



Brian Schweitzer  
Governor

# OFFICE OF THE STATE PUBLIC DEFENDER STATE OF MONTANA

Chief Public Defender  
Randi Hood

## FACT SHEET

December 10, 2010

### 1. Montana Public Defender Commission (PDC) Information

- Commission Chairman: Richard "Fritz" Gillespie
- Size of Commission: 11 members nominated by various groups and 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.

### 2. Office Information

- Chief Public Defender: Randi M. Hood
- Address: 44 West Park, Butte, Montana 59701
- Phone: 406-496-6080
- Website: [www.publicdefender.mt.gov](http://www.publicdefender.mt.gov)

### 3. System Information

- Eleven regions designed by the PDC to best serve the agency's mission
- Offices: 16
- Authorized FTE: 200.50 (112.50 Attorneys, 71 support/invest, rest Central Office)
- Contractors: about 200 attorneys, mental health providers, and investigators
- Approved appropriation for 2011 Biennium: about \$40 million
- Average annual payroll: \$12.9 million
- Average annual operating costs: \$7.5 million (About \$5.7 million contractor costs)

### 4. Mission

To ensure equal access to justice for the State's indigent.

### 5. Statutory Reference

The statewide public defender system was created by passage of The Montana Public Defender Act contained in Chapter 449 and codified in Title 47, MCA

### 6. Agency services are required by both the US and Montana Constitutions

**7. System Case Information**

- 4 year average new cases: 27,082
- 4 year average new case growth rate: 2.8%
- 4 year average district court cases: 10,096 (37% of total)
- 4 year average lower court cases: 16,986 (63% of total)
- 4 year average new appeals: 185

**8. FY 2009 Average Costs (from a 2010 Legislative report)**

- Criminal \$1,379
- Guardianship \$678
- Involuntary Commitment \$642
- Juvenile \$940
- Abuse and neglect \$1,237
- Lower Courts \$383
- Average of all cases \$691

**9. Courts serviced by the agency**

- The Montana Supreme Court
- 56 district courts organized into 22 judicial districts
- 152 Courts of limited jurisdiction located in Montana's towns and cities
- About 20 specialty courts (DUI, Mental Health, Adult Drug, Family, etc)

**10. Budget Requested for 2013 Biennium**

- \$43.4 million in general fund, a 9.40% increase from the 2011 biennium
- 16.00 new FTE

## 11. Qualifications for Services

### A. Income:

#### Number of Persons in Household and Gross Household Income Guidelines

1	\$14,404
2	\$19,378
3	\$24,352
4	\$29,327
5	\$34,301
6	\$39,275
7	\$44,249
8	\$49,223

Each Additional Member Add: \$4,974

B. Undue hardship rules: cost of defense would place hardship on the household. Offices check with local attorneys to see what they would charge for that type of case and the down payment.

## 12. Case Weighting System

The report as developed by a joint labor/management committee and published in the FY 2010 Governor's Report shows that of 111 attorneys, 46 have weights > 150 and of these 10 are > 160. A weight of 150 or greater is a "red flag" that an attorney is overloaded with casework.

## 13. FTE vs. Contractor Rates

Given the agency's current configuration, the cost per FTE with overheads is \$68/hour while the cost per Contract Attorney with overheads is \$97/hour.

## 14. Collections

The agency collects fees from clients that are assessed by courts. At the end of Fiscal 2010, the agency recorded assessments made by courts on 1604 clients with a total value of \$618,000. The agency collected \$136,000 of this amount