

Montana Public Defender Commission  
Mr. Richard E. "Fritz" Gillespie, Chair  
44 West Park Street  
Butte, MT 59701

Dear Mr. Gillespie and Commission Members:

My name is Dave Stenerson and I am employed with the Office of the State Public Defender as managing attorney in the Region 2 Hamilton office. It is my understanding that a complaint has been made with the Commission against Chief Public Defender Randi Hood. I write on behalf of all of the nine other employees of the OSPD in our office in support of Ms. Hood. I have not seen a written complaint and cannot answer to any specific allegation, but I understand the complaint encompasses the overall management of OSPD.

I have practiced criminal defense almost exclusively for some twenty-two years, all of which has been in Montana. I have worked in the former Missoula County Public Defender Office and have been a part of several contracts to provide legal representation of indigent persons in Ravalli County under the "old" system. I can unequivocally say that the current system, while not completely devoid of occasional problems, is so vast an improvement that the differences are as between night and day.

I am aware there has been some discussion about duties of OSPD employees in managerial positions and whether attorneys in such positions should also carry caseloads. In a perfect world, perhaps managers should do just that – manage. A perfect world, however, would require funds to allow an organization such as OSPD to employ experienced attorneys to manage, and only manage, an office or a region. As a managing attorney, I attempt to limit my caseload to approximately 75% of the caseload of the other attorneys in our office. I do not believe this has caused any inability on my part to effectively manage our office.

Public defense is a unique and challenging area of the practice of law, and does not resemble any other practice of law in the private sector. Ms. Hood's extensive experience as a public defender has made it possible to establish an agency where the effective and qualified representation of indigent clients is the foremost concern. That is as it should be and I only became involved in OSPD because I was convinced under Ms. Hood's leadership that this mission was more than mere words. I, as well as all of the employees in our office, have witnessed the birth of an unprecedented system of providing an extremely improved quality of representation of indigent Montana citizens. A public defender system cannot be effectively managed by someone who is not intimately aware of the differences between a private law firm and the services we now provide.

I think it would be accurate to say that virtually all public defender systems in this country are subject to funding problems. This is especially true in Montana, as each session the Montana legislative bodies attempt to balance the state budget. Providing funds for the defense

of indigent persons has never been a popular issue for legislators to address. The OSPD has been underfunded since its inception.

The Montana Legislature has deemed it appropriate that OSPD represent indigent persons in matters not criminal in nature, such as dependent and neglect, (DN); youth court, (DJ); mental commitment, (DI) and guardianship (DG) cases. The economical drain on the OSPD from these cases is monumental. The Ravalli County Attorney has alleviated some of that funding sinkhole by contracting all dependent and neglect case to local law firms. OSPD does not have that luxury.

From what I have observed for the last four years, money has been the proverbial root of any evils perceived to affect the OSPD organization. The heavy caseloads, employment of experts, lack of pay increases and personnel frustration are all a direct result of inadequate funding.

In all respects, Ms. Hood has done, and I am confident she will continue to do a remarkable job in organizing and maintaining the best system of public defense Montana has ever experienced. She has done so in the wake of a budget that shrinks, rather than expands, with need. She has done so by placing experienced attorneys and staff in key positions. She has done so in the environment of criticism from some employees, some Montana legislators and occasionally the media. Any allegations of poor management, mismanagement or inadequate performance are unwarranted.

The OSPD is probably the largest state agency created from scratch since the inception of the Department of Health and Human Services. OSPD employs roughly 200 people. A little more than half that number are attorneys. There will be discontent among some employees in any large organization. I have unfortunately become aware there is a small faction of current employees who do not support Ms. Hood. The turmoil surrounding allegations against Ms. Hood has affected every region and every office. It is imperative that this matter be concluded, once and for all, so that we all may return to our mission of providing competent representation of indigent clients. Any conclusion casting doubt upon Ms. Hood's ability as a leader, manager or Chief Public Defender would be, quite simply, a vast mistake.

Is OSPD perfect? Of course not.

Are there problems with OSPD? Yes, of course, and I have witnessed problems as they are identified and the action by Ms. Hood to rectify problems, one by one, as they are identified.

Can OSPD be improved? Again, the answer is of course it can. However, the bottom line is the bottom line for OSPD. Without adequate funding, current inadequacies and future problems cannot be adequately addressed. Ms. Hood's experience, dedication and tireless efforts have been the key to the implementation of the goals and mission of OSPD. We are all making progress under her leadership and this should remain as it is.

The undersigned OSPD employees agree with and support the contents of this letter.

Dated this 6<sup>th</sup> day of October, 2010.

David E. Stenerson

Diane K. Stenerson

Paul P. Johns

Paul Standa

Jepper Aden

Lynda M. Dolan

