

OPD.MT.GOV



OPD Materials

June 22, 2026, Sub-D IBC

Mission

Providing the most compassionate and expert defense of clients and the Constitution.

Vision

Creating expert teams of advocates for justice, bringing respect and dignity to our clients to achieve holistic and equitable outcomes.

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June 22, 2026, IBC Agenda Items

Potential supplemental update

OPD projects that its need for supplemental funding will be less than \$2 million by the end of FY 2027. The close of FY 2026 next month will help solidify this estimate, but changes during FY 2027 in incoming case weight, FTE vacancy rate, or contractor case acceptance rate could all still significantly alter the final supplemental need.

Technology implementation update

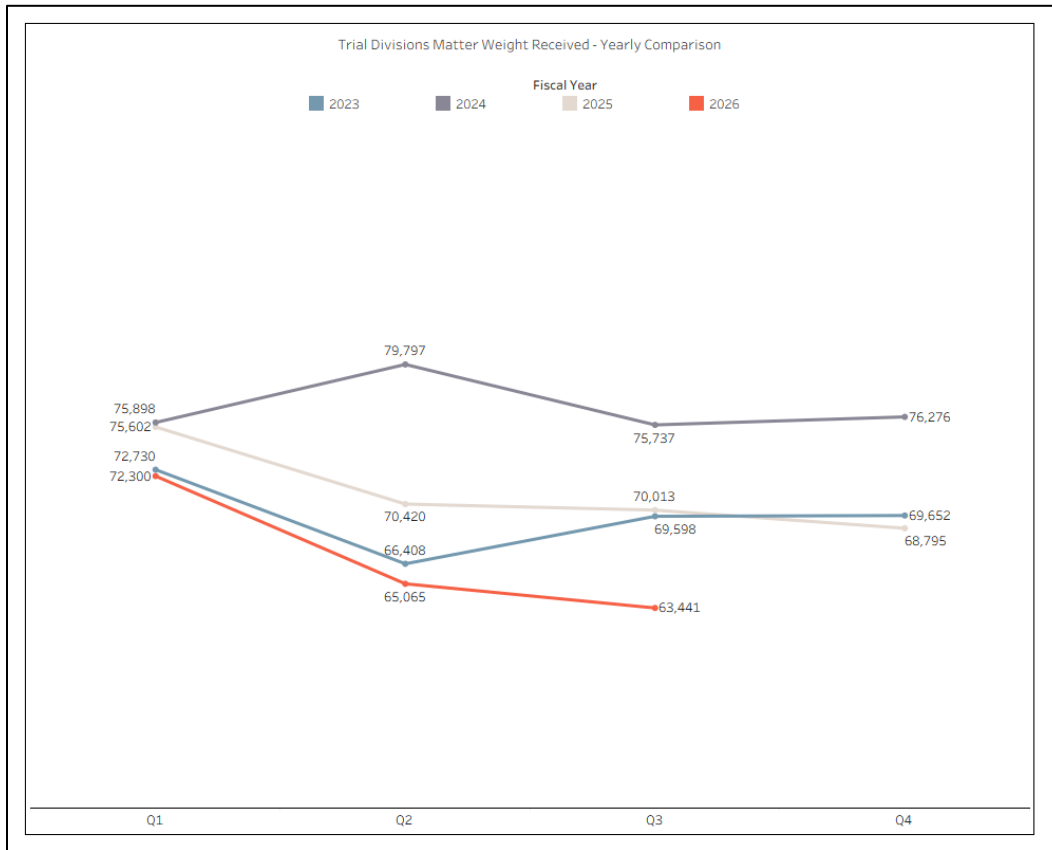
OPD has made steady progress in improving efficiency and reducing administrative workload through the development of new tools in OPD's AdvOPD case management system. The improvements are targeted at providing partial automation of four key administrative functions: (1) scheduling court hearings and deadlines, (2) closing cases, (3) opening new cases, and (4) participant identification and organizing discovery documents. The combination of AI document processing and human-in-the-loop staff review reduces manual data entry, improves consistency, helps prevent missed deadlines or missing information, and strengthens processes. An automated calendaring tool is fully implemented and in use. The case-closing component is nearing completion and will be deployed this summer. The case-opening tool is entering the build phase, and the participant identification tool is in pre-build planning.

These tools also improve how information is shared. Documents are automatically organized and electronic links distributed to attorneys and clients more quickly, while still ensuring access for individuals without email or who are incarcerated. Importantly, staff remain involved in reviewing any discrepancies, ensuring accuracy and protecting due process while allowing the system to handle routine tasks.

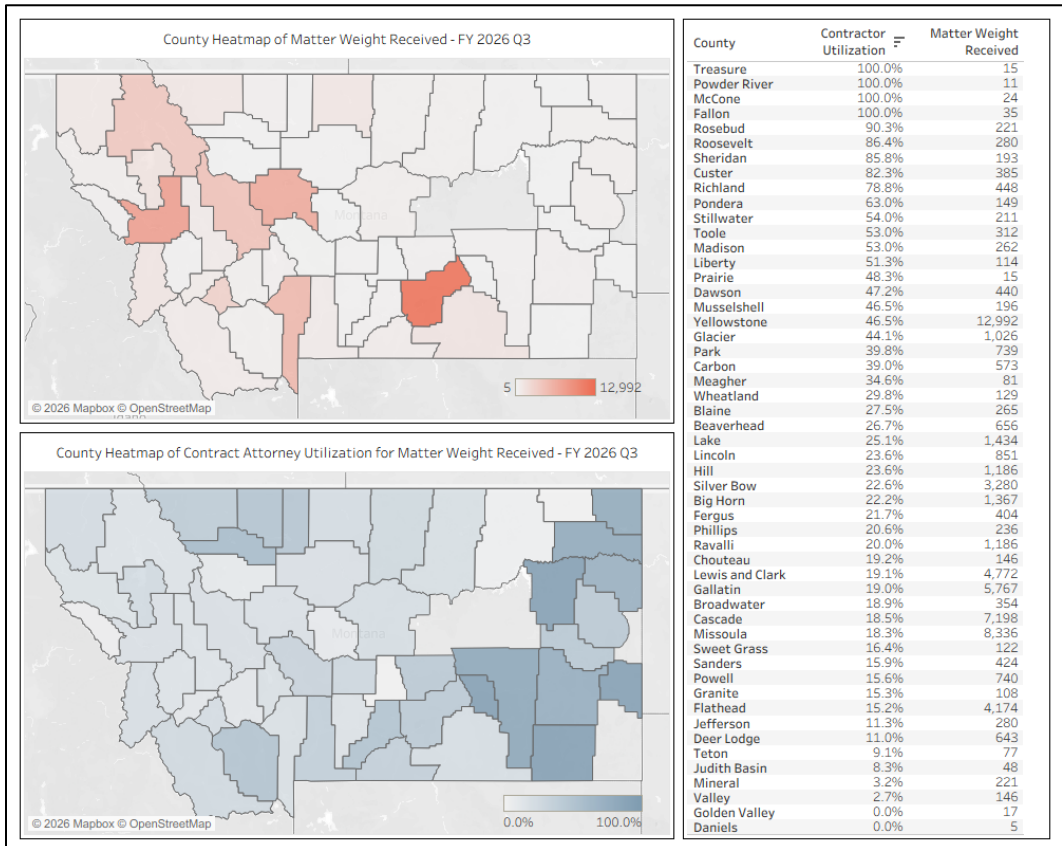
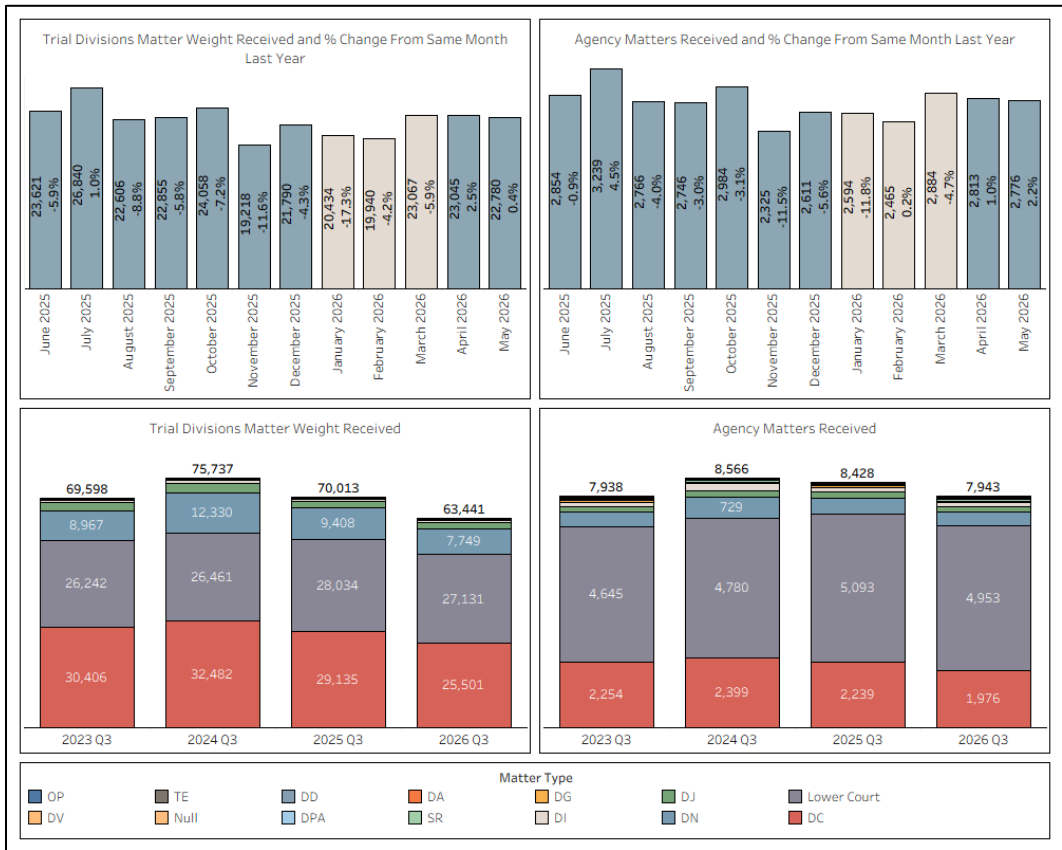
Overall, these improvements are helping OPD operate more effectively, make better use of staff time, and strengthen service delivery without increasing personnel.

FY 2026 Q3 caseload statistics

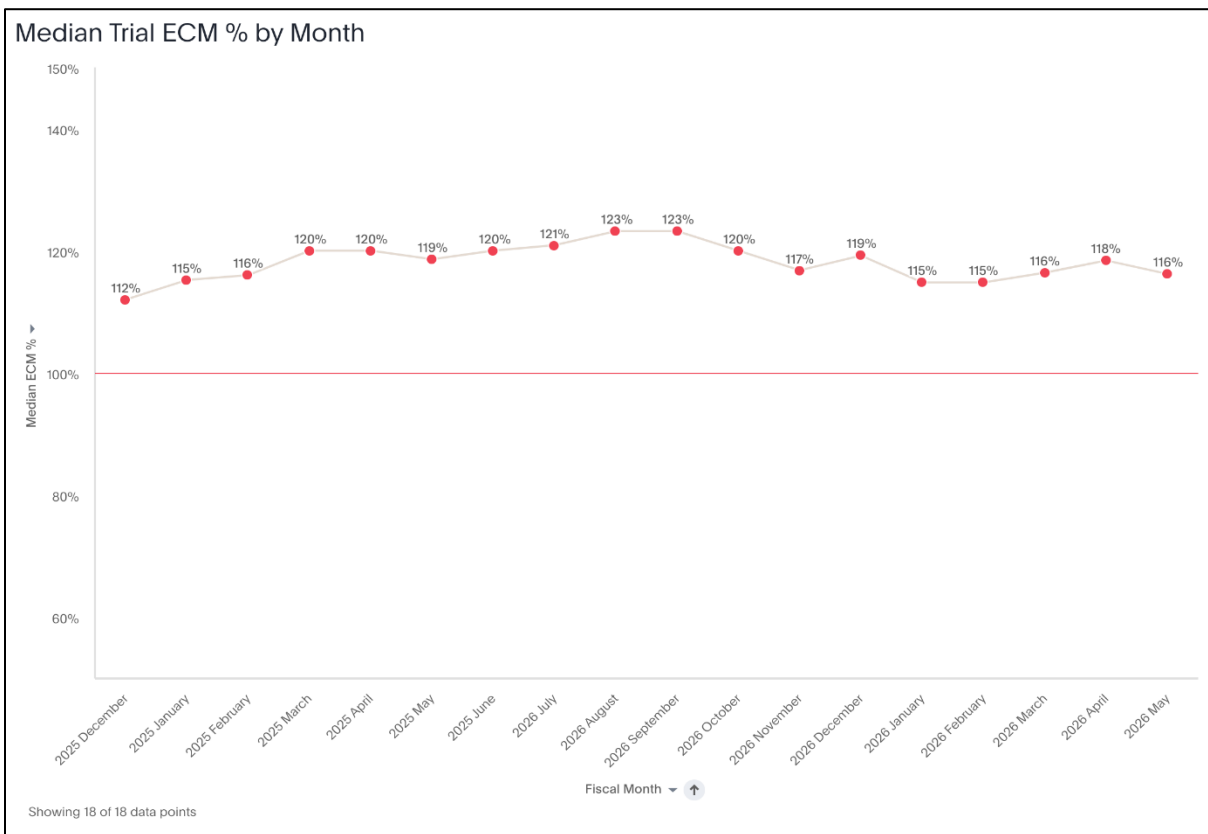
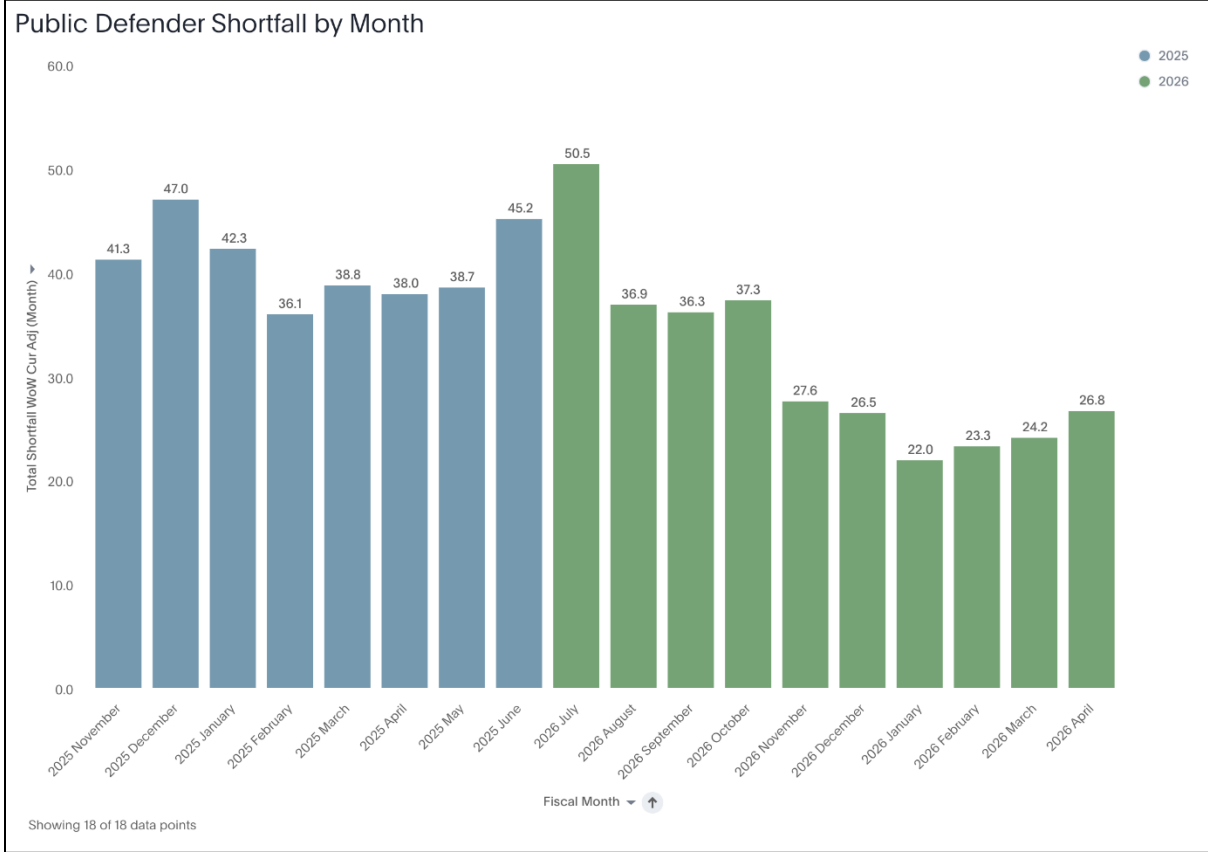
The charts below present the number and weight of matters received by case type, received caseload by area, and contract public defender utilization by area. The total weight of cases received in OPD's trial divisions during the first three quarters of FY 2026 was down 7.0% versus the same period in FY 2025*.



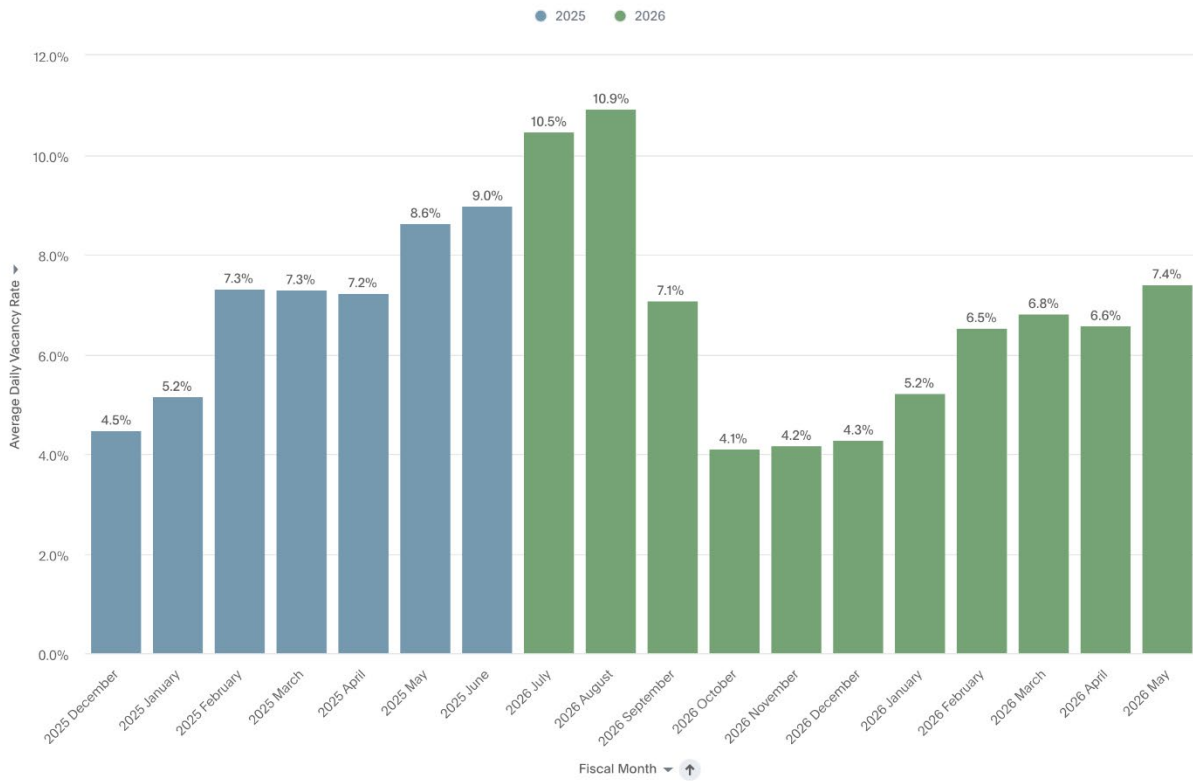
*Updates to matter weighting in Policy 201 - Ethical Case Management were adopted in May 2026. As a result, historical reporting concerning matter weight or attorney's worth of work are expressed in terms of current weight values and may not exactly match prior submissions.



Standing IBC metrics

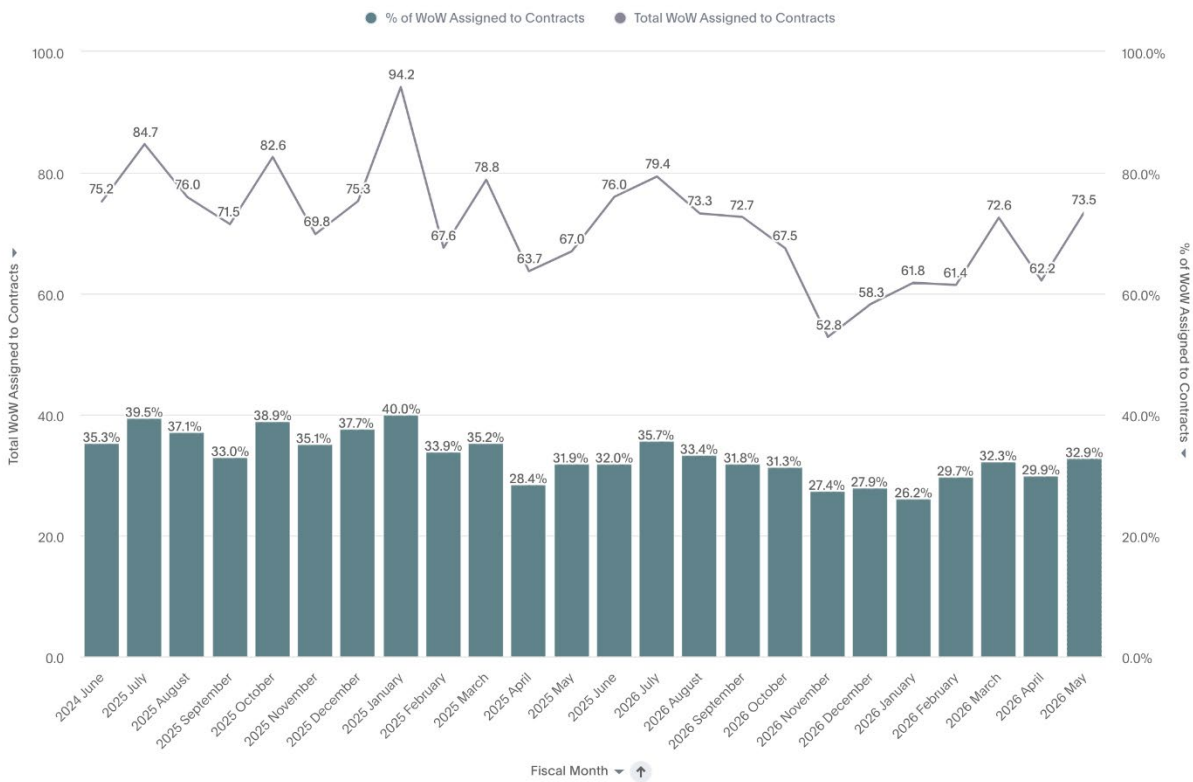


Avg. Daily Vacancy Rate for Pub. Def. Positions by Month



Showing 18 of 18 data points

WoW Assigned to Contract Public Defenders

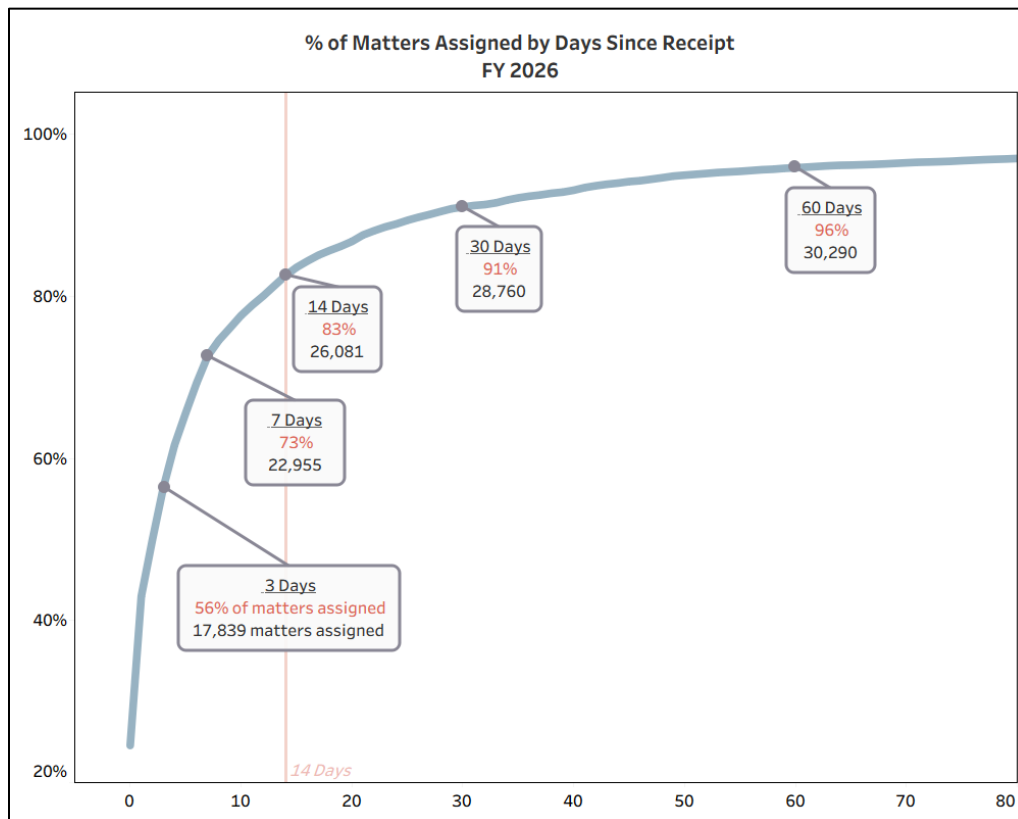


Showing 24 of 24 data points

Public Defender Shortfall

The Public Defender Shortfall metric uses 14 days as the measure of unacceptable delay in assignment of permanent counsel. OPD has been asked to explain why the measure is set at 14 days. Fundamentally, 14 days is the point at which OPD can say confidently that the continued failure to assign permanent counsel is due to lack of FTE and contract public defender resource capacity and not due to any administrative process delay.

Read in total, OPD's FY 2026 Annual Plan sets performance measures for the administrative processing of cases so that no case will take longer than 13 days to assign. Division 1 has a key performance measure to make initial assignments or case transfers within 3 days; Division 3 then has its own performance measure to make initial assignments in the cases it receives from Division 1 within 3 days of receipt; and the Contract Office within Division 4 has a key measure to make assignments within 7 days of the cases being received in the Contract Office. Taken together, these timelines total 13 days for a case that takes the full path from opening in Divisions 1 to consideration for assignment in Division 3 and then final assignment to a contractor by Division 4. If there is an FTE public defender with the capacity or a contract public defender with the willingness to take a case, OPD will assign that case within 13 days, and the case will not appear in the Public Defender Shortfall.



The prior chart shows the distribution of OPD initial case assignments by length of delay. The initial curve of this graph is steep, reflecting the rapid rate at which OPD processes the assignment of cases where there is FTE or contract capacity to take the cases. The 14-day Public Defender Shortfall measure sits at an inflection point where the change in rates of assignment starts to flatten out and unassigned cases begin to linger.

The sooner OPD can assign permanent counsel, the better able OPD is to fulfill its constitutional and statutory role of providing effective representation. OPD strives to assign permanent counsel prior to clients' next court appearance after appointment. Montana Code Annotated § 47-1-104(3) provides, "When a court orders the assignment of a public defender, the appropriate office shall immediately assign a public defender qualified to provide the required services. The director shall establish protocols to ensure that the offices make appropriate assignments in a timely manner." Similarly, the ABA Ten Principles of a Public Defense Delivery System state that "Counsel should be appointed immediately after arrest, detention, or upon request" and should consult with the client prior to the client's first court appearance. The Montana Supreme Court has rejected the existence of a hard, 3-day deadline for assignment of permanent counsel but has not established any set, numerical deadline. *Lindquist v. Mont. Thirteenth Jud. Dist. Ct.*, OP 22-0139.

HB 863 Recruitment and Retention Fund

Section 7 of HB 863 appropriated funding to address recruitment and retention issues by authorizing OBPP to approve pay adjustments "to increase wages for positions for which actual wages differ from market wages." OPD is grateful that OBPP approved to increasing senior public defenders pay to the market mid-point for their profession. This is a significant milestone in OPD's 20-year development. The starting wage for public defenders was also raised to the market minimum rate. Together these adjustments will substantially support OPD's continued efforts to reduce public defender vacancy and turnover and, thereby, provide timely and effective representation to all OPD clients.