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CASELOAD MANAGEMENT TOOL

The Montana Public Defender Commission (Commission) under Title 47-1-105 (b) must assure that public defender caseloads are manageable. To accomplish this task, the Commission, along with representatives from the Office of the State Public Defender (OPD) management, representatives from the American Federation of State, County and Municipal Employees (AFSCME), and OPD attorneys that are members of the union, met to develop a tool to track caseloads by attorney. The resulting tool was tested for six months and then adopted for use in September 2008. The tool provides a weighting to each type of case as per the table below:

WEIGHTING UNITS

- Felony = 1.00 units
- Misdemeanor = 0.50 units
- Petitions to revoke = 0.50 units
- Dependent and Neglect = 1.50 units
- Guardianship = 0.50 units
- Fugitive = 0.25 units
- Civil Commitments = 1.50 units
- Juvenile = 0.75 units
- Post Conviction = 6.00 units
- Petitions for Certification – 12.50 units

Any number above 150 units during a 12-month period is considered to be an excess caseload. This tool tracks units by month and as a new month is counted that number replaces the information for the same month in the previous calendar year. The intent is to provide a method to identify if an attorney is above 150 units, but it does not mandate that the employee can not be above this indicator. The trigger allows the employee and his or her manager to meet to discuss the attorney's caseload.

The group that developed the tool is currently refining the case weighting system, and they will continue to meet on occasion to discuss this information and make recommendations for further adjustments.