



# PUBLIC DEFENDER NEWS



## Hello and Goodbye

A big welcome to Rhonda Schaffer, who began her duties as OPD’s permanent Director on March 26. Rhonda spent the majority of her professional career with the Department of Corrections. She has experience working with community stakeholders and brings a wealth of experience in state government to OPD.

Rhonda most recently served as the Centralized Services Administrator in the Governor's office and was the Chief Financial Officer for Family Outreach Inc. Rhonda is dedicated to public service and is excited to work with the OPD team.

Thanks to Interim Director Harry Freebourn for returning to OPD to lead the agency through the restructuring mandated by HB 77. During his time as Interim Director, Harry succeeded in filling key management positions, developing operating plans and budgets for each division for FY 18 and 19, and revising administrative rules, policies and procedures to reflect the new organizational structure. Harry will stay on in an advisory capacity for a short time before resuming his life of leisure. We wish Harry a very happy retirement (again!).



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### Special points of interest

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# Update from the Central Services Team

Carleen Green, Division Administrator

Wow! This three months since the last newsletter has flown by despite winter's best attempts at keeping us snowed under across the state! I am, however, encouraged that winter is on it's way out as I am writing this on the first day of Spring and can actually see the snow melting.

As many of you already know, Lynn MacMillan is no longer a part of the Central Services Division and has just begun her exciting new position as Dan Miller's administrative assistant in the Conflict Defender Division. Lynn has been an integral member of the Central Services team for many years as the administrative assistant to the contract manager and we would like to congratulate her and wish her all the best in her new position.



The Quality Control program continues to take shape and Brett Schandelson is currently recruiting for an administrative support position to be located in Missoula. Brett has been visiting offices, listening to your concerns and issues, and teaming up to solve all sorts of problems, big and small. While other obligations have prevented him from making it to all the offices yet, he is planning a state tour to visit each office in the spring. I know he's looking forward to meeting all of you and hearing your concerns and suggestions on how we can improve as an agency.

The Financial Hardship Examiner positions have been filled. John Bublich and Shane Doherty will start April 2; they will undergo training before we implement a pilot project on the new hardship determination process in the Central Services Division. Stay tuned for more as we work out the details.

The Legislative Audit Division has begun their pre-audit activities and we expect they will conduct site visits sometime this summer. When we receive their schedule, we will let you know what their focus will be for this audit cycle.

It's never too soon to think about fiscal year end as far as accounting and case management issues are concerned. Expect to hear from Malia Soyland regarding end of the year timelines and please keep closing those cases so we have accurate numbers to report on June 30. As always, if you need assistance please let us know.

Enjoy springtime in the Rockies – here's hoping we all get plenty of sunshine!

“Justice consists not in being neutral between right and wrong, but in finding out the right and upholding it, wherever found, against the wrong.

*Theodore Roosevelt*

## HELP DESK

### New Help Desk Launched!

Due to the growing number of requests for IT and JustWare support, we've implemented a new ticketing system to more effectively track and manage these requests, while also allowing us to provide better service to our employees. If you need assistance from OPD IT Staff (including equipment issues ) or have a JustWare request you **must** send an email to [DOA OPD Help](#) with your support request. This will create a ticket in our new Help Desk application, alerting the necessary staff to your issues. Please send only one email to the Help Desk per issue.

This process is **not optional** unless you are unable to log on to your computer to create a ticket. In that case, contact your local IT staff. Otherwise, you should not directly contact Marsha or IT staff for assistance (even if they are located down the hall ) without a ticket.

Contact [Kyle Belcher](#), IT Supervisor, with questions or comments.



## Training News

Nate McConnell, Training Coordinator

The OPD is where many attorneys get their start, and I count among that number. Back in the 2000s, I started the practice of law by taking some OPD cases. I learned so much from the dedicated attorneys in the Missoula office, many of whom are friends. My name is Nate McConnell, and as most of you know by now, I have been hired as the new Training Development Coordinator. I want to thank

Peter Ohman and Chris Thomas for their service to the training department. Both Peter and Chris leave very large shoes to fill and both have been very generous in the transition. I am happy that they are still part of the agency and look forward to continuing to develop the training program they've worked so hard to build. The Training Department continues to rely on the excellent work of Brent Getty, who just notched a couple of wins at a recent sentence review hearing. This Spring, the Training Department has several projects coming together:

- Deadline Ethics CLE, March 30 (Webinar)
- New Attorney Skills Training April 11-13 (Helena)
- Advanced Trial Skills Training (with NACDL), May 3-4 in Billings

Over the next few months, I will be traveling to meet with the Regional Offices to discuss the training needs of the individual regions, as well as the agency as a whole. Remember that the training program supports **all** agency employees, including support staff, investigators and social workers.

I welcome your suggestions on training needs or other materials that we can use to help you all do your jobs. You can contact me at [nate.mcConnell@mt.gov](mailto:nate.mcConnell@mt.gov) or you can contact the Deputy Training Coordinator Brent Getty at [bgetty@mt.gov](mailto:bgetty@mt.gov).



## Live Better with the EAP!



The Employee Assistance Program (EAP) helps you **privately** solve problems that may interfere with your work, family, and life in general. EAP services are FREE to you, your dependents and all household members. Services are confidential and provided by experts.

**24-hour Crisis Help**—toll-free access for you or a family member experiencing a crisis.

**In-person Counseling**—up to four face-to-face counseling sessions are available for each new issue. Simply call for access to qualified, local counselors who can help you with a variety of problems such as family, parenting, relationship, stress, anxiety and other challenges.

**Online Consultations**—convenient access to consultations with licensed counselors through RBH eAccess at [MyRBH.com](http://MyRBH.com) (use access code Montana).

For more information, click [here](#), or contact the EAP staff at 444-1345, or [eap@mt.gov](mailto:eap@mt.gov).

The EAP is offering free Suicide Prevention Training this spring. You can register [here](#). Trainings are scheduled for April and May in Helena, Great Falls, Butte and by webinar.

# Conflict Defender Division

*Dan Miller, Division Administrator*

As Interim Director Harry Freebourn discussed in the last newsletter, the Conflict Defender Division, also known as Division 3, is undergoing major restructuring to make it more efficient and productive. I want to let you know the exciting things that are happening in our division.

The Conflict Defender Division is transitioning into a regional structure with a central management office in Butte. We are working closely with Division 1 (the Public Defender Division) to correctly identify conflicts to serve our clients and great progress has been made to accomplish this task along with streamlining the process.

Conflict Region A will be moving into their new offices in Missoula very shortly. Ed Sheehy is managing this office. Ed has worn many hats for our agency and is happy to get back home to Missoula after serving most recently as an FTE Attorney out of the Region 5 office here in Butte. Ed will oversee Region A operations (encompassing Public Defender Division Regions 1, 2, and 5) when a conflict has been identified. The staff are Preston Davis, Investigator; and conflict FTE attorneys Andrew Jenks, Minot Maser, Pat Sandefur, Camisha Sawtelle, Rochelle Wilson, and Leta Womack in Missoula. Helen McCarthy is a Region A conflict attorney working out of the Butte office. Barbara Kellison will be keeping everyone in line as the administrative assistant.

Melissa Edwards-Smith has accepted the position of Interim Manager of the Helena-based Conflict Region B office (Public Defender Division Regions 3, 6, 4, and 8). Region B is efficiently running with Cassie Kane and Destiny Carter as administrative assistants at this time. The staff attorneys are Larry LaFountain working out of Great Falls and Chad Glenn in Bozeman.

Roberta Drew is the Manager of Conflict Region C, based in Billings. Roberta oversees conflict operations in Public Defender Division Regions 7, 9, 10, and 11. Staff attorneys are Matt Claus, David Duke, Abigail Houle, Brett Lund, James Reintsma, and Ed Werner. Marilyn Pulver has moved from the Billings regional office to the Region C office and we're very happy she is continuing her service to OPD. Marilyn brings years of experience in the public defender arena and is running the office as administrative assistant.

Lynn MacMillan has accepted the position as my administrative assistant. Lynn has been with the agency since March 2006 as assistant to the Contract Manager and also brings many years of experience and knowledge to this position.

Feel free to contact me or Lynn with any questions you might have regarding our new structure.



- Region A, Missoula**  
Includes Public Defender Division Regions 1, 2, 5
- Region B, Helena**  
Includes Public Defender Division Regions 3, 4, 6, 8
- Region C, Billings**  
Includes Public Defender Division Regions 7, 9, 10, 11

## OPD in an Age of Reform

Peter Ohman, Public Defender Division Administrator

At the federal, state and local levels criminal justice officials are working feverishly to develop new and innovative ways to address the problems of those who find themselves faced with criminal sanctions. These creative approaches include drug courts, family courts, diversion projects, pre-trial risk assessments and many others. The question for Public Defenders is what is our role in these processes?

Section 47-1-104, MCA, lists the types of crimes and cases where a court may appoint counsel. In *Rothgery v. Gillespie County*, the United States Supreme Court reaffirmed the holding that the right to counsel attaches when “formal judicial proceedings have begun.” For all defendants, the commencement of prosecution, “whether by way of formal charge, preliminary hearing, indictment, or arraignment,” signals the beginning of formal judicial proceedings.

The question OPD is grappling with is, what happens when court proceedings have not begun, or when traditional court proceedings have concluded? OPD’s involvement in such matters is not so much a question of whether we can provide meaningful assistance to individuals participating in such proceedings, but whether we have the resources to do so. Local treatment courts, diversion programs, and pre-trial supervision often develop without State oversight. Accordingly, OPD is tasked with providing services to these programs in the absence of a corresponding increase in its budget.

In the end, the move towards focusing on rehabilitation and reducing recidivism without the tired cudgel of punishment is encouraging. However, whether OPD can work in this new environment and still carry out our core purpose of representing poor people accused of crimes, is a question we will probably be sorting out now and in the years to come. Suggestions and ideas are welcome.



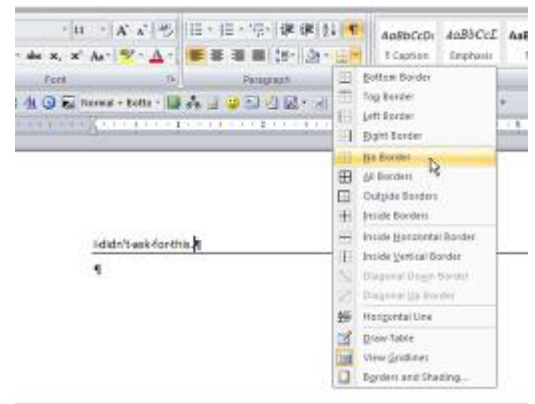
Sculpture by John Vanek. Photo by Jason Taellious via Flickr

## Word Tips and Tricks

### Get Rid of a Persistent Line

Word offers a sometimes-handy option that lets you insert a border automatically. Type three hyphens on a blank line and press [Enter]. If the option is enabled, Word will replace the hyphens with a horizontal line. You can get rid of it if you press [Ctrl] Z after Word inserts it. But if you try to select the border and delete it, you're out of luck. You're not dealing with a line object here. Word has applied the Bottom Border format to the paragraph.

To remove that format click in the paragraph and then click the Border button in the Paragraph group of the Home tab. Just select No Border from the drop-down list.



If you like the automatic border feature, here's a bonus tip: In addition to typing three hyphens to apply a bottom border (3/4-point), you can trigger different border styles. Typing:

- Three tilde characters (~) will create a wavy line.
- Three underscore characters (\_) will create a 1.5-point line.
- Three asterisks (\*) will create a dotted line.
- Three equal signs (=) will create a double line.
- Three pound signs (#) will produce a “thin thick thin” line.



To turn the automatic border feature **off**, go to Options/Proofing/AutoCorrect Options and uncheck Border lines.