

MONTANA PUBLIC DEFENDER COMMISSION
STRATEGIC PLANNING COMMITTEE MEETING

Goodkind Building
139 North Last Chance Gulch, Helena, MT 59601

December 7, 2011

MINUTES

Approved at the January 18, 2012 Strategic Planning Committee Meeting

Call to Order

Committee Chair Ken Olson called the meeting of the Strategic Planning Committee to order at 1:20 p.m.

Committee Members Present

Ken Olson, Great Falls; Chuck Petaja, Helena; Bill Snell, Billings (via teleconference). Commission Chair Fritz Gillespie, Helena, was also in attendance for part of the meeting.

Agency Team Members Present

Dave Stenerson, Interim Chief Public Defender; Joslyn Hunt, Chief Appellate Defender; Harry Freebourn Administrative Director

Interested Parties

Greg DeWitt, Legislative Fiscal Division; Katy Heitstuman, American Civil Liberties Union, Montana

Review of Current Strategic Plan (dated April 26, 2006)

Commissioner Olson said that this committee is charged with changing/modifying the existing strategic plan or creating a new one. He was impressed with the amount of work done to develop the current plan. He also reviewed the recent ACLU report again as part of his preparations.

The timeframe for completing the task will depend on the changes the committee recommends. There is no great urgency if the changes will be minor. However, major changes may have legislative impact or require decision packages to implement. Decision packages are due to the Commission in draft form at the January 20, 2012 meeting; draft legislation will also be on the agenda of that meeting. If the committee requests placeholders for decision packages and legislation now, they will have until summer or early fall to finalize their recommendations and submit them to the Commission for approval.

Chairman Gillespie noted that any substantive legislation must be presented to the Law and Justice Interim Committee (LJIC) by their June 2012 meeting if the Commission wants the LJIC to support it.

The Committee members agreed to make revisions to the current plan rather than create an entirely new plan. Commissioner Snell would like to expand on the public relations, education

and philosophy sections of the plan. Five years of operation experience, plus the American University and ACLU studies, can help in making the strategic plan more effective and responsive.

Administrative Director Harry Freebourn was involved in the development of the original plan over the course of several Commission meetings. He gave an overview of what the original Commission did and why. Some of the questions to consider in revising the plan are:

Who do we serve? Are there neglected groups that we should be serving?

Does the current operating scenario serve the mission (number of regions, office locations, use of FTE and contract attorneys, support staff and other resources)?

Do we need legislation to allow for fixed fee contracts for certain services such as treatment courts?

Chairman Gillespie commented that the reason for creating this committee is that the existing plan doesn't seem consistent with current operations. If nothing else, the plan needs revision to reflect current practice. Hopefully it will also enable the Commission to look forward and see if there are ways to improve the ability to provide services. Mr. Freebourn noted that there are now three positions reporting directly to the Commission by statute, and two of them are not included in the current strategic plan.

Greg DeWitt, Legislative Fiscal Analyst, said that he believes the strategic plan should serve current law and determine if the goals and objectives are correct or if they need to be adjusted. He thinks it is a different process than deciding who the agency should serve. Mr. Freebourn said that the group also needs to listen to criticism from the public on how the system should change. Mr. DeWitt still thinks that is a separate process.

The Committee discussed the regional configurations. There have been a couple of judicial complaints related to the arrangement of regions in relation to judicial districts. Also, concerns have been expressed regarding the number of people that the larger regions are serving. The Committee members are not particularly interested in making changes to the regional configuration, but invited the ACLU to provide input on whether changes to the regions would improve services.

The committee discussed the Case Weighting System (CWS) and the need to provide accurate reporting. Lack of resources impacts the ability to report on some information that stakeholders are interested in, as well as the ability of managers to stay within the CWS guidelines. One of the ACLU's primary criticisms is that effectiveness of counsel is related to caseloads. Documenting the need for additional resources is dependent upon accurate numbers; excessive caseloads also increase turnover. Turnover is especially problematic for Program 2 (the appellate office) because they are competing with all other state agencies, which pay more, as well as the attorney general's office, which pays substantially more for the same work.

Other issues discussed:

- the pilot social worker/jail crisis intervention program in Missoula, which is expected to alleviate attorney workload
- specialty courts

- limiting service delivery for misdemeanor and DN cases
- developing a DN protocol (similar to mental health protocol)
- increasing the contract attorney rate
- collecting fees assessed by the courts.

Discussion: Tasks and Information Needed to Revise the Plan

1. The committee will be provided with the current goals and objectives for review. Proposed revisions will be recommended to the full Commission.
2. Judicial districts will be overlaid on the current regional map.
3. Regional Deputy Public Defender Sherry Staedler's response to Judge Tucker's concerns regarding the regional configuration in his district will be provided to the committee.
4. The existing strategic plan will be updated to reflect current practice for the next committee meeting.
5. Snapshot graphs regarding the CWS, case growth, the number of FTE and the Program 2 statistics will be provided for the next committee meeting.

Public Comment

No public comment was offered.

Old Business/New Business (*Action Items)

Set next meeting date

The next meeting will be held January 18, 2012 from 1:00 to 3:00 p.m. in Helena.

Adjourn

The meeting adjourned at 3:00 p.m.