

OFFICE OF THE STATE PUBLIC DEFENDER



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To: Montana Public Defender Commission

From: Randi Hood, Chief Public Defender

RE: Report to the Commission

Caseload

In compliance with the changes in law, I continue to have no caseload. I am doing some monitoring of the capital case in Kalispell to keep me informed of the progress of the case and expenditures so that I am able to answer any questions from legislative committees, the budget office and this Commission.

Legislative Session

The agency survived the legislative session in better shape than many other agencies. Harry Freebourn will provide the Commission with the details of the budget authorization for the current and coming biennium.

HB 3, which was the supplemental bill, passed both houses with little trouble and was signed into law in April. The agency had the largest supplemental of \$1.2 million. During this process, an additional supplemental was added for the death penalty case costs. The amount was \$150,000. With our expenditure trends, Harry and I monitored the numbers on a daily basis throughout May and June. By mid-May, we became concerned that our expenditures were going to exceed our appropriation and the supplemental in the public defender program, the appellate program, and the death penalty program. Consequently, we needed to take various measures to control costs and successfully brought all three programs to the end of June in the black.

Support Staff Project

AFSCME field rep Robin Haux and OPD office managers Diane Stenerson or Sarah Braden traveled to all of the offices around the state and interviewed support staff. The primary purpose of the interviews was to determine if job descriptions were accurate. In addition, the interviews provided information on complaints, suggestions, and the true structure of the offices. This, along with several other sources of information, pointed out the need to devote time and energy to looking at each office to determine if there were more efficient ways to do the work, better ways to use staff, and ways to make the workplace more satisfying. For the past two months, I have been working with management in all of the offices to look at improved ways of working and to address some of support staffs' concerns.

As part of this project, I have continued to use the services of Julie Benson-Rosston who did some work in the Missoula office related to staff issues. She conducted three day sessions with management out of the Billings, Great Falls, and Kalispell offices. The sessions dealt with general issues of management as well as particular personnel problems in each office. We are planning further work in the remaining offices. We are putting together the fifth session of management training in December, which Julie will help with also.

Audits

Harry, Fritz and I met with the legislative auditors who are doing a performance audit of the agency. We were advised that the auditors will primarily look at indigency determination and assignment of cases. Knowing that this audit would begin in late summer, I determined that it would be a good time for us to do internal audits. Harry and I selected eight policies and put together an audit checklist for each policy. I went out and audited Regions 3, 6, 7, 10, and 11. Harry audited Region 4, 2, and the Appellate. Larry Murphy audited Regions 5 and 8 while Eric Olson audited Regions 1 and 9. Once these audits were finished, we assigned each regional deputy another region to audit a second time. Not only was this a check on recommendations coming out of the first audit but it also allowed regional deputies to look over the operation in another region.

The legislative auditors began their audit field work the week of August 8.

Budgets

All of the regional deputies received their final FY 2011 budgets and submitted their requested budgets for FY 2012 by August 12. Beginning the week of August 22, Harry and I held telephonic meetings with each of the regional deputies to discuss their budgets and their needs for this year and next.

Mental Health Professional

Dr. Laura Wendlandt, who developed and managed our mental health protocol, has taken a job as the clinical director for Yellowstone Girls and Boys Ranch. We felt it was very important to continue to have someone review pre-approvals and make sure that the protocol is followed, and determined that this function might be satisfied by a contract. We have entered into an interim agreement with Dr. Mike Scolatti to provide the services while we do an RFP to all of our mental health providers. Larry Murphy and Eric Olson are pursuing the RFP.

Travels and Meetings

At the end of the legislative session, Harry and I visited all of the offices other than the four rural locations. I went on my own to the offices in Regions 6, 7, 10, and 11. We met with all staff and talked to them about our budget outcome and how we expected that to handle our needs for the next two years.

The regional deputy public defenders met with me in Helena on May 19. It was a very good meeting wherein we discussed many issues such as the budget update, the case weighting system, the closing form, labor issues and various legal issues faced by some or all. The regional deputies are next meeting on September 9. They will have a 2 ½ hour session on what it means to have a unionized work force and how to discipline workers. The conflict coordinator has been asked to attend and talk about her needs and expectations from them.