY 2010 approximated \$250,000 and \$350,000 in FY 2011.

Since FY 2009, no exempt personnel (which includes the Regional Deputy Public Defenders, the Chief Appellate Defender, the Training Officer, the Contract Manager, and the Administrative Director), have received any pay increases.

Audit

Harry, Chairman Gillespie and I attended the meeting of the Legislative Audit Committee where our audit was presented. There were no exceptions reported in the audit. The Audit Committee unanimously adopted our audit.

Legislative reports and meetings

The agency provided the required reports to the Legislative Fiscal Division by the September 30 deadline. Those reports included a report on our collections from clients, average case duration for the various kinds of cases in which we represent people, and case openings and closing for each attorney.

I went to a meeting of the State Administration committee when they took up the issue of moving our legislative monitoring to the Law and Justice Interim Committee. We had originally been assigned to State Administration because of our attachment to the Department of Administration.

Harry, Chairman Gillespie, and I attended a meeting of the Law and Justice Interim Committee and presented them with our suggested bill drafts relating to the decriminalization of some offenses and the changes to the Public Defender Act as the commission previously discussed. The interim committee accepted our bill drafts and referred them to the Legislative Council.

John R. Justice loan forgiveness

The Board of Crime Control has formed a subcommittee to work on getting the loan forgiveness process up and running. The Board has chosen a January timeframe for the awards to be made and the creation of the subcommittee should make that possible. I sit on the subcommittee.

Performance appraisals

The performance appraisal process begins in December. The Employee Recruitment Management Team developed a new and improved performance appraisal tool which was approved by the Commission's Personnel Committee. We are beginning the rollout of that tool to be used by regions 4, 5 and 9 (Helena, Butte and Billings respectively) that have employees who started after the last

performance appraisal process. I, along with the Employee Recruitment Team, will monitor these early appraisals to make sure the tool is working for everyone.

Training

I have been working on a training presentation I am giving at the Commission on Courts of Limited Jurisdiction fall meeting. I have also been working with Steve Scott from Major Crimes and Joslyn Hunt on an evidence presentation we will be giving at the annual meeting.