

OFFICE OF THE APPELLATE DEFENDER
FACT SHEET
December 2010

1. Commission Information:

- Commission Chairman: Fritz Gillespie
- Size of Commission: 11 members appointed by the Governor
- Responsibility: for the design, direction and supervision of the new system. The Commission appoints the Chief Public Defender, approves the strategic plan for the delivery of services, approves statewide standards for qualifications and training of public defenders and approves the overall design of the new statewide system.
- Currently, the Chief Public Defender hires the Chief Appellate Defender; however, the Chief Appellate Defender reports to the Commission and is evaluated by the Commission. This structure is the subject of upcoming legislation.

2. Office Information:

- Address: P.O. Box 200145, 139 N. Last Chance Gulch, Helena, Montana 59620-0145
- Date opened: July 2006

3. Contacts:

- General telephone number: (406-444-9505)
- Chief Appellate Defender: Joslyn Hunt
- Website: www.publicdefender.mt.gov

4. System Information:

- The Office of the Appellate Defender (OAD) is a subunit of OPD
- Offices: 1 (with one person located in Bozeman and one in Missoula)
- Authorized FTE: 10 total, with a breakdown of 8 attorneys, 1 paralegal/office manager, 1 legal assistant
- Contractors: Between 3-5 attorneys available to do specialized work
- Approved appropriation for 2011 Biennium: \$784,722
- Average annual payroll: \$573,372
- Average annual operating costs: \$211,350

5. Mission: To ensure equal access to justice on appeal for the State's indigent. The statewide public defender system, created by passage of The Montana Public Defender Act contained in Chapter 449, Laws of Montana, 2005, required the new system be operational by July 1, 2006.

6. Our services are required by the U.S. and Montana Constitutions.

System Case Information

- OAD represents all criminal defendants across the entire State of Montana who are charged with felonies and misdemeanors for which incarceration is a possibility.
- OAD is different than the former Appellate Defender Office, in that the former office only handled felony appeals. As a result, OAD's workload has drastically increased from years past.
- OAD represents indigent defendants in their appeals to the Montana Supreme Court.
- OAD does direct appeal work, which includes filing an opening brief and a reply brief, as well as oral argument with the Montana Supreme Court.
- OAD also handles motions, writs of supervisory control, writs of mandamus, writs of prohibition, and habeas corpus proceedings.
- OAD also provides legal advice and training to OPD attorneys and contract attorneys.
- OAD coordinates all postconviction relief appointments coming from the 56 district courts across the State of Montana.

Stats

- In 2009, the Montana Supreme Court reviewed 261 criminal cases.
- Of those cases, OAD handled 197 of them, which is 75% of the workload.
- OAD takes in, on average, 18 cases each month. For comparison purposes, 1 appellate case equates to 20 trial cases.
- The Montana Supreme Court is appointing OAD with more frequency than in years past.
- The Montana Supreme Court is setting OAD attorneys for oral argument with double the frequency than in years past.