

OFFICE OF THE STATE PUBLIC DEFENDER

Presentation of the Strategic Plan

To

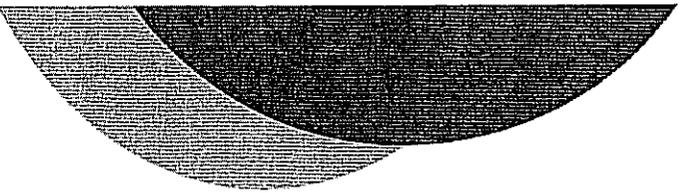
The State Public Defender Commission

April 21, 2006



PURPOSE OF THE PLAN

- Defines how the proposed state public defender system will provide services to clients
- Provides a cost estimate for the proposed system
- Provides a proposed organization structure to operate and manage the system



HOW ARE SERVICES PROVIDED TODAY?

- By six county-managed and one city-managed public defender offices
- County contracts with private attorneys
- Attorneys appointed by judges
- Costs for services are paid by the judicial branch, cities or counties



ESTABLISHMENT OF A STATEWIDE PUBLIC DEFENDER SYSTEM

- Senate Bill 146 – Public Defender Act
- Central office functions
- Current public defender offices become state offices – July 1, 2006
- Establish eleven regions
- New FTE and public defender offices
- Training function
- Contract management function



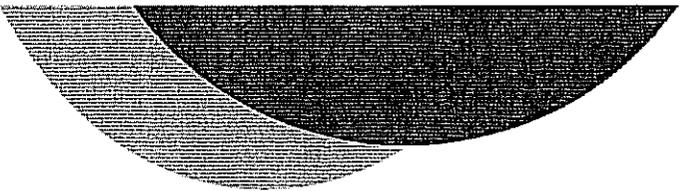
MISSION STATEMENT

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



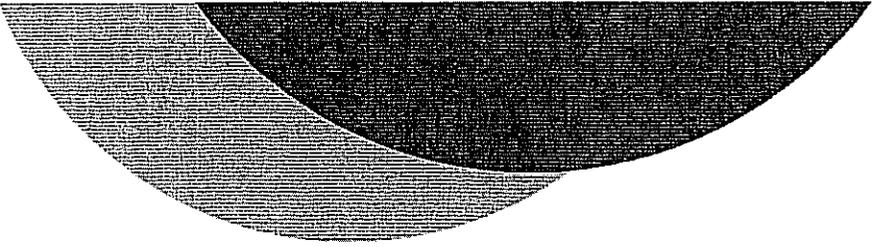
VISION STATEMENT

- Any person who is entitled to an attorney at public cost, will receive competent, vigorous representation
- Full-time state public defenders and contract attorneys
- Public defender standards
- Meaningful training program
- Flexible system puts the client first
- Accountable to all



GOALS

- Establish a statewide public defender system – provide effective assistance
- System is free from undue political interference & conflicts of interest
- Assure qualified & competent counsel throughout the state
 - Emphasis on training for all facets of the system
 - Special training for those representing juveniles, mentally ill individuals, disabled individual, chemically dependent individuals, and minorities
- System uses state employees & contract services in responsive manner
- Ensure adequate funding & fiscal responsibility
- Emphasis on Native American issues

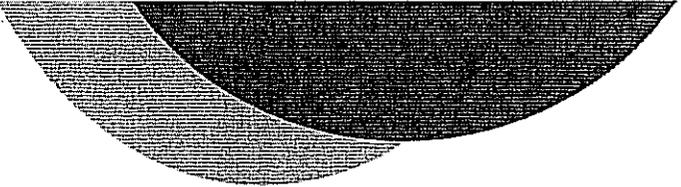


SYSTEM PLAN

Montana State Public Defender System Plan

Central Office - Departments

- I. Chief Public Defender
 - (1) Chief Public Defender
 - (1) Administrative Support Supervisor
- II. Administrative Director
 - (1) Administrative Director
 - (1) Administrative Assistant
 - (1) Information Technology Manager
 - (2) Information Technology Technicians
 - (1) Financial Manager
 - (1) Accountant
 - (3) Accounts Payable
 - (1) Payroll
- III. Human Resources Director
 - (1) Human Resources Director
- IV. Training
 - (1) Training Coordinator
 - (1) Mental Health Evaluator
- V. Contracts
 - (1) Contract Manager
 - (2) Assistants



Montana State Public Defender System Plan

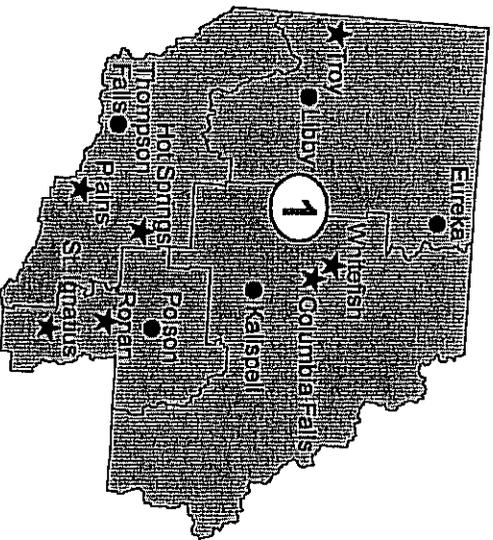
(1) Chief Appellate Defender

(5) Attorneys

(2) Administrative Assistants

Montana State Public Defender System Plan

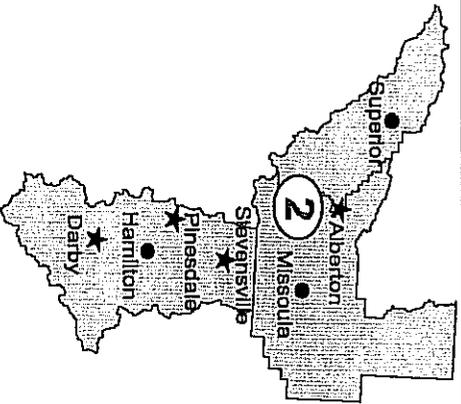
REGIONAL OFFICE – Kalispell
 Regional Public Defender
 1 Briefing/Research Attorney
 1 Paralegal
 1 Investigator/Case Manager



Public Defender Office – Kalispell (all courts)
 9 Attorneys
 2 Paralegals
 3 Administrative Assistants

Public Defender Office – Polson
 2 Attorneys
 1 Paralegal
 1 Investigator

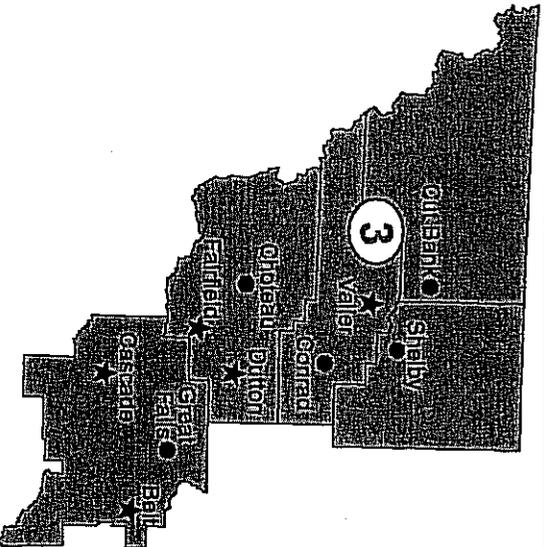
Montana State Public Defender System Plan



REGIONAL OFFICE – Missoula
 Regional Deputy Public Defender
 1 Briefing Attorney
 1 Social Worker
 2 Investigator/ Case Managers
 1 Administrative Assistant

Public Defender Office –Missoula (all courts) 15 Attorneys (+3 as a result, in part, of assuming Missoula City Court) 1 Office Manager 2 Paralegals (+1) 1 Receptionist 2 Administrative Assistants
Public Defender Office – Hamilton (all courts) 6 Attorneys 1 Paralegal 2 Administrative Assistants Minimal contracts to help cover courts of limited jurisdiction in Ravalli County
Mineral County will be handled by contract attorneys

Montana State Public Defender System Plan

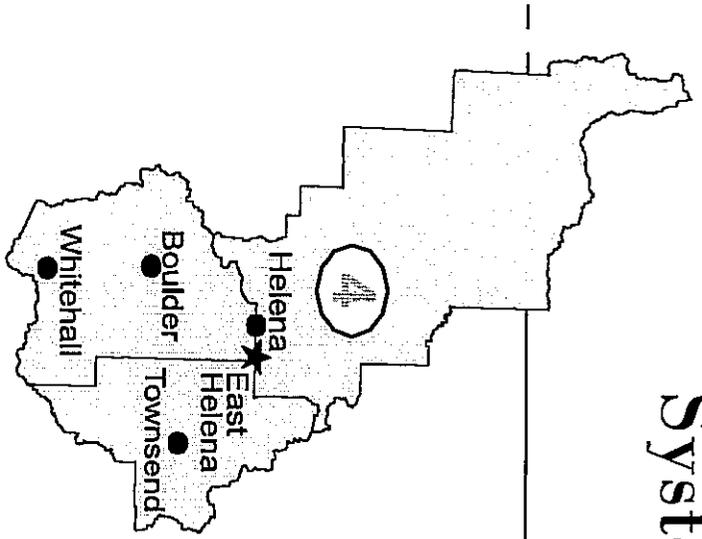


REGIONAL OFFICE -- Great Falls
 Regional Public Defender
 1 Briefing/Research Attorney
 1 Investigator/Case Manager
 1 Paralegal

Public Defender Office -- Great Falls
 9 Attorneys (+2)
 2 Paralegals
 2 Administrative Assistants
 1 Receptionist
 1 Investigator

All courts in Glacier, Toole, Teton, and Pondera Counties will be handled by contract attorneys. A system will be developed to insure that a public defender is present in each district court when the district court judge is present.

Montana State Public Defender System Plan

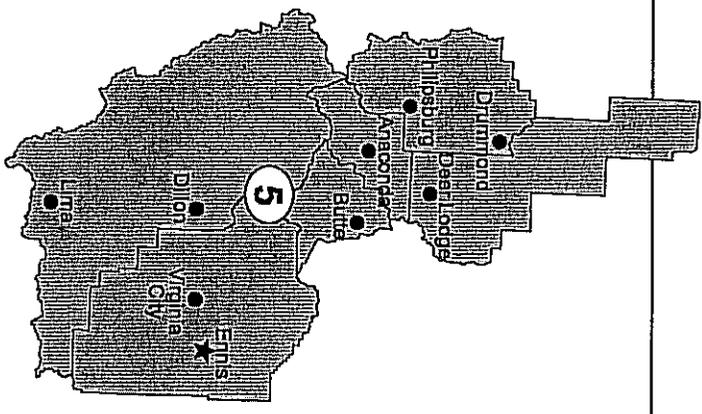


REGIONAL OFFICE – Helena
 Regional Public Defender
 1 Attorney
 1 Investigator
 1 Researcher, Brief Writer
 1 Administrative Assistant

Public Defender Office – Helena (District Court, Justice Court, Helena City Court, East Helena City Court) 5 Attorneys 1 Paralegal 2 Administrative Assistants
Broadwater County (District Court, Justice Court and Townsend City Court) 1 Contracted Attorney
Public Defender Office – Boulder (District Court, Justice Court, Boulder and Whitehall City Courts) .75 Attorney .50 Administrative Assistants

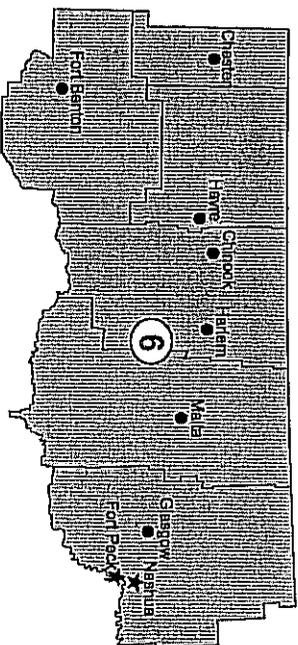
Montana State Public Defender System Plan

REGIONAL OFFICE – Butte
 Regional Public Defender
 1 Attorney
 1 Investigator
 1 Administrative Assistant



Public Defender Office – Butte (District Court, Justice Court, Butte City Court) 4 Attorneys 1 Paralegal 1 Administrative Assistant
Public Defender Office – Anaconda (Deer Lodge, Powell, Granite County District Courts, Justice/City Courts) 3 Attorneys (+1) 1 Paralegal
All courts in Beaverhead and Madison Counties will be handled by contract attorneys

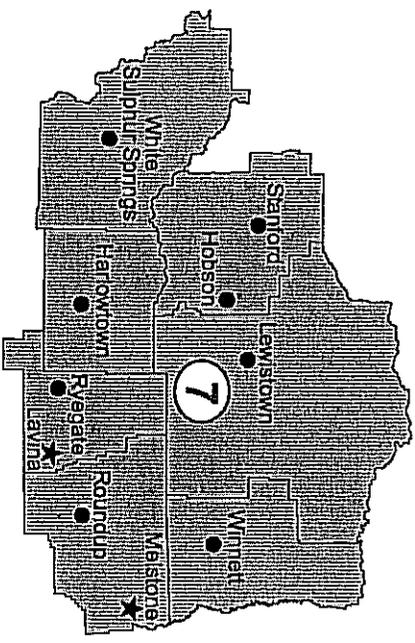
Montana State Public Defender System Plan



REGIONAL OFFICE – Havre
Regional Deputy Public Defender
1 Attorney
1 Paralegal
1 Investigator/Case Manager

Public Defender services in all areas will be provided by contract attorneys. Special attention will be paid to Valley County to insure that early representation is provided to indigent defendants. The attorney currently providing public defender services is based in Havre. We will make contact with attorneys in Valley County and try to arrange contracts to make initial contact and representation of people who are jailed.

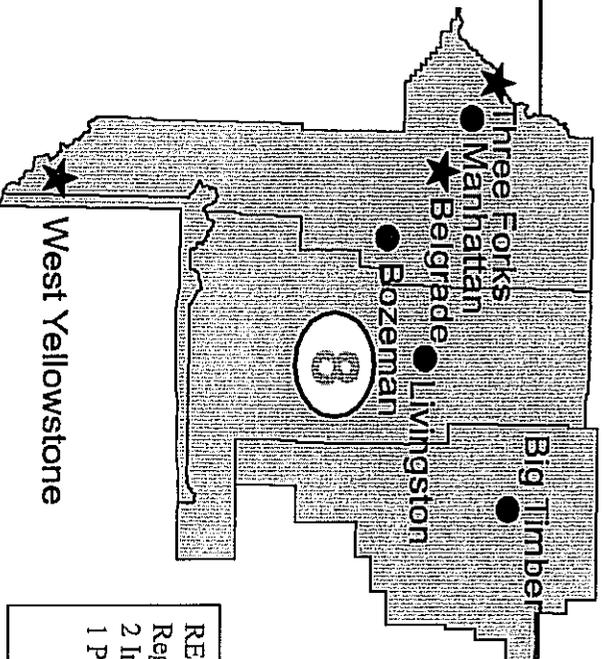
Montana State Public Defender System Plan



REGIONAL OFFICE – Lewistown
Regional Deputy Public Defender
1 Administrative Assistant
1 Investigator/Case Manager

All courts will be handled by contract attorneys in conjunction with the regional deputy public defender

Montana State Public Defender System Plan



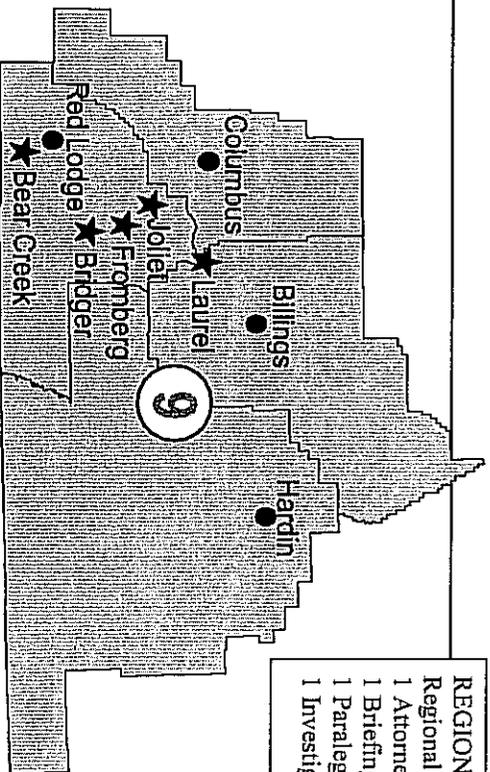
REGIONAL OFFICE – Bozeman
 Regional Deputy Public Defender
 2 Investigators
 1 Paralegal

Public Defender Office – Bozeman (all courts in Bozeman)
 9 Attorneys (+2 as a result of assuming Bozeman city court)
 1 Office Manager
 4 Administrative Assistants

Livingston and Big Timber district courts will be handled by contract attorneys

All other courts of limited jurisdiction will be handled by contract attorneys

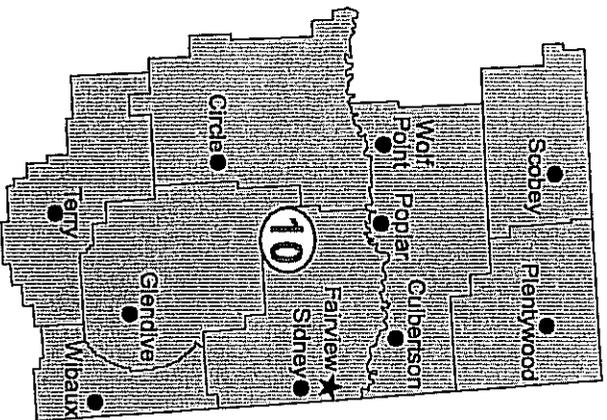
Montana State Public Defender System Plan



REGIONAL OFFICE – Billings
 Regional Public Defender
 1 Attorney
 1 Briefing Attorney
 1 Paralegal
 1 Investigator

<p>Public Defender Office – Billings (all courts) 15 attorneys (+2 to represent mothers in D/N cases & persons subject to involuntary commitments) 1 Office Manager 6.5 Administrative Assistants 2 Investigators</p>
<p>All courts in Big Horn, Carbon and Stillwater Counties will be handled by contract attorneys</p>

Montana State Public Defender System Plan



REGIONAL OFFICE – Glendive
Regional Deputy Public Defender
1 Paralegal

All courts in the region will be served by contract attorneys in conjunction with the regional deputy public defender

Montana State Public Defender System Plan Offices By Region

Region	City	Site	Open Date (*)	FTE Fiscal 2007	FTE Fiscal 2008/09
0	Butte	Central Office	12/05/06	17.25	19.00
0	Helena	Appellate Defender	Open	8.00	8.00

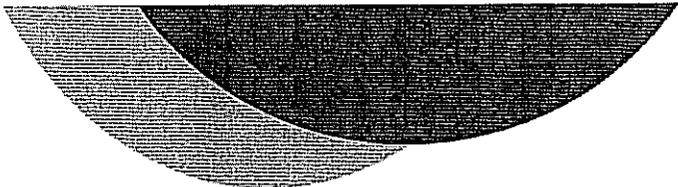
Region	City	Site	Open Date	FTE Fiscal 2007	FTE Fiscal 2008/09	Region Total FTE	% of Total FTE	% of Population	% of Poverty Pop.
1	Kalispell	Region Office	(**)	4.00	4.00				
1	Kalispell	PD Office	(**)	7.50	14.00				
1	Polson	PD Office	07/01/06	4.00	4.00	22.00	13.27%	15.02%	15.31%
2	Missoula	Region Office	07/01/06	5.75	6.00				
2	Missoula	PD Office	07/01/06	20.75	21.00				
2	Hamilton	PD Office	10/01/06	6.75	9.00	36.00	21.72%	15.35%	14.97%
3	Great Falls	Region Office	07/01/06	4.00	4.00				
3	Great Falls	PD Office	07/01/06	14.75	15.00	19.00	11.46%	11.96%	13.28%
4	Helena	Region Office	01/01/07	3.50	5.00				
4	Helena	PD Office	07/01/06	8.00	8.00				
4	Boulder	PD Office	07/01/06	1.25	1.25	14.25	8.60%	7.91%	5.69%
5	Butte	Region Office	10/01/06	3.00	4.00				
5	Butte	PD Office	10/01/06	4.50	6.00				
5	Anaconda	PD Office	07/01/06	3.75	4.00	14.00	8.45%	7.32%	7.76%
6	Havre	Region Office	07/01/06	3.75	4.00	4.00	2.41%	4.54%	6.56%
7	Lewistown	Region Office	07/01/06	2.75	3.00	3.00	1.81%	2.58%	3.35%
8	Bozeman	Region Office	07/01/06	3.75	4.00				
8	Bozeman	PD Office	07/01/06	14.00	14.00	18.00	10.86%	10.26%	8.18%
9	Billings	Region Office	07/01/06	4.75	5.00				
9	Billings	PD Office	07/01/06	24.00	24.50	29.50	17.80%	17.90%	15.23%
10	Glendive	Region Office	07/01/06	2.00	2.00	2.00	1.21%	4.07%	5.79%
11	Miles City	Region Office	07/01/06	4.00	4.00	4.00	2.41%	3.08%	3.88%
TOTAL				150.50	165.75	165.75	100.00%	100.00%	100.00%

*Most open dates are estimates.
** Phased in during FY 2007



ADVANTAGES OF THIS STRUCTURE

- Client Focused
- Accountability
- Flexibility
- Responsiveness
- Cost Control of Caseload
- Expertise
- Training
- Contract Management



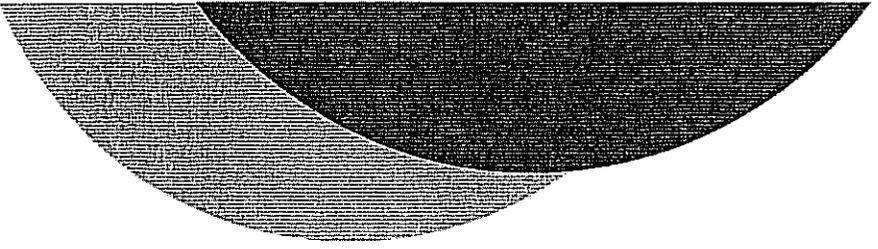
DISADVANTAGES OF THIS STRUCTURE

- More costly in the near-term
 - \$71.00 per hour per state employed attorney during fiscal 2008 vs \$60.00 for a contract attorney
 - Is \$60.00 per hour for a contract attorney the right rate?
 - If contract attorney fee is raised to \$80 per hour the incremental cost would be \$716,000 in Fiscal 2008
- Greater bureaucracy
 - State FTE vs contract attorneys
 - State leased offices and other infrastructure

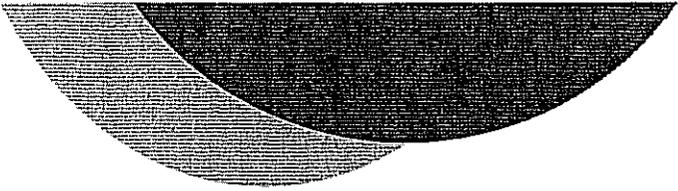


TRANSITION PLAN

- Unique to each region, each attorney
 - Involve regional deputy public defenders in plan
- Consider encouraging contract attorneys to come into offices
- Move some cases from contract attorneys to office attorneys
- Ask judges to, when possible, concentrate appointments in May and June to attorneys who are coming into offices
- Orientation conference



FINANCIAL PLAN



FINANCIAL PLAN

INCLUDES:

- Fiscal 2006 Year-End Forecast
- Fiscal 2007 Phase-in Plan
 - Recognizes the limitation on those resources necessary to open offices and hire staff by 7/1/06
 - Some new offices and staff “phased in” Fiscal 2007
 - \$2.7 million in contracted attorney services – some duplication (both contract services and state FTE) in place while offices being opened and staffed
- Fiscal 2008 and 2009 Base Forecast
 - All offices operational and fully staffed
 - Contract attorney services costs range between \$2.1 million for Fiscal 2008 and \$1.9 million for Fiscal 2009



FINANCIAL PLAN

MAJOR ASSUMPTIONS

1. Governor appoints 11 member Commission
2. Commission hires Chief Public Defender
3. Commission & Chief establish a central office
4. Chief hires central office management
5. Office presents a strategic plan to Commission
6. Chief hires eleven deputy public defenders



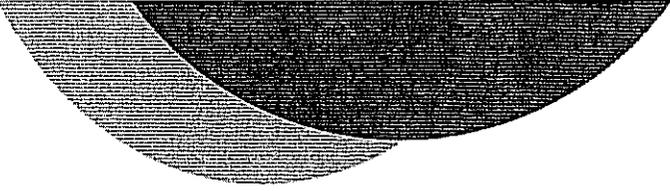
FINANCIAL PLAN MAJOR ASSUMPTIONS

7. Region offices are opened & staffed in FY 2007
- Kalispell
 - Missoula
 - Great Falls
 - Helena
 - Butte
 - Bozeman
 - Havre
 - Lewistown
 - Billings
 - Glendive
 - Miles City



FINANCIAL PLAN MAJOR ASSUMPTIONS

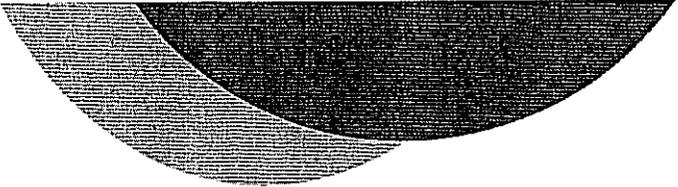
8. Six county offices and one city office become state offices 7/1/06
 - Missoula
 - Lewis and Clark in Helena
 - Deer Lodge in Anaconda
 - Yellowstone in Billings (Including Billings City)
 - Cascade in Great Falls
 - Gallatin in Bozeman



FINANCIAL PLAN MAJOR ASSUMPTIONS

9. Five new public defender offices are established during Fiscal 2007 – costs estimates are derived from those experienced by existing offices

- Kallispell
- Polson
- Boulder
- Butte
- Hamilton



FINANCIAL PLAN MAJOR ASSUMPTIONS

10. Appellate Defender joins Office 7/1/06.
11. Training function is established.
12. Contracting function is established - develops and manages contracts with private attorneys and others.
13. Overlapping costs during FY 2007 – contracts with private attorneys are kept in place while offices are opened and new FTE's hired.
14. No assumption for increases in caseload – funding based on FY 2004 caseloads.



FINANCIAL PLAN MAJOR ASSUMPTIONS

15. Case management systems kept in place during Fiscal 2007 while new system is designed, developed, and deployed.
16. Maximum rate for contract attorney services remains at \$60.00 per hour.
17. Estimated average costs of a state employed attorney in Fiscal 2008 is \$71.00 per hour.
18. One-time costs of about \$1.1 million in FY 2007 for information technology systems, furniture, and equipment.

FINANCIAL PLAN

	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY2008</u>	<u>FY2009</u>
Amount per Budget	\$527,729	\$14,134,117	-	-
Amount per Plan	\$527,729	\$16,964,578	\$16,066,494	\$15,763,130
Over (Under)	-0-	\$2,830,461		
FTE per Budget	5.50	90.25	-	-
FTE per Plan	4.12	175.75	192.75	192.75
Over (Under)	(1.38)	85.50	-	-

COSTS NOT IN THIS FINANCIAL PLAN – SEPARATE DECISION PACKAGES?

	<u>FY 2006</u>	<u>FY 2007</u>	<u>FY2008</u>	<u>FY2009</u>
Attorney fee increase from \$60 to \$80/hr	\$0	\$0	\$716,000	\$626,000
Increase in caseload fiscal note based on FY 2004 data	\$0	\$?	\$?	\$?
Fitness to proceed & 59 th session costs	\$0	\$?	\$?	\$?
Serious Crime Unit	\$0	\$?	\$?	\$?



Montana State Public Defender Financial Plan Central Office

PHASE IN PLAN - Fiscal 2007

Department	FTE	Personal S.C.	Operating Costs	TOTAL
Commission	-	\$ 150,000	\$ 31,500	\$ 181,500
Chief Public Defender	2.00	157,900	66,500	224,400
Administrative Director	8.00	379,800	223,500	603,300
Information Technology	3.00	176,000	741,200	917,200
Training Coordinator	1.75	136,700	102,500	239,200
Contract Manager	2.00	151,100	4,500	155,600
Eval/Pf/Wit	-	-	967,600	967,600
Appointments/Contracts	-	-	2,654,700	2,654,700
Human Resource Director	.50	34,700	13,500	48,200
TOTAL	17.25	\$1,186,200	\$4,805,500	\$5,991,700

Fiscal 2008/2009

Department	FTE	Personal S.C.	Operating Costs	TOTAL
Commission	-	-	\$ 31,500	\$ 31,500
Chief Public Defender	2.00	\$ 158,600	66,500	225,100
Administrative Director	8.00	380,900	255,700	636,600
Information Technology	3.00	176,800	241,200	418,000
Training Coordinator	2.00	149,200	102,500	251,700
Contract Manager	3.00	201,800	4,500	206,300
Eval/Pf/Wit	-	-	967,600	967,600
Appointments/Contracts	-	-	2,146,900	2,146,900
Human Resource Director	1.00	63,400	13,500	76,900
TOTAL	19.00	\$1,130,700	\$3,829,900	\$4,960,600

Montana State Public Defender Financial Plan

Central Office Appointed & Contract Attorney Costs

Region	Site	Costs (2)	% of Costs (1)
1	Kalispell	\$1,060,813	19.78%
2	Missoula	1,196,498	22.31%
3	Great Falls	311,594	5.81%
4	Helena	69,720	1.30%
5	Butte	505,737	9.43%
6	Haure	429,581	8.01%
7	Lewiston	269,762	5.03%
8	Bozeman	252,064	4.70%
9	Billings	975,004	18.18%
10	Glendive	83,127	1.55%
11	Miles City	209,159	3.90%
TOTAL		\$5,363,059	100.00%

PHASE IN PLAN - FISCAL 2007

Budget	\$2,654,714
Reduced Total Cost Listed Above By	\$2,708,345

FISCAL 2008 & 2009

	FISCAL 2008	FISCAL 2009
Budget	\$2,146,910	\$1,878,546
Reduced Total Cost Listed Above By	\$3,216,149	\$3,484,513

(1) Percentage developed using Judiciary's actual costs for FY 2005.
 (2) Cost allocation of Fiscal Note after certain adjustments.

Montana State Public Defender Financial Plan

Appellate Defender Office

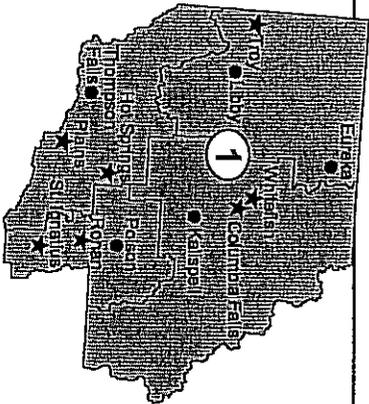
PHASE IN PLAN – Fiscal 2007

FTE	Personal S.C.	Operating Costs	Total
8.00	\$456,900	\$132,100	\$589,000

Fiscal 2008/2009

FTE	Personal S.C.	Operating Costs	Total
8.00	\$457,600	\$109,000	\$566,600

Montana State Public Defender Financial Plan - Kalispell



Population A/O 2004	139,182
Percentage of State's Population	15.02%
Poverty Population A/O 2000	19,646
Percentage of State's Poverty Population	15.31%

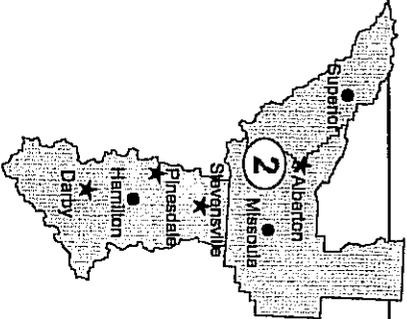
PHASE IN PLAN - Fiscal 2007

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office - Kalispell	4.00	\$ 232,900	\$ 94,300	\$ 327,200
PD Office - Kalispell	7.50	427,600	201,200	628,800
PD Office - Polson	4.00	198,500	60,300	258,800
TOTAL	15.50	\$ 859,000	\$ 355,800	\$ 1,214,800

Fiscal 2008/2009

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office - Kalispell	4.00	\$ 232,900	\$ 71,600	\$ 304,500
PD Office - Kalispell	14.00	721,200	143,900	865,100
PD Office - Polson	4.00	198,500	36,600	235,100
TOTAL	22.00	\$ 1,152,600	\$ 252,100	\$ 1,404,700

Montana State Public Defender Financial Plan - Missoula



Population A/O 2004	142,273
Percentage of State's Population	15.35%
Poverty Population A/O 2000	19,216
Percentage of State's Poverty Population	14.97%

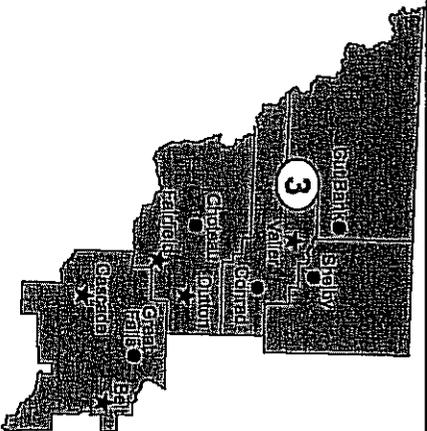
PHASE IN PLAN - Fiscal 2007

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office - Missoula	5.75	\$ 314,500	\$ 103,200	\$ 417,700
PD Office - Missoula	20.75	1,160,400	263,600	1,424,000
PD Office - Hamilton	6.75	368,500	125,700	494,200
TOTAL	33.25	\$1,834,400	\$ 492,500	\$ 2,335,900

Fiscal 2008/2009

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office - Missoula	6.00	\$ 328,200	\$ 73,600	\$ 401,800
PD Office - Missoula	21.00	1,173,300	192,900	1,366,200
PD Office - Hamilton	9.00	473,000	96,000	569,000
TOTAL	36.00	\$ 1,974,500	\$ 362,500	\$ 2,337,000

Montana State Public Defender Financial Plan – Great Falls



Population A/O 2004	110,882
Percentage of State's Population	11.96%
Poverty Population A/O 2000	17,047
Percentage of State's Poverty Population	13.28%

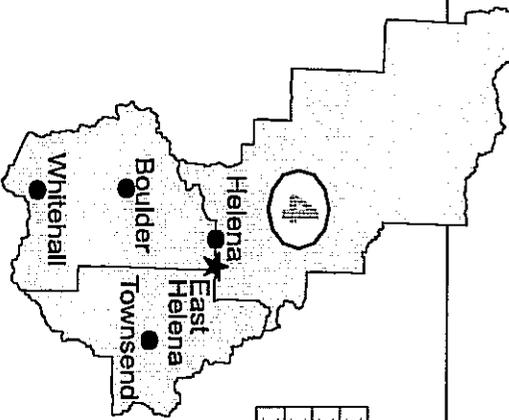
PHASE IN PLAN – Fiscal 2007

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office – Great Falls	4.00	\$ 232,900	\$ 76,300	\$ 309,200
PD Office – Great Falls	14.75	733,900	149,200	883,100
TOTAL	18.75	\$ 966,800	\$ 225,500	\$1,192,300

Fiscal 2008/2009

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office – Great Falls	4.00	\$ 218,000	\$ 53,600	\$ 271,600
PD Office – Great Falls	15.00	746,800	121,000	867,800
TOTAL	19.00	\$ 964,800	\$ 174,600	\$1,139,400

Montana State Public Defender Financial Plan - Helena



Population A/O 2004	73,359
Percentage of State's Population	7.91%
Poverty Population A/O 2000	7,308
Percentage of State's Poverty Population	5.69%

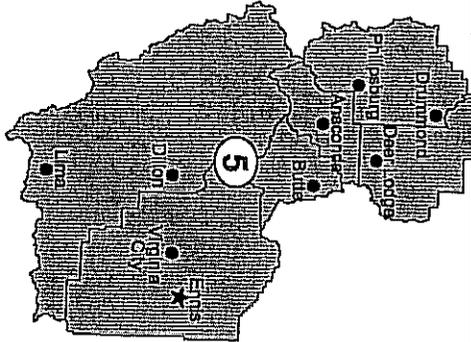
PHASE IN PLAN – Fiscal 2007

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office – Helena	3.50	\$ 182,900	\$ 56,400	\$ 239,300
PD Office – Helena	8.00	427,400	61,800	489,200
PD Office - Boulder	1.25	69,500	35,000	104,500
TOTAL	12.75	679,800	153,200	\$ 833,000

Fiscal 2008/2009

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office – Helena	5.00	\$ 269,900	\$ 57,500	\$ 327,400
PD Office – Helena	8.00	427,400	49,400	476,800
PD Office - Boulder	1.25	69,500	20,600	90,100
TOTAL	14.25	766,800	127,500	\$ 894,300

Montana State Public Defender Financial Plan - Butte



Population A/O 2004	67,831
Percentage of State's Population	7.32%
Poverty Population A/O 2000	9,959
Percentage of State's Poverty Population	7.76%

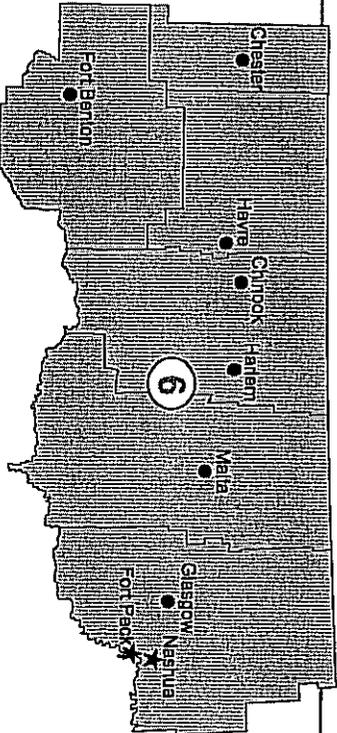
PHASE IN PLAN - Fiscal 2007

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office - Butte	3.00	\$ 176,500	\$ 63,900	\$ 240,400
PD Office - Butte	4.50	251,400	78,100	329,500
PD Office - Anaconda	3.75	198,000	32,600	230,600
TOTAL	11.25	\$ 625,900	\$ 174,600	\$ 800,500

Fiscal 2008/2009

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office - Butte	4.00	\$ 227,200	\$ 53,600	\$ 280,800
PD Office - Butte	6.00	323,000	73,500	396,500
PD Office - Anaconda	4.00	210,900	30,500	241,400
TOTAL	14.00	\$ 761,100	\$ 157,600	\$ 918,700

Montana State Public Defender Financial Plan - Havre



Population A/O 2004	42,110
Percentage of State's Population	4.54%
Poverty Population A/O 2000	8,417
Percentage of State's Poverty Population	6.56%

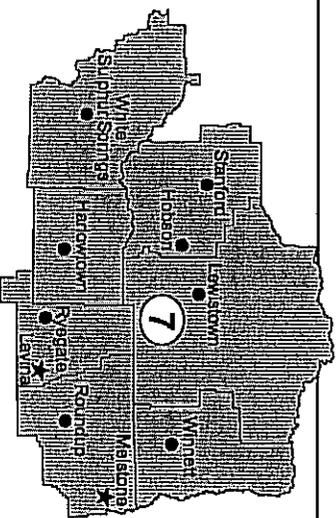
PHASE IN PLAN - Fiscal 2007

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office - Havre	3.75	\$ 220,000	\$ 69,500	\$ 289,500
TOTAL	3.75	\$ 220,000	\$ 69,500	\$ 289,500

Fiscal 2008/2009

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office - Havre	4.00	\$ 232,900	\$ 49,700	\$ 282,600
TOTAL	4.00	\$ 232,900	\$ 49,700	\$ 282,600

Montana State Public Defender Financial Plan - Lewistown



Population A/O 2004	23,899
Percentage of State's Population	2.58%
Poverty Population A/O 2000	4,300
Percentage of State's Poverty Population	3.35%

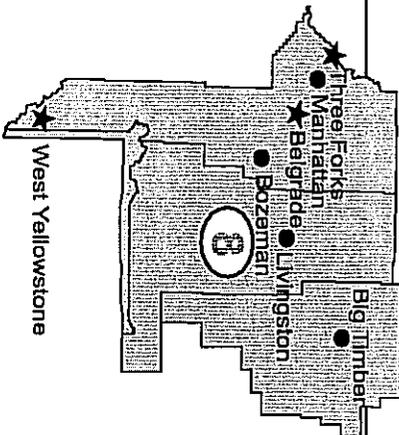
PHASE IN PLAN - Fiscal 2007

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office - Lewistown	2.75	\$ 160,400	\$ 69,500	\$ 229,900
TOTAL	2.75	\$ 160,400	\$ 69,500	\$ 229,900

Fiscal 2008/2009

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office - Lewistown	3.00	\$ 169,500	\$ 49,700	\$ 219,200
TOTAL	3.00	\$ 169,500	\$ 49,700	\$ 219,200

Montana State Public Defender Financial Plan - Bozeman



Population A/O 2004	95,127
Percentage of State's Population	10.26%
Poverty Population A/O 2000	10,502
Percentage of State's Poverty Population	8.18%

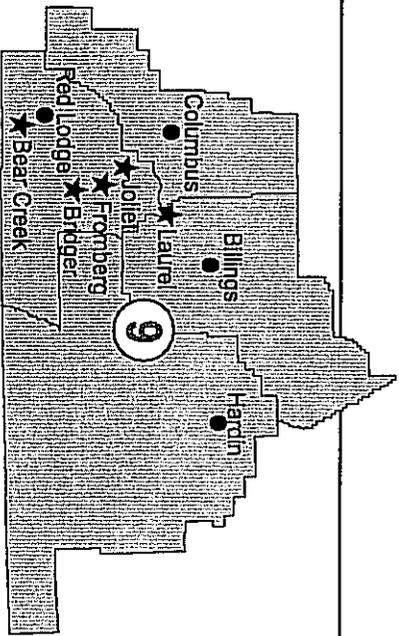
PHASE IN PLAN - Fiscal 2007

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office - Bozeman	3.75	\$ 208,800	\$ 76,300	\$ 285,100
PD Office - Bozeman	14.00	715,900	142,200	858,100
TOTAL	17.75	\$ 924,700	\$ 218,500	\$1,143,200

Fiscal 2008/2009

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office - Bozeman	4.00	\$ 218,000	\$ 53,600	\$ 271,600
PD Office - Bozeman	14.00	715,800	99,000	814,800
TOTAL	18.00	\$ 933,800	\$ 152,600	\$1,086,400

Montana State Public Defender Financial Plan - Billings



Population A/O 2004	165,868
Percentage of State's Population	17.90%
Poverty Population A/O 2000	19,544
Percentage of State's Poverty Population	15.23%

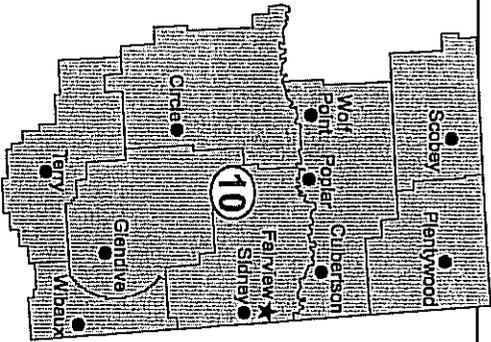
PHASE IN PLAN - Fiscal 2007

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office - Billings	4.75	\$ 278,600	\$ 83,200	\$ 361,800
PD Office - Billings	24.00	1,259,600	230,500	1,490,100
TOTAL	28.75	\$ 1,538,200	\$ 313,700	\$ 1,851,900

Fiscal 2008/2009

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office - Billings	5.00	\$ 291,500	\$ 57,500	\$ 349,000
PD Office - Billings	24.50	1,285,400	170,800	1,456,200
TOTAL	29.50	\$ 1,576,900	\$ 228,300	\$ 1,808,200

Montana State Public Defender Financial Plan - Glendive



Population A/O 2004	37,764
Percentage of State's Population	4.07%
Poverty Population A/O 2000	7,430
Percentage of State's Poverty Population	5.79%

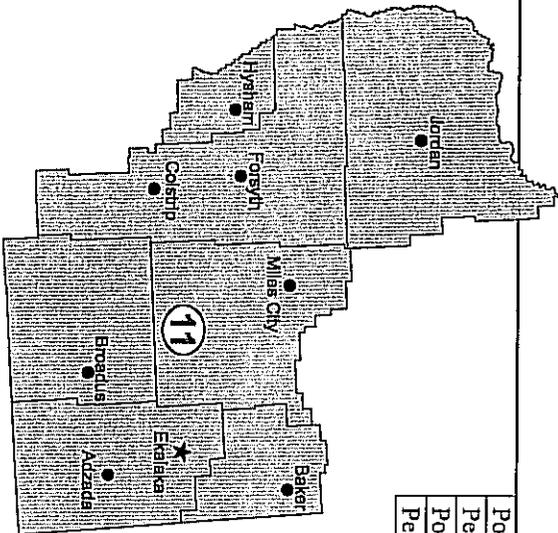
PHASE IN PLAN - Fiscal 2007

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office - Glendive	2.00	\$ 126,800	\$ 62,700	\$ 189,500
TOTAL	2.00	\$ 126,800	\$ 62,700	\$ 189,500

Fiscal 2008/2009

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office - Glendive	2.00	\$ 126,800	\$ 45,800	\$ 172,600
TOTAL	2.00	\$ 126,800	\$ 45,800	\$ 172,600

Montana State Public Defender Financial Plan – Miles City



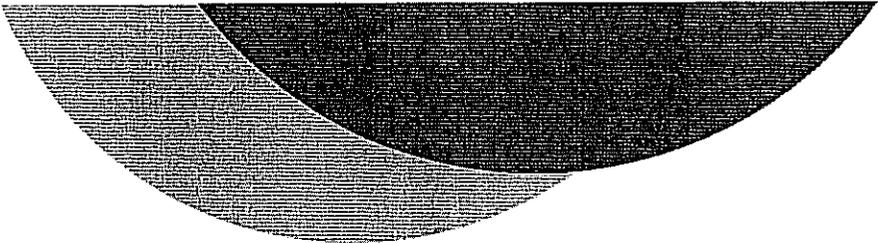
Population A/O 2004	28,750
Percentage of State's Population	3.08%
Poverty Population A/O 2000	4,986
Percentage of State's Poverty Population	3.88%

PHASE IN PLAN – Fiscal 2007

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office – Miles City	4.00	\$227,200	\$ 76,300	\$ 303,500
TOTAL	4.00	\$227,200	\$ 76,300	\$ 303,500

Fiscal 2008/2009

	FTE	Personal S.C.	Operating Costs	TOTAL
Region Office – Miles City	4.00	\$ 227,200	\$ 52,600	\$ 279,800
TOTAL	4.00	\$ 227,200	\$ 52,600	\$ 279,800



OFFICE OF THE STATE PUBLIC DEFENDER

Presentation of the Strategic Plan

To

The State Public Defender Commission

April 21, 2006

PUBLIC DEFENDER LAWYERS

- Description

23-1011.00 – Lawyers

Represent clients in criminal and civil litigation and other legal proceedings, draw up legal documents, and manage or advise clients on legal transactions. May specialize in a single area or may practice broadly in many areas of law.

- Salary Range of Transferring Employees \$35,568 - \$57,990
- Department of Justice \$43,999 - \$58,000
- Average Salary Range Statewide
 - Lawyers, Pay Band 6 \$52,499
 - Lawyers, Pay Band 7 \$54,995
- State Personnel Market Analysis – Lawyers

Pay Band	Minimum	Market	Maximum
6	\$43,392	\$54,240	\$59,474
7	\$52,070	\$65,088	\$72,275
8	\$62,484	\$78,106	\$93,727

- Transition July 1, 2006
 - Transfer employees to state government at same rate of pay as they were receiving on June 30, 2006
 - Develop a Competency Program for the Office of State Public Defender to establish a process of making salary adjustments based upon performance, market, education and experience, licensure
 - Adjust employee salaries that fall below the minimum salaries for their pay band.

PUBLIC DEFENDER INVESTIGATORS

- Description

33-3021.03 - Criminal Investigators and Special Agents

Investigate alleged or suspected criminal violations of Federal, state, or local laws to determine if evidence is sufficient to recommend prosecution.

- Salary Range of Transferring Employees \$26,000 - \$47,964
- Average Salary Range Statewide
 - Criminal Investigators, Pay Band 5 \$37,960
 - Criminal Investigators, Pay Band 6 \$42,848
- State Personnel Market Analysis – Criminal Investigators

Pay Band	Minimum	Market	Maximum
5	\$29,091	\$36,363	\$43,636
6	\$34,909	\$43,636	\$52,363

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 - Adjust employee salaries that fall below the minimum salaries for their pay band.

PUBLIC DEFENDER ADMINISTRATIVE SUPPORT SUPERVISORS

- Description

43-1011.02 - First-Line Supervisors, Administrative Support

Supervise and coordinate activities of workers involved in providing administrative support.

- Salary Range of Transferring Employees \$22,152 - \$36,000
- Average Salary Range Statewide
 - Administrative Support Supervisor, Pay Band 4 \$32,573
 - Administrative Support Supervisor, Pay Band 5 \$37,669
- State Personnel Market Analysis - Administrative Support Supervisors

Pay Band	Minimum	Market	Maximum
4	\$25,401	\$31,751	\$38,101
5	\$29,973	\$37,466	\$44,959

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 - Adjust employee salaries that fall below the minimum salaries for their pay band.

PUBLIC DEFENDER PARALEGAL/LEGAL ASSISTANTS

- Description

23-2011.00 - Paralegals and Legal Assistants

Assist lawyers by researching legal precedent, investigating facts, or preparing legal documents. Conduct research to support a legal proceeding, to formulate a defense, or to initiate legal action.

- Salary Range of Transferring Employees \$28,696 - \$31,491
- Average Salary Range Statewide
 - Paralegals and Legal Assistants, Pay Band 4 \$32,573
- State Personnel Market Analysis – Paralegals and Legal Assistants

Pay Band	Minimum	Market	Maximum
4	\$24,968	\$31,210	\$37,452

- Transition July 1, 2006
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 - Adjust employee salaries that fall below the minimum salaries for their pay band.

PUBLIC DEFENDER LEGAL SECRETARIES

- Description

43-6012.00 - Legal Secretaries

Perform secretarial duties utilizing legal terminology, procedures, and documents. Prepare legal papers and correspondence, such as summonses, complaints, motions, and subpoenas. May also assist with legal research.

- Salary Range of Transferring Employees \$22,655 - \$32,489
- Average Salary Range Statewide
 - Legal Secretaries, Pay Band 3 \$26,291
- State Personnel Market Analysis – Legal Secretaries

Pay Band	Minimum	Market	Maximum
3	\$20,919	\$26,148	\$31,378

- Transition July 1, 2006
 - Transfer employees to state government at same rate of pay as they were receiving on June 30, 2006.
 - Develop a Competency Program for the Office of State Public Defender to establish a process of making salary adjustments based upon market, education and experience, licensure.
 - Adjust employee salaries that fall below the minimum salaries for their pay band.

PUBLIC DEFENDER SECRETARIES

- Description

43-6014.00 - Secretaries, Except Legal, Medical, and Executive

Perform routine clerical and administrative functions such as drafting correspondence, scheduling appointments, organizing and maintaining paper and electronic files, or providing information to callers.

- Salary Range of Transferring Employees \$18,408 - \$19,593
- Average Salary Range Statewide
 - Secretary, Pay Band 2 \$20,654
- State Personnel Market Analysis - Secretaries

Pay Band	Minimum	Market	Maximum
2	\$16,134	\$20,338	\$24,201

- Transition July 1, 2006
 - Transfer employees to state government at same rate of pay as they were receiving on June 30, 2006.
 - Develop a Competency Program for the Office of State Public Defender to establish a process of making salary adjustments based upon market, education and experience, licensure.
 - Adjust employee salaries that fall below the minimum salaries for their pay band.

Electronic Recording Of Interrogations

Denver Police Lieutenant Testifies In Maryland, Thanks To NACDL Grant

NACDL's Board of Directors approved \$5,000 this year to assist affiliates to bring in experts to testify on state legislative issues. If our first grant to the Maryland Criminal Defense Attorneys Association (MCDA) is any indication, this was \$5,000 well spent.

MCDA's grant covered the travel and lodging of Lieutenant Jonathyn Priest, the chief of the Denver Police Department's homicide division. Lt. Priest testified in favor of H.B. 414 before the Maryland House Judiciary Committee on March 1. This legislation would require custodial interrogations in crimes of violence to be electronically recorded. Lt. Priest has 20 years of experience videotaping custodial interrogations in Denver, and was recommended by Tom Sullivan, who also testified about his research into law enforcement experiences with recording interrogations.

Lt. Priest noted a number of benefits of recording, including: recorded interrogations are better evidence than those that are un-recorded; recordings were very useful for training officers; recording saves money by reducing the amount of time officers are in court testifying about their interrogations; and juries expect recording in this era of shows like CSI, and unless you record juries question the integrity of officers.



From left: Tom Sullivan, Jenner & Block; Cynthia Boersma, Maryland Office of the Public Defender; and Lt. Jonathyn Priest, Denver Police Department.

Tom Sullivan discussed the fact that he has interviewed police officers around the United States who record and not a single one has said they would go back to the days when they did not record. He characterized the bill as pro-law enforcement because motions to dismiss confessions are virtually eliminated, it saves the police time, and the bill has good-faith exceptions for non-recorded statements. He noted that while there are some up-front costs with installing the equipment, in the long run the state saves money because police and prosecutors will spend less time in court, and the length of trials and appeals are reduced.

The questioning of Lt. Priest and Tom Sullivan was extensive. The legislators were very engaged in the discussion. One conservative Republican legislator told Lt. Priest, "I am glad you came here today. You have changed my mind on this bill." The legislators were looking at the opposition talking points provided by the police and prosecutors and asking Lt. Priest and Tom Sullivan to respond to the arguments, which they did with ease.

According to Marylanders like Cindy Boersma and Lori Albin in the Maryland Public Defender's Office, Lt. Priest and Tom Sullivan made a huge difference in this hearing. Without including these "voices of law enforcement," the hearing would have been the usual players — defense attorneys, Innocence Projects, the ACLU — supporting the bill, with the police and prosecutors opposing. By bringing Lt. Priest to the hearing, we showed that there was law enforcement support for this policy.

If you are with an affiliate and think some expert testimony will help get your bill passed, please apply for some of these funds NACDL has available to reimburse experts' travel and lodging expenses (up to \$1,000 per grant). Please contact Scott Ehlers at scott@nacdl.org if you would like the guidelines and application form.

— Scott Ehlers