

## PROGRAM ONE STRATEGIC PLAN NOTES

### **Goal: Ensure that the Client's Constitutional Right to Effective Assistance of Counsel is Preserved**

**Objective 1:** Maintain a client-centered focus that promotes excellence.

*Strategy:* Draw on the collective expertise of staff and contractors.

*Strategy:* Create a confidential intra-net resource to enhance communication regarding current developments in law affecting our clients.

**Objective 2:** Enhance leadership and management skills.

*Strategy:* Develop training programs and identify resources to support management skills development.

*Strategy:* Enhance the ability of the Human Resources unit to provide management consultation and support, and enhance OPD's ability to identify and recruit to meet the needs of the agency and the people we serve.

*Strategy:* Identify sufficient Information Technology (IT) resources to meet agency technical priorities, and empower the full use of technical resources.

*Strategy:* Establish regular strategic planning meetings with managers and supervisors.

**Objective 3:** Monitor and Address Issues Relating to Attorney Workloads

*Strategy:* Continue to utilize attorney time-keeping and review and assess the case-weighting system, making changes where appropriate as determined by the joint Labor-Management Committee.

*Strategy:* Take appropriate steps to limit OPD involvement in DN cases while ensuring the rights and best interests of our clients are protected, by filing motions to stay court orders directing OPD to assign counsel for a parent, if we cannot locate or contact the client after making sufficient and reasonable efforts.

*Strategy:* Seek to rescind appointments or withdraw from cases which fall outside of OPD's statutory mandate.

Status: Ongoing. OPD is opposing appointments in involuntary adoption cases following the Montana Supreme Court's decision in *In re A.W.S.* (2015).

*Strategy:* Consider whether, and under what circumstances/factors, OPD will continue to be involved in providing representation in treatment courts. Develop Practice

Standards for representation in treatment courts, if OPD remains involved. Develop a “fixed fee” contract for representation by contract attorneys in treatment courts.

Objective 4: Reevaluate conflict of interest policies and standards, and adopt criteria to determine the most appropriate and cost-effective assignment of each conflict case.

*Strategy:* Consider the current standards and policy provisions relating to conflicts in DN cases.

*Strategy:* Consider the current standards and policy provisions relating to cases in which the client presents or files a complaint or grievance regarding the representation provided by counsel assigned to the case.

*Strategy:* Consider modifying Practice Standard III.3, which establishes “vertical representation” or continuous representation as the appropriate practice standard.<sup>1</sup>

*Strategy:* Evaluate the option of using staff attorneys to handle conflict cases in other regions. Because attorneys representing conflict cases must travel outside their own district to represent these cases, they may spend more time traveling and incur more travel costs than a private attorney from the originating region would spend/incur. This additional travel results in less attorney time available to represent cases and increased travel expenses.

Objective 5: Develop procedures to enhance efficiencies and productivity

*Strategy:* Enhance the ability of the Case Management System unit to provide uniform, consistent and regular support and training to all programs.

*Strategy:* Develop a plan to assist regional offices and MCU in transitioning into a “paperless” office format.

Objective 6: Allocate available resources fairly, in a manner consistent with OPD policies and priorities

*Strategy:* Regularly evaluate the strengths and resource needs of the regions and units. Review and monitor allocation of full-time employee positions within regions.

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<sup>1</sup> A. “Counsel shall provide continuous and uninterrupted representation to eligible clients from time of entry into the case through final disposition in the trial court.”

**Goal: Ensure the Indigent Defense System is Accountable to Taxpayers.**

Objective 1: Continue to improve the eligibility screening process. Consistent and reliable eligibility screening preserves OPD’s resources for the clients who need assistance the most.

*Strategy:* Develop guidelines for use by Regional Deputy Public Defenders and eligibility specialists in the offices, in making “hardship” determinations.

*Strategy:* Pursue efforts to address support staff turnover, which in turn creates difficulties in consistently and uniformly conducting the eligibility screening process.

Objective 2: Continue to improve data collection regarding eligibility determinations and verification of applications.

Objective 3: Continue to work on collection of court-ordered obligation to pay attorney fees.

*Strategy:* work with Executive Branch and Department of Administration

*Strategy:* Work with the Court Administrator’s Office and the Judiciary.

**Goal: Develop a Process to Monitor Progress and Adjust the Strategic Plan**

Objective 1: Establish regular reporting.

*Strategy:* Supervisors and managers will submit prospective work plans at the start of each fiscal year, and the work plans will be reviewed with senior management on a quarterly basis.

*Strategy:* Adjust the strategic plan as required.

Objective 2: Promote and Communicate the Strategic Plan.

*Strategy:* Develop a plan to promote and communicate the strategic plan.

*Strategy:* Present strategic plan for all OPD employees.

*Strategy:* Establish regular meetings of managers and supervisors, and FTEs of attorneys, staff, investigators, and other interested stakeholders.

Objective 3: Allocate resources to support the strategic plan.

## STRATEGIC PLAN – PUBLIC DEFENDER COMMISSION

### **Goal: Reconfigure the Structure of the Commission**

Objective 1: Create a Position of Executive Director.

The Commission should establish a full-time employee position of Executive Director (ED). This position would be hired by and supervised by the Commission. The ED would oversee all operational aspects of the three existing programs, including budget and resource allocation issues. The ED also would have primary responsibility and authority in legislative matters. The chief public defender, chief appellate defender, and conflicts manager would report to the ED.

Objective 2: Develop a Full-Time Employee Position for a Communications Director.

### **Goal: Develop a Mechanism to Assess and Evaluate Support Staff and Investigator Workloads**

We know from anecdotal reporting and experience that staff attorneys spend a significant amount of time performing tasks that could otherwise be performed by support staff (secretaries and legal assistants) and investigators. OPD budget requests have included funding for additional FTE staff and investigator positions to meet caseload demands. However, OPD does not have adequate procedures to measure the need for additional support staff and investigators.

The structure of support staff resources differs in OPD regional and branch offices. Staffing levels and position classifications differed among the offices when the agency was founded. These differences have continued as the agency has evolved. Currently, for example, the ratios of attorneys to support staff are not consistent within the largest regional offices.

Objective 1: Using its Discretionary Funding, the Commission Will Retain the Services of an Outside Expert to Track and Analyze Attorney, Support Staff and Investigator Hours, and Use the Data to Support Management Decisions Regarding Staff Resources Necessary to Meet Estimated Caseloads.

Objective 2: Using its Discretionary Funding, the Commission Will Retain the Services of an Outside Expert or Consultant to Assess and Evaluate the Agency's Organizational Structure and Make Recommendations for Changes to Enhance Efficiencies and Productivity.