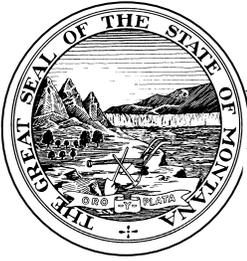


OFFICE OF THE STATE PUBLIC DEFENDER



BRIAN SCHWEITZER
GOVERNOR

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January 8, 2012

To: Montana Public Defender Commission
From: Dave Stenerson, Interim Chief Public Defender
RE: Report to the Commission

MISSION

It is the mission of the Office of the State Public Defender to ensure equal access to justice for the State's indigent.

SCOPE OF REPORT

This report will be presented to the Public Defender Commission for consideration during the regularly scheduled meeting January 19, 2012. This report is also intended to provide the incoming Chief Public Defender with an overview of what the Office of the State Public Defender (OPD) looks like today, identify issues facing the agency at this time, and offer some insight into what might be accomplished in the future to enhance the capability of this agency to better serve the agency's mission.

WHO WE ARE

The agency governed by this Commission is actually a combination of three separate and distinct government entities, with separate budgets, internal controls and responsibilities. The Office of the State Public Defender, the Appellate Defender's Office and the Conflict Coordinator's Office form what many refer to in general as OPD. Collectively, these entities make up the Office of the State Public Defender agency.

There are approximately 120 attorneys, 55 support staff and 20 investigators currently working for the agency as a whole, which includes the appellate and conflict coordinator divisions of the agency. In addition, the agency contracts with some 200 attorneys from the private bar as needed. As a whole, the agency opens roughly 27,000 cases annually. More precise figures are provided in the Governor's report prepared for this Commission, the Governor's Office and the Interim Law and Justice Committee.

OPD consists of Full Time Equivalent (FTE) attorneys, support staff and investigators involved with representing clients who qualify for our services in matters involving criminal allegations (DC, CR, and TK), Youth Court and other juvenile cases (DJ), dependent and neglect allegations involving parents and children (DN), involuntary mental commitments (DI), and

guardianships (DG). Included within OPD are several sub-agencies, including training, sentence review, contract coordinator, major crimes unit and mentoring divisions. There are eleven regions established, and each region is managed by a Regional Deputy Public Defender. Some individual offices, depending on size and need, are also managed by a person designated as the managing attorney. While this creates an additional layer of management, it has been determined to be beneficial in some office situations – especially where a region has a satellite office some distance from the regional office.

The Appellate Defender's Office represents OPD clients who wish to, or are entitled to, appeal matters generally from district courts to the Montana Supreme Court. Broad categories of appellate representation include decisions involving pre-trial motions offered by counsel, verdicts rendered by a jury or judge, and sentencing or dispositional issues. Attorneys representing clients with possible appealable issues refer that client to the Appellate Defender's Office by filling out a standardized form that includes possible issues for appeal.

The Conflict Coordinator's Office oversees the determination of conflicts within an office or region and appoints attorneys contracting with, but not employed by OPD, to represent clients when a conflict has been determined. Conflicts come in all shapes and sizes, and it is the conflict coordinator's duty to identify the conflict and determine if appointment of an attorney not employed by OPD is required. This is presently a half-time position with no support staff provided for the conflict coordinator. It has become clear that the position should more properly be a full-time position or, at the very least, the conflict coordinator should have administrative support.

The Appellate Defender's Office and the Conflict Coordinator's Office will submit separate reports regarding their operations.

CENTRAL SERVICES vs. CENTRAL OFFICE

The offices located in Butte, and formerly referred to as Central Office, make up what is now known as Central Services. Data collection, data analysis, accounting, policy making and revision, all things budgetary, and file retention and destruction are but a few of the daily tasks performed at Central Services. Central Services seemed a more appropriate name for the offices at the center of OPD because of the fairly recent separation and individualization of the three entities within the agency. Those offices are essentially a combination of offices performing various functions to serve OPD, ADO and Conflict Coordinator needs.

REPORT TO THE GOVERNOR

As required by statute, Central Services compiled and produced the biennial report this Commission has presented to the Governor, the Montana Supreme Court and the Legislature. The report was submitted December 1, 2011, and represents a comprehensive, accurate and very detailed account of the agency activities involving the required reporting fields. The report includes information related to:

1. Policies and procedures in effect for the operation and administration of the statewide public defender system and standards established or being considered by the Commission or the chief public defender.
2. The number of deputy public defenders and the region supervised by each; the number of public defenders employed or contracted within the system identified by region, and the number of attorney and non-attorney staff supervised by each

- deputy public defender.
3. The number of new cases in which counsel was assigned to represent a party, identified by region, court and case type, and the total number of persons represented by the office, identified by region, court and case type.
 4. The annual caseload and workload of each public defender, identified by region, court and case type.
 5. The training programs conducted by the office and the number of attorney and non-attorney staff who attended each program; and the continuing education courses involving criminal defense or criminal procedure attended by each public defender employed or contracted within the system.
 6. Detailed expenditure data by court and case type.

Included in that report is a comprehensive research paper authored by Commission Chairman Gillespie concerning the issues presented by court assessment of costs related to the representation of clients.

An addendum to the Report to the Governor is being prepared to address the report prepared by the American Civil Liberties Union regarding the performance of this agency over the first five years since the formation of the agency.

CASELOADS

The overarching theme in any public defender system is finding an answer to the question: “How do we effectively represent the clients we are bound by law to represent when caseloads reach staggering numbers?” When attorneys, for example, work mostly in courts where misdemeanor charges are adjudicated and are carrying a caseload in excess of 200 cases at a given time, how effective is that attorney and how much attention can that attorney give an individual client. Likewise, an attorney who represents clients for mostly felony charges may be carrying in excess of 100 cases at a time, resulting in the identical issues mentioned above. These scenarios do not take into account the “civil” cases that involve the agency, such as the DJs, DNs, DIs and DGs. Each of the “civil” areas of practice mentioned involves specialized training and presents their own practice challenges. DJ cases often involve the divergence of opinions regarding whether the case should be heard in adult court or in youth court. Disposition issues are very often a large part of DJ representation, as whatever happens to a young person in a court can very easily dictate that youth’s future education, employment and interaction with society as a whole. Historically, public defender systems have been universally saddled with heavy caseloads and the “answer” has just as universally been to operate the system much as a mobile military hospital or a busy emergency room in any large hospital –that is, triage, or tending to the most serious problem first, then returning at some point to the other tasks at hand.

Triage of cases results, naturally, in some cases being put on the “back burner” while the more serious cases are being tended. A “run of the mill” DUI allegation may take a back seat to a DUI coupled with an aggravating factor, such as a high blood-alcohol content reading or prior DUI convictions. A deliberate homicide will take precedence over a criminal endangerment offense. These are everyday decisions a public defender makes, consciously or otherwise, regarding how to spend time during a workday. Triage is not a solution to a vexing problem. Rather, it is a fact of life in the world of public defense.

The obvious “fix” to staggering caseloads is to hire additional FTE attorneys, additional support staff and/or increase the number of cases OPD contracts to outside sources for representation. None of these options are available in our present system because the budgets for 2012 and 2013 are essentially set at this point. The agency received some recognition from the 2011 Montana Legislature, but appropriations fell well short of what is actually needed to ease the problem of excessive caseloads.

ALTERNATIVES TO ADDITIONAL FUNDING

In an effort to ease some of the caseload burden, OPD has initiated a concerted effort to implement office procedures and programs aimed at managing caseloads in a more efficient manner. The following are examples of how OPD is attempting to deal with the burgeoning caseloads of our employees and contract vendors.

Social Worker Position

In Region 2, we have taken advantage of a combined county/state grant to hire a Social Worker position to assist attorneys and support staff on individual, case-specific issues regarding treatment, housing and crisis intervention. Objectives of the grant are to decrease the incidents of jail suicides and to increase awareness of mental health issues involving incarcerated individuals. The essence of the position as it directly affects OPD is time savings. The social worker position is designed to save attorneys and support staff a significant amount of time by making an initial assessment of a client’s needs, locating the most appropriate treatment providers, directing a client to possible housing alternatives and preparing information for use at bond or dispositional hearings. The time saved can then be used by the attorney to work on other matters and the support staff person would have more time to assist the attorney in preparation of cases. The pilot program began in May of 2011 and is still currently funded by a grant. The grant expires in June of this year. It may or may not be renewed. Other public defender systems in the United States are employing social workers to assist and, in some instances, fully prepare sentencing memorandums and arguments. This is an exciting and fairly novel approach to making an impact on excessive caseloads.

Case Redistribution

Regional deputy public defenders, as regional managers, are required to closely monitor each attorney’s caseload in individual offices. As caseloads grow, the natural inclination would be to spread the cases more evenly among the FTE attorneys and staff available in the office. This seems a logical and almost parochial solution to the problem. It is not. The larger offices, such as Billings, Missoula, Great Falls and Kalispell, are offices somewhat confined in what can be accomplished by simply redistributing cases. Attorneys in these and similar offices are often assigned to work in certain courts because of court scheduling difficulties. An attorney may be assigned to cover all the criminal cases in two district courts, or all of the cases in a municipal court. In multi-judge jurisdictions, the judges schedule court appearances for different matters on a daily basis. The attorney representing clients in municipal court, as an example, could not take cases from the attorney representing felony cases for two district court judges because regularly scheduled court appearances in one court conflict with schedules in a different court and the attorney cannot be in two locations at one time. The more courts there are in a given region, the more conflicts in scheduling arise. Regional deputy public defenders affected by this

type of scheduling issue will need to consider redistributing types of cases rather than numbers of cases. Again in Region 2, the municipal court attorneys were carrying well over 200 open cases each. Two seasoned attorneys assigned to district court judges agreed they could handle more cases, which would allow one attorney assigned to district court cases to divide those cases among the two attorneys doing mostly felony representation. In turn, that would free up an additional attorney to help ease the excessive caseload situation in municipal court. One of the attorneys assigned to district court cases volunteered to allow cases to be reassigned and was to assume the duties of representation in municipal court, but resigned soon after volunteering to change positions within the office. As a result, Region 2 added a temporary position to help ease the caseload excesses in municipal court.

Government Programs

We are investigating the possibility of taking advantage of government programs such as VISTA and AmeriCorps to ease caseload issues in especially the more rural regions served by our agency. Briefly, there are established programs through these agencies that offer stipends and other funding possibilities to provide other public agencies with assistance in meeting objectives or missions of the agency. Specifically, our agency would request attorneys who would commit to work for OPD for a minimum of eighteen months. Typically, this program involves an attorney who has recently been admitted to practice in another state to take advantage of an offer to spend a year and a half in our beautiful state, experience the wonders of Montana and gain valuable legal training and experience. Because the attorney would not be licensed to practice in Montana, a waiver of that requirement would need to be granted for the period of employment.

Montana Supreme Court Chief Justice Mike McGrath has been contacted and affirmed that this is a possibility and that this type of temporary waiver has been granted in the past. The application for the waiver would have to be submitted for each attorney on a case by case basis, but the Chief Justice indicated that such waivers would be seriously considered and would likely not be denied without good reason. Utilization of this type of program would not be taking positions from licensed Montana attorneys, but would fill a need in the more rural regions of the state where it has been difficult to maintain a steady attorney workforce.

Attorneys participating in this employment opportunity will be closely supervised within the region they are employed and will be trained specifically in Montana law as it relates to the categories of cases we handle.

Case Specific Education and Training

The training component of the agency, under the direction of Eric Olson, is working on an educational training program that will provide relatively inexperienced attorneys guidance for case specific situations involving how to manage time, clients, and cases. Simply put, the training will provide tools for attorneys new to the agency that will assist the attorney in decision making regarding identification of issues in a case, what constitutes a viable and reasonable plea agreement, what issues are critical to resolution of a case, when to take a case “to the mat” and resources available to more efficiently resolve cases. This training may be added as a component of the annual Boot Camp training, depending on whether the additional training can be added without jeopardizing the Boot Camp objectives.

The Boot Camp is an annual three-day training for attorneys new to the agency designed to sharpen skills related to trial work, including direct and cross examination, jury selection and presentation of exhibits and other evidence. Comments regarding the Boot Camp intensive training have been very positive from the inception of the program in 2006.

Maximum Caseloads

A committee has been formed to research and make recommendations for caseload “caps” in an attempt to minimize situations where an office or region has reached a point where continuing to take cases in that office or region would result in *per se* ineffective assistance of counsel. The committee is comprised of an equal number of attorneys representing both labor and management in our agency. We are looking at public defender systems in other states, legislation governing our responsibilities and possible caseload limit numbers as we carry out this project. There are certain criteria that are involved in proposing the idea of limiting cases we handle as an agency. First, maximum caseloads would have to involve an entire office or region. Secondly, we would have to demonstrate that we have attempted to mitigate the caseload situation by utilizing existing remedies, such as using attorney resources from other offices or regions, meeting with prosecutors in an effort to resolve active cases, seeking additional funding to contract more cases outside the office and a clear showing that continued acceptance of cases would result in ineffective assistance claims. The final step in the process would be to approach the courts served by the office or region and advise the courts we cannot accept more appointments for a time until the caseload crisis subsides. We are currently mandated by the legislative process to provide representation to all those who qualify for our services. We will be working toward a cooperative solution among the courts, the prosecution and defense attorneys with regard to this ever-increasing problem.

Support Staff Reclassification

We are in the process of reclassifying the positions of some of our support staff personnel to more accurately match their positions with what they actually do on a daily basis. For example, we have several support personnel who are certified or practicing paralegals, but in actuality their duties involve more ministerial tasks, such as data entry. Skilled paralegals can and should be able to assist attorneys in preparation of cases for trial, client interviews, research and writing motions and briefs. In reality, these skilled personnel spend so much time performing other required duties that there is little or no time available to provide an attorney more valuable assistance specific to representation of clients. We are hoping that a reclassification of some support staff positions will alleviate this problem and allow us to take advantage of valuable skills. In addition, reclassification will allow us to identify positions that have resulted in some administrative support staff being underpaid for the work they actually do for us. If skilled paralegals are able to actually work as paralegals, attorneys served by them would have additional time to provide assistance to their clients. More funding specific to this area of concern would be necessary to make a meaningful difference, but reclassification may alleviate some of the problems associated with heavy caseloads.

Closing Cases

Administrative support staff personnel spend a great deal of time closing out cases that are resolved. We have a standard form that provides important information about the case for

reporting purposes and history of the case. We are working toward closing all cases in the system in one central location. This will provide additional time for administrative support personnel to provide more direct assistance to attorneys in the office. This undertaking will require the addition of one to two additional positions, shifting responsibilities of current personnel or utilizing student interns as data entry personnel.

Indigency Questionnaires

Our agency is overburdened with numbers of clients and we must make a concerted effort to make sure we are representing only those individuals who qualify as legally indigent under our guidelines, as approved by this Commission. It has become apparent that despite a standardized questionnaire for qualification for assistance from our agency, uniformity in providing and evaluating the form is severely lacking. We are in the process of putting a specific training program together to address a more uniform system of gathering and evaluating information provided. While there will always be a small percentage of persons successfully “scamming” the system, we adhere to the belief that a cohesive and uniform treatment of the applications for our services will minimize such occurrences. Policies are in place regarding the Indigency Questionnaire currently in use, but will need to be revised to more accurately reflect how the process should be accomplished. Revision of this procedure will likely have little impact on caseloads in general, as we believe we represent a very small percentage of clients who do not qualify for our services.

Additions to the Workforce

The news is not all doom and gloom. We were recently able to add additional FTE positions to help alleviate some of the excessive caseload concerns. It is too early to determine the total effect of the additions, but there will be some improvement in the caseload issue. We were able to add two attorneys and one administrative support position to the Billings office, which is the largest office in our agency. The social worker in the Missoula office will make a difference in the ability of attorneys to better handle the number of cases. We were able to add one administrative support staff position in the Bozeman, Kalispell and Central Services offices, which was sorely needed in those locations. In addition, we added full-time attorney positions in the Great Falls and Appellate offices, upgraded a half-time attorney position to full time in the Kalispell office and added an additional half-time attorney position in Helena. One full-time attorney position was eliminated in the Bozeman office based on caseload information. These positions, except for the social worker position in Missoula, were implemented as “modified” FTE positions. The Governor’s budget office granted OPD permission to add these positions, but, in effect, these positions are temporary until and if the 2013 Montana Legislature approves funding for the positions. There were smiles throughout the agency when we added these positions and despair converted to at least a hope that we are making headway in the caseload battle.

Our statistics indicate we are experiencing a double-digit (approximately 14%) attorney turnover rate, with the largest number of those leaving after five years or less employment with our agency. The most cited reasons for leaving our agency are caseloads and pay.

Legislative Revisions

Our agency is required to represent indigent persons in any criminal matter that has the possibility of incarceration in the penalty provisions of the statute violation alleged. These include such offenses as disorderly conduct, first offense driving while a license is suspended, third offense minor in possession of alcohol charges and a laundry list of other very minor infractions of Montana laws. Our agency introduced a bill in the 2011 legislative session to remove the possibility of incarceration from some of these relatively minor infractions, but the bill was defeated. Reducing the number of offenses with an attendant period of incarceration from Montana Codes would bring a natural reduction of misdemeanor cases for which we are required to provide attorneys. We are considering requesting a similar bill in the 2013 legislature.

CONCLUSIONS REGARDING CASELOAD ISSUES

The caseload crisis, inherent to all public defender systems, involves a myriad of sub-issues and possible resolutions. Additional funding is an integral, but elusive, component of managing caseloads within the system. In light of the clear message being sent to us as an agency from the legislative body, we are convinced we cannot “wait and see” what might happen with funding and have been very proactive in searching for changes and additions within the agency as currently funded to mitigate the negative effects of very substantial caseloads for our attorneys.

MENTORING PROGRAM

While we have always recognized mentoring is a valuable and necessary part of our responsibility to provide knowledgeable and effective representation of clients, we are recognizing that the current policy does not provide sufficient guidance concerning who provides mentoring and what mentoring should encompass. To that end, we have established a more meaningful mentoring program designed to accomplish specific objectives. The program is not running at full force as of this writing, but is very close to implementation. The basic format involves an experienced attorney who monitors and identifies the attorneys who would benefit from mentoring. Typically, these are attorneys new to the practice of law, new to the practice of criminal defense or new to representation of the civil cases we are required to take, such as DN, DJ, DI and DG cases. The attorney in charge of the mentoring program will contact the regional deputy public defender for assistance in identifying individuals that will benefit from additional education through the mentoring program. Once identified, the mentoring attorney will make arrangements with the attorney and arrange for a time when the attorney can be observed in a substantial court hearing or trial. Following observation, the mentoring attorney will meet with the regional deputy public defender and share what the mentoring attorney perceives as competent and attempt to identify areas of improvement that might be proposed. The observed attorney may be involved in that discussion. The mentoring attorney will offer a plan designed to improve areas of performance that are identified as insufficient and make other suggestions aimed at improving an attorney’s performance. The mentoring program is not meant to be a performance evaluation for any purpose but improvement of service to our clients and is specifically not to be used as a measure of any attorney for discipline or other employment related evaluations. The mentoring attorney is required to follow up with the attorney and the

regional deputy public defender at prescribed intervals to answer questions, offer advice and/or revisit the attorney. The program outlined here will allow our agency to document and verify participation in the program, as well as results gained from the process. This, in turn, will allow us avenues to continually improve the program and improve delivery of services to our clients.

UNION CONTRACTS

Management and labor continue to negotiate contracts for the current period and we are getting close to settling contracts for both administrative support staff and investigators, and attorney contracts. Issues remaining are not monumental and we expect ratified contracts in the very near future.

LIMITATIONS ON CONTRACTING WITH OPD

There has been much discussion of late concerning attorneys who leave employment with OPD and their ability to contract work with our agency. The issue is whether MCA 2-2-201 governs our agency. That statute requires a waiting period of six months before a state employee who leaves state employment can contract with a state agency. The six-month rule, as it has become known, has beneficial, as well as negative, effects on the agency as a whole. In regions where it is difficult to maintain a list of contract attorneys to take conflict cases or otherwise contract services with us, adherence to the rule severely limits the ability of that region or office to find attorneys to take such cases. In regions where we have ample contracting attorneys, the rule actually serves as somewhat of an incentive for an attorney to leave our agency and open a private practice or work for a law firm. The ability to contract with our agency immediately upon leaving our employ can provide almost guaranteed income while the attorney's practice is building.

We have asked the Department of Administration to weigh-in on their interpretation for guidance. The issue is causing a great deal of concern on either side of the interpretation and has become a serious issue within the agency. If the final concurrence is that the statute does not apply to our agency, nothing prevents the agency from developing a policy regarding implementation or rejection of the rule, or even a combination of both, depending on the benefit or detriment to the agency operations. We are working closely with this Commission regarding the issue.

TRAINING

The bulk of the training report is contained in the Governor's report from our agency. The mentoring program, as outlined earlier in this report, is an important addition to the already burdened training program, and is but a small component of the program as a whole. In addition to the Annual Meeting, Boot Camp, Death Penalty, Mentoring, IQ, and frequent VisionNet training presentations, we have secured a grant which allow us the opportunity to develop a comprehensive set of standards for representing children in dependent and neglect cases that will apply to all parties involved. This project will be especially beneficial for Court Appointed Special Advocates (CASA) volunteers who are very often appointed by the courts to assist in these cases.

An innovative and informative concept of training has been implemented for both agency attorneys and contract attorneys involving on-line competency. The computer-based training format involves a quiz, if you will, concerning certain areas of practice, such as criminal, DJ,

DN, etc. The quiz is accessed by the “testing” attorney, completed and scored electronically. The attorney has the opportunity to obtain the correct answers if a question is incorrectly answered. This variation of an “open-book” test ensures that the attorney has had the opportunity to learn anew or refresh knowledge from long ago. Scores are provided but not used for any purpose except to provide attorneys with a periodic course of training at minimal cost to the agency. The training budget is severely strained at all times and this is an example of seeking ways to provide necessary training without breaking the budget bank.

CONTRACTING ISSUES

The most difficult budgetary concern to address in the agency is attempting to control contracting attorney costs. The agency should be employing contractors for readily identifiable situations in a given region that require services to be contracted outside the agency. We also contract for attorney services in areas where we cannot more economically perform the service through the agency. Economic studies conducted by our agency show the agency cannot open offices and provide services in cities and towns such as Hardin, Columbus, Red Lodge and Cut Bank, to name a few. We necessarily contract attorney services in all conflict situations. Our agency has little control over contractors’ bills to our agency for their work, although we closely scrutinize and track both the quality of representation and amounts submitted for services provided. As the saying goes, one can always do a little more on any case. Contracting attorneys typically have more time to work on cases than an agency attorney and even though contracting attorneys are reimbursed at a paltry \$60.00 an hour, it is not unusual to see a contracting attorney make as much, or even more, than some of our experienced, full-time agency attorneys. A huge drain on our resources comes from representation of DN cases. Our agency normally represents the custodial parent, most often the mother. All other parties to these actions are legally a conflict for our agency and we contract and pay for those services. Not uncommon is a situation where there are multiple children from multiple fathers and we provide representation for the children and each father. Some cases have involved seven or more attorneys for a single case. Compounding that issue is a growing belief of courts that our agency should also provide representation for CASA workers involved in a case.

We are contemplating several ways to approach the drain on our resources from these types of cases. We are also soliciting suggestions. One remedy would be to model our agreements to contract attorney work similarly to how it is done in federal courts. That is to set maximum amounts of reimbursement based on case type. Variation from the maximum amount could occur upon a showing that the case required additional time or resources because of complexity or other showing of good cause to go beyond the maximum set. Another possible solution might be creating a “consortium” of attorneys in each region to handle DN cases, with a budget set that the consortium members control and must operate within. Any of these offered solutions will cause an immediate exodus of some contracting attorneys and would not be looked upon with favor by most, if not all, contracting attorneys.

Contracting costs and issues remain a top priority of the agency.

SPECIALTY COURTS

DUI courts, drug courts, co-occurring mental health/chemical dependency courts and Veterans’ courts: These types of courts are increasing at an alarming rate. They are designed to allow for diversion of prosecution in some cases, more favorable dispositions in some instances

and increasing the ability of a client to remain out of the legal system in some cases. Typically, a defense attorney becomes part of a “treatment team” representing the interests of all those involved in the court, not individually assigned clients. We currently participate in many of these specialty courts, but limit our involvement to specialty courts dealing largely with pre-disposition cases. Many of these courts involve a combination of pre- and post-disposition cases, which causes some concern about our role in the court. If there is no dispositional benefit to a client, our role reverts to more of a probation officer type role, which is a position our agency needs to avoid. As the number of these courts grows, our resources shrink. We are attempting to limit our involvement in these courts, but the judges continue to request our services. This is another issue that needs attention as time and resources allow, but we are currently denying participation of the agency unless there is a clear and demonstrated benefit to our clients.

CONCLUSION

I have attempted through this report to provide an overview of our agency, our objectives and some of the issues we face on a daily basis as we attempt to fulfill our mission. It is less than comprehensive of all things pertinent to our successful operation and is probably more extensive than most readers appreciate. Again, I apologize for the length, but I thought it necessary to provide the Commission with a sort of “State of the Agency” report because we have several new members on the Commission and a new chief to be appointed. This report may serve to provide a limited, but hopefully valuable indication of the current status of the Office of the State Public Defender.

Sincerely,

David E. Stenerson
Interim Chief Public Defender