

Proposed Roles and Responsibilities of the Montana Defender Programs
May 2016

Program 4 Chief Administrator [CA]	Program 3 Chief Conflict Defender [CCD]	Program 2 Chief Appellate Defender [CAD]	Program 1 Chief Public Defender [CPD]
Perform administrative & management functions of OPD; control contracts, purchasing, expenditures, budgets, plans & claims; manage HR including labor negotiations & labor agreements; provide IT support & oversee agency communications including the website; oversee facility, motor pool, safety, & records management	Promptly hire or contract for qualified, appropriate, & available conflict defenders to provide effective assistance of counsel to clients in circumstances where, because of conflict of interest, the public or appellate defender program is unable to provide representation; oversee quality control of legal services; manage program operations & finances	Supervise the office of appellate defender in providing effective assistance of counsel to clients in the implementation of the provisions of MCA; oversee quality control of legal services; manage program operations & finances	Supervise the office of public defender & the regional offices in providing effective assistance of counsel to clients in the implementation of the provisions of MCA; oversee quality control of legal services; manage program operations & finances
Hire or contract for & supervise personnel necessary to implement & perform the administrative & management provisions of Title 47 & the functions of the PDC & OPD, including a chief contract manager, a training coordinator, & other necessary administrative & professional support staff for the office of chief administrator & central services	Hire or contract for & supervise other personnel necessary to perform the function of the office of conflict defender & implement the provisions of Title 47 including assistant conflict defenders & other necessary administrative & professional support staff for the office of conflict defender	Hire or contract for & supervise other personnel necessary to perform the function of the office of appellate defender & implement the provisions of Title 47 including assistant appellate defenders & other necessary administrative & professional support staff for the office of appellate defender	Hire or contract for & supervise personnel necessary to perform the function of the office of public defender & the regional offices & to implement the provisions of Title 47 including deputy public defenders, assistant public defenders, & other necessary administrative & professional support staff for the office of chief public defender

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Assist the PDC in maintaining & improving the state system & establishing standards, policies, & procedures required	Assist the PDC & CA in maintaining & improving the state system & establishing standards, policies, & procedures required	Assist the PDC & CA in maintaining & improving the state system & establishing standards, policies, & procedures required	Assist the PDC & CA in maintaining & improving the state system & establishing standards, policies, & procedures required
Spokesperson for the agency	Assist the CA as requested	Assist the CA as requested	Assist the CA as requested
Primary representative for OPD in the legislative process; distribute & oversee agency funding	Assist the CA in recommending & drafting legislation, preparation for appearances, & as requested by the PDC or the CA	Assist the CA in recommending & drafting legislation, preparation for appearances, & as requested by the PDC or the CA	Assist the CA in recommending & drafting legislation, preparation for appearances, & as requested by the PDC or the CA
Attend PDC meetings; act as secretary to the PDC; provide accounting & administrative support to the PDC, committees & programs	Attend PDC meetings	Attend PDC meetings	Attend PDC meetings
Keep the PDC fully advised on the financial condition of OPD	Assist the CA as requested; ensure data integrity; ensure statutory, regulatory, & policy compliance	Assist the CA as requested; ensure data integrity; ensure statutory, regulatory, & policy compliance	Assist the CA as requested; ensure data integrity; ensure statutory, regulatory, & policy compliance
Prepare & submit financial information needed to carry out the functions of OPD or as the PDC may request; ensure data integrity & statutory, regulatory, & policy compliance	Assist the CA in submitting financial information needed to carry out the functions of the office of conflict defender; ensure data integrity; ensure statutory, regulatory, & policy compliance	Assist the CA in submitting financial information needed to carry out the functions of the office of appellate defender; ensure data integrity; ensure statutory, regulatory, & policy compliance	Assist the CA in submitting financial information needed to carry out the functions of the office of public defender; ensure data integrity; ensure statutory, regulatory, & policy compliance
Assist the offices of			

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public defender, appellate defender, & conflict defender with budgeting, reporting, & related administrative functions			
With the CPD, CAD, & CCD prepare & submit budgets for PDC approval	Assist the CA in preparing budgets for the conflict program	Assist the CA in preparing budgets for the appellate program	Assist the CA in preparing budgets for the public defender program
With the CPD, CAD, & CCD develop & present for the PDC's approval state & regional strategic plans for the delivery of defender services	Assist the CA in developing & presenting for PDC approval a strategic plan for the delivery of conflict defender services	Assist the CA in developing & presenting for PDC's approval a strategic plan for the delivery of appellate defender services	Assist the CA in developing & presenting for PDC's approval state & regional strategic plans for the delivery of public defender services
Present the PDC with plans, studies, & reports; recommend adoption of rules, regulations, policies, resolutions, or orders as measures deemed necessary to enforce or carry out the powers & duties of the PDC & OPD or for the efficient administration, management, & operation of OPD & its functions & affairs	Assist the CA for presenting the PDC with plans, studies, & reports; recommend adoption of rules, regulations, policies, resolutions, or orders as measures deemed necessary to enforce or carry out the powers & duties of the PDC & OPD or for the efficient administration, management, & operation of OPD & its functions & affairs	Assist the CA for presenting the PDC with plans, studies, & reports; recommend adoption of rules, regulations, policies, resolutions, or orders as measures deemed necessary to enforce or carry out the powers & duties of the PDC & OPD or for the efficient administration, management, & operation of OPD & its functions & affairs	Assist the CA for presenting the PDC with plans, studies, & reports; recommend adoption of rules, regulations, policies, resolutions, or orders as measures deemed necessary to enforce or carry out the powers & duties of the PDC & OPD or for the efficient administration, management, & operation of OPD & its functions & affairs
Enforce all laws, regulations, policies, & orders of the PDC	Enforce all laws, regulations, policies, & orders of the PDC	Enforce all laws, regulations, policies, & orders of the PDC	Enforce all laws, regulations, policies, & orders of the PDC
Establish with the CPD			Establish with the CA

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administrative management procedures for regional offices			administrative management procedures for regional offices
Establish with the CAD & CCD administrative management procedures for the appellate & conflict programs	Establish with the CA manager administrative management procedures for the conflict program	Establish with the CA administrative management procedures for the appellate program	
Assist the CPD, CAD, & CCD in developing procedures for managing caseloads & assigning cases in a manner that defenders are assigned cases that take into account case complexity, the severity of the charges & potential punishments, the legal skills required to provide effective assistance of counsel, & the experience, training, & caseloads of counsel	With CA assistance develop procedures for managing caseloads & assigning cases in a manner that conflict defenders are assigned cases that take into account case complexity, the severity of the charges & potential punishments, the legal skills required to provide effective assistance of counsel, & the experience, training, & caseloads of counsel	With CA assistance develop procedures for managing caseloads & assigning cases in a manner that appellate defenders are assigned cases that take into account case complexity, the severity of the charges & potential punishments, the legal skills required to provide effective assistance of counsel, & the experience, training, & caseloads of counsel	With CA assistance develop procedures for managing caseloads & assigning cases in a manner that public defenders are assigned cases that take into account case complexity, the severity of the charges & potential punishments, the legal skills required to provide effective assistance of counsel, & the experience, training, & caseloads of counsel
Establish procedures for approval, payment, recording, reporting, & management of defense expenses paid pursuant to Title 47 for work performed by or for the offices of public defender, appellate defender, & conflict defender	Assist the CA in developing the procedures for approval, payment, recording, reporting, & management of defense expenses paid pursuant to Title 47; enforce procedures	Assist the CA in developing the procedures for approval, payment, recording, reporting, & management of defense expenses paid pursuant to Title 47; enforce procedures	Assist the CA in developing the procedures for approval, payment, recording, reporting, & management of defense expenses paid pursuant to Title 47; enforce procedures
Establish with the CPD, CAD, & CCD processes	Establish with the CA processes & procedures	Establish with the CA processes & procedures	Establish with the CA processes & procedures

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& procedures to ensure that office & contract personnel use IT & caseload management systems	to ensure that office & contract defenders use IT & caseload management systems	to ensure that office & contract defenders use IT & caseload management systems	to ensure that office & contract defenders use IT & caseload management systems
Establish with the CPD, CAD, & CCD & supervise training & performance evaluation programs for public, appellate, & conflict defenders & nonattorney staff members & contractors	Assist the CA, contract manager, & training coordinator on training & performance evaluation programs for conflict defenders & nonattorney staff members & contractors	Assist the CA, contract manager, & training coordinator on training & performance evaluation programs for appellate defenders & nonattorney staff members & contractors	Assist the CA, contract manager, & training coordinator on training & performance evaluation programs for public defenders & nonattorney staff members & contractors
Establish with the CPD, CAD, & CCD procedures to handle complaints about public, appellate, conflict, & contract defender performance	Establish with the CA procedures to handle complaints about conflict defender performance	Establish with the CA procedures to handle complaints about appellate defender performance	Establish with the CA procedures to handle complaints about public defender performance
Ensure that public, appellate, conflict, & contract defenders, office personnel, & clients are aware of avenues available for bringing a complaint	Ensure that conflict defenders, office personnel, & clients are aware of avenues available for bringing a complaint	Ensure that appellate defenders, office personnel, & clients are aware of avenues available for bringing a complaint	Ensure that public defenders, office personnel, & clients are aware of avenues available for bringing a complaint
Report data each fiscal year by September 30 of the subsequent fiscal year representing the caseload for the entire public defender system to the legislative finance committee including unduplicated count data for all cases for which	Assist the CA in compiling the data reported; ensure data integrity; ensure statutory, regulatory, & policy compliance	Assist the CA in compiling the data reported; ensure data integrity; ensure statutory, regulatory, & policy compliance	Assist the CA in compiling the data reported; ensure data integrity; ensure statutory, regulatory, & policy compliance

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<p>representation is paid for by OPD, the # of new cases opened, the # of cases closed, the # of cases remaining open & active, the # of cases remaining open but are inactive, & the average # of days between case opening & closure for each case type</p>			
<p>Report to the legislative finance committee for each fiscal year by September 30 of the subsequent fiscal year on the amount of funds collected as reimbursement for services rendered, including the number of cases for which a collection is made, the number of cases for which an amount is owed, the amount collected, & the amount remaining unpaid</p>			
<p>Each biennium, compile for the PDC a biennial report to the governor, the supreme court, & the legislature, as provided in 5-11-210, that covers the preceding biennium & which must include: all policies or procedures in effect for the operation &</p>	<p>Assist the CA in compiling the information & data reported; ensure data integrity; ensure statutory, regulatory, & policy compliance</p>	<p>Assist the CA in compiling the information & data reported; ensure data integrity; ensure statutory, regulatory, & policy compliance</p>	<p>Assist the CA in compiling the information & data reported; ensure data integrity; ensure statutory, regulatory, & policy compliance</p>

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<p>administration of the statewide system; all standards established or being considered; the number of deputy public defenders & the region supervised by each; # of PDs employed or contracted with in the system, identified by region; # of attorney & nonattorney staff supervised by each deputy PD; # of new cases in which counsel was assigned to represent a party, identified by region, court, & case type; total # of persons represented by the public defender & appellate defender, identified by region, court, & case type; annual caseload & workload of each PD, except for CPD, & office of appellate defender, identified by region, court, & case type; training programs conducted & the # of attorney & nonattorney staff who attended each program; the CLE courses on criminal defense or criminal procedure attended by each PD employed or contracted with in the</p>			
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system; & detailed expenditure data by court & case type			
Each interim, compile for the PDC an interim report to the law & justice interim committee that covers the preceding interim & which must include the same information required in the biennial report to the governor, the supreme court, & the legislature	Assist the CA in compiling the information & data reported; ensure data integrity; ensure statutory, regulatory, & policy compliance	Assist the CA in compiling the information & data reported; ensure data integrity; ensure statutory, regulatory, & policy compliance	Assist the CA in compiling the information & data reported; ensure data integrity; ensure statutory, regulatory, & policy compliance
Seek gifts, grants, & donations	Seek gifts, grants, & donations	Seek gifts, grants, & donations	Seek gifts, grants, & donations
Perform all other duties assigned by the PDC	Perform all other duties assigned by the PDC	Perform all other duties assigned by the PDC	Perform all other duties assigned by the PDC