

# OFFICE OF THE STATE PUBLIC DEFENDER

## STRATEGIC PLAN

*The Public Defender Commission will review the strategic plan every 90 days for improvements and updates regarding performance measurements and refining goals.*

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### MISSION

We provide effective assistance of counsel and equal access to justice to eligible individuals.

### VISION

Represent our clients with skilled legal teams to assure that justice is served in a fair and balanced manner at a reasonable cost. Work closely with stakeholders, and enhance public understanding of the importance of preserving fundamental rights for all the citizens of Montana.

## GOALS AND OBJECTIVES, SECTION 1

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### PUBLIC DEFENDER COMMISSION—GOALS FOR THE ENTIRE AGENCY

#### GOAL 1.1: Realign the Agency to Maximize Efficiencies

**Objective 1.1.1:** Create a position of Chief Administrator to oversee non-legal administrative, managerial and operational aspects of the agency, including budget issues, and assume primary responsibility for representing the agency and the Commission in legislative matters.

- *Performance Measurement:* Evaluate at six months and following the 2017 Legislative Session by surveying key stakeholders, including legislators and the governor's office.
- *Timetable:*

Interview applicants:	May-June, 2016
Selection:	June-July, 2016
Start:	August-September, 2016

#### GOAL 1.2: Develop a Formula to Identify the Most Cost-Effective Combinations of FTE Positions and Contract Attorney Resources

**Objective 1.2.1:** Utilize agency data and report on actual costs of services and provide a cost-benefit analysis of services by FTE positions and by contract attorneys.

- *Performance Measurement:* Reports generated from online billing system
- *Timetable:*

Misdemeanors:	December, 2016
Felonies:	Third quarter FY 17
Dependent Neglect:	January, 2018
- *Status:* Pending data accumulation from online billing inception in January, 2016

#### GOAL 1.3: Develop a Mechanism to Assess and Evaluate Support Staff and Investigator Workloads

**Objective 1.3.1:** Retain the services of an independent expert to track and analyze attorney, support staff and investigator hours spent on specific tasks, dependent on funding.

- *Performance Measurements:*
  1. Obtain funding for time and workload study
  2. Develop a Request for Proposals (RFP)
- *Timetable:* Part of 2019 biennium budget request
- *Status:* Pending

**Objective 1.3.2:** Develop a transparent formula to identify staff resources by program and by region. Use the data to support requests for resources and funding, and to support management decisions regarding staff resources necessary to meet estimated caseloads.

- *Performance Measurement:* Develop a RFP
- *Timetable:* Part of 2019 biennium budget request
- *Status:* Pending

## **GOAL 1.4: Build and Develop Strategic Relationships with Stakeholders**

**Objective 1.4.1:** Increase OPD presence on commissions, committees and meetings with stakeholders, and participate in conferences.

- *Performance Measurement 1:* Maintain participation on commissions and committees, including Montana Board of Crime Control; Commission on Courts of Limited Jurisdiction; Forensic Science Laboratory Advisory Board; Governor's Protect Montana's Kids DN Task Force; Interim Commission on Sentencing; Law and Justice Interim Committee
- *Timetable:* Review annually in October and include in quarterly staff report
- *Status:* Ongoing
  
- *Performance Measurement 2:* Seek new opportunities to participate in meetings and conferences with stakeholders, including prosecutors and law enforcement, as funds permit, in order to add value and services to both clients and staff.
- *Timetable:* Include in quarterly staff report
- *Status:* Ongoing

**Objective 1.4.2:** Expand usage of technology to encourage regular communication among stakeholders.

- *Performance Measurement:* Improve OPD website
- *Timetable:* December, 2016 (dependent on services provided by ITSD)
- *Status:* Pending

## **GOAL 1.5: Continue to Develop Relationships with Montana's Colleges and Universities and Internship and Training Programs**

**Objective 1.5.1:** Continue to develop social work and law internship and training programs in conjunction with colleges, universities and the law school for the entire agency.

- *Performance Measurement:* Report on number of interns and their programs
- *Timetable:* Review annually at end of academic year and include in quarterly staff reports
- *Status:* Ongoing

## GOALS AND OBJECTIVES, SECTION 2

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### PROGRAMS 1-3—GOALS FOR CLIENT SERVICES PROGRAMS

Program 1, Public Defender Program

Program 2, Appellate Defender Program

Program 3, Conflict Program

#### **GOAL 2.1: Ensure that Services Are Provided Only to Qualified Clients**

**Objective 2.1.1:** Continue to apply statutory eligibility criteria to ensure that the State provides counsel at public expense only to those persons who are eligible for services.

- *Performance Measurement 1:* Collect and report on the total number of cases OPD is ordered to assign counsel, by region and fiscal year.
- *Timetable:* Report annually in December
- *Status:* Included in Annual Report to the Governor, Legislature, and Supreme Court
  
- *Performance Measurement 2:* Collect and report on the number of applications in which the client was found eligible for services, by basis for eligibility: income based, presumptive eligibility, substantial hardship
- *Timetable:* Include in quarterly staff reports
- *Status:* Ongoing
  
- *Performance Measurement 3:* Collect and report on the number of applications in which information was verified, by type
- *Timetable:* Include in quarterly staff reports
- *Status:* Ongoing
  
- *Performance Measurement 4:* Collect and report on the number of motions to rescind orders of appointment filed, by region and by basis for motion: applicant found ineligible based on information provided; applicant failed to provide sufficient information within the time periods set by OPD policy
- *Timetable:* Include in quarterly staff reports
- *Status:* Ongoing
  
- *Performance Measurement 5:* Develop greater guidelines for use by Regional Deputy Public Defenders and eligibility specialists in the offices in making “hardship” determinations using data from the online billing system.
- *Timetable:* Review quarterly
- *Status:* Ongoing

**Objective 2.1.2:** Pursue efforts to address support staff turnover, which in turn creates difficulties in consistently and uniformly conducting the eligibility screening process.

- *Performance Measurement:* Monitor turnover, continue to conduct exit interviews
- *Timetable:* As terminations occur
- *Status:* Ongoing

## **GOAL 2.2: Develop and Maintain a Client-Centered Practice that Promotes Excellence**

**Objective 2.2.1:** Develop and maintain resources to enhance communication regarding current developments in law affecting our clients.

- *Performance Measurement:* Redesign and implement a more user-friendly resource for clients
- *Timetable:* December, 2016
- *Status:* Ongoing

**Objective 2.2.2:** Establish regular strategic planning meetings with managers and supervisors.

- *Performance Measurement:* Quarterly conference calls, biannual in-person meetings
- *Timetable:* Summarize in quarterly staff reports
- *Status:* Ongoing

**Objective 2.2.3:** Monitor and address issues relating to attorney workloads.

- *Performance Measurement 1:* Continue to collect and report on attorney time-keeping in the case management system
- *Timetable:* Summarize in quarterly staff reports
- *Status:* Ongoing
  
- *Performance Measurement 2:* Assess the case-weighting system, making changes where appropriate as determined by the joint Labor-Management Committee (LMC).
- *Timetable:* Convene an LMC meeting by June 30, 2017 and include a summary of changes in quarterly staff reports
- *Status:* Ongoing

**Objective 2.2.4:** Assess whether, and under what circumstances/factors, OPD will continue to be involved in providing representation in treatment courts.

- *Performance Measurement 1:* Develop practice standards for representation in treatment courts, if OPD remains involved.
- *Timetable:* Create an agenda item for a future Commission meeting to determine policy, by the end of 2016
- *Status:* A draft of proposed Standards is ready for committee review.
  
- *Performance Measurement 2:* Develop a “fixed fee” contract for representation by contract attorneys in treatment courts.
- *Timetable:* Create an agenda item for a future Commission meeting to determine policy, by the end of 2016
- *Status:* Pending

**Objective 2.2.5:** Assess OPD’s current standards and policy provisions relating to cases in which the client presents or files a complaint or grievance regarding the representation provided by counsel assigned to the case.

- *Performance Measurement:* Present a pilot project to the Change Committee for ratification
- *Timetable:* Late September
- *Status:* Report to the Commission by December, 2016

## **GOAL 2.3: Ensure That Clients' Rights to Effective Representation Are Preserved**

**Objective 2.3.1:** Ensure that attorneys utilize an appropriate motions practice. Filing motions is often necessary to protect the constitutional rights of the criminally accused. An appropriate motions practice is indicative that a client is receiving quality representation. The absence of motions practice may be indicative that attorneys have excessive workloads.

- *Performance Measurement 1:* Collect data and report, by region, on the number of dispositive motions filed, by type: motion to suppress; motion to dismiss; or "other"
- *Timetable:* Summarize in quarterly staff reports
- *Status:* Ongoing
  
- *Performance Measurement 2:* Collect data and report, by region, on rulings on dispositive motions, by disposition: granted; denied.
- *Timetable:* Summarize in quarterly staff reports
- *Status:* Ongoing

**Objective 2.3.2:** Take steps to ensure that cases are resolved in a timeframe most advantageous to the client. Prolonged litigation and repeated court appearances can negatively impact the client, especially when they are incarcerated. The timely resolution of a case clears docket space for indigent defense, the prosecution, and the judiciary.

- *Performance Measurement:* Collect and report on the number of open cases, and the number of inactive cases.
- *Timetable:* Summarize in quarterly staff reports
- *Status:* Ongoing

**Objective 2.3.3:** Monitor the dispositions and direct consequences to clients to measure case outcomes. Case outcome/disposition data is the foundation for evaluating all aspects of our delivery system. Caseload standards, motions practices, standards for representation and financial eligibility review processes all depend on the outcomes they produce.

- *Performance Measurement 1:* Collect and report on felony case outcomes, by region:
  - total number of criminal cases resolved in District Courts
  - nature of the disposition (plea agreement, open plea, jury trial, bench trial)
  - resolution (guilty, not guilty, dismissed)
  - whether PD fees were ordered and if so, the amount.
- *Timetable:* Summarize in quarterly staff reports
- *Status:* Ongoing
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- *Performance Measurement 2:* Collect and report on civil case outcomes, by region:
  - total number of civil cases resolved in District Courts
  - nature of the disposition (stipulation, contested case, relinquishment, open adoption)
  - resolution (termination, commitment, conservatorship, long term legal custody, guardianship, adoption, dismissal)
- *Timetable:* Summarize in quarterly staff reports
- *Status:* Ongoing

## GOALS AND OBJECTIVES, SECTION 3

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### PROGRAM 4, COMMISSION/CHIEF ADMINISTRATOR PROGRAM

#### GOAL 3.1: Continue to Ensure the System for the Provision of Legal Services is Accountable to Taxpayers

**Objective 3.1.1:** Maintain financial transparency. The taxpayer has the right to know how tax dollars are being spent.

- *Performance Measurement 1:* Support regular audits by the Legislative Audit Division
- *Timetable:* As they occur
- *Status:* Ongoing
  
- *Performance Measurement 2:* Continue internal audits of contractor claims and summarize results in quarterly staff report.
- *Timetable:* Monthly
- *Status:* Ongoing

**Objective 3.1.2:** Develop a communication plan to illustrate and explain the need to utilize both FTE positions and contract services.

- *Performance Measurement:* Consult with the state communications director, university communications departments or commercially available communication consultants for the development of an OPD communication plan.
- *Timetable:* June 30, 2017
- *Status:* Ongoing

**Objective 3.1.3:** Continue to ensure that the system uses taxpayer funds in a way that compensates service providers on a timely basis. Employees and contractors deserve to be paid on time for the work they do. Timely payment of private appointed counsel positively affects the retention and recruitment of quality indigent defense lawyers.

- *Performance Measurement:* 95% percent of claims paid within 30 days (17-8-242, MCA)
- *Timetable:* Monthly
- *Status:* Ongoing

**Objective 3.1.4:** Analyze data from the online billing system to develop a proposal to identify and implement case compensation limits, by case type and based on regional considerations.

- *Performance Measurement 1:* Invite contract attorneys and other stakeholders to provide input into the plan.
- *Timetable:* Report to the Commission after December 31, 2016
- *Status:* Ongoing
  
- *Performance Measurement 2:* Develop specific criteria and a request template by which OPD management could approve requests for excess compensation payments to counsel when in management's judgment the case involves extended or complex representation and the amount certified is necessary to provide fair compensation and effective representation.
- *Timetable:* Report to the Commission after December 31, 2016
- *Status:* Ongoing

**Objective 3.1.5:** Create additional efficiencies using the online billing system software.

- *Performance Measurement:* Meet with the software developer to define functionality and design, through December, 2016
- *Timetable:* Monthly
- *Status:* Ongoing

### **GOAL 3.2: Enhance Leadership and Management Skills**

**Objective 3.2.1:** Continue to enhance leadership and management skills by developing training programs and utilizing resources to support management skills development.

- *Performance Measurement 1:* Continue with twice per year in-person management trainings and quarterly management calls; incorporate leadership training into breakouts at annual conference; utilize relevant trainings available through the State Professional Development Center
- *Timetable:* As outlined above
- *Status:* Ongoing
  
- *Performance Measurement 2:* Develop and implement specific metrics in the employee evaluation tool to assist managers
- *Timetable:* Annually during performance evaluations
- *Status:* Ongoing

**Objective 3.2.2:** Enhance the ability of the Human Resources unit to provide management consultation and support, and enhance OPD's ability to identify and recruit to meet the needs of the agency and the people we serve.

- *Performance Measurement:* Identify and recruit a human resource manager
- *Timetable:* Part of 2019 biennium budget request
- *Status:* Pending

**Objective 3.2.3:** Identify sufficient Information Technology (IT) resources to meet agency technical priorities, and empower the full use of technical resources.

- *Performance Measurement:* Review IT resources to determine equipment needs and create a list of agency IT priorities: tablets, mobile apps for case management system
- *Timetable:* Part of 2019 biennium budget request
- *Status:* Pending