

PUBLIC DEFENDER NEWS

CHIEF'S CORNER

On December 11, the Public Defender Commission met in Helena. Commissioner Ann Sherwood, Tribal Defender for the Confederated Salish and Kootenai Tribes, along with members of her staff, gave a presentation on holistic defense. This model of public defense was developed by the Bronx Public Defenders, and a version of the model was successfully implemented by the Tribal Defenders in 2011. The four pillars of holistic defense are:

1. Seamless access to services
2. Dynamic, interdisciplinary communication.
3. Advocates with an interdisciplinary skill set.
4. A robust understanding of, and connection to, the community served.

We will consider implementing an OPD holistic defense pilot project in early 2017.

The Commission also considered a draft Strategic Plan that will continue to be a work in progress. The latest draft of the Strategic Plan and materials related to holistic defense can be found on the Commission web page, at <http://opd.mt.gov/meetings/12112015.asp>.

The Task Force on State Public Defender Operations held the second of its five planned meetings in the Capitol on December 10. OPD provided a number of documents and information at the request of the Task Force. The next meeting is set for February 1. Information regarding the Task Force, including audio and video recordings of the meetings, can be accessed on the Task Force [web page](#).

Bill



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WELCOME TO OUR NEW CHIEF APPELLATE DEFENDER!

Fritz Gillespie

Chad Wright of Helena was selected by the Public Defender Commission on December 11, 2015 to serve as the next Chief Appellate Defender of the Office of the State Public Defender.

Chad earned his Juris Doctorate from the University of Montana School of Law in 1996. He joined the original Montana Appellate Defender Office in 1997. Chad was named Chief Appellate Defender in 2000, managing the small office representing clients in appeals and post-conviction proceedings.



In 2006, Chad left the Appellate Defender Office to enter a private criminal defense practice, representing clients in complex cases in state and federal courts.

Chad returns to lead a much larger and stronger Appellate Defender Office, with a dedicated group of attorneys and support staff. He will transition into the position as he winds down his private practice. The Commission looks forward to working with him in his new role.



CONTRACTOR CORNER

1099 Time!

Bekki Downing

It is that time of year again for the State to send out your 1099s. They will mail them on January 29, 2016. Below are a couple of pointers to remember so your 1099 is correct and reaches you in a timely manner.



- Please make sure if anything has changed (such as your address, name, or tax filing status), you contact us here at the OPD Central Services office (406-496-6094), so we can update your information before January 8, 2016.
- Remember, if you have provided services for more than one agency, your payments will be consolidated into one 1099 for reporting purposes to the IRS.
- On February 26, 2016 the 1099-MISC files will be transmitted to the IRS. If you need a duplicate 1099, please contact the State Accounting Bureau at 406-444-3133 or 406-444-5688 before this date as they handle 1099 requests.

“The qualities of a great lawyer are the individuals who think creatively, individuals who work for their clients assiduously, but also look for ways to enrich the communities they are in.

I know that you’re going to stand fast. I know that you’re going to be exemplars of this profession. And I know you’re not only going to do well, but do good. And in the end, you will be our heroes.”

*Blake Morant, President, Association of American Law Schools,
speaking to graduates at the Blewett School of Law graduation, May 2015.*

A VOICE OF REASON

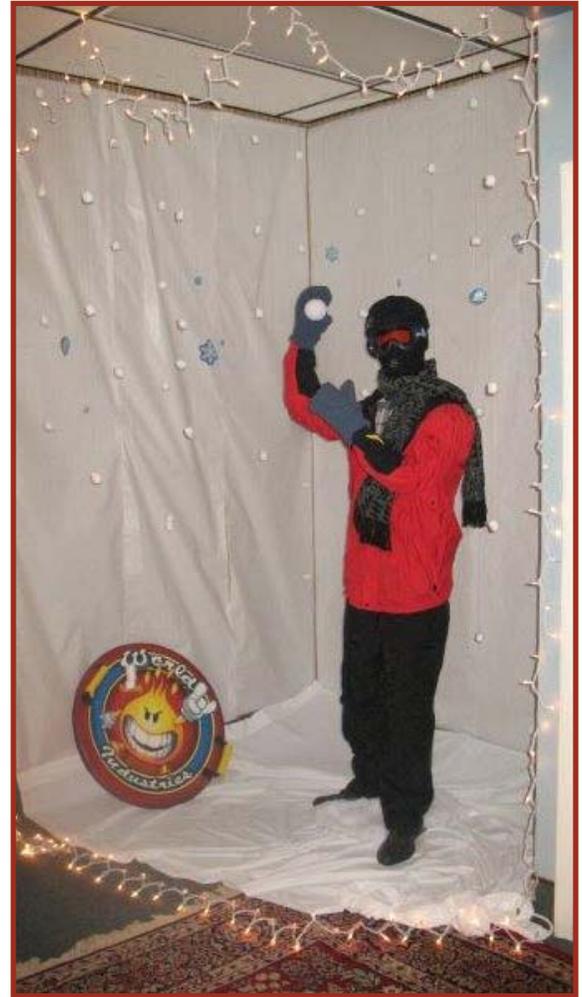
Fritz Gillespie

Public defender commissioner and vice-chair of the Public Defender Commission, Ken Olson, has announced his resignation from the PDC. Admitted in 1974, Ken has his practice in Great Falls and has long been a highly regarded defender of citizens accused of crime in Montana. Ken has seen the criminal justice system evolve over four decades. His years of service on the PDC have helped preserve the gains public defense made with the creation of the statewide public defender agency in 2005 and 2006.



Ken was nominated to the PDC by the Montana Supreme Court. He served on several committees over the years including as chairman of the strategic planning committee. He made significant contributions while serving on the committees and was always a voice of reason during PDC meetings. The PDC and OPD will miss his wisdom, experience, counsel, and effort. Thank you Ken for a job well done and the best to you in your continuing defense of citizens accused of crime!

GUISEPPE GETS A MAKEOVER



Lewistown's trial exhibit got an extreme makeover for December. He greets clients as they enter the waiting room.

SUCCESS STORIES



Bill Hooks

We had a number of notable results for our clients recently. After a three-week long jury trial in Fort Benton, Jennifer Streano, contract attorney Bob Peterson and Mori Woods walked out of the courtroom with their client after the jury acquitted him on a charge of deliberate homicide. The case presented a number of challenges, in part due to the 19 years that elapsed before the charge was filed.

Chris Daly in Missoula won an acquittal in a felony assault case, and followed up with an acquittal on an attempted deliberate homicide charge. Scott Spencer earned a great result in a drug case, and Rob Greenwell won an acquittal in a DUI case. Karolina Tierney and Val Cairns in the Bozeman office won an acquittal for a client charged with felony sexual assault and misdemeanor indecent exposure, following a week-long trial.

FAREWELL TO A FRIEND

Dave Stenerson

“He attacked everything in life with a mix of extraordinary genius and naïve incompetence, and it was often difficult to tell which was which.”

We all knew it was coming, but now that it is actually upon us, we have to face facts. John Otway is once again retiring from a paying job January 4, 2016. John came to OPD some six years ago, after spending the previous twenty-four years with the Las Vegas Metropolitan Police Department. He also spent some time as an entrepreneur, owning or partnering in Prime Office Furniture in Las Vegas and Curb Wise, LLP, in Missoula. He just couldn't stay away from the excitement and mayhem, so he came to us in July of 2009.

“It's time I stepped aside for a less experienced and less able person.”

While with the LVMPD, John personally investigated or supervised the investigation of thousands of criminal cases prosecuted in City, County and Federal Courts in any manner of cases ranging from curfew violations to homicides. He spent a great deal of his time investigating sexual assault and domestic violence allegations. He is a seasoned witness in court and as credible as they come. It made little difference to John that he left law enforcement to work with criminal defense attorneys. Right is right, says John, who could often be heard in the middle of reviewing discovery that “This just ain't right.”

“The best time to start thinking about your retirement is before the boss does.”

Whether stalking a witness in and around homeless camps or taking on unsatisfactory investigations by local law enforcement, John has always been thorough and professional. His investigations in Region 2 and around the state have resulted in favorable outcomes for the poorest of the poor. His analysis of cases has been a huge help in giving an attorney a direction to pursue, or educating all parties about salient facts that often resulted in resolution without trial.

“How many retirees does it take to change a light bulb?”

“Only one, but it could very well take all day.”

Long before OPD was established, I was working a contract for indigent defense, and had to seek funds for investigation from the court. The judge asked me why I needed an investigator because the sheriff's office had already investigated. Answer

that question only if you have stopped laughing. Our investigators face challenges the rest of us do not. They knock on doors in “iffy” neighborhoods or no neighborhoods, never knowing what might be on the other side of that door. They manage to come away with useful information snatched from the most uncooperative of witnesses. They enter property despite the dogs, banjos and unfriendlies. In short, our investigators regularly put their well-being on the line to make sense of our attorneys' cases.

“Rest is not idleness, and to lie sometimes on the grass under trees on a summer's day, listening to the murmur of the water, or watching the clouds float across the sky, is by no means a waste of time.”

There will be no gold watch at John's parting, but retirees shouldn't worry about the time, anyway. There will, however, always be fond memories of the humor, comradery and earned respect of friend and foe that John has gratefully shared with us over the years. So, a sincere Thank You from all of us, John, and we'll be looking for your photographs in National Geographic. We will also be expecting invitations to taste some of that wine you are collecting! A toast to you, sir:

There are good ships that are wood ships
The ships that sail the sea
But the best ships are friendships
And may they always be.

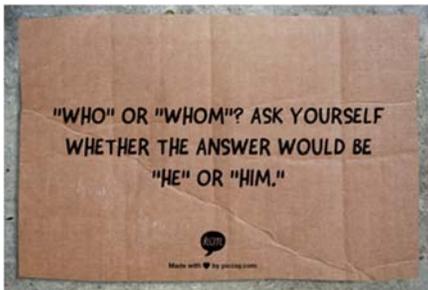
Thanks for being our friend.



“WHO” OR “WHOM”?

The words “who” and “whom” are both pronouns. Use “who” when you are referring to the subject of a clause and “whom” when you are referring to the object of a clause. Subject and object sound pretty abstract, but it's easy. If we think about people, the subject of the sentence is the person doing something, and the object is having something done to them. If I step on Squiggly, then I am the subject and Squiggly is the object.

For example, it is “Whom did you step on?” if you are trying to figure out that I had squished Squiggly. Similarly, it would be “Whom do I love?” because you are asking about the object—the target of my love. Yes, it's shocking, but the Rolling Stones were being grammatically incorrect when they belted out the song “Who Do You Love?”



So when is it OK to use “who”? If you were asking about the subject of these sentences, then you would use “who.” For example, “Who loves you?” and “Who stepped on Squiggly?” In both these cases the one you are asking about is the subject—the one taking action, not the one being acted upon.

A Quick and Dirty Tip

Here's a quick and dirty tip. Like “whom,” the pronoun “him” ends with “m.” When you're trying to decide whether to use “who” or “whom,” ask yourself if the answer to the question would be “he” or “him.”

That's the trick: if you can answer the question being asked with “him,” then use “whom,” and it's easy to remember because they both end with “m.” For example, if you're trying to ask, “Who (or whom) do you love?” The answer would be “I love him.” “Him” ends with an “m,” so you know to use “whom.”

But if you are trying to ask, “Who (or whom) stepped on Squiggly?” the answer would be “He stepped on Squiggly.” There's no “m,” so you know to use “who.”

See more Grammar Girl tips at <http://www.quickanddirtytips.com/grammar-girl>



The Havre office recently found themselves “up a creek without a shovel.” Fortunately, Jesse Fries had two paddles and a life vest in his office, so lacking both shovel and broom, safety officer Cathy Huston improvised with a spare paddle.

AND YOU THINK WE HAVE A PAPER PROBLEM?!

Nationwide there are so many papers in need of storage that the federal government [literally had to create a cave system in Missouri](#) just to house more records.

If you have more paper records than your office can handle, OPD does have a central storage facility in Butte. (It's not a cave, but an old bank vault.) Contact Cathy Doyle for more information or a tour of the vault.



5 Central Services staff brought Toys for Tots donations to their holiday potluck.

CONGRATULATIONS COMMISSIONER SMITH!

Bill Hooks

Professor Maylinn Smith, the Clinical Supervisor and Director of the Indian Law Clinic at the Alexander Blewett III School of Law and a member of the Public Defender Commission, recently received an award from the Casey Family Programs for a Child Welfare Leadership Team.

According to an announcement on the Casey Family Programs [website](#), Professor Smith's "three-person leadership team for child welfare of the Confederated Salish and Kootenai Tribes . . . has demonstrated an unwavering commitment to complying with the Indian Child Welfare Act of 1978, and to strengthening practice, and improving outcomes for vulnerable tribal children and families."

Professor Smith brings a wealth of experience to the Commission, and we are pleased to have the opportunity to work with her.

HIGHLIGHTS OF ANOTHER SUCCESSFUL ANNUAL CONFERENCE



Michael Donahoe, Federal Defenders of Montana speaks to a full house.



Jason Smith, Director of the Governor's Office of Indian Affairs, speaks with a panel on Trauma and Native American Clients. Other panelists include Commissioner Maylinn Smith, Commissioner Ann Sherwood, Kristina Lucero and Professor Gyda Swaney.

MASTERING JUSTWARE: JW MOBILE

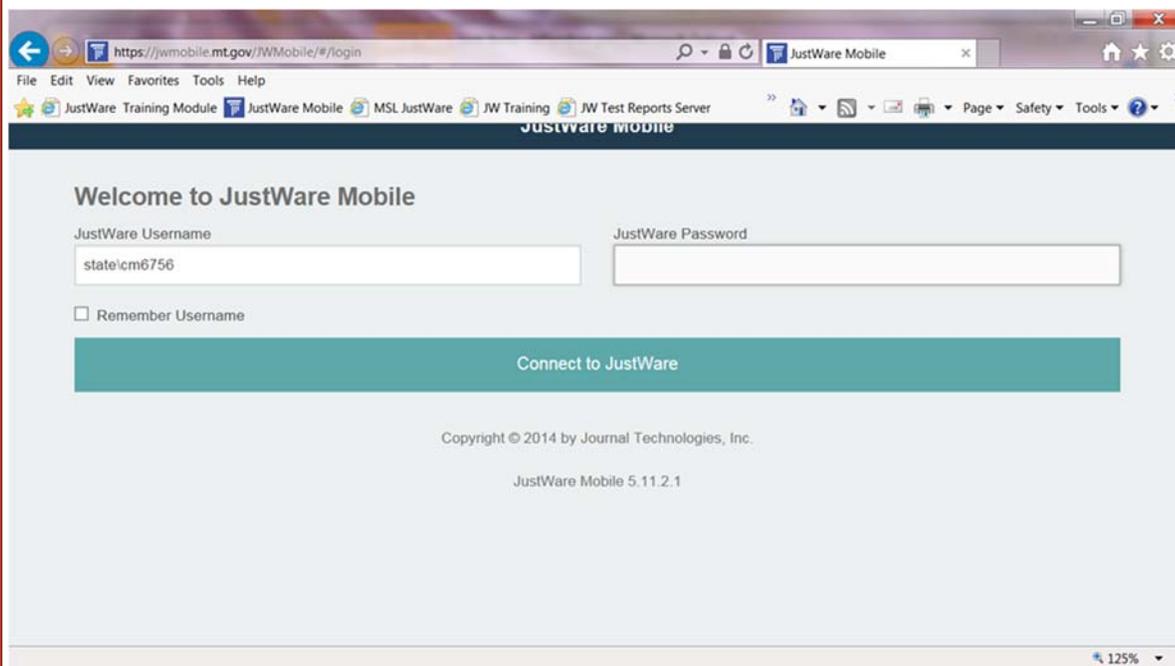
Marsha Parr

Some of you heard me talk about JW Mobile at the Annual Conference. JW Mobile is yet another way to access your cases in JW quickly from your smartphone or tablet without the hassle of Citrix.

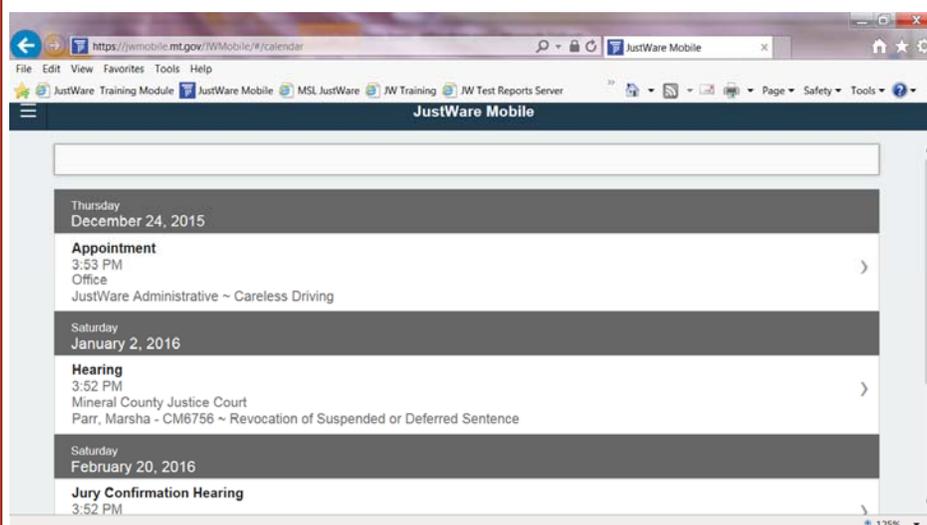


To get to mobile type in the http address: [Jwmobile.mt.gov](https://jwmobile.mt.gov). Bookmarking the site will make it easier and quicker to access in the future.

You will see a log-in screen. Because this is NOT a state site like Citrix, you will need to put in your entire state log-in in the JustWare Username as well as your case sensitive password. Checking the Remember Username box will eliminate the need to input your Username each time forward. See Below.

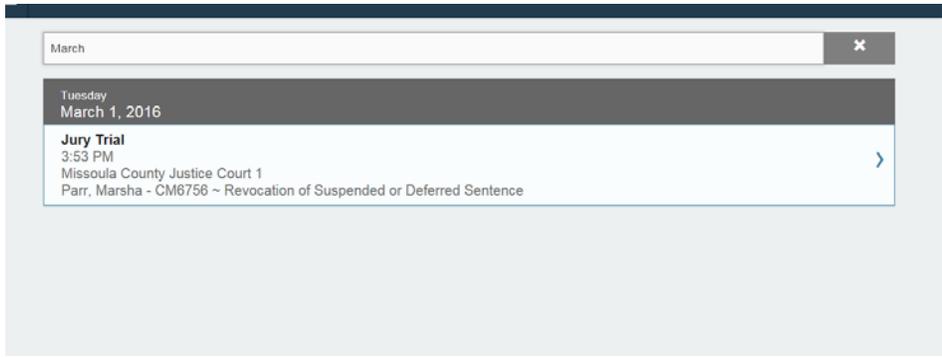


It should then take you to your calendar.



Keep in mind that this is your ENTIRE calendar showing todays calendared events forward. If you're in court then all of the cases that you'll be appearing on will be grouped together. If you need to see a date in the future, you can type the date in the search area and it will take you to that date.

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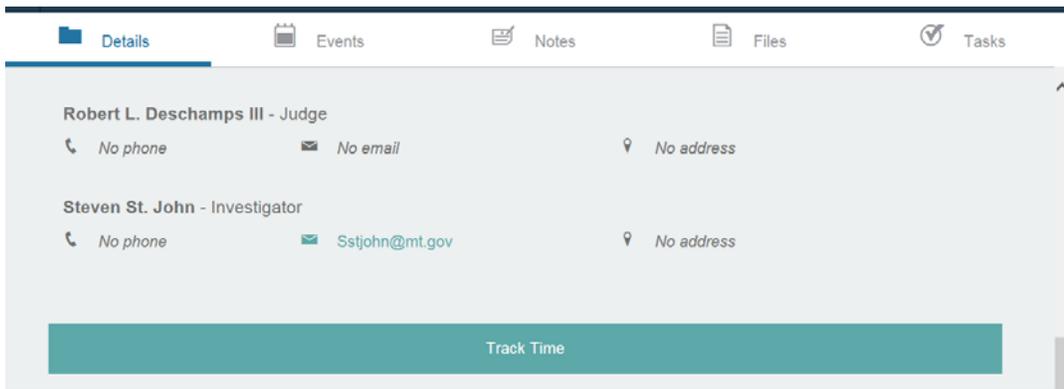


From the calendar you can tap on a case to open and you will be rolled to JW Mobile version of the case summary sheet.



From here you can access all of the information that JW has on your case: Events, Notes, File Cabinet and Time Tracking.

Time Tracking is not found on the top toolbar, it's located at the bottom of the Detail (Case Summary) tab.



Once you tap into time tracking it will open to a blank entry screen so that you can input your time tracking for that case.

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Track Time

History

Type
No type

Status
No status

Start Date
Month: 12, Day: 24, Year*: 2015

Duration*
Hours: 0, Minutes: 00

Also from here you can access your previous time tracking entries, which will presumably have the notes that you've entered for your cases (if you are not already doing this, now is the perfect time to start). Simply tap the History tab on the toolbar.

Track Time

History

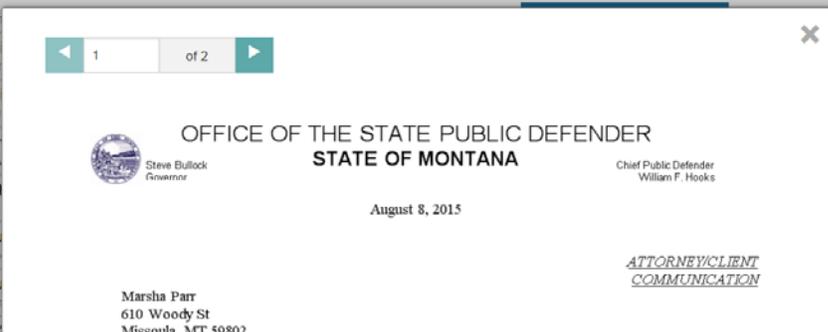
- 10/15/2015 - 1 hr 0 min ▲
- Court - Posted
- Notes
- TRAINING
- 10/14/2015 - 1 hr 0 min ▼
- 10/14/2015 - 2 hr 0 min ▼
- 9/30/2015 - 1 hr 0 min ▼

You can also access your documents and discovery in your file cabinet.

Details Events Notes Files Tasks

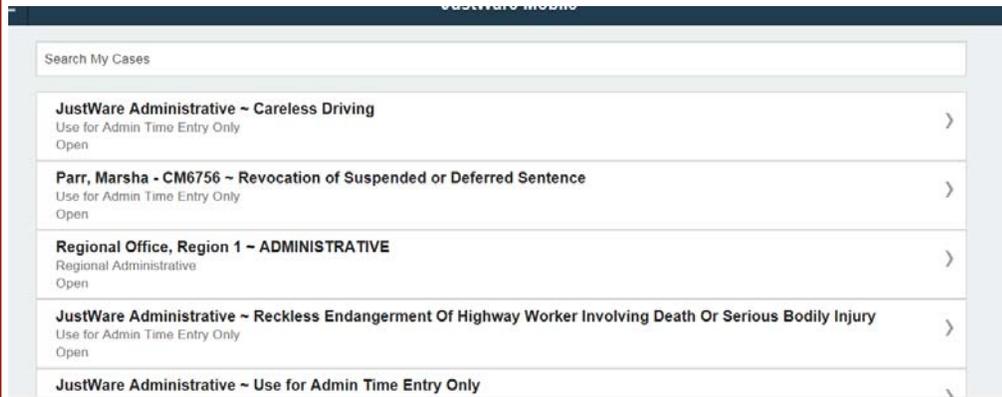
- Correspondence >
- Court Documents >
- Discovery >
- Discovery Photos >
- Kyle Email Test >
- Medical Records >

Details Events Notes Files Tasks

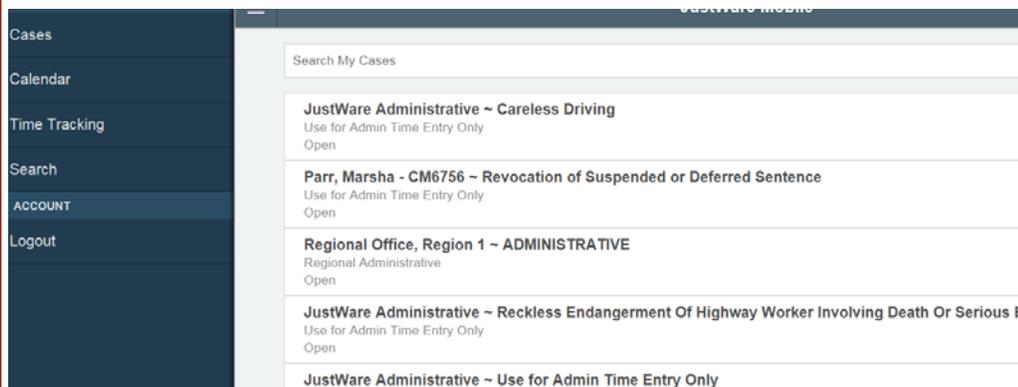


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You can also search your case list if it is not a case that is easily found from the calendar screen. This does take a little more time and as you will notice, the case list is NOT in alphabetical order. It's group by the most recent cases that you have had open.

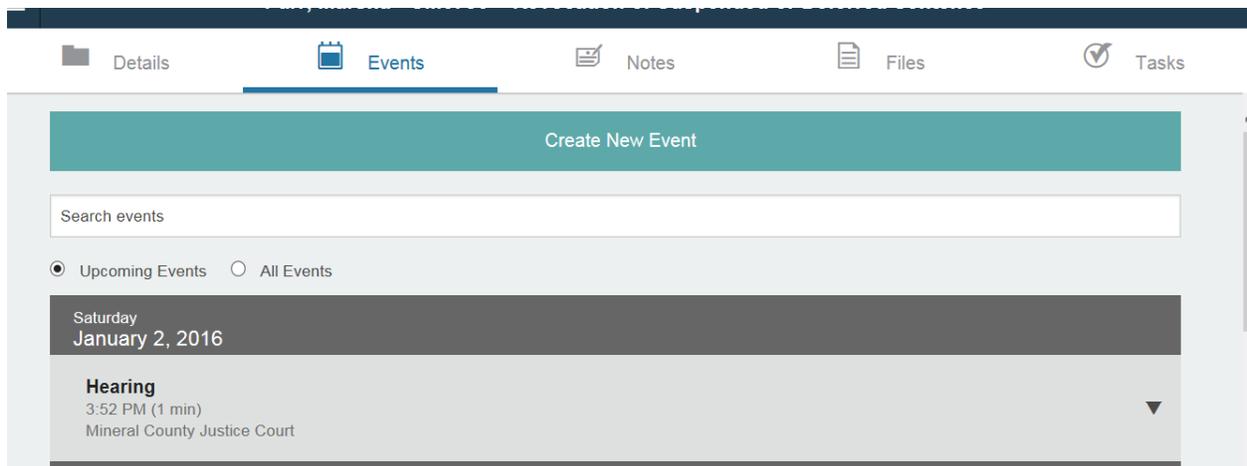


You can also search for other cases within your Region. Simply click on the three bars on the upper left and choose SEARCH. From there you can type in a name or a cause number for a case that you may be covering for another attorney.



You can also calendar through mobile as well. I do NOT suggest however that you try and calendar your upcoming court events. I would continue to leave that up to your staff. Mobile is perfect for making and calendaring, say an appointment with your Client.

When you have the Client's case open in Mobile, tap the Events on the toolbar. Then on the next screen tap Create New Event on the blue bar at the top.



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You will then be rolled to the next screen and you can enter your appointment. You will notice that the event and the location choices will be voluminous. Mobile is unable to take into consideration our code partitioning so you will be seeing the choices from the entire state.

The screenshot shows a mobile application interface for adding an event. The form is titled "Add Event" and contains several input fields:

- Event Type***: A dropdown menu with "-- Type is required --" selected.
- Event Status**: A dropdown menu with "No status" selected.
- Location**: A dropdown menu with "No location" selected.
- Start Date**: Three input fields for Month (12), Day (24), and Year* (2015).
- End Date**: Three input fields for Month (12), Day (24), and Year* (2015).
- Start Time**: Two input fields for Hour (9) and Minute (42), with radio buttons for AM (selected) and PM.
- End Time**: Two input fields for Hour (9) and Minute (43), with radio buttons for AM (selected) and PM.

At the bottom of the form, there is a dark grey button labeled "Involvements (0)".

JW Mobile is a great tool to keep you connected with your case while away from your office. Remember that even though this is pretty fantastic, it does come with limitations and is not nearly as robust as your actual JW or Citrix.

And as always as you get in there and start using Mobile, please let me know what is working great and ways that it can be improved!

Marsha

I've learned to find satisfaction in showing dignity to those the system forgets about. Affording others dignity is the "win" you can have every day, all day, without end.

— Farewell from former Chief Appellate Defender Wade Zolynski