

April 23, 2010

Dear Public Defender Commission:

I would like to have been able to have the opportunity to speak to you myself today, during the public comment portions of the agenda today, however, due to my caseload, work requirements and prior obligations to my clients, I am not able to be present. I have therefore asked that Gary Quigg of our office read my statement.

I would like to note several concerns that I have, as an FTE attorney for the State PDO. I have been practicing in the Billings office for approximately the past year and a half (and worked for the State PDO for approximately one year prior to being licensed to practice in Montana – I am also licensed to practice in the State of Illinois, and did so for approximately five years prior to coming to Montana). As an FTE attorney in the Billings office, I believe the Public Defender Commission needs to be advised of the concerns regarding the lack of resources and excessive caseloads in Billings, which only have a detrimental effect on our clients.

I will only speak to my own situation, and allow others to express their own particular frustrations. While an FTE attorney with the PDO, I have worked in Billings Municipal Court, various other surrounding city courts, youth court, child abuse and neglect court, and adult felony criminal district court. I do not remember a time during which I worked with the PDO when my caseload was not extremely excessive (per the suggested caseloads posted by the PDO), and on several occasions, I was required to take over numerous cases at one time, due to another attorney leaving, without the resources to handle all of the cases, at once, in addition to my current caseload.

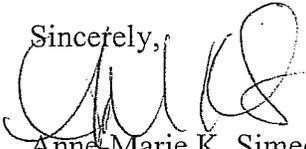
In the Billings office, I am presently the ONLY attorney in our office who handles any civil matters, as required by the PDO statute, except DI cases (and as I understand, DN civil matters represent approximately 30% of the State OPD's cases). Although the suggested caseload for child abuse and neglect is 20 cases per attorney, I currently have approximately 100 of these cases (not including my youth court and other cases), and am also covering approximately 30 or so additional DN cases for another attorney who has left the office, and the cases have not yet been reassigned due to resources and need to be covered, in the meantime. Just my DN caseload is that of 5 attorneys, yet I am only one attorney, handling the caseload of 5 attorneys.

Due to my continuous excessive caseload, which only seems to get larger all of the time, I have to spend significant amounts of comp time to handle the volume of cases, I am finding myself constantly having court scheduling conflicts with cases, and the Judges do not seem to be very pleased with me, nor sympathetic, when I have to request a continuance on one case, due to having to be in another court for another case. This of course, also affects the quality of representation of the clients, and forces me to have to choose between clients and courts.

I realize that many in the PDO perceive the attorneys in the Billings office as being "disgruntled," however, I personally believe "frustrated" would be more appropriate. I do my job because I care about the disenfranchised, and I care about my clients, and I sincerely want to help people and families (and I believe this to be true of my colleagues in the Billings office). Unfortunately, however, due to the lack of concern over caseloads by the PDO (because saving money by keeping cases "in-house" is more important), I am feeling as though I am not able to effectively represent clients in the manner that they deserve from the State PDO because there just are not enough hours in the day. Although I can appreciate the budget constraints that the State PDO is facing, this issue of excessive caseloads and not enough resources is not going to simply go away, and the clients should not be sacrificed for the purposes of money and budget restraints, as I believe that is contrary to the intention of making the PDO a statewide system.

Thank you for taking the time to listen to my concerns, and please feel free to follow up with me, as you deem appropriate or necessary.

Sincerely,

A handwritten signature in black ink, appearing to read 'AMS', written over the word 'Sincerely,'.

Anne-Marie K. Simeon

Attorney at Law

State Office of the Public Defender,

Region 9, Billings Office

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