



## PUBLIC DEFENDER NEWS

### Looking Ahead

*Rhonda Schaffer, Director*

We are over half way through the legislative session and spring is almost here!

In the last two and a half months the management team reviewed over 300 bill drafts to determine the possible impact to OPD. To date there are more than 25 bills still active with the potential to affect our agency by over \$4.2 million. We are working with the Legislature to provide the best information regarding the consequences of these bills if they pass.



An update on OPD-requested bills:

- **HB 73**, Revising laws related to the classification of certain OPD employees – signed by the Governor and effective July 1, 2019
- **HB 89**, Providing that public defender fees be paid to the general fund – signed by the Governor and effective July 1, 2019
- **HB 116**, Revising public defender fees – tabled in House Judiciary
- **HB 117**, Revise laws relating to eligibility for public defender services – signed by the Governor with an immediate effective date
- **SB 43**, Allow omnibus hearings to be conducted remotely – passed the Senate and referred to House Judiciary

I am very excited that OPD will conduct a Support Staff Training Conference this spring. I believe everyone will agree that our administrative support staff are the backbone in every office and their efficiencies become our success. I want to thank Brent, Cathy, Chris and Travis for working to put this training in place in a relatively short period of time.

*I have been reflecting on the things I am most grateful for. Primary among those is the talented group of employees that work for OPD. Thank you for the work you have done for the organization so far this year. You have helped us provide the best services to our clients.*

Wishing you a bright and sunny spring.

*Rhonda*



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# Rural Incarceration Trends

Peter Ohman, Public Defender Division Administrator

For those of us who spend our time driving around Montana, we know this is a big state. Despite the rural character of Montana, populations continue to converge in the big six. In fact, over 80% of Montana’s lawyers practice in Missoula, Helena, Billings, Bozeman, Kalispell/Whitefish, or Great Falls. So, what is a state public defender system to do when we’re tasked with providing counsel in all 56 of Montana’s counties? Good question, and we’ll get to that in another newsletter, but the reason for this article is to highlight a national trend concerning jail populations in rural counties. The Vera Institute’s [Incarceration Trends Project](#) has pieced together 45 years’ worth of county-level incarceration data. The findings are surprising and distressing. Go to the link and hover over the counties for which there is data in Montana, using the slider to change years. A few populations have gone down, but most have gone up.



Having been involved for years at the county level with the building of Gallatin County’s jail, it is depressing to see that once the jail was completed in 2009 the incarceration rate per 100,000 residents continued to rise. Another example is the pleasant community of Glasgow, which has seen a 900% increase in its rate of

incarceration since 2005. Are there really that many more dangerous people floating Fort Peck or cruising the Hi-Line? At least to me, the foregoing proves that if there are jail beds available, the justice system will be sure to use them. However, as a firm believer in reserving jail cells only for the most dangerous among us, the thought that we need new or larger jails is a misconception . . . particularly as we see the rate of incarceration for women continue to rise steeply, predominantly for what are non-violent

If there are jail beds available, the justice system will be sure to use them.

drug or property offenses. If your community is thinking of building a new jail or expanding an existing one, please consider what community safety really demands. My guess is it does not mandate a new detention center.

## Did You Know?

### Suicide Prevention Webinar

Our Employee Assistance Program (EAP) has a recorded webinar on suicide prevention. Access this and other webinars from their [webpage](#). EAP services are free to employees and all household members. Explore the many services they offer.

### Interpreter Services

The State of Montana has a contract with CTS Language Link for interpreter services. OPD employees can access the information on OPD’s [intranet](#) site.

### Brief Bank

OPD’s [Brief Bank](#) is available to attorneys who work for OPD, either as state employees or as contractors with a current Memorandum of Understanding. Contact [Brent Getty](#) for more information.

### Preventing Distracted Driving

RMTD periodically offers courses throughout the state on preventing distracted driving. Watch for announcements for a class near you, or check their schedule [online](#).

### Old MCAs Available Online

Looking for a previous version of the Montana Code Annotated? Maybe even one older than OPD? The Montana Legislature has versions going back to 1995 on their [website](#).



# Central Services Team Update

Carleen Green, Division Administrator



Happy Spring (hopefully!)

In January, we started monthly Skype meetings with our statewide eligibility specialists to address any issues in the regions and to communicate upcoming changes. We are currently

piloting an online application process. Thanks to Kyle Belcher and the eligibility team for their hard work in making this a reality! We continue to make improvements to the online form and the process, and hope to make this available agency-wide by late summer. As always, please call us if you have eligibility staff turnover or other short-term eligibility staffing issues, need in-person or remote training, or have other issues related to eligibility.

A Support Staff Conference is in the works for this spring. It is long overdue, and we are looking forward to seeing all of you! Brandy Morrison from the Conflict Defender Division and Anna Garza from the Public Defender Division are part of the team working with the Training Department to plan the conference and develop the agenda. We really appreciate the team's hard work in putting it all together.

Now that Brett and Emily have completed the migration of all contractors to eMACS, they are ready to turn their focus to Quality Control. We look forward to improving our agency's compliance with policies, procedures and internal controls. Brett and Emily will be working on many other projects to improve consistency and efficiency as well (see page 4).

Fiscal year-end is coming fast. Although it's been a long winter, June 30 is just around the corner. If you need help closing cases, please let Marsha know so we can help. As we get closer to the end of June, Tyna will be sending out requests for information so we can close our books. We'll appreciate your prompt response to those requests.

Thank you all for everything you do out there to support our mission.

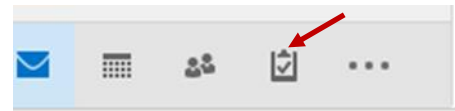


## Word Tips and Tricks

### How to Set Reminders by Turning Outlook Emails Into Tasks

Sometimes a follow-up flag on your email does the trick. Sometimes you would like to manage the follow-up as a task, with the advantages of setting start and end dates, due date, status and priority, and the ability to assign it to someone else.

To turn an email into a task, simply select the email, then hold down the right mouse button and drag the message down to Tasks.



Release the mouse button, and you'll be presented with three choices:

**Copy as Task with Text.** This leaves the original email in your Inbox or other folder and embeds the text of the email in a new task. If you were to use the left mouse button to drag your email to the Tasks folder, this is the default.

**Copy as Task with Attachment.** This leaves the original email in your Inbox or other folder and embeds the email in your new task as an attachment. This choice is particularly useful if the original email has attachments that you want to be able to open and view from the task.

**Move as Task with Attachment.** This embeds the email into your new task just like the previous choice, except it does not leave the original email in your Inbox or other folders.

Pick one, and a new task item opens. Another



advantage of turning emails into tasks is that it gives you somewhere to keep notes on your progress — whom you called, what follow-up you need to do and so on.

And, to easily view your task list next to your email, right click the task icon and select "Dock the peek."

## Born to Stand Out: Devin McLane

Michelle Eder McLane was an intern in the Missoula OPD's Holistic Defense project as an undergraduate. Her passion for that project led her to a job with OPD's Hamilton office when she graduated.

It seems Michelle is also raising an outstanding athlete, Devin McLane. Devin's wrestling has been getting quite a bit of press coverage, with stories on [406 MT Sports](#), [international coverage](#), and video coverage [here](#) and [here](#), because he wrestles without his arms. Devin actually does everything without his arms, including archery and cooking, due to a condition called Arthrogryposis Multiplex Congenita, or AMC.

Aside from his wrestling success, Michelle is working hard to make sure that Devin will be able to live independently and she is giving him every opportunity for success. And, *maybe* giving him a taste for the value of public defense. Devin spent two days volunteering in the Hamilton OPD office last fall working with two of our attorneys. Thanks, Devin, and keep on standing out!



## Contractor News

*Brett Schandelson, Quality Control and Contracts Manager*

After several months of build-out and implementation, the Contracts Program's migration to eMACS for all contract management has been completed as of the new year! Utilizing eMACS for all contract management addresses many long-standing issues in the Contracts Program, including those identified by Legislative Auditors. The entire contracting process is now streamlined in an online system, where we can track and report on each contract and outstanding obligation across all contracts. There are many, many other behind the scenes improvements as well, which greatly improve the efficiency and effectiveness of the Contracts Program. Thank you to all our Contractors and OPD staff for your patience during this process.

With eMACS (mostly) in the rearview, we're looking forward to several other exciting projects. For example, we are currently working on an improved process by which we will conduct Contract Attorney proficiency evaluations, hopefully bringing much needed consistency and predictability to this Legislatively mandated requirement. We've also just adopted the State's new communications platform, govdelivery. This new platform has many improvements over the old system, and allows for consistently branded and visually appealing messages. And we're still working on longer-term improvements to the Claims Portal.

We will continue to seek improvements that make our contractors' and staff's lives easier.

## OUR MISSION

We provide effective professional legal services with equal access to quality client-centered representation.

## OUR VISION

As trained legal professionals we strive to represent our clients in an effective and efficient manner to ensure a more fair and balanced justice system. We are dedicated and committed to improving overall outcomes for our clients and addressing the conditions that led to their involvement with the justice system.



Our mission and our vision have been at the forefront of our messaging during the legislative session. Here is [FY 2018: At a Glance](#), the document we created to tell our story.



## Training Office Docket

Brent Getty, Deputy Training Coordinator

Spring is trying to show up and it is just in time as OPD has several training opportunities in the coming months.

### Support Staff Training: May 8 – 9

We are excited to offer a training conference to our support staff and supervisors. The training is scheduled for May 8-9 in Butte with the venue being finalized. We're looking forward to working with all staff on a variety of topics over the two-day training.

### New Public Defender Trial Skills Training: May 8 – 10

Final preparations are ongoing for the Spring 2019 new public defender trial skills training at the Missoula Hell Gate Elks Lodge May 8-10. Managing attorneys, please let Sharon Reed know when you hire new attorneys to make sure they get an invitation. If you are interested in being faculty for this training or another in the future, please contact me directly at [Brent Getty](#).

### Partnering with Western Juvenile Defender Center: June 6 – 7

The Western Juvenile Defender Center Leadership Summit will be held June 6-7 at the Alexander Blewett III School of Law at the University of Montana. The faculty include Marsha Levick of the Juvenile Law Center of Philadelphia, Professor Ji Seon Song from Stanford, and Jacqueline Bullard of the



Illinois Appellate Defender. The training will address topics including "Reasonable Child" standard, motion practice, and preserving the record for appeal. OPD employees involved in juvenile and youth court cases are encouraged to attend. There are a limited number of lodging rooms available, so register soon by contacting [Sharon Reed](#).

### Annual Conference: October 9 – 10

Preparations continue for the OPD Annual Conference in Butte October 9-10. We're looking for suggestions for breakout and general sessions. If you've encountered an issue or just want to present on a topic, please contact the [training department](#) with your suggestion. Every one of us knows of something we can make better, so tell us how we can help.

And don't forget, presenting at a training is a great way to practice your public speaking and persuasion skills.



*Kaydee Snipes Ruiz, (at left) former Regional Deputy Public Defender in Region 6, was recently sworn in as the new 12th Judicial District Judge. She is accompanied by Yvonne Laird, 17th Judicial District Judge. Theresa Diekhans, formerly an assistant public defender in Great Falls, succeeds Kaydee in Region 6. Congratulations Kaydee and Theresa!*



## Mastering JustWare: Searching Names/Cases

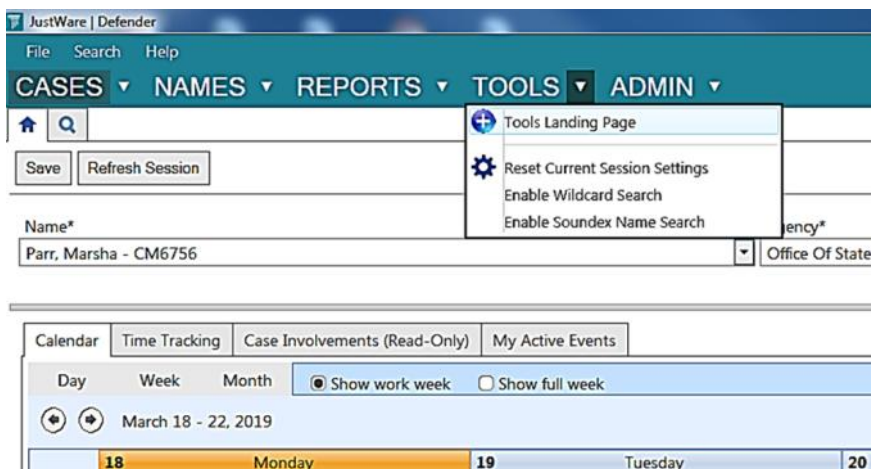
Marsha Parr, Case Management Support



Searching in JustWare has always been an adventure. One question I get asked quite often is when searching for a Specific Name: Marsha Parr, why doesn't that result pull to the top of the list even though there is only one Marsha Parr?

This is possibly due to the Soundex or Wildcard Search Option being checked. If you uncheck those options, then JW will search specifically for Marsha Parr instead of a random smattering of possible matching records.

At the top where it says TOOLS, there is a little arrow to the right. This will open where you can enable or disable those options. By unchecking these options you should find that JW will now pull your specified NAME record to the top.



Hopefully this makes the search adventure a little less adventurous and a lot more useful!

*Marsha*



While you're not expected to wash the state car *every* time you use it (although once in a while would be nice!), you do have certain **every time** responsibilities as a user—namely to make it clean and safe for the next person.

Be sure to:

- Remove trash and wipe up spills
- See that the exterior (especially windows and headlights) is clean enough for safe driving
- Report any needed maintenance or repairs
- Leave at least a half tank of gas for the next trip

Your co-workers will thank you!

*“The current realities of our criminal justice world set ostensibly independent silos—cops, courts, defenders, corrections—fighting with each other over scarce resources.*

*But it would be good to remember that these elements constitute interdependent parts of a larger whole that can, if its parts are adequately funded, provide greater safety for everyone.”*

—James M. Doyle, *The Crime Report* (read the full story [here](#)).

## Beware of Spring Floods

Tyna Wright, Accounting Supervisor

We had record temperatures and snow fall this winter and that means possible spring flooding. As we look forward to the warmer temperatures and longer days, let us all be prepared for and aware of the possible hazards of flooding. According to [www.ready.gov](http://www.ready.gov), floods are the most common natural disaster in the United States. In Montana we are most susceptible to flooding from spring runoff.



Photo courtesy Rich Hall, Sheridanmedia.com

Here are a few safety tips to keep in mind:

- Stay alert of warnings in your area
- Protect your property, move items to higher ground, clear drains and gutters, or prepare sandbags if needed
- Plan for evacuation
  - Familiarize yourself with routes
  - Gather important items or documents in a waterproof container
  - Review your insurance policy and keep contact numbers handy
- Prepare an emergency kit with water, flash lights, batteries, medications, additional phone chargers
- Prepare a plan for your pets or livestock
- Never drive, walk, or swim through flood waters (six inches of water can knock you down and one foot of moving water can sweep away a vehicle)
- Steer clear of bridges over fast moving water

Play it safe this spring!

## Managing Electronic Communication

Cathy Doyle, Records Manager



Email, text, instant messages, and social media have changed the way government agencies communicate with their employees and the public, but records management concerns are often neglected. Here are some tips to keep the agency out of legal trouble and ensure that critical records are preserved.

**Content, not format is important.** Just as you wouldn't keep a letter on yellow paper longer than one on white paper just because of its color, you wouldn't keep or destroy communication based solely on format. Whether a message is sent via email, text, social media, or other means, the content of the message is what determines its value and retention.

**If public business is being conducted, it's a record.** Not all communications rise to the level of official record, but generally if you're conducting official government business any related communication is a record.

**Public business on private accounts is still public.** As recent news stories and court cases have shown, private accounts and personal devices are subject to public records laws if they are used to conduct public business. Keep personal and business communications separate if you want to protect your privacy.