

# Office of the State Public Defender Administrative Policies

Subject: **Client Grievance Procedure**  
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## **1.0 POLICY**

It is the policy of the Office of the State Public Defender (OPD) to address client grievances in an efficient, timely, and courteous manner. The following procedures are established for clients alleging grievance against the public defender attorney assigned to the client's case. For purposes of this policy the grieving client is referred to as the complainant.

The OPD case management system will be used to ensure that client grievances are tracked and dealt with in a timely manner.

## **2.0 PROCEDURE**

### **2.1 WRITTEN COMPLAINT**

Any client alleging a grievance against the public defender attorney assigned to the client's case shall complete a written statement of grievance and submit it to the appropriate supervising attorney. All complaints must be submitted only by the client or by an individual that has the legal authority to act on behalf of the client.

### **2.2 REFERRING COMPLAINTS**

Complaints received in the Central Services Division will initially be referred to the originating region/division for resolution. A region receiving a complaint related to a conflict case will refer the complaint to the Conflict Defender Managing Attorney or the Conflict Defender Division Administrator.

### **2.3 ACTION ON RECEIPT OF WRITTEN COMPLAINT**

Upon receipt of a signed, written complaint against a public defender, the grievance will be entered into the case management system and appropriate documents generated per OPD Internal Control IC-401, Client Complaints.

The supervising attorney shall take the following actions:

- A. Provide the respondent attorney with a complete copy of the complaint and follow up statement, if any;
- B. Carefully review the complaint; and
- C. Consult with the respondent attorney to discuss appropriate action to be taken.

The supervising attorney may choose to contact the complainant to obtain further clarification regarding the facts alleged.

#### **2.4 DECISION BY SUPERVISING ATTORNEY**

The supervising attorney shall make a decision regarding action, if any, to be taken by the respondent attorney and shall advise the complainant of the decision.

If the supervising attorney decides that the complaint provides adequate grounds for change of counsel, s/he shall immediately effectuate a substitution of counsel and shall advise the complainant, the attorney of record, new counsel, and the court. Reasons for the change shall be documented in the case management system but shall not be provided to the court, to new counsel, or to opposing counsel. The notice of substitution shall conform to standard pleadings of the jurisdiction.

If the supervising attorney determines that the complaint fails to establish adequate grounds for change of counsel, s/he shall advise the complainant that new counsel will not be assigned, and inform the complainant of the right to request a hearing asking for new counsel from the court.

#### **3.0 REVIEW**

Management and Central Services Division administration will review reports related to client grievances generated from the case management system on a regular basis. This information may also be used in employee or contractor evaluations.

#### **4.0 CLOSING**

Questions about this policy should be directed to the Central Services Division at the following address:

Office of the State Public Defender  
Central Services Division  
44 West Park  
Butte, MT 59701  
Phone 406-496-6080