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Governor

OFFICE OF THE STATE PUBLIC DEFENDER STATE OF MONTANA

Chief Public Defender
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<i>AU No.</i>	<i>Short Title</i>	<i>Status as of 12/21/10</i>
#1	<p>Information should describe caseloads, dispositional processes, attorney workload, and related data that describes the Agency's operations</p> <ul style="list-style-type: none">• The Committee and the Commission went through a process to identify "required reporting." All information that the agency currently produces for the Commission was reviewed and the only item requested that was not already provided was information related to motions and the disposition of the case. The agency has developed a standard case closing form – a draft was sent to the Commission for input. Three regions tested this form and recommended changes. After considering the region's recommendations a revised draft of the input form will be developed and presented to the Commission in January 2011.• The agency has also developed a short term case management system training program with a mission to assure that data input will be consistent, accurate, and timely. The agency has implemented an information certification process so that regions and programs are aware of the importance of consistent, accurate and timely information.	In process
#2	Adjust case weighting system	Complete
#3	<p>A meaningful system should be developed for evaluating the work of the lawyers.</p> <ul style="list-style-type: none">• Each attorney has received a performance evaluation at the regional level. The managing attorneys have been evaluated. The appellate defenders have been evaluated. The Chief Public Defender and the Chief Appellate Defender have been evaluated by the Public Defender Commission.• A new evaluation form was developed and presented to the Personnel Committee on 12/20/10.	Complete
#4	<p>Budget submission should show accomplishments of attorneys</p> <ul style="list-style-type: none">• Commissioner Taylor recommended and the Budget Committee approved that he contact the UM School of Journalism to do a film on the agency's mission and to show accomplishments.	In process
#5	Reduce/eliminate minimum caseloads for managing attorneys	Complete
#6	<p>Commission must request comprehensive and reliable reports. <i>See # 1</i></p> <ul style="list-style-type: none">• The Commission established standard reports at the October 2010 meeting.	In process

#7	<p>Separate Conflict Office reporting to the Commission</p> <ul style="list-style-type: none"> The Commission approved the hiring of a conflict coordinator to report directly to the Commission. The Personnel Committee reviewed and approved the job posting on 12/20/10. 	In process
#8	Training Officer should regularly survey staff and contract attorneys to determine training needs	Complete and On-going
#9	Each training program should have systematic feedback and evaluations from attendees	Complete
#10	<p>Trial notebooks for each category of cases; orientation program; initial skills program; brief bank; video recordings of trainings; and newsletter</p> <ul style="list-style-type: none"> Trial notebooks still under development 	Complete but for trial notebooks
#11	An evaluation procedure for lawyers needs to be developed which is timely, is based primarily on objective data, and promotes the lawyer's professional development over the next year. <i>See #3.</i>	Complete
#12	Special procedures should be developed for evaluating contract lawyers, relying primarily on the information provided in the periodically filed fee petitions and the proposed closing documents.	Complete
#13	Prohibit a contract attorney from taking a fee case that was originally an assigned case	Complete
#14	<p>Emergency attorney on call 24/7.</p> <ul style="list-style-type: none"> This item is rejected until it is funded and attorneys can be made available in rural locations. 	Rejected until funded
#15	Develop a plan to deal with case overloads	Complete
#16	<p>When caseloads are at a maximum level, OPD refuses cases</p> <p>The Personnel Committee agreed to recommend that the new case weighting system be adopted</p>	Complete
#17	<p>Budget should include contractor rate increase, pay increase for FTE, and reduced caseloads for managers.</p> <ul style="list-style-type: none"> Complete to the extent caseloads have been reduced for managers and increased rates and pay have been requested for contractors and FTEs in the current budget request. 	Complete
#18	Establish a separate fund for emergency cases	Complete
#19	Chief should communicate with staff regularly regarding policies, procedures, evaluations, compensation, etc.	Complete
#20	Explain why different resource distributions among regions	Complete

#21	Remove fear of retaliation for noting agency problems	Complete
#22	Staff must be accountable to implement Standards, Policies and Procedures	Complete
#23	Commission must be assertive in demanding information from staff. <i>See #6.</i> <ul style="list-style-type: none"> • The Commission frequently demands accountability from staff regarding issues that arise. • Assigned to Standards Committee (will meet at a later date) 	In process
#24	Commission to challenge staff to promote new options <ul style="list-style-type: none"> • Agency developed Policy 180 to encourage new ideas 	Complete
#25	Commission should select a secretary that reports to them	Rejected until funded
#26	Commission should insist on definite lines of authority	Complete
#27	Commission to impose limitations on private practice lawyers in system	Complete
#28	Commission require a strategic plan for all regions	Complete
#29	Commission evaluate statutory provision	In process
#30	Commission and staff advocate value of agency to others	In process
#31	Investigator resources provided to misdemeanor cases	Complete
#32	All lawyers should have authority to use automated legal research engines	Complete