

MONTANA PUBLIC DEFENDER COMMISSION
LEGISLATIVE COMMITTEE MEETING

Helena Regional Office
139 N. Last Chance Gulch, Helena MT 59601

September 23, 2010

MINUTES

Approved at the March 12, 2012 Meeting

Call to Order

Lacking a quorum, Chairman Fritz Gillespie began the meeting of the Legislative Committee at 12:14 p.m.

Committee Members Present

Fritz Gillespie, Helena

Committee Members Absent

Jennifer Hensley, Butte; Majel Russell, Billings

Interested Parties

Randi Hood, Chief Public Defender; Harry Freebourn, Administrative Director; Niki Zupanic, American Civil Liberties Union of Montana; Timm Twardoski, American Federation of State County and Municipal Employees, Montana

Approval of Minutes

Approval of the minutes of the July 24, 2009 meeting was deferred due to the lack of a quorum.

American University (AU) Recommendations

- #6 *Commission aggressive in demanding reliable reports*
Administrative Director Harry Freebourn said that the Commission needs to give direction on the reports that they want staff to provide on a regular basis. The financial information has been audited, and there is the potential for a performance audit this year. However, the Commission may want to appoint an audit committee to verify accuracy.
- #7 *Separate Conflict Office reporting to the Commission*
The OPD team chaired by Chief Public Defender Randi Hood would like to defer action on this item until the Supreme Court decision in the St. Dennis case is handed down. An interim solution might be a half-time conflicts coordinator and a half-time assistant to report directly to the Commission.
- #29 *Commission evaluate statutory provision*
The team defers to the Commission on this recommendation.
- #30 *Commission and staff advocate value of agency to others*
This will be satisfied in part by the report that Chairman Gillespie is preparing. In addition, Chief Hood is on the Montana Board of Crime Control and the Council for the Courts of Limited Jurisdiction.

Public Comment

Timm Twardoski, Executive Director of the American Federation of State, County and Municipal Employees, Montana (AFSCME) said that he received a notice of supplemental information that Chief Appellate Defender Joslyn Hunt filed regarding Donnie Mack Sellers. Mr. Twardoski provided a copy of the motion (exhibit 1). He found inconsistencies, and wants to go on record. Regarding item #7, Mr. Twardoski wants to clarify that the state and AFSCME stipulated together that appellate attorneys were excluded from the bargaining unit because at that time there was only one appellate attorney. Mr. Twardoski also disputes the term “organizing” of contract attorneys and said that they had only been encouraged to form a coalition. Mr. Twardoski’s also said that he thinks the last sentence in item #8 is anti-union despite the declaration to the contrary in item #9. He would like to see the case law that Chief Hunt referenced, and he thinks it is unfortunate that she took a position and made that statement.

Old Business/New Business (*Action Items)

Chairman Gillespie said that there are recommendations that will go forward to the Commission on October 8. Lacking a quorum, he will try to stimulate dialog with the Commission in regard to Recommendation #6.

The meeting adjourned at 12:35 p.m.