



Office of State Public Defender

Fiscal Year 2021 Report to the Governor, the Legislature, and the Supreme Court

Please find the Office of State Public Defender's Fiscal Year 2021 Reporting in accordance with Montana Code Annotated § 47-1-125(1) in the box to the right.

For Fiscal Year 2021, OPD has chosen to release its matter counts and expenditures reporting as an interactive data discovery dashboard, allowing visitors to explore this data in new, meaningful ways. Using the dashboard, Agency data may be filtered and displayed across a variety of dimensions, providing additional opportunities for insight into the work of OPD. We hope you find the dashboard useful and informative. Direct, raw data downloads are also available.

Fiscal Year 2021 Report Table of Contents

- ❖ [FY 21 Interactive Agency Data Discovery Dashboard](#)
- ❖ [Agency Capital Case Expenditures in FY 21](#)
- ❖ [Agency FTE Attorney Assignments in FY 21](#)
- ❖ [Agency Organization Chart](#)
- ❖ [Agency Policies & Standards in Effect during FY 21](#)
- ❖ [FY 21 Raw Report Data Download](#) – this Excel workbook contains the following FY 21 Agency Data:
 - Matter counts, Client counts, and Expenditures
 - FTE Matters Assigned
 - Agency Staffing
 - Trainings Offered

Fiscal Year 2021 was another year headlined by the on-going COVID-19 Pandemic, and while the State made significant progress in battling COVID-19, the Agency continues to experience its effects. The overall slowdown of the justice system has led to an increased backlog of open and active cases in Montana's courts, which has in-turn increasing pressured the Agency's ability to find and assign counsel, leading to longer assignment times in parts of the State. Further, the economic impact of the pandemic cannot be understated, as it has both expanded the number of individuals eligible for OPD representation while simultaneously increasing pressure on the Agency's ability to recruit and retain both FTEs and Contractors. Despite a relatively similar number of new matters received in FY 2020 vs FY 2021, the number of unique clients represented increased by 20%, from 20,200 to 24,315 per fiscal year respectively. During FY 21, OPD's rate of pay for both FTE attorneys and Contract Attorneys were well below the market rates, making it difficult to address the needs of our clients. Further, per the recently completed Performance Audit, which focused on Fiscal Year 2019, OPD was already experiencing recruitment and retention issues when the pandemic started, which have unfortunately only been exacerbated since.

Another related factor identified by the Performance Audit was the Agency's inconsistently applied workload management standards, and OPD made significant changes in the way it assigns cases to its FTE Attorneys in Fiscal Year 2021. While the Agency has had a caseweight metric for some time, measuring the expected workload of a case or an individual attorney, the system was not routinely or consistently enforced. In Fiscal Year 2021, however, the Agency implemented the Ethical Case

Management System (ECM), which ensures that FTEs across the agency are assigned an ethical and equitable amount work. The ECM system also provides additional data and insights into the true workforce needs of the Agency, which will help the Agency efficiently and effectively request and allocate resources throughout the State.

On the fiscal side of the Agency, OPD ended the 2020-2021 Biennium within budget and without a supplemental appropriation¹ for the first time in Agency history, despite expending over a million dollars related to the unexpected and unforeseen, and thus unappropriated, replacement of the Agency's retiring case management system. Many factors supported the Agency in milestone, including a larger, more accurate appropriation, efficiencies provided by the structural changes to the Agency from the 2017 Legislative Session, and the Agency's success at securing additional funding sources to offset some of the costs related to representing clients in Treatment Court and Abuse and Neglect matters.

None of this work is possible without the dedication and hard work from our staff. True professionals working every day to balance the scales of justice.

Rhonda Lindquist

Director

¹ OPD was separately funded for Capital Cases costs during the 2020-2021 Biennium in HB 630 in the amount of \$350,000.