

MONTANA PUBLIC DEFENDER COMMISSION  
**EVALUATION OF THE CHIEF PUBLIC DEFENDER**

**METHODOLOGY**

SEPTEMBER 2013

This evaluation is comprised of the following components:

1. Each Commission member will be sent an evaluation document based on the statutory requirements in 47-1-202 and asked to rate the Chief's performance and offer commentary. The performance rating will be on a five-point Likert scale, from 1-5: Very poor, poor, average, good, and very good.
  
2. The Chief's direct reports (the Regional Deputy Public Defenders and Department Managers) will be asked to evaluate the Chief's performance and offer commentary. The performance rating will be on a five-point Likert scale, from 1-5: Very poor, poor, average, good, and very good.
  
3. The Chief will be asked to prepare a self-evaluation using both documents as a reference.
  
4. The Commission's Personnel Committee will gather this information and hold a public meeting to explain the process, take public comment, and conduct a closed session with the Chief to do the actual performance evaluation.
  
5. The Committee will brief the full Commission on the process and take public comment in an open meeting. They will then make a recommendation to the full Commission in closed session for final Commission action.

**EVALUATION BY THE MONTANA PUBLIC DEFENDER COMMISSION BASED ON  
47-1-202, MCA**

Likert score 1-5: very poor, poor, average, good, and very good

**47-1-202. Chief public defender -- duties.** (1) In addition to the duties provided in [47-1-201](#), the chief public defender shall:

- (1) Act as secretary to the commission and provide administrative staff support to the commission;

Score:

Comments:

- (2) Assist the commission in establishing the state system and establishing the standards, policies, and procedures required pursuant to this chapter;

Score:

Comments:

- (3) Develop and present for the commission's approval a regional strategic plan for the delivery of public defender services;

Score:

Comments:

- (4) Establish processes and procedures to ensure that when a case that is assigned to the office presents a conflict of interest for a public defender, the conflict is identified and handled appropriately and ethically;

Score:

Comments:

- (5) Establish processes and procedures to ensure that office and contract personnel use information technology and caseload management systems so that detailed expenditure and caseload data is accurately collected, recorded, and reported;

Score:

Comments:

- (6) Establish administrative management procedures for regional offices;

Score:

Comments:

- (7) Establish procedures for managing caseloads and assigning cases in a manner that ensures that public defenders are assigned cases according to experience, training, and manageable caseloads and taking into account case complexity, the severity of charges and potential punishments, and the legal skills required to provide effective assistance of counsel;

Score:

Comments:

- (8) Establish policies and procedures for assigning counsel in capital cases that are consistent with standards issued by the Montana Supreme Court for counsel for indigent persons in capital cases;

Score:

Comments:

- (9) Establish and supervise a training and performance evaluation program for attorneys and non-attorney staff members and contractors;

Score:

Comments:

- (10) Establish procedures to handle complaints about public defender performance and to ensure that public defenders, office personnel, and clients are aware of avenues available for bringing a complaint and that office procedures do not conflict with the disciplinary jurisdiction of the supreme court and the rules promulgated pursuant to Article VII, section 2, of the Montana constitution and the applicable provisions of Title 37, chapter 61;

Score:

Comments:

- (11) Actively seek gifts, grants, and donations that may be available through the federal government or other sources to help fund the system; and

Score:

Comments:

- (12) Perform all other duties assigned by the commission pursuant to this chapter.

Score:

Comments:

Dated this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Name

Montana Public Defender Commission

EVALUATION BY SUBORDINATE  
CHIEF PUBLIC DEFENDER

September 2013

1. Briefly describe your working relationship with and interaction with Chief Public Defender Bill Hooks. (Include time duration).
2. Briefly provide your general assessment of the Chief Public Defender's overall performance of job duties including both strengths and weaknesses.
3. Please state what you believe to be the Chief Public Defender's greatest accomplishment during his tenure.
4. Please state in what areas you believe the Chief Public Defender needs the most improvement.
5. Have you observed any change, for better or worse, in the Chief Public Defender's overall management/performance over the past 12 months?
6. Please give your best assessment rating for the Chief Public Defender's overall management/performance over the past 12 months.

Very Good \_\_\_\_\_  
Good \_\_\_\_\_  
Average \_\_\_\_\_  
Poor \_\_\_\_\_  
Very Poor \_\_\_\_\_

7. Do you have any additional comments regarding the Chief Public Defender's performance?

Dated this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Name

\_\_\_\_\_

MONTANA PUBLIC DEFENDER COMMISSION  
**EVALUATION OF THE CHIEF APPELLATE DEFENDER**

**METHODOLOGY**

SEPTEMBER 2013

The evaluation will be comprised of the following components:

1. Each Commission member will be sent an evaluation document based on the statutory requirements in 47-1-205 and asked to rate the Chief's performance and offer commentary. The performance rating will be on a five-point Likert scale, from 1-5: Very poor, poor, average, good, and very good.
  
2. The Chief's direct attorney reports will be asked to evaluate the Chief's performance and offer commentary. The performance rating will be on a five-point Likert scale, from 1-5: Very poor, poor, average, good, and very good.
  
3. The Chief will be asked to prepare a self-evaluation using both documents as a reference.
  
4. The Commission's Personnel Committee will gather this information and hold a public meeting to explain the process, take public comment, and conduct a closed session with the Chief to do the actual performance evaluation.
  
5. The Committee will brief the full Commission on the process and take public comment in an open meeting. They will then make a recommendation to the full Commission in closed session for final Commission action.

**EVALUATION BY THE MONTANA PUBLIC DEFENDER COMMISSION BASED ON  
47-1-205, MCA**

Likert score 1-5: very poor, poor, average, good, and very good

**47-1-205. Office of appellate defender -- chief appellate defender.** (1) There is an office of appellate defender. The office of appellate defender must be located in Helena, Montana.

- (1) Direct, manage, and supervise all public defender services provided by the office of appellate defender, including budgeting, reporting, and related functions;

Score:

Comments:

- (2) Ensure that when a court orders the office of appellate defender to assign an appellate lawyer or when a defendant or petitioner is otherwise entitled to an appellate public defender, the assignment is made promptly to a qualified and appropriate appellate defender who is immediately available to the defendant or petitioner when necessary;

Score:

Comments:

- (3) Ensure that appellate defender assignments comply with the provisions of [47-1-202\(1\)\(f\)](#) and standards for counsel for indigent persons in capital cases issued by the Montana supreme court;

Score:

Comments:

- (4) Hire and supervise the work of office of appellate defender personnel as authorized by the appellate defender;

Score:

Comments:

- (5) Contract for services as provided in [47-1-216](#) and as authorized by the commission according to the strategic plan for the delivery of public defender services;

Score:

Comments:

- (6) Keep a record of appellate defender services and expenses of the office of appellate defender and submit records and reports to the commission as requested through the office of state public defender;

Score:

Comments:

(7) Implement standards and procedures established by the commission for the office of appellate defender;

Score:

Comments:

(8) Maintain a minimum client caseload as determined by the commission;

Score:

Comments:

(9) Confer with the chief public defender on budgetary issues and submit budgetary requests and the reports required by law or by the governor through the chief public defender; and

Score:

Comments:

(10) Perform all other duties assigned to the chief appellate defender by the commission.

Score:

Comments:

Dated this \_\_\_\_ day of \_\_\_\_\_, 2013.

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Name

Montana Public Defender Commission

EVALUATION BY SUBORDINATE  
CHIEF APPELLATE DEFENDER

September 2013

1. Briefly describe your working relationship with and interaction with Chief Appellate Defender Wade Zolynski. (Include time duration).
2. Briefly provide your general assessment of the Chief Appellate Defender's overall performance of job duties including both strengths and weaknesses.
3. Please state what you believe to be the Chief Appellate Defender's greatest accomplishment during his tenure.
4. Please state in what areas you believe the Chief Appellate Defender needs the most improvement.
5. Have you observed any change, for better or worse, in the Chief Appellate Defender's overall management/performance over the past 12 months?
6. Please give your best assessment rating for the Chief Appellate Defender's overall management/performance over the past 12 months.

Very Good \_\_\_\_\_  
Good \_\_\_\_\_  
Average \_\_\_\_\_  
Poor \_\_\_\_\_  
Very Poor \_\_\_\_\_

7. Do you have any additional comments regarding the Chief Appellate Defender's performance?

Dated this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

MONTANA PUBLIC DEFENDER COMMISSION  
**EVALUATION OF THE CONFLICT COORDINATOR**

**METHODOLOGY**

SEPTEMBER 2013

This evaluation is comprised of the following components:

1. Each Commission member will be sent an evaluation document based on the statutory requirements in 47-1-216 for contracted services and from the job description as developed by the Commission. They will be asked to rate the Conflict Coordinator's performance and offer commentary. The performance rating will be on a five-point Likert scale, from 1-5: Very poor, poor, average, good, and very good.
  
2. The Conflict Coordinator's direct report, the Regional Deputy Public Defenders and selected conflict attorneys will be asked to evaluate her performance and offer commentary. The performance rating will be on a five-point Likert scale, from 1-5: Very poor, poor, average, good, and very good.
  
3. The Conflict Coordinator will be asked to prepare a self-evaluation using both documents as a reference.
  
4. The Commission's Personnel Committee will gather this information and hold a public meeting to explain the process, take public comment, and conduct a closed session with the Conflict Coordinator to do the actual performance evaluation.
  
5. The Committee will brief the full Commission on the process and take public comment in an open meeting. They will then make a recommendation to the full Commission in closed session for final Commission action.

**EVALUATION BY THE MONTANA PUBLIC DEFENDER COMMISSION BASED ON  
47-1-216, MCA AND JOB DESCRIPTION**

Likert score 1-5: very poor, poor, average, good, and very good

**47-1-216. Contracted Services**

- (1) Assure that attorneys assigned conflict cases have the qualifications necessary to provide effective assistance of counsel that meets the standards established by the Commission, and the Montana Supreme Court for counsel for indigent persons in capital cases;

Score:  
Comments:

- (2) Monitor attorney caseloads to assure that they have the time and resources to properly work a case;

Score:  
Comments:

- (3) Supervise and evaluate the performance of conflict attorneys;

Score:  
Comments:

- (4) Provide training to regional staff to identify conflicts;

Score:  
Comments:

- (5) Assist the Commission in the development and implementation of operational policies, procedures and programs pertaining to conflict cases;

Score:  
Comments:

- (6) Appropriately brief the Commission both in writing and in person;

Score:  
Comments:

- (7) Perform all other duties assigned by the Commission.

Score:  
Comments:

Dated this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Name  
Montana Public Defender Commission

EVALUATION BY SUBORDINATE/PEER/CONTRACTOR  
CONFLICT COORDINATOR

September 2013

1. Briefly describe your working relationship with and interaction with the Conflict Coordinator, Kristina Neal. (Include time duration).
2. Briefly provide your general assessment of the Conflict Coordinator's overall performance of job duties including both strengths and weaknesses.
3. Please state what you believe to be the Conflict Coordinator's greatest accomplishment during her tenure.
4. Please state in what areas you believe the Conflict Coordinator needs the most improvement.
5. Have you observed any change, for better or worse, in the Conflict Coordinator's overall management/performance over the past 12 months?
6. Please give your best assessment rating for the Conflict Coordinator's overall management/performance over the past 12 months.

Very Good \_\_\_\_\_  
Good \_\_\_\_\_  
Average \_\_\_\_\_  
Poor \_\_\_\_\_  
Very Poor \_\_\_\_\_

7. Do you have any additional comments regarding the Conflict Coordinator's performance?

Dated this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Name

\_\_\_\_\_