

OFFICE OF THE STATE PUBLIC DEFENDER



STEVE BULLOCK
GOVERNOR

WILLIAM F. HOOKS
CHIEF PUBLIC DEFENDER

STATE OF MONTANA

Phone: (406) 496-6080
Fax: (406) 496-6098
www.publicdefender.mt.gov

44 WEST PARK STREET
BUTTE, MONTANA 59701

REPORT TO THE PUBLIC DEFENDER COMMISSION

William F. Hooks, Chief Public Defender

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I have been directing much of my efforts in the past few months to three major projects: resolution of pending collective bargaining issues and implementation of a new pay plan for our attorney work force; an effort to halt case assignments in courts of limited jurisdiction in Helena; and, completion of an operating plan for Program 1.

I am pleased to report the first project has been completed. New Collective Bargaining Agreements with our support staff and investigator bargaining unit and with our attorney bargaining unit have been ratified. A 3% across-the-board pay adjustment approved by the Legislature has gone into effect, and our attorney work force are now receiving salary increases based on pay adjustments approved by the Legislature and implemented in our new pay plan.

Two other projects remain. OPD's request to halt assignments by the Helena Municipal Court and the Lewis & Clark County Justice Court, due to the problems created by excessive workloads, has captured the attention of a number of interested observers in the past month. The case status is rather fluid and uncertain as of the date of this report. I will be better able to provide a current status report to the Commission during the October 18 meeting.

We filed our motions in each Court on September 5. Matters related to the motion and the Commission's February 15 Resolution were added as a Committee Issue to the agenda of the September 19 hearing of the Law and Justice Interim Committee. This Committee monitors the activities of OPD, as well those of the Department of Corrections, the Department of Justice, and the Judicial Branch, examines policy issues, and makes recommendations to the full Legislature. Chairman Gillespie and I appeared and presented comments regarding the status of the litigation. The Committee will continue to monitor the progress of our case. My comments to the Committee can be found at the Committee's website: www.leg.mt.gov/ljic.

We also were invited to appear before the Legislative Finance Committee hearing on September 27. This is a permanent joint committee of the Legislature, and meets during the interim between sessions to review fiscal issues. Our motion raises the possibility that the courts could appoint private attorneys to assume responsibility for representing indigent persons in Helena in the place of OPD attorneys, and order the state to pay the costs and expenses of those private attorneys. I

presented comments and answered questions from committee members, and my comments to the Committee can be found at the Committee website: <http://leg.mt.gov/css/fiscal/Interim.asp>.

In addition to the situation we face in Region 4, we continue to monitor and evaluate the workloads and potential problems in the other regions. Each region has specific considerations and needs, and the need for relief from workloads will be assessed on a region-by-region basis.

The need for specific additional resources in each region, the Major Crimes Unit, our training program and our contract management program is a key component of the third major project: completion of a Fiscal Year 2014 Program 1 operating plan. Completion of a final plan has been delayed somewhat, as we press the courts for relief in Region 4 and evaluate our needs in the other regions. A new pay plan for managers is also being developed and will be implemented as part of a new operating plan.

Going forward, both the Law and Justice Interim Committee and the Legislative Finance Committee will monitor the court proceedings in our Helena litigation and will review the status of the case in hearings set for December. The Finance Committee additionally will ask us in December to report on our turnover, the use of our capital case appropriation, and will receive a staff report on pay plans, including OPD's new plan.

Shortly after the first of the year, we will begin work on the budget process.

Finally, we have a personnel change to report. Dan Minnis, the long-time regional deputy public defender in Region 6 (Havre), has retired. The two attorneys, one investigator and one support staff in this region serve six district courts and 16 lower courts in an area of approximately 22,500 square miles. Dan capably handled the myriad challenges posed in the region, and served his clients and the agency with dedication and distinction. Tom Schoenleben accepted my offer to step up as the new Region 6 Deputy Public Defender. Tom is a graduate of the University of Montana, where he worked with Eric Olson in the training department, and served under Dan as staff attorney in the Havre office. I am confident Dan mentored Tom well, and I look forward to working with Tom in the coming years.