



Brian Schweitzer  
Governor

## OFFICE OF THE APPELLATE DEFENDER STATE OF MONTANA

Joslyn Hunt  
Chief Appellate Defender

August 29, 2011

To: Montana Public Defender Commission  
From: Joslyn Hunt, Chief Appellate Defender  
RE: Report to the Commission

### **UPDATES:**

Caseloads: The office continues to see an upward trend in case growth. We have been able to handle much of the case growth in-house, although a small amount of overflow work has been sent to contract attorneys. The dependent/neglect (DN) cases present the most difficulty for the office, because they require immediate attention. During my leave, the office handled seven DN cases within two months.

Staffing: I must give kudos to my team. Thanks to their hard work, I was able to enjoy my maternity leave, knowing that matters at the office were handled. A special thanks goes out to Eileen Larkin and Sarah Braden, whose work afforded me the opportunity to focus on my new role as a mother.

Policies: With the statutory separation of the appellate office, I anticipate proposing to the Commission policies for the appellate office. They are currently in draft form. I have met with Chairman Gillespie, Kristina Neal, and Larry Murphy so as to ensure a cohesive compilation of policies.

Standards: I also anticipate proposing to the Commission revisions to the appellate standards. This review is important given that the appellate office has now been in operation for five years and appellate practice may have changed since the office's inception.

Concerns: I want to flag for the Commission a trend I have been tracking. I am seeing an increase in the number of appointments by the Montana Supreme Court from individuals who were represented by private attorneys. The private attorneys are filing motions with the Court asking for the OAD to be appointed given that their clients no longer have the funds to pay for their cases to be appealed. The cases involved are large trial cases with voluminous transcripts. I track these appointments separately because the costs associated with these cases are ones I cannot project.