

MONTANA PUBLIC DEFENDER COMMISSION
BUDGET COMMITTEE MEETING
Helena Goodkind Building and Conference Call

March 10, 2014

MINUTES

(Approved at the March 27, 2014 Meeting)

Committee Members Present:

Fritz Gillespie, (Chair) Helena
Ken Olson, Great Falls by phone
Chris Daem, Billings by phone

Committee Members Absent:

Margaret Novak, Chester
Roy Brown, Billings

Agency Team Members Present:

Harry Freebourn, Administrative Director
Bill Hooks, Chief Public Defender
Wendy Johnson, Contract Manager
Kristina Neal, Conflict Coordinator
Wade Zolynski, Chief Appellate Defender
Jessie Reehl (recorder), Administrative Assistant

Interested Parties

Commissioner Chuck Petaja, Helena

Call to Order

Committee Chair Fritz Gillespie called the meeting of the Budget Committee to order at 1:00 p.m.

2017 Biennium Draft Budget Items

The committee reviewed the Executive Planning Process (EPP) for the 2017 Biennium and reviewed the time line. The staff discussed the decision package needs for each program. The committee and staff discussed potentially combining related decision packages in order to best present them.

Staffing Needs

Chief Zolynski advised the committee that the Appellate Program (program 2) will request two support staff position (one of those is a current modified position) plus one to two attorney positions.

Ms. Neal advised the committee that the conflict office will request one attorney position and one-half support staff position, both of which are current modified positions. She will also need to address any shortfall that the conflict office experiences beyond the current positions that is a consequence of the Public Defender Program (program 1) being underfunded and understaffed, especially in eastern Montana.

Chief Hooks advised the committee that program 1 will request 15 positions to remedy immediate high-stress within the program, both attorney and support staff, four of which are modified positions that were put in place during the prior biennium. However in order to address the current case weight levels program 1 would require approximately 27 additional attorneys which would, in turn, present a need for additional support staff and investigators.

Salary Needs

The agency and the committee discussed the need to raise non-attorney salaries to the 2012 market level. It was recognized that support staff play an integral part in the success of the agency, and their needs are a priority. The committee debated whether it would be in the best interest of the agency to raise the pay for support staff or request more support staff positions in order to reduce stress levels. Some committee members are in favor of raising salaries for those support staff who have been loyal to the agency while others believe that decreasing stress may be more effective. Many support staff individuals have terminated employment with the Office of the State Public Defender (OPD) or the Office of the Appellate Defender (OAD) to work elsewhere for the same pay but with significantly lower stress levels. Chief Zolynski also noted that financial hardship has the potential to increase stress, even in the workplace. Ultimately the agency needs both, however realistically some decisions need to be made.

Eligibility Specialists

Mr. Freebourn referenced page 39 of the EPP. The committee discussed the need for qualified eligibility specialists (ES). Mr. Freebourn recommended that it remain as an independent decision package. Chief Hooks noted that this function will not reduce caseloads significantly, however it will free the support staff to focus on legally related support tasks.

Contract Services

Mr. Freebourn referenced page 36 of the EPP. The committee discussed a potential rate increase for contract attorneys in an effort to ensure the agency is purchasing quality services. Although a rate increase may increase the contractor pool the agency is unable to determine the level of service being provided without completing a performance evaluation for each contract attorney.

Death Penalty Case Defense

The committee discussed the need for supplemental funding for death penalty cases as the \$500,000 appropriation has been spent. If a death penalty case is transferred to the Appellate level a request for supplemental funds will be necessary.

Managers' Caseloads

Mr. Freebourn referenced pages 41 and 64 of the EPP as he presented the decision packages to eliminate or reduce caseloads for agency managers.

Growth in Eastern Montana

Mr. Freebourn referenced page 42 of the EPP as he presented the needs of the agency in order to accommodate for the growth in Eastern Montana. He explained that this decision package also supports plans to open an office in Glasgow. The ability of program 1 to be fully staffed in this region

significantly affects the conflict coordinator as the contract attorney pool in Eastern Montana is limited.

Rent Adjustments

Mr. Freebourn referenced page 52 of the EPP; he advised the committee that the agency has several leases that will expire within this biennium or the next. It is possible that a large decision package will be drafted to address lease renewals as several other agencies statewide are experiencing the same issue. Current leases must be assessed in order to determine if each building is properly suiting the needs of the agency.

Vacancy Savings

Mr. Freebourn referenced page 53 of the EPP and advised the committee that the governor's office may eliminate vacancy savings altogether.

Equipment

Mr. Freebourn referenced page 54 of the EPP regarding agency equipment and noted that the numbers will be filled in for review.

Improve Contractor Claims Processing

Mr. Freebourn referenced page 55 of the EPP and discussed the interest generated from within the agency. The projected expenditures are low, a decision package may not be necessary as the agency may be able to complete this task internally.

Public Comment

No public comment was offered.

Adjourn

Chairman Gillespie adjourned the meeting at 3:15 p.m.