

OFFICE OF THE STATE PUBLIC DEFENDER



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To: Montana Public Defender Commission

From: Dave Stenerson, Interim Chief Public Defender

RE: Report to the Commission

As might be expected, I have very little to report to this Commission at this time. I can advise this Commission with regard to the OPD, Central Services and MCU projects I am involved with and learning about.

CASELOAD: I have one postconviction relief case that has gone to hearing and we are awaiting a decision. It will likely be transferred to the Appellate office upon receipt of the decision. I just completed a sentencing in Ravalli County in a juvenile case that may be appealed. I need to file a reply to the state regarding a motion we filed in that case to withdraw guilty pleas prior to sentencing.

LEGISLATIVE SESSION: Randi Hood addressed the session in her August 29, 2011 report. I am becoming familiar with the legislative process and participated in a small way at the last session. I hope to meet with Capitol staff, certain legislators and in general become familiar with pressing budget issues in the coming months.

SUPPORT STAFF PROJECT: I am very familiar with the results of the statewide survey conducted during the last year and will continue working with the issues raised. The actual management of our offices, as well as the perceptions of management of those working in our offices, will be a continuing focus of my work as we make the transition in leadership and search for a new Chief Public Defender.

AUDITS: I have been heavily involved with the pre-audits and issues expected to be addressed by the legislative auditors and will continue to work closely with those involved. I am aware of some results coming in, but the final reports should give us a good idea where attention is needed.

BUDGETS: I spent a full day with Randi, Harry Freebourn and Larry Murphy going over the OPD budget as well as budgets from each region. Harry and I will be telephonically meeting with each Regional Deputy Public Defender the week of October 17, 2011 to discuss the financial situation of each Region.

MEETINGS AND TRAVEL: I have been traveling to Helena and Butte quite frequently since July for Regional Deputy Public Defender meetings, meetings with Julie Benson-Rosston, Miller case management meetings and various other meetings. On the way to the Annual Training, I visited with the offices in Polson and Kalispell. The Annual Training in Whitefish October 12-14 was, from the few accounts I have heard as of this date, a great success. Even though attendance was not mandatory, there was an excellent turnout. The programs and events were well-attended and enlightening. On the way back, I attended a meeting with the Miller case team for updates on the case.

CONTINUING ISSUES: There are several “hot topic” issues that need continuing attention. Randi has implemented programs and ideas during her tenure as Chief, but these are issues that, by their nature, need continuing monitoring. A short, but by no means complete, list follows:

Management – Individual offices and the OPD in general. Continue to seek ways to improve skills and results of managerial decisions.

Caseloads/Case weighting – We need to continue our efforts in getting caseloads to be more even across regions and in individual offices. We need to continue our efforts to shift and cross-train support staff to help attorneys meet the rigorous demands of high caseloads. We need to continue our efforts to gain FTE positions to better accommodate the demands of public defense.

Accountability – While there are numerous programs in JustWare to help us accurately track time, caseloads, and various other OPD activities, it is clear that the Legislature responds only to bare numbers. We need to search for ways to accurately advise the legislative body concerning numbers of cases, attorney time spent on cases, comparisons to other state programs, actual needs, etc.

Dependent/Neglect Cases – The changes in the law are causing no shortage of confusion and concern. We need to very quickly establish official OPD policies to address issues arising statewide. We may want to consider, or consider again, the possibility of establishing a Chief Civil Deputy for all OPD civil cases, including DN, DI, DG and DJ casework.

In closing, I would like to express my appreciation to this Commission for your vote of confidence in my abilities to serve as interim Chief Public Defender while the search continues for a permanent replacement.