OFFICE OF THE STATE PUBLIC DEFENDER

Agency Strategic Plan

Strategic Planning Committee

November 2012

PURPOSE OF THE PLAN

- Defines the Mission of the Office of the State Public Defender (OPD)
- Identifies the services provided by OPD to clients
- Defines how OPD will provide these services via developing strategies
- Defines goals and objectives for all programs
- Provides an organizational structure to operate and manage the system

AGENCY SUPERVISION AND PROGRAMS

- The agency is supervised by the Montana Public Defender Commission, 11 members nominated by various entities and appointed by the Governor
- Services are provided by two programs:
  - Program 1: Public Defender Program
    - Conflict Coordinator (under Program 1)
  - Program 2: Appellate Defender Program

The Chief Public Defender, Chief Appellate Defender, and Conflict Coordinator report directly to the Commission

VISION STATEMENT

- Any person who is entitled to an attorney at public cost, will receive competent, vigorous representation
- The Commission has developed standards of legal practice
- The agency will maintain a meaningful training program

AGENCY MISSION STATEMENT

- The mission of the Office of the State Public Defender is to provide effective assistance of counsel to indigent persons accused of crimes and other persons in civil cases who are entitled to the assistance of counsel at public expense.

- The constitutions of the United States and the State of Montana guarantee the right to counsel where fundamental liberty interests are at stake.

- In Montana, minors have the same right to counsel as adults.

PUBLIC DEFENDER PROGRAM STRATEGIES

- The Public Defender Commission approved the following strategies for the Public Defender Program (Program 1)
  - Defined the boundaries of 11 regions to be managed by regional deputy public defenders
  - Directed that the program have a staffed office in all regions to provide services and oversight
  - The program may add or remove other offices as necessary to meet it mission
  - The program may serve its clients via a state hired workforce and/or contractors
  - The program includes a central office/centralized services group that services the Commission and all programs

PUBLIC DEFENDER PROGRAM MISSION

The Public Defender Program provides defense services to individuals that qualify under Title 47 including:

- Persons determined to be indigent in criminal cases and parents or children involved in dependent/neglect cases
- Respondents in proceedings for involuntary commitment
- Persons who are the subject of a petition for the appointment of a guardian
- Youths in youth court

GOALS AND OBJECTIVES – PROGRAM 1

(MORE DETAIL AND UPDATED GOALS AND OBJECTIVES ARE AT PUBLICDEFENDER.MT.GOV)

GOAL 1: Maintain and improve a statewide public defender system to provide effective assistance of counsel to indigent criminal defendants and other persons in civil cases who are entitled by law to assistance of counsel at public expense.

OBJECTIVE: Monitor the existing public defender system to assure that it provides high quality services at a reasonable cost.

GOAL 2: Ensure that the system is free from undue political interference and conflicts of interest.

OBJECTIVE: Guarantee the integrity of the relationship between attorney and client. Take all necessary steps to ensure that the public defender system is not subject to unwarranted judicial supervision.

GOAL 3: Ensure that public defender services are delivered by qualified and competent counsel in a manner that is fair and consistent throughout the state.

OBJECTIVE: Staff and support the agency's training function.

OBJECTIVE: Develop and monitor FTE evaluations and contractor proficiency determinations.

GOAL 4: Ensure that the system utilizes state employees, contracted services, or other methods of providing services in a manner that is responsive to and respective of regional and community needs and interests.

OBJECTIVE: Assure that the main focus of the agency is to provide the best client service. Assure that service is being provided by monitoring the performance of state employees and contracts with private attorneys.

GOAL 5: Advocate for adequate funding of the statewide public defender system.

OBJECTIVE: The agency will communicate information related to the caseloads and costs of the public defender system to the Commission, all branches of state government, and other interested parties.

GOAL 6: Ensure that clients of the statewide public defender system pay reasonable costs for services based on the clients' financial ability to pay.

GOAL 7: Advocate for parity in pay and resources with the prosecution.

OBJECTIVE: The agency will communicate information related to disparity in pay and resources with prosecutors to the Commission, all branches of state government, and other interested parties.

GOAL 8: Ensure uniformity and consistency in the administration of the statewide system and the case management program.

APPELLATE DEFENDER PROGRAM STRATEGIES

- The Appellate Defender Program (Program 2) works with the Supreme Court and must be located in Helena
- The program may serve its clients via a state hired workforce and/or contractors

APPELLATE DEFENDER PROGRAM MISSION

- The Appellate Defender Program provides appeal services to individuals that qualify under Title 47 including:
  - Persons in criminal cases
  - Parents or children involved in dependent/neglect cases
  - Respondents in proceedings for involuntary commitment
  - Persons who are the subject of a petition for the appointment of a guardian
  - Youths in youth court
  - Persons in postconviction cases
  - Persons in state habeas proceedings

GOALS AND OBJECTIVES – PROGRAM 2

(MORE DETAIL AND UPDATED GOALS AND OBJECTIVES ARE AT PUBLICDEFENDER.MT.GOV)

GOAL 1: Maintain and improve a statewide appellate defender office (Office) to provide effective assistance of counsel to indigent criminal defendants and other persons in civil cases who are entitled by law to assistance of counsel during the appeals process at public expense.

OBJECTIVE: Monitor the existing Office to assure that it provides high quality services at a reasonable cost.

GOAL 2: Ensure that the Office is free from undue political interference and conflicts of interest.

OBJECTIVE: Guarantee the integrity of the relationship between attorney and client. Take all necessary steps to ensure that the Office is not subject to unwarranted judicial supervision.

GOAL 3: Monitor that appellate defender services are delivered by qualified and competent counsel.

OBJECTIVE: Support the agency's training function.

GOAL 4: Ensure that the system utilizes state employees and contracted services to avoid conflicts of interest and to process appeals in a timely manner.

OBJECTIVE: Ensure that the main focus of the Office is to provide the best client service. Ensure that service is being provided by monitoring the performance of state employees and contracts with private attorneys.

GOAL 5: Advocate for adequate funding for the Office.

OBJECTIVE: The agency will communicate information related to the caseloads and costs of the Office to the Commission, all branches of state government, and other interested parties.

GOAL 6: Ensure that clients of the Office pay reasonable costs for services based on the clients' financial ability to pay.

GOAL 7: Advocate for parity in pay and resources with the Attorney General's office.

OBJECTIVE: The Office will communicate information related to disparity in pay and resources to the Commission, all branches of state government, and other interested parties.

GOAL 8: Ensure uniformity and consistency in the administration of the statewide appellate defender system and its case management program.

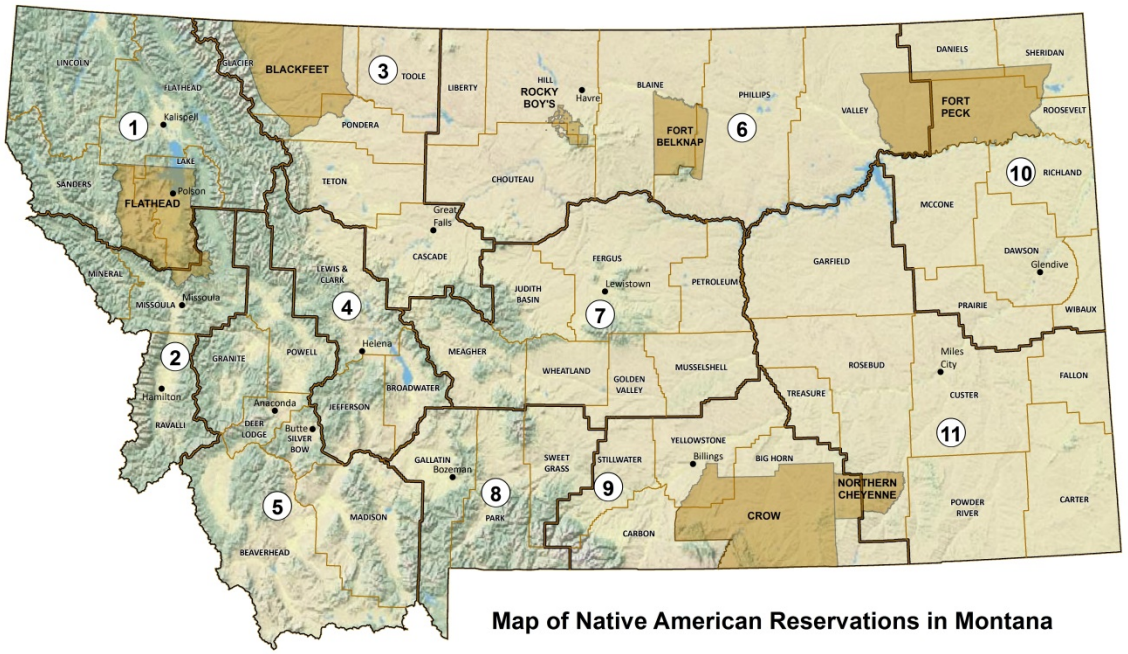
FUTURE STRATEGIES

The Strategic Planning Committee developed the following new strategies:

1. Plan for the establishment a civil unit. This strategy would seek to separate the civil and criminal practices so that each may focus on its specific type of cases. Develop an organizational structure that supports this separation. Develop a program or budget to provide separate resources.
2. Plan for a full separation of the Conflict Coordinator function from all other programs. Develop a program or budget to provide separate resources. Provide postconviction relief services.
3. Develop a case cap plan for all programs.

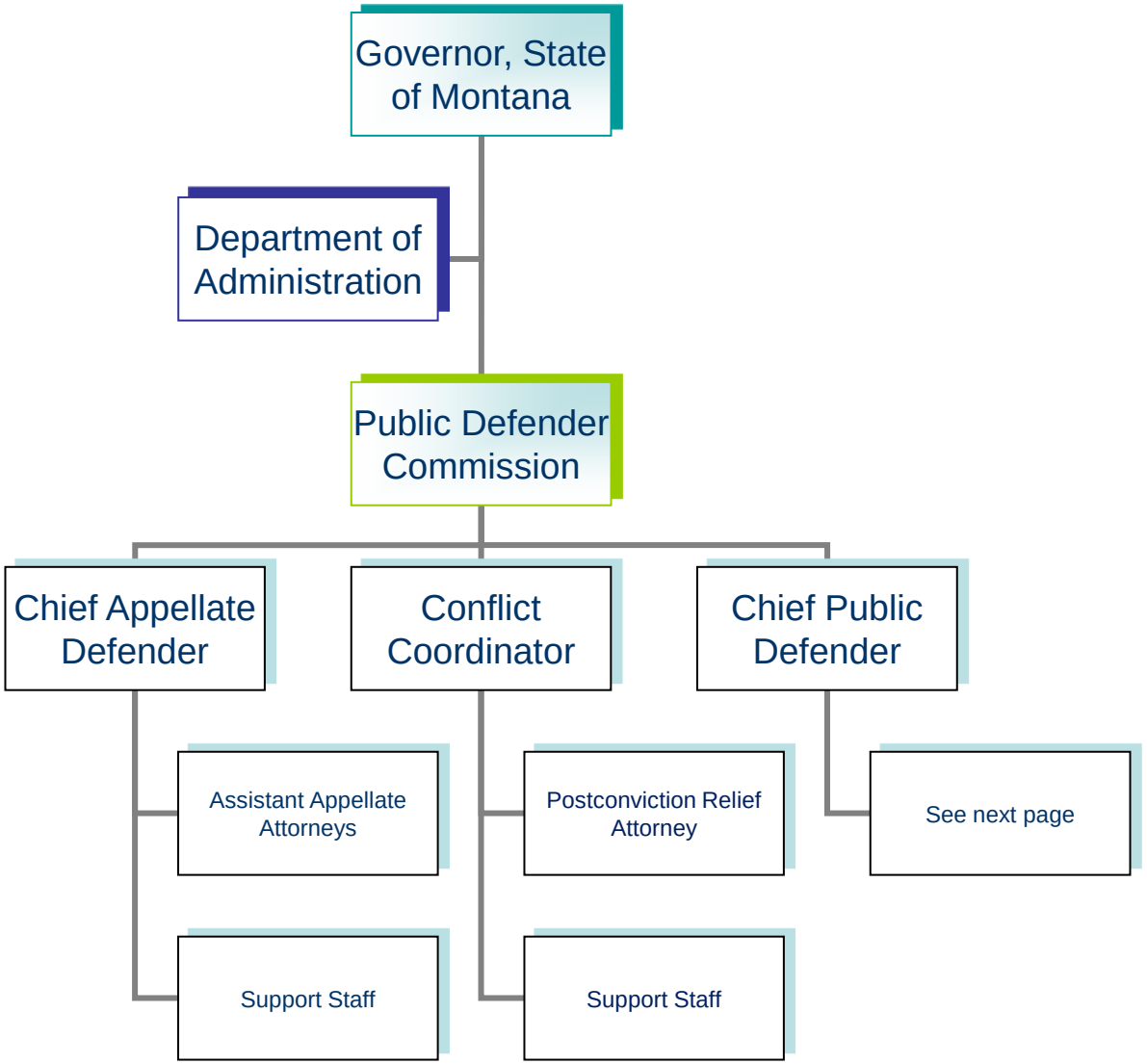
EMPHASIS ON NATIVE AMERICAN ISSUES

- Investigate and correct any role the public defender system plays in the disproportionate representation of Native Americans in our justice system.
- Ensure adequate education and training on the impact of the Indian Child Welfare Act in dependent and neglect cases.
- Coordinate with the Tribal Governments and those providing indigent defense.



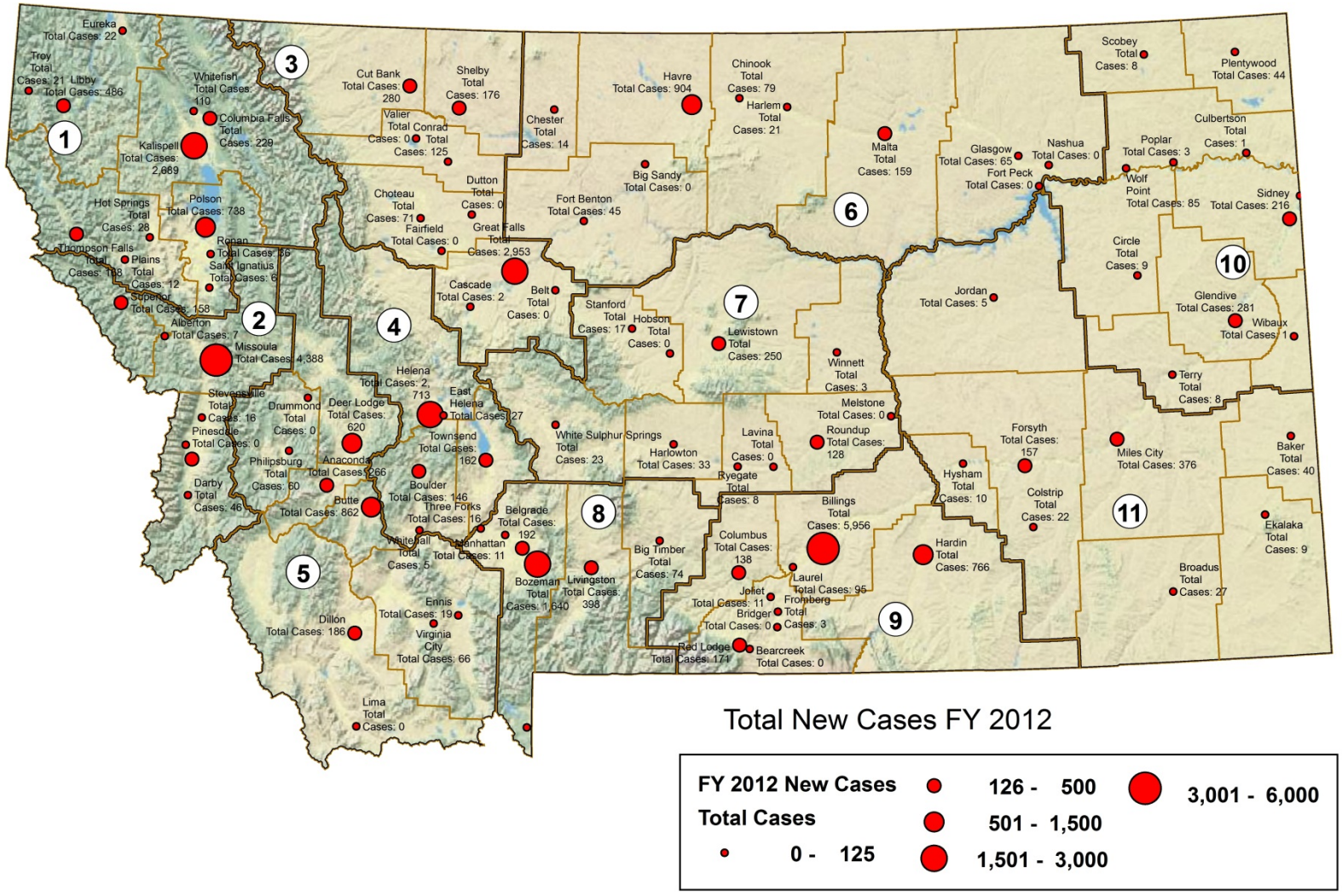
Map of Native American Reservations in Montana

ORGANIZATIONAL STRUCTURE

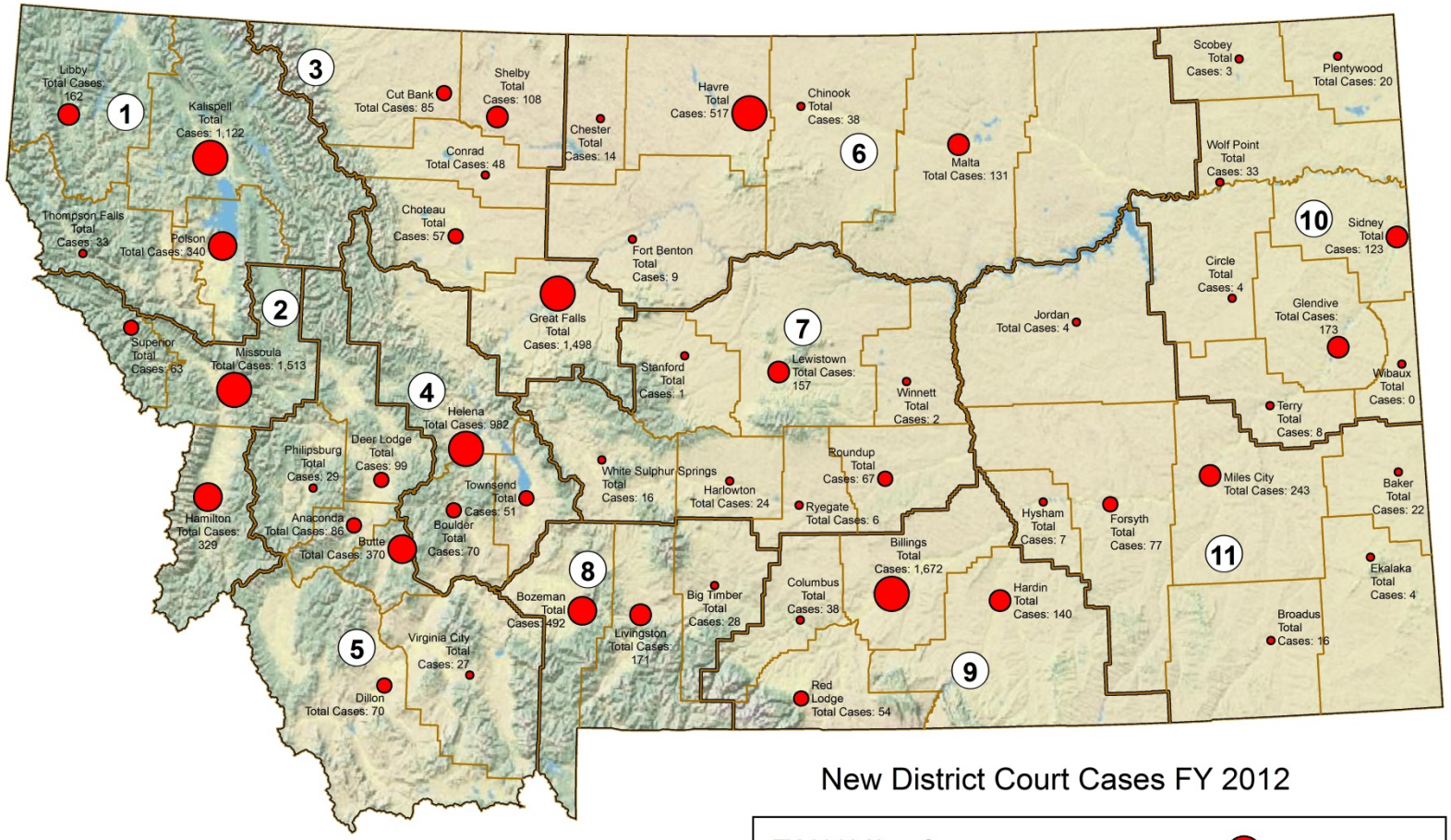


ORGANIZATIONAL STRUCTURE (cont.)

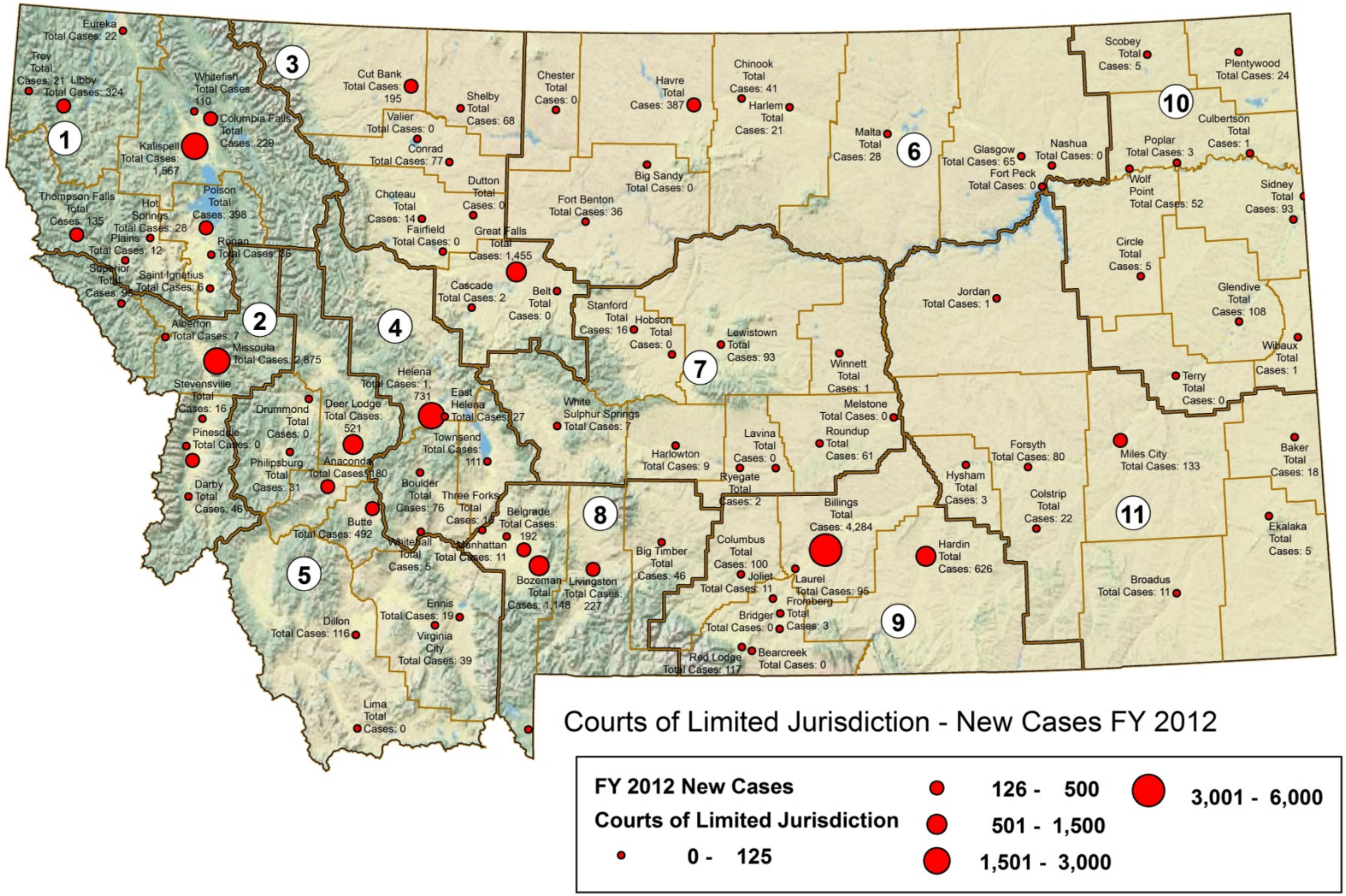
TOTAL NEW CASES BY CITY – FY 2012



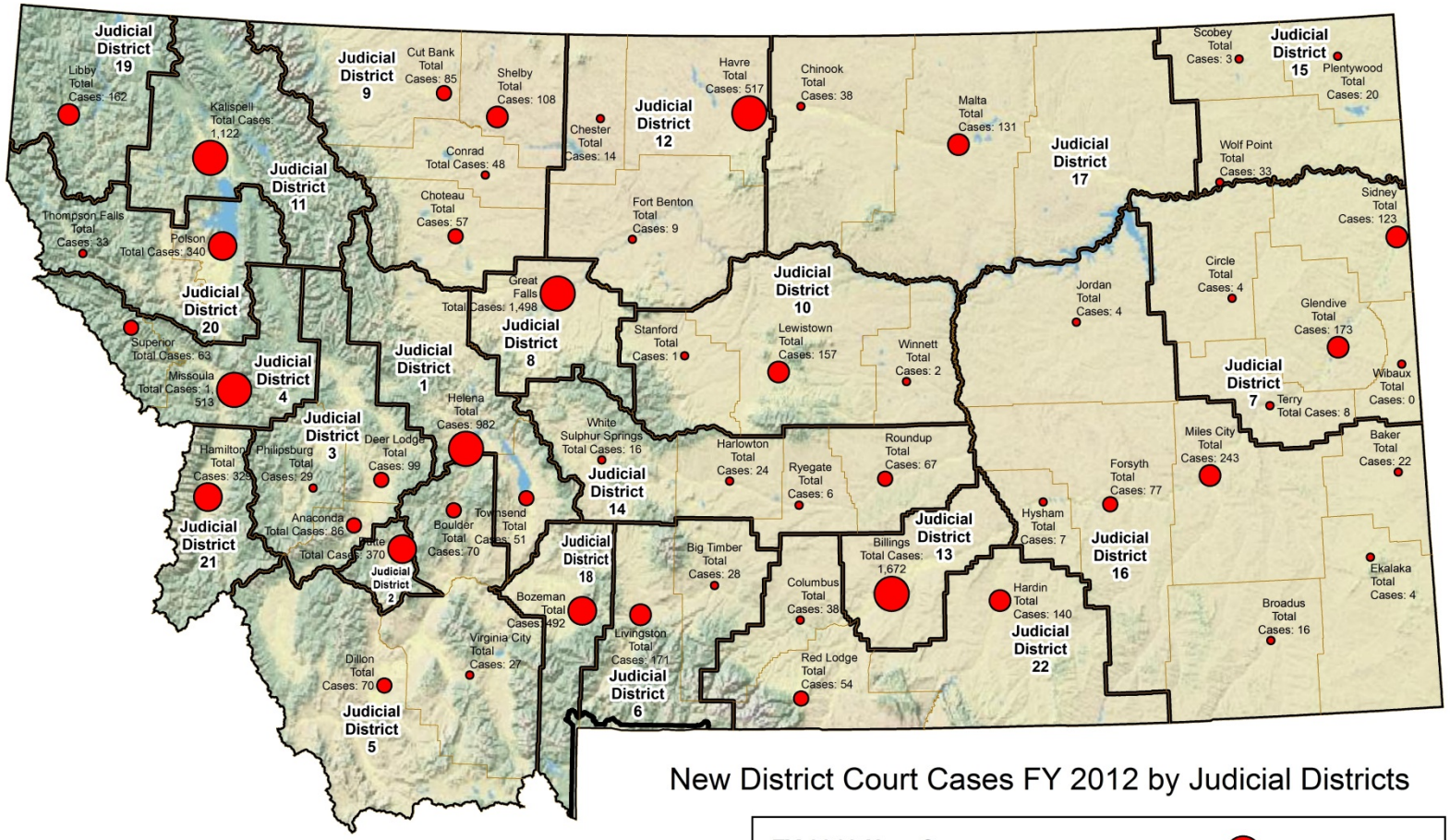
NEW DISTRICT COURT CASES BY CITY – FY 2012



NEW CASES FOR COURTS OF LIMITED JURISDICTION BY CITY – FY 2012



NEW DISTRICT COURT CASES BY CITY BY JUDICIAL DISTRICTS – FY 2012



New District Court Cases FY 2012 by Judicial Districts

FY 2012 New Cases District Courts		
0 - 50	51 - 100	501 - 1,750
	101 - 250	
	251 - 500	

Region 1 – Kalispell

Attorneys: 17.5

Support Staff: 8

Investigators: 2

Contract Attorneys: 24

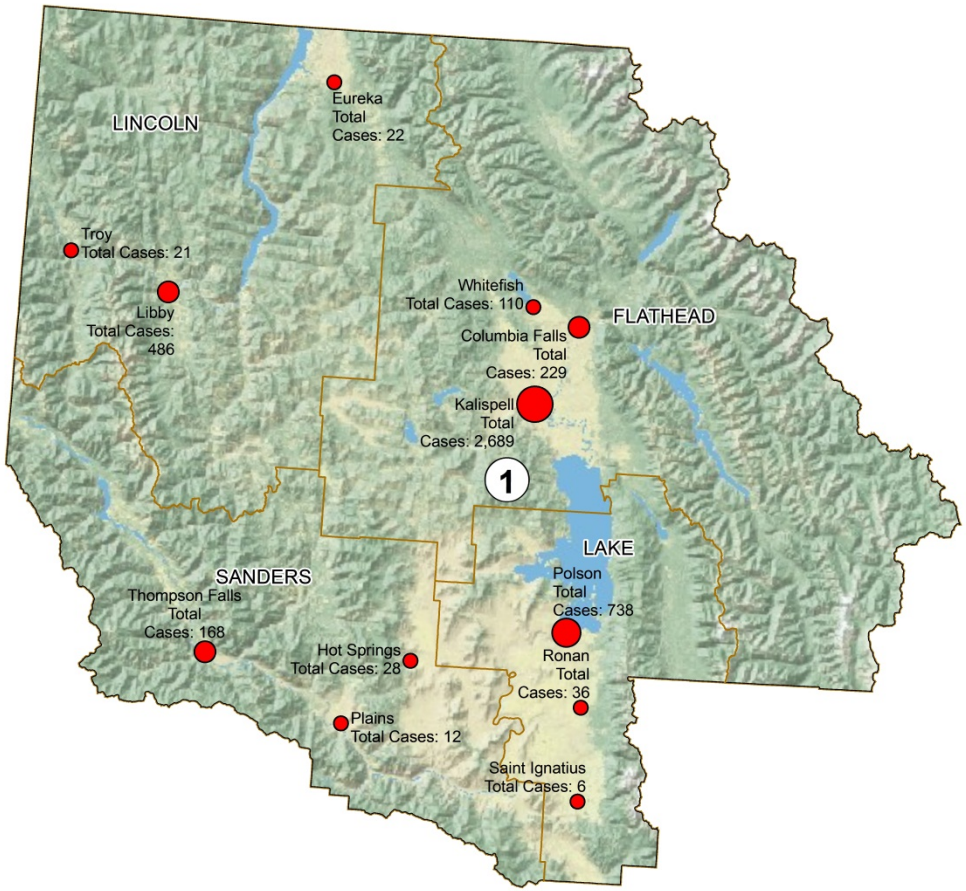
FYE 2012 Cases Opened: 4,543

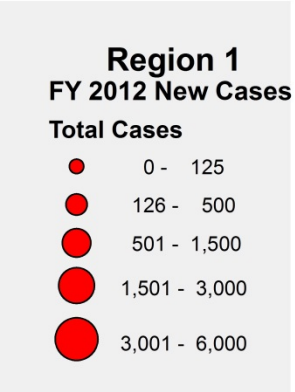
- District Court Cases: 1,634
- Cases in Courts of Limited Jurisdiction: 2,909

District Courts: 4

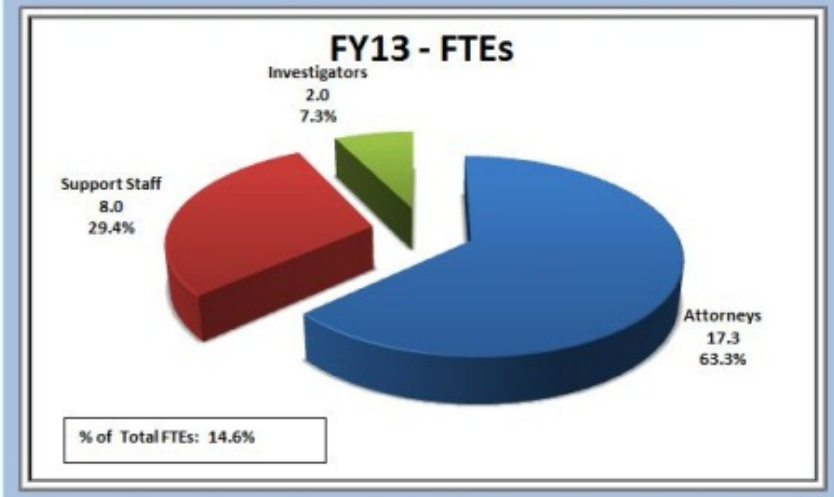
Lower Courts : 16

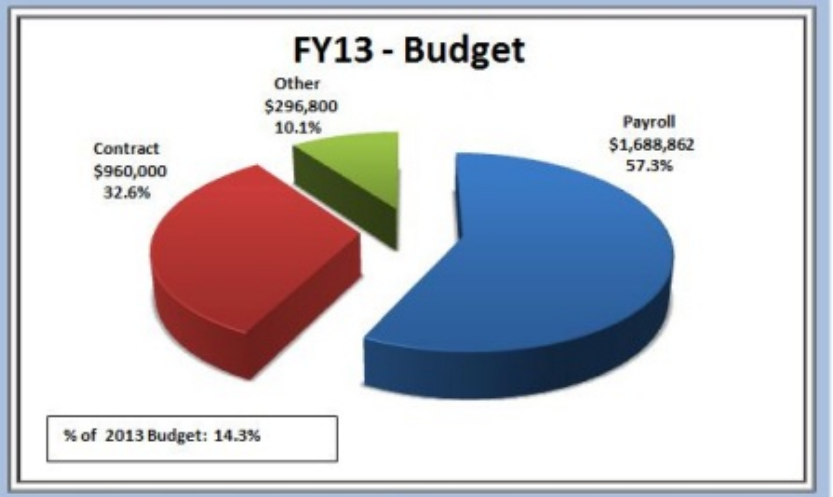
Sq. Miles: 12,967

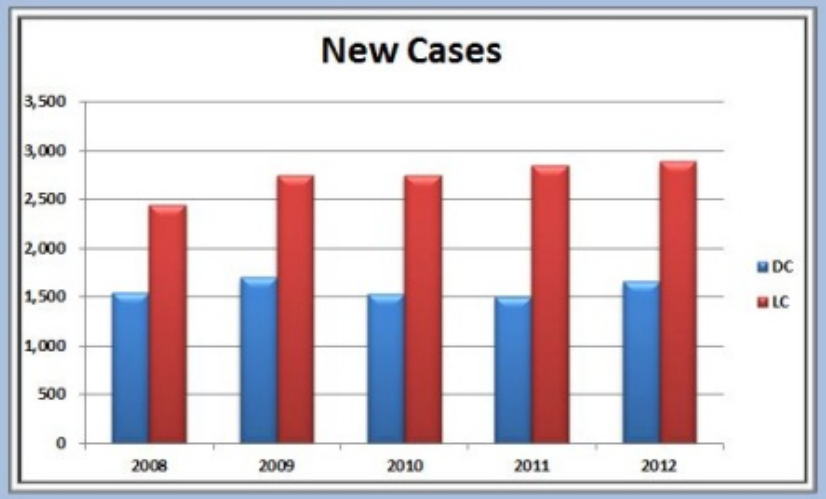




Region 1 – 2012 Snapshot





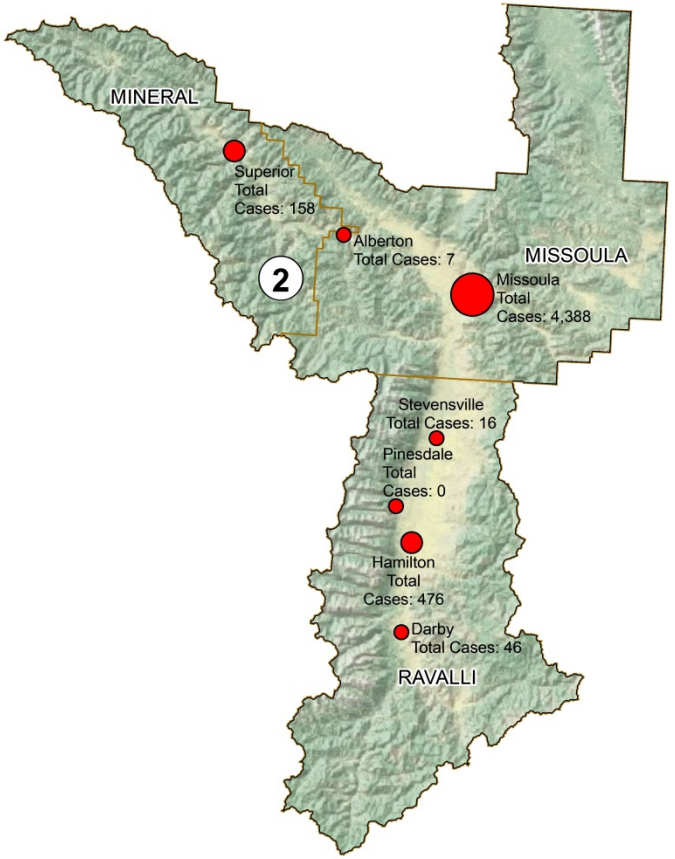


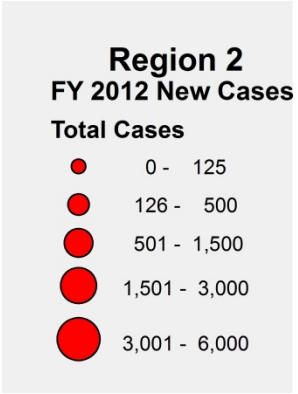
Region 2 – Missoula

Attorneys: 22.50
Support Staff: 10
Investigators: 3
Contract Attorneys: 47
FYE 2012 Cases Opened: 5,548

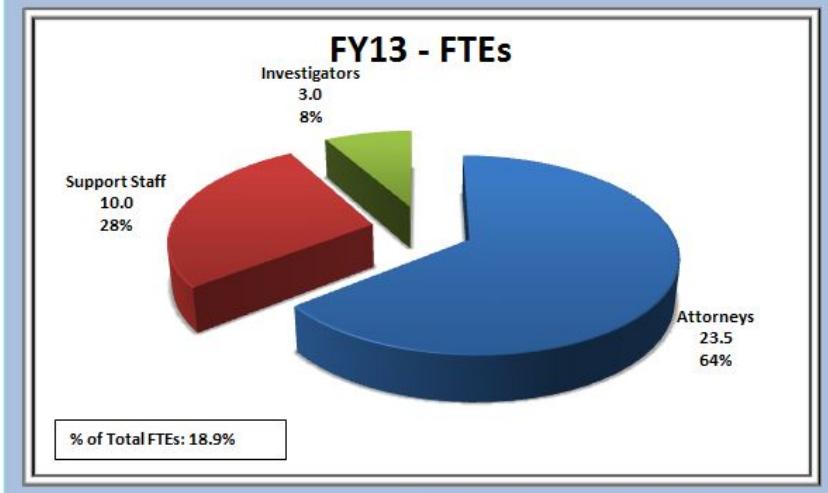
- District Court Cases: 1,882
- Cases in Courts of Limited Jurisdiction: 2,666

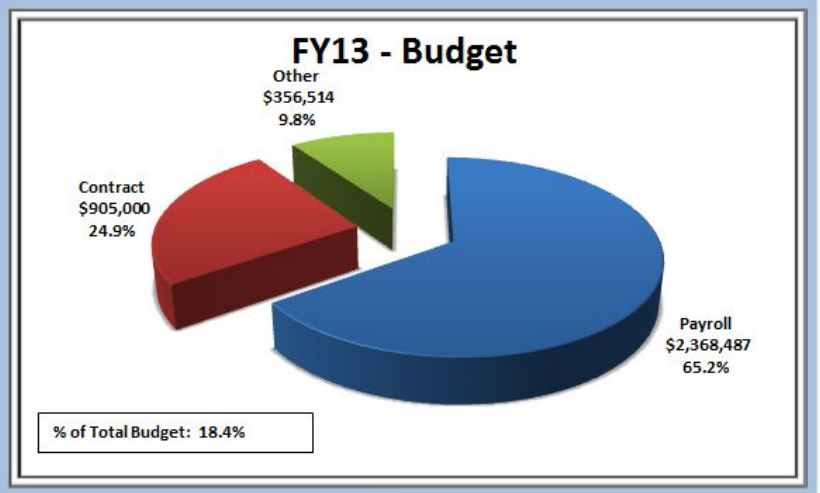
District Courts: 3
Lower Courts: 10
Sq. Miles: 6,212

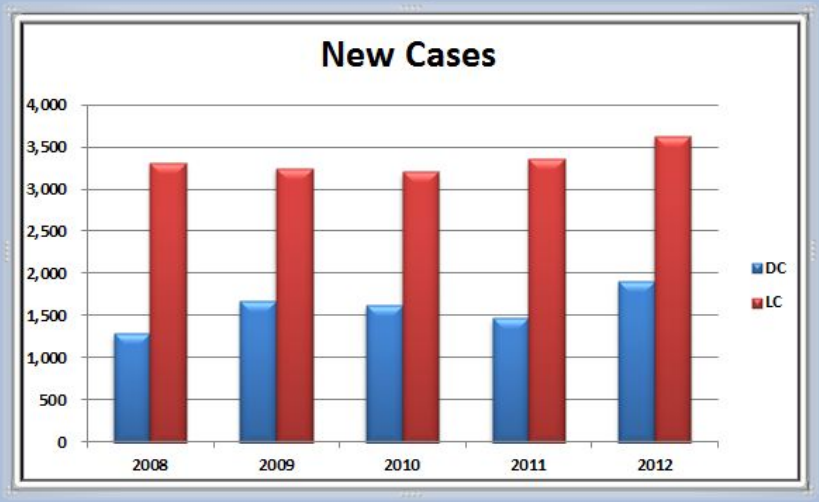




Region 2 – 2012 Snapshot





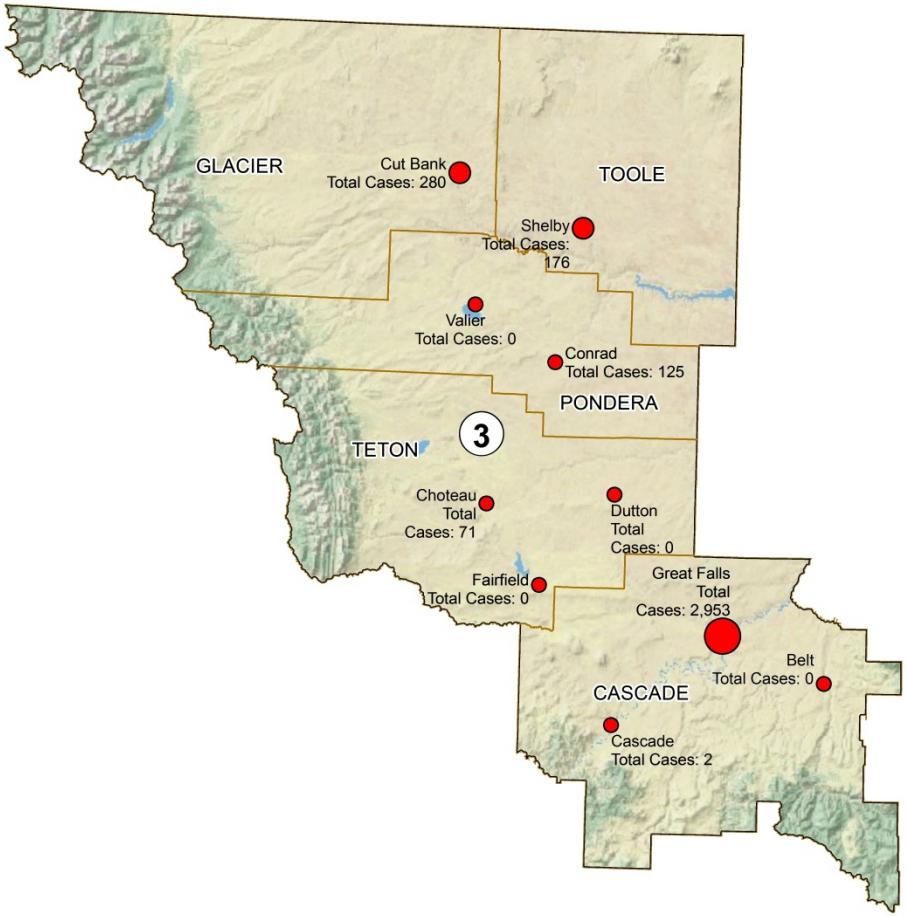


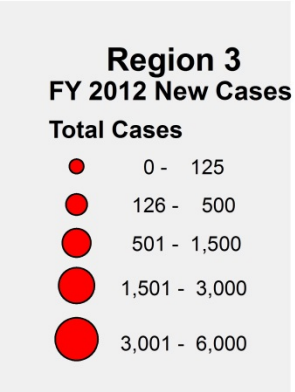
Region 3 – Great Falls

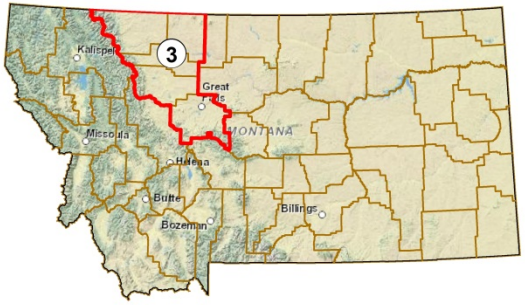
Attorneys: 12
Support Staff: 6
Investigators: 3
Contract Attorneys: 26
FYE 2012 Cases Opened: 3,603

- District Court Cases: 1,803
- Cases in Courts of Limited Jurisdiction: 1,800

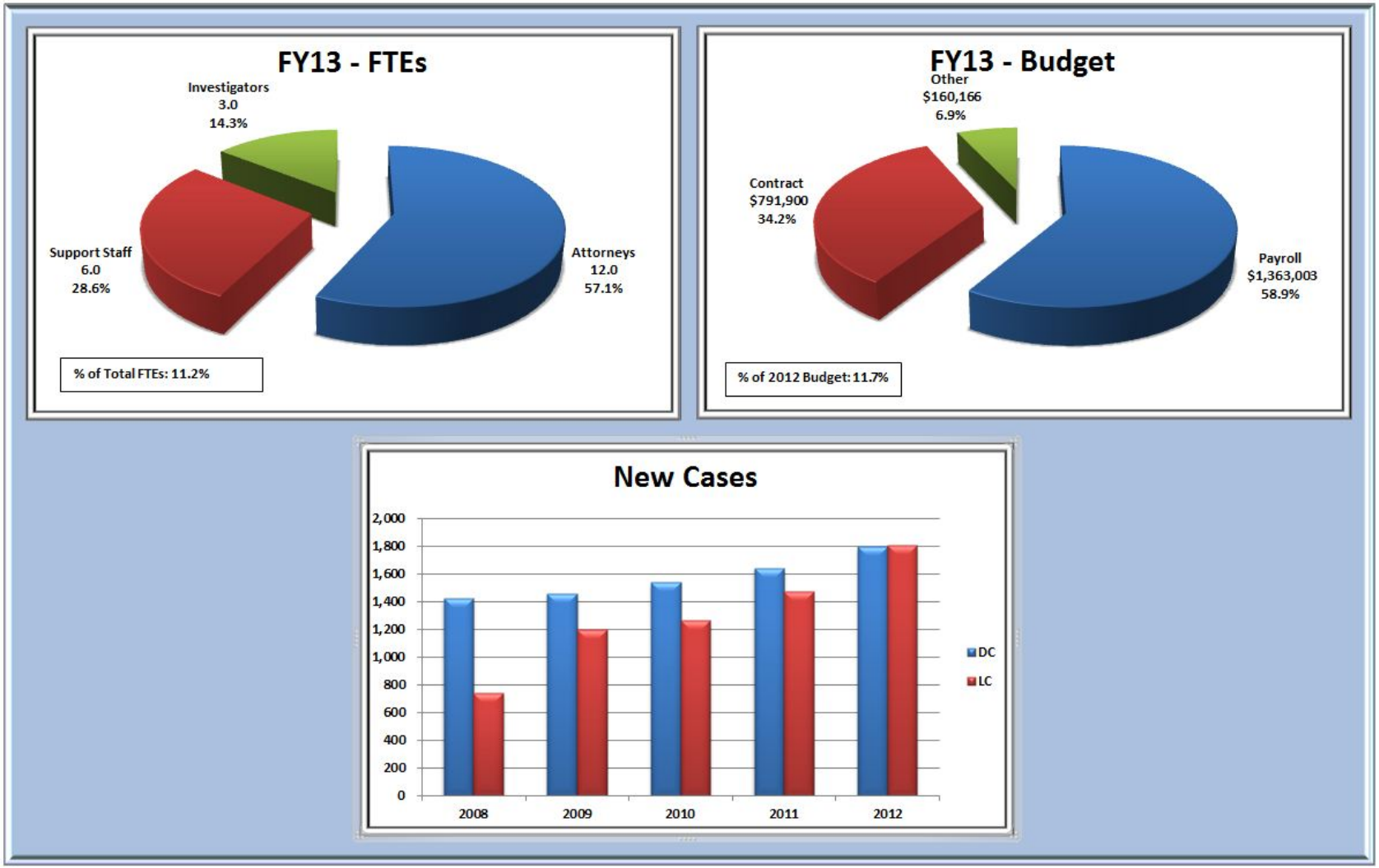
District Courts: 5
Lower Courts: 16
Sq. Miles: 11,501







Region 3 – 2012 Snapshot



Region 4 – Helena

Attorneys: 11

Support Staff: 4

Investigators: 1

Contract Attorneys: 13

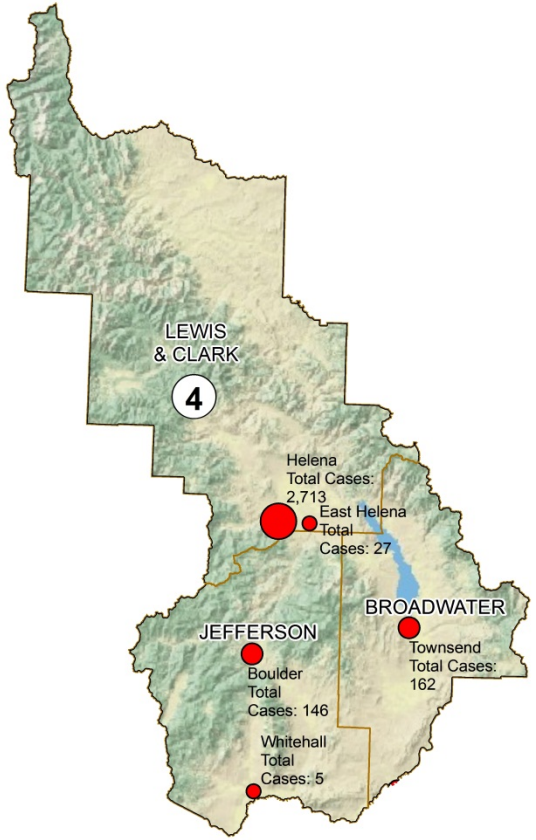
FYE 2012 Cases Opened: 3,060

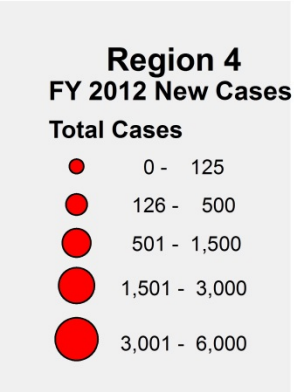
- District Court Cases: 1,065
- Cases in Courts of Limited Jurisdiction: 1,995

District Courts: 3

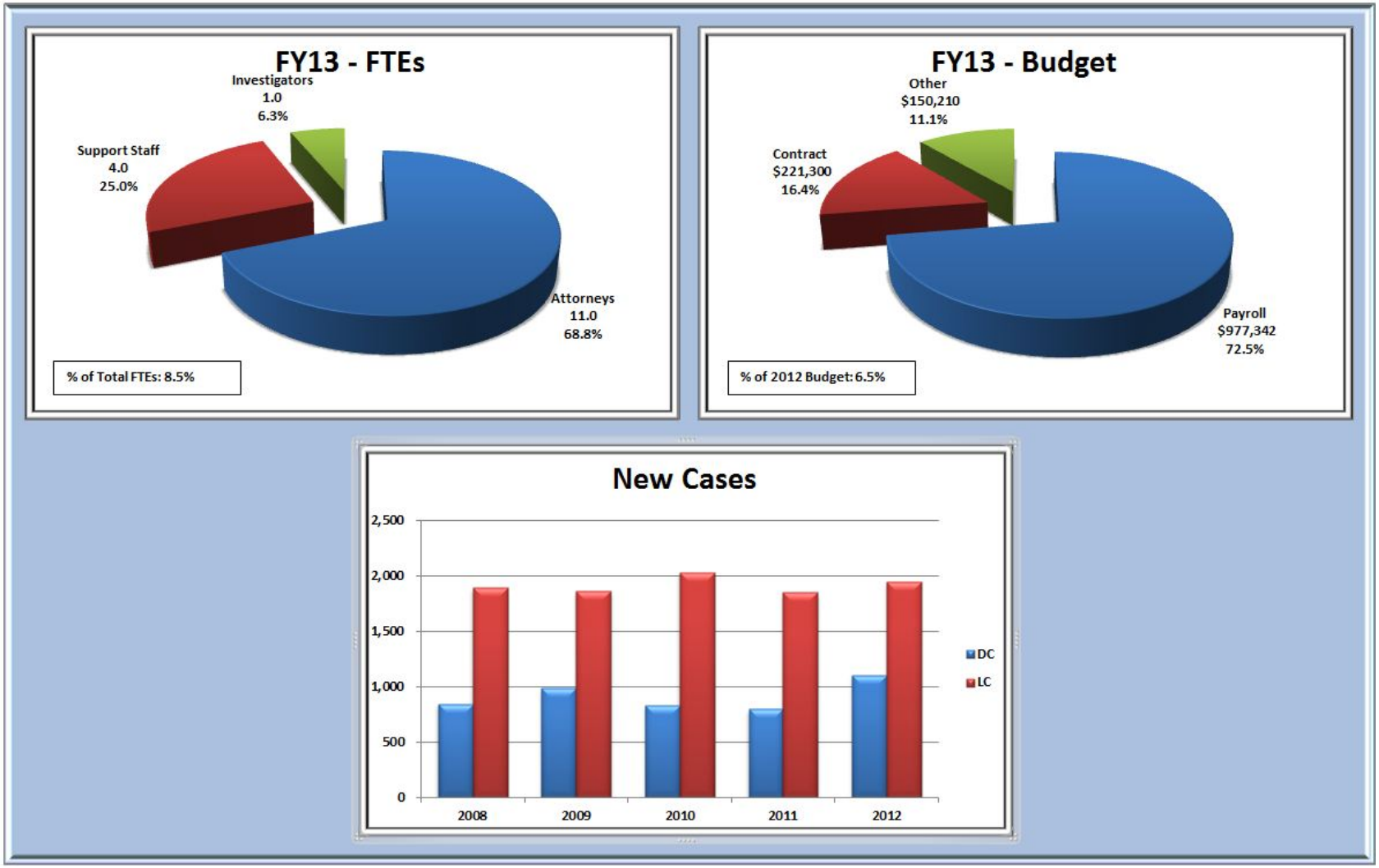
Lower Courts: 8

Sq. Miles: 6,309





Region 4 – 2012 Snapshot



Region 5 – Butte

Attorneys: 9

Support Staff: 4

Investigators: 1.5

Contract Attorneys: 7

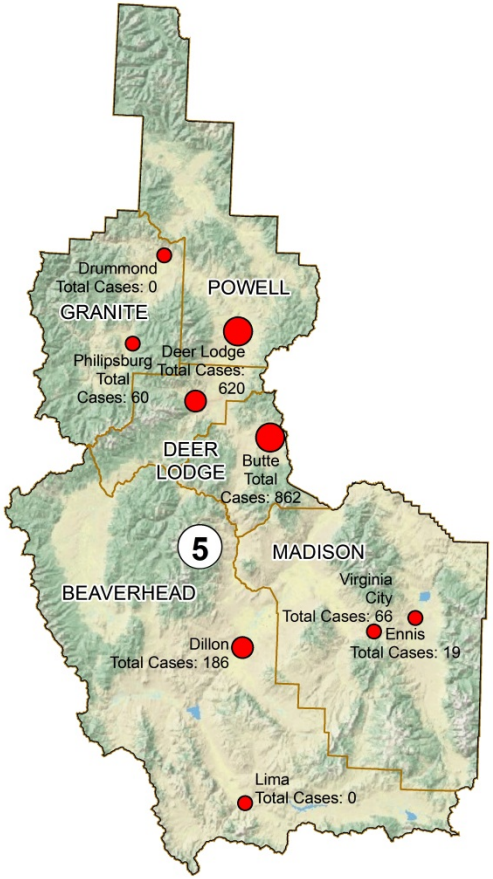
FYE 2012 Cases Opened: 1,603

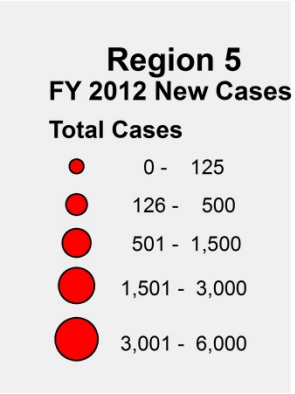
- District Court Cases: 655
- Cases in Courts of Limited Jurisdiction: 948

District Courts: 6

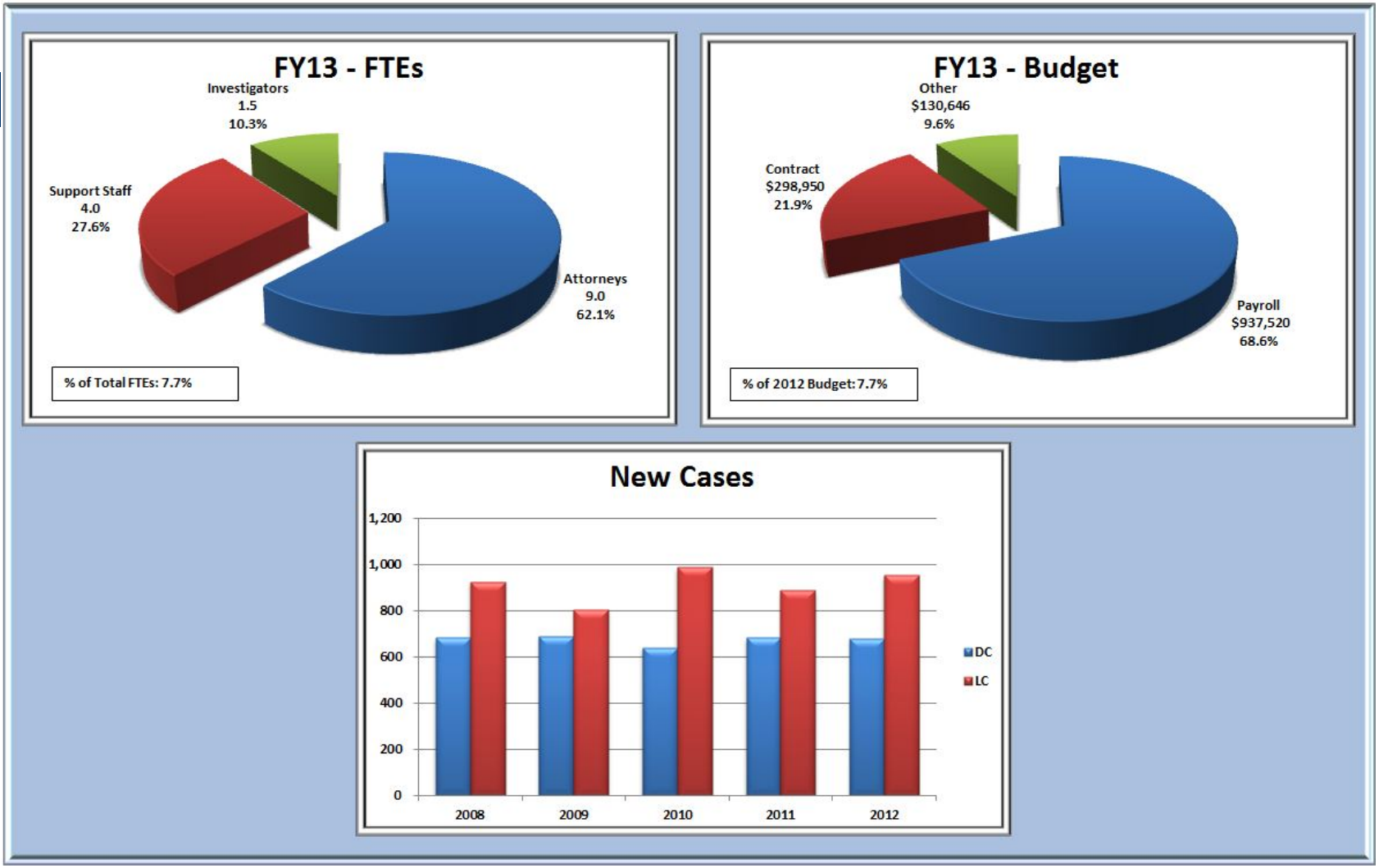
Lower Courts: 14

Sq. Miles: 14,638





Region 5 – 2012 Snapshot



Region 6 – Havre

Attorneys: 2

Support Staff: 1

Investigators: 1

Contract Attorneys: 10

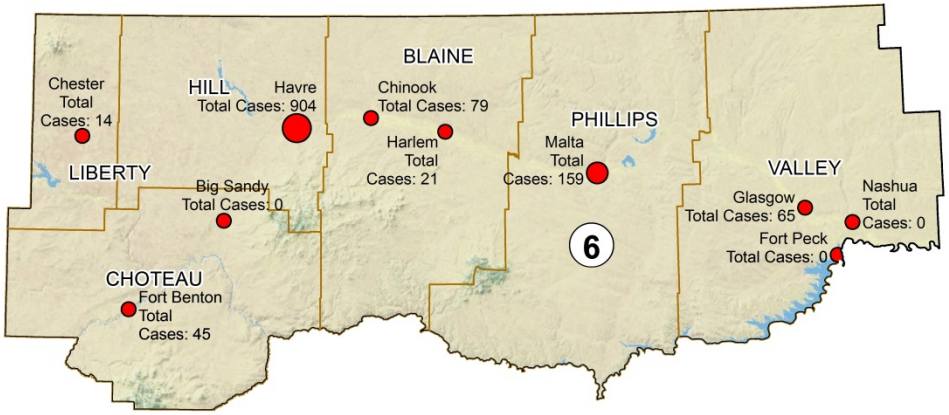
FYE 2012 Cases Opened: 1,286

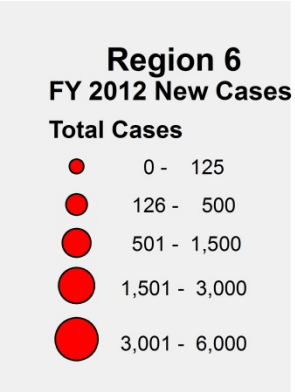
- District Court Cases: 706
- Cases in Courts of Lower Jurisdiction: 580

District Courts: 6

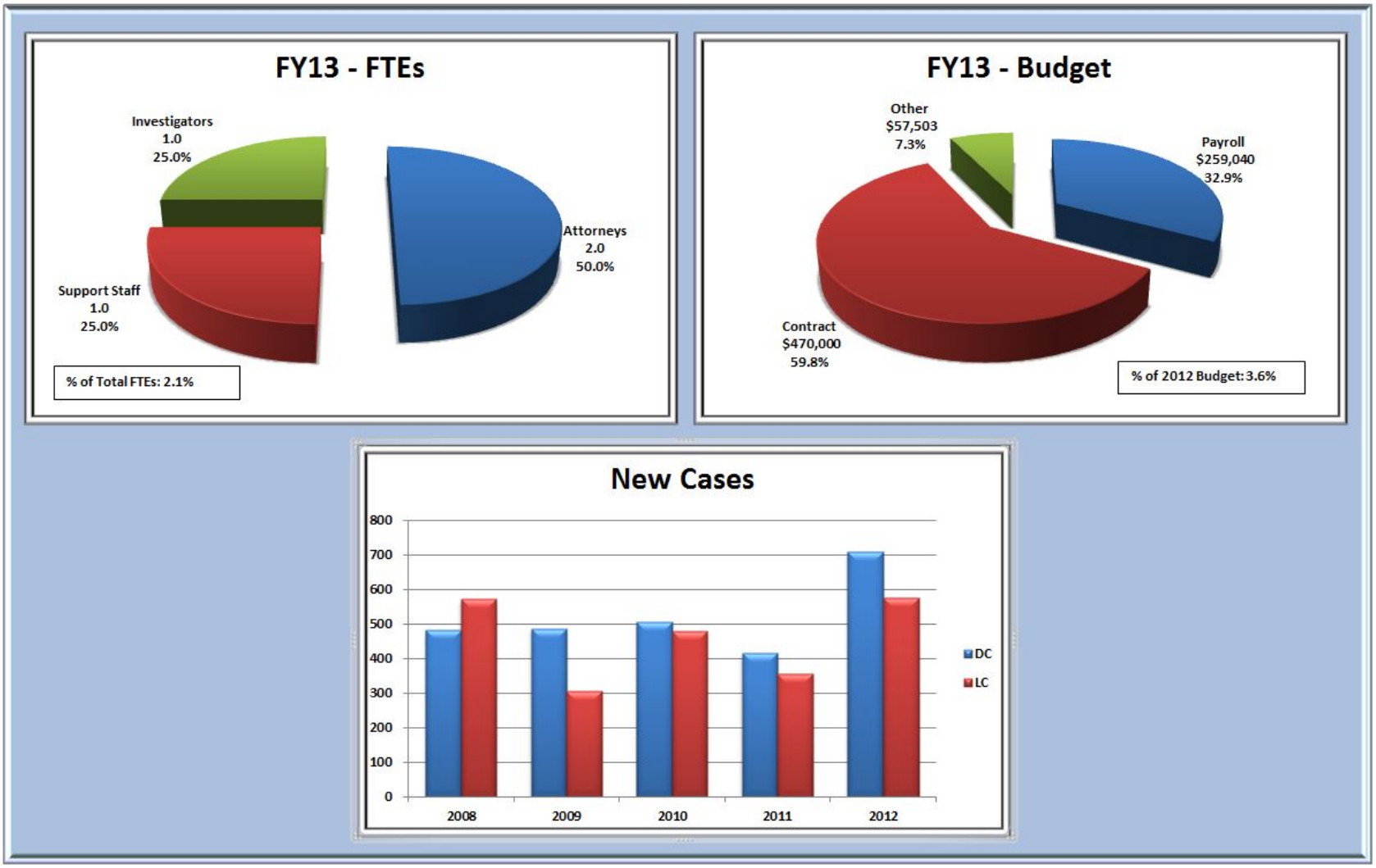
Lower Courts: 16

Sq. Miles: 22,586





Region 6 – 2012 Snapshot



Region 7 – Lewistown

Attorneys: 2

Support Staff: 1

Investigators: 0.5

Contract Attorneys: 18

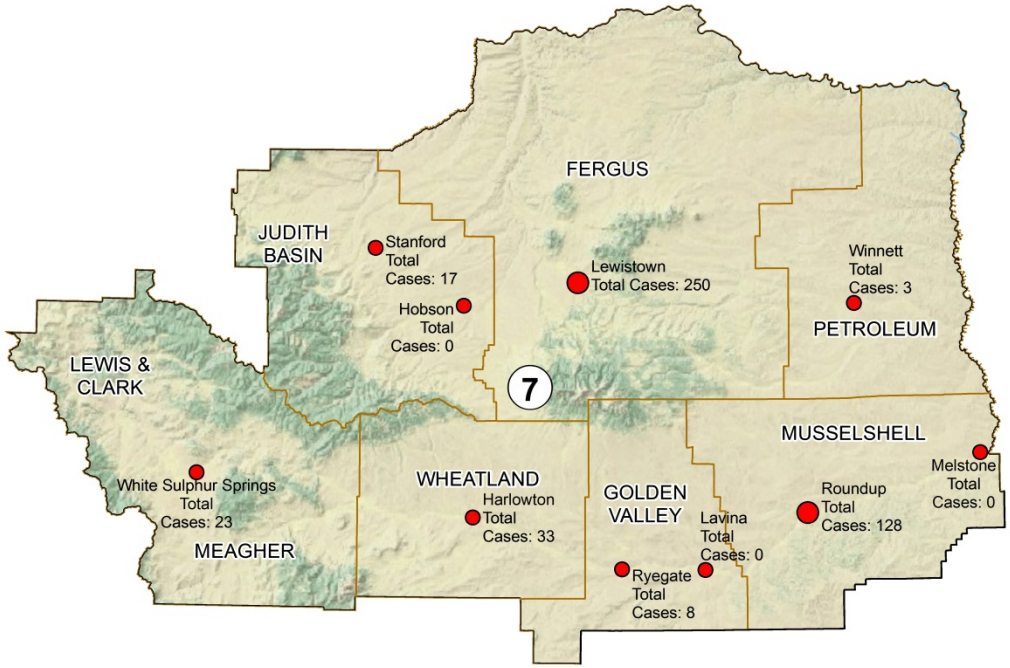
FYE 2012 Cases Opened: 464

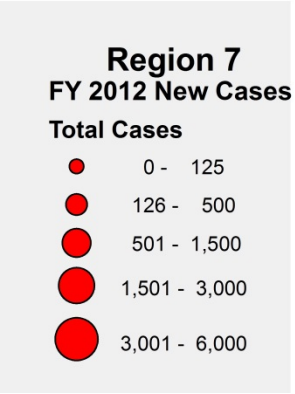
- District Court Cases: 275
- Cases in Courts of Limited Jurisdiction: 189

District Courts: 7

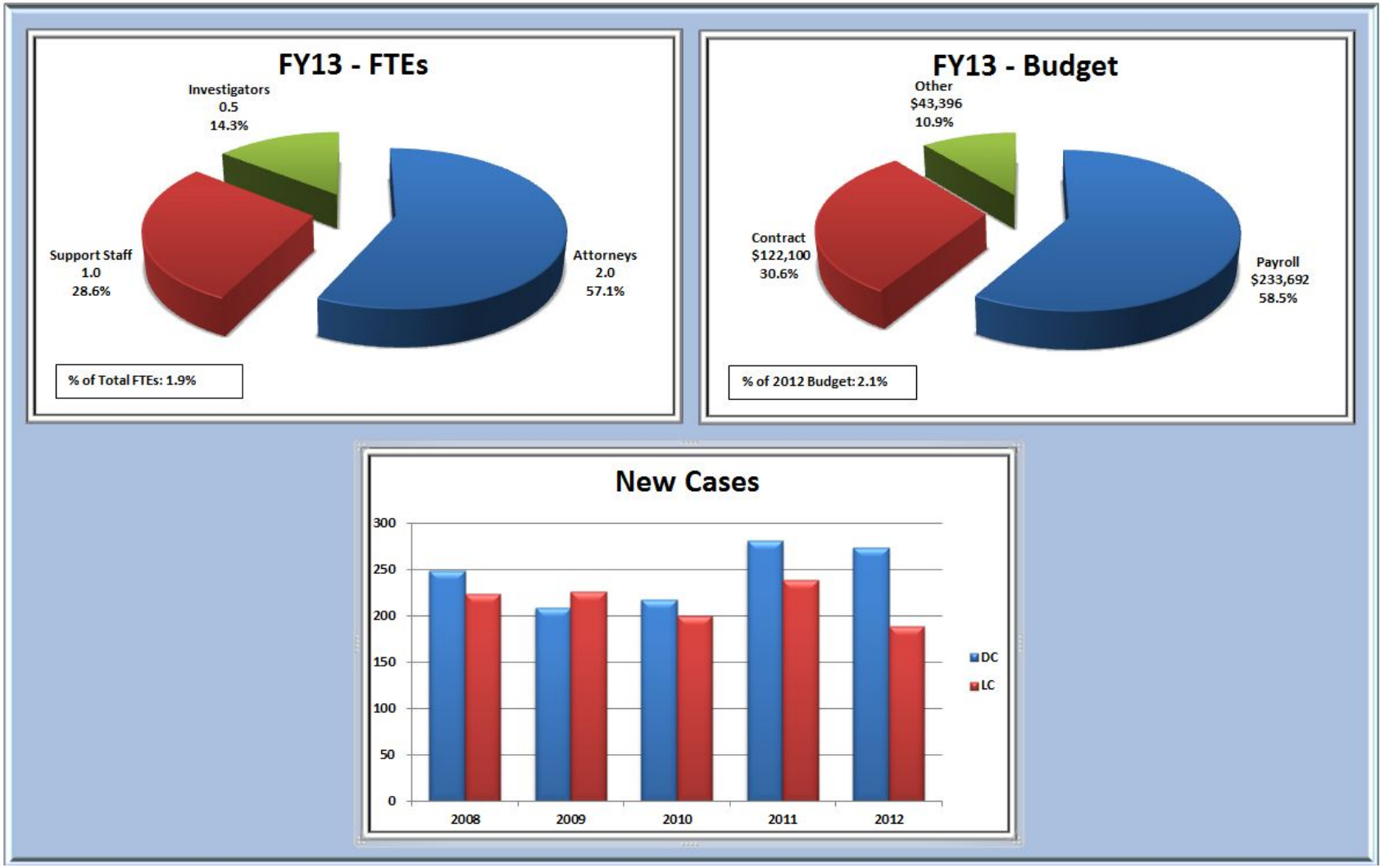
Lower Courts: 17

Sq. Miles: 14,720





Region 7 – 2012 Snapshot



Region 8 – Bozeman

Attorneys: 10

Support Staff: 6

Investigators: 2

Contract Attorneys: 27

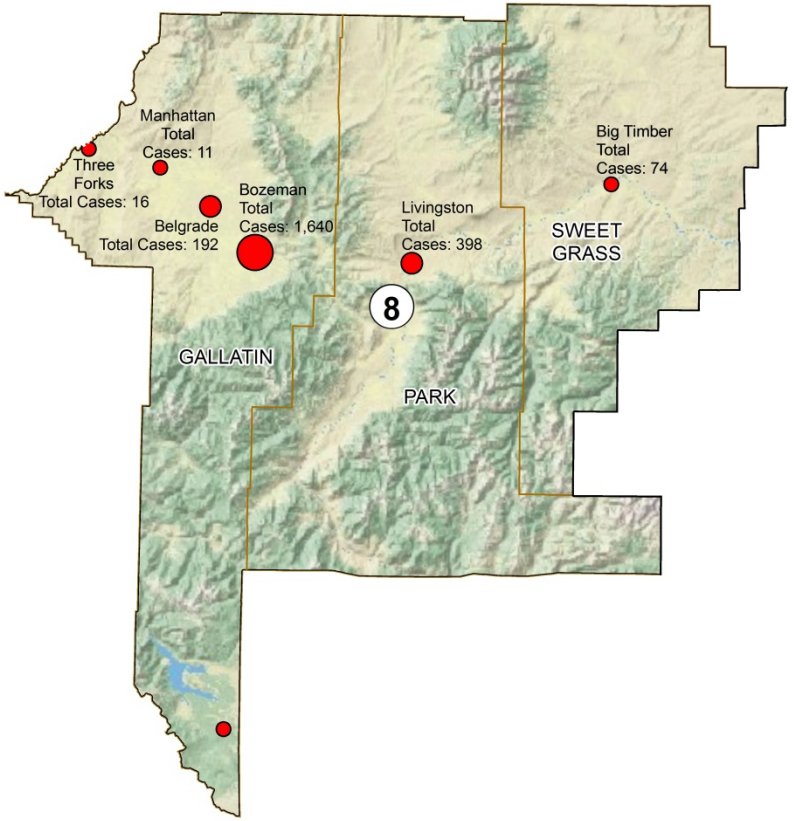
FYE 2012 Cases Opened: 2,342

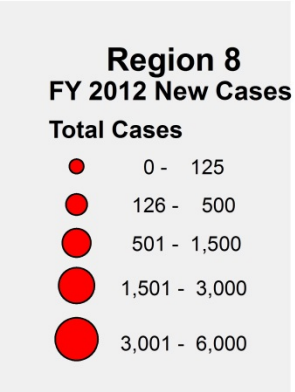
- District Court Cases: 659
- Cases in Courts of Limited Jurisdiction: 1,683

District Courts: 3

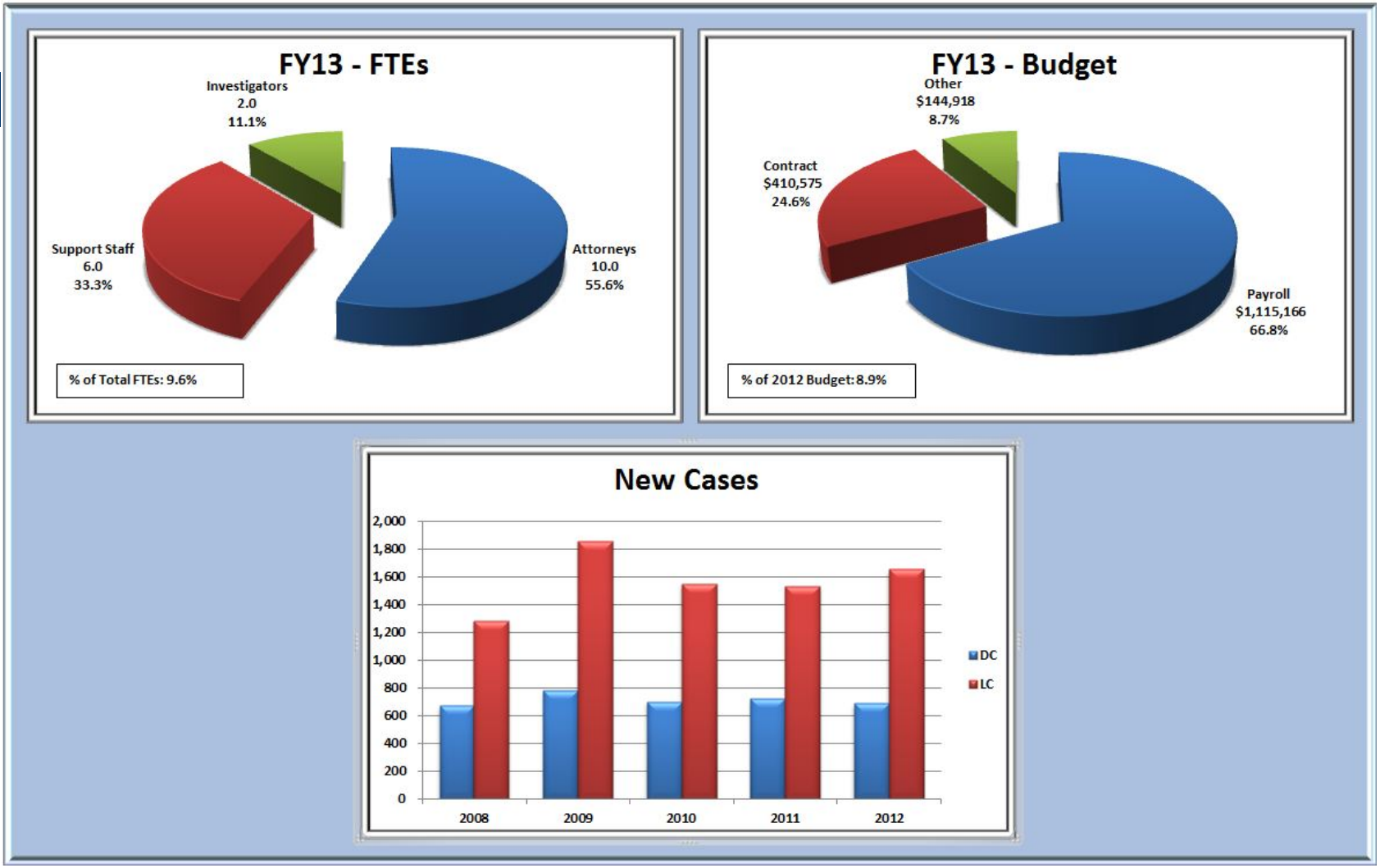
Lower Courts: 14

Sq. Miles: 7,263





Region 8 – 2012 Snapshot



Region 9 – Billings

Attorneys: 19.75

Support Staff: 10

Investigators: 3

Contract Attorneys: 38

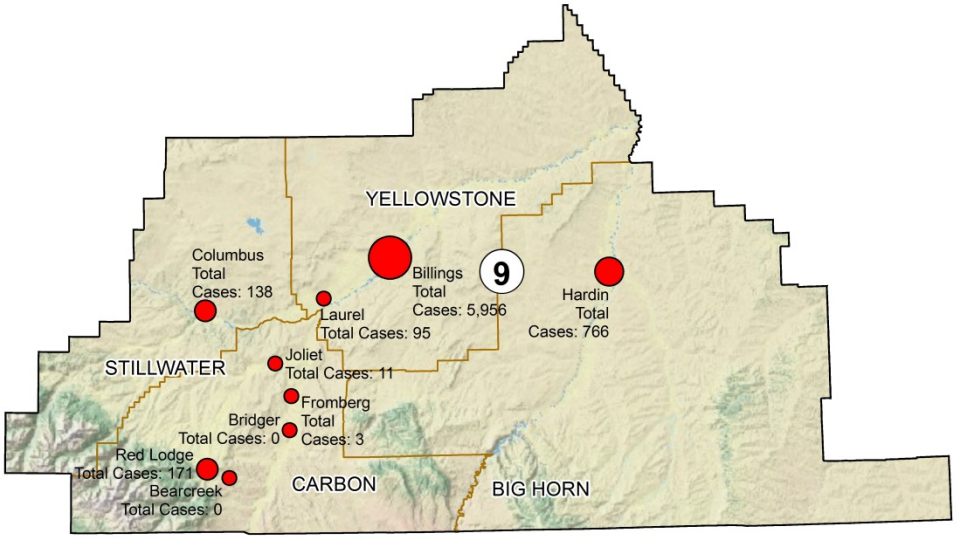
FYE 2012 Cases Opened: 7,093

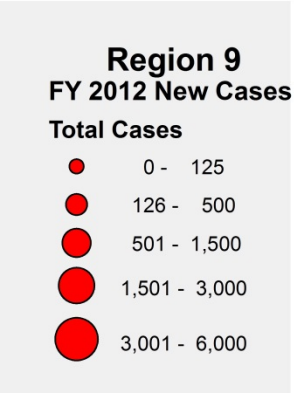
- District Court Cases: 1,929
- Cases in Courts of Limited Jurisdiction: 5,164

District Courts: 4

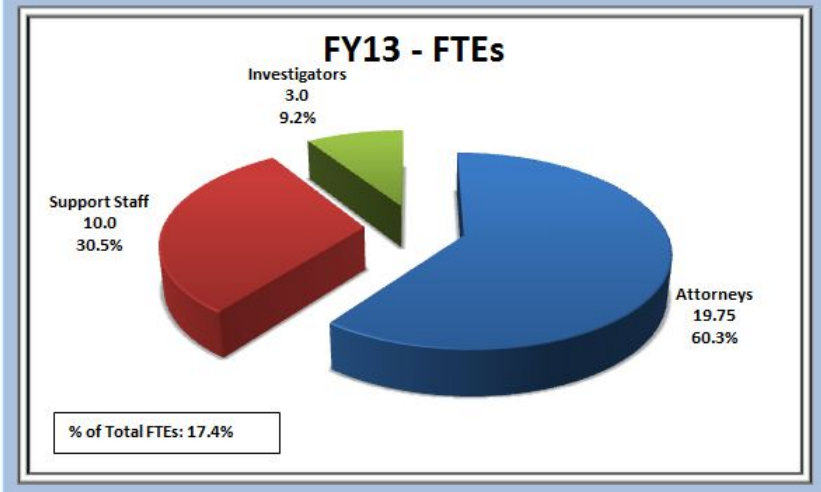
Lower Courts: 13

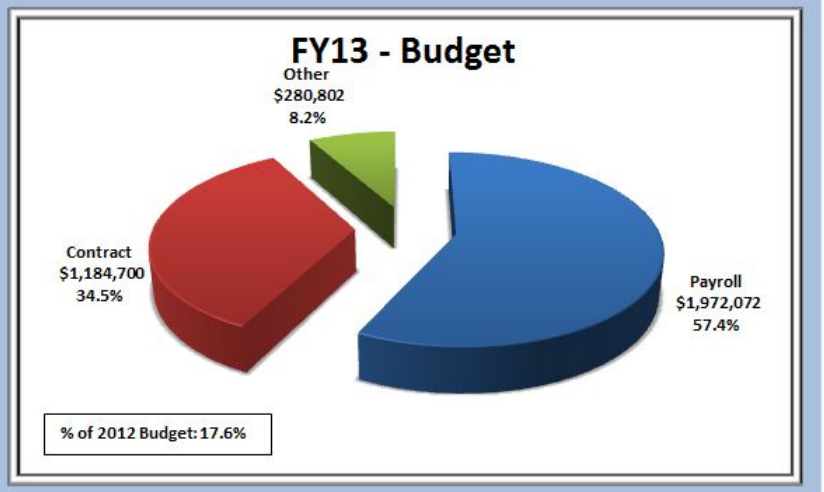
Sq. Miles: 11,473

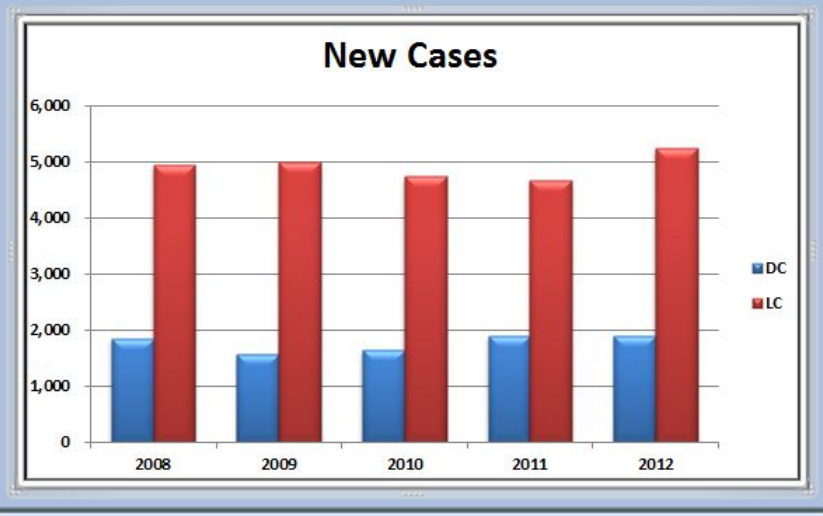




Region 9 – 2012 Snapshot







Region 10 – Glendive

Attorneys: 3

Support Staff: 1

Investigators: 1

Contract Attorneys: 10

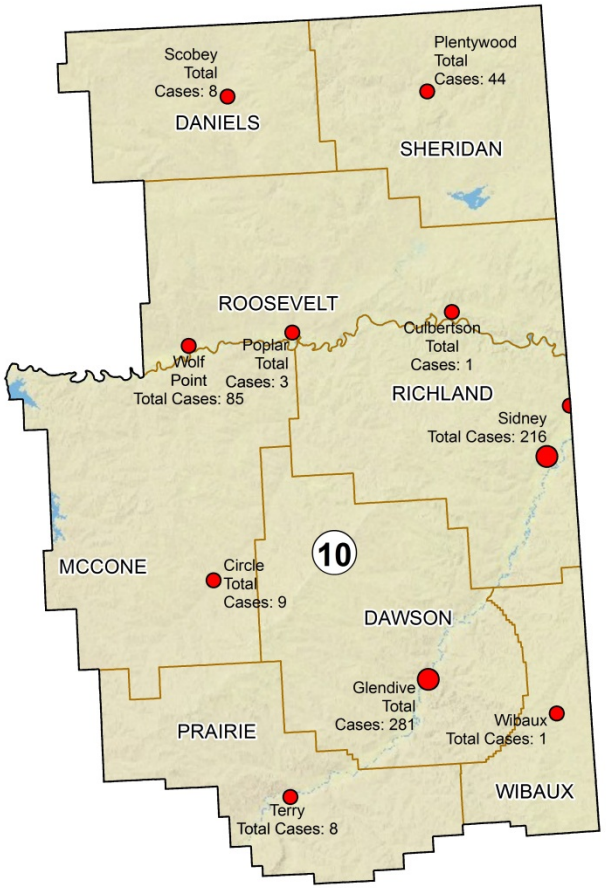
FYE 2012 Cases Opened: 657

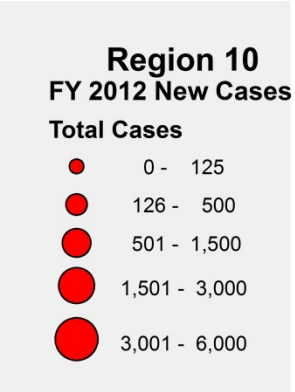
- District Court Cases: 353
- Cases in Courts of Limited Jurisdiction: 304

District Courts: 8

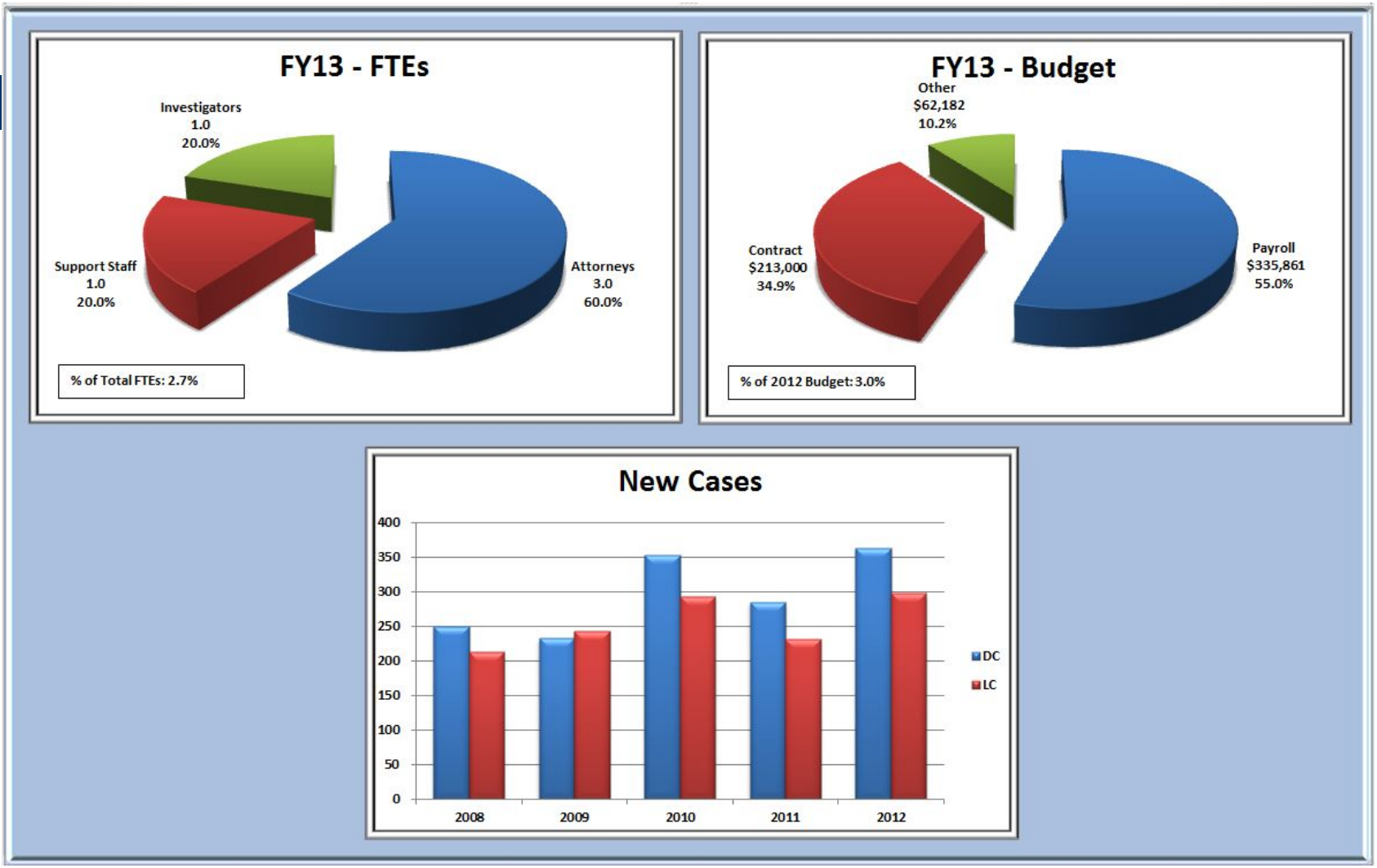
Lower Courts: 19

Sq. Miles: 15,184





Region 10 – 2012 Snapshot

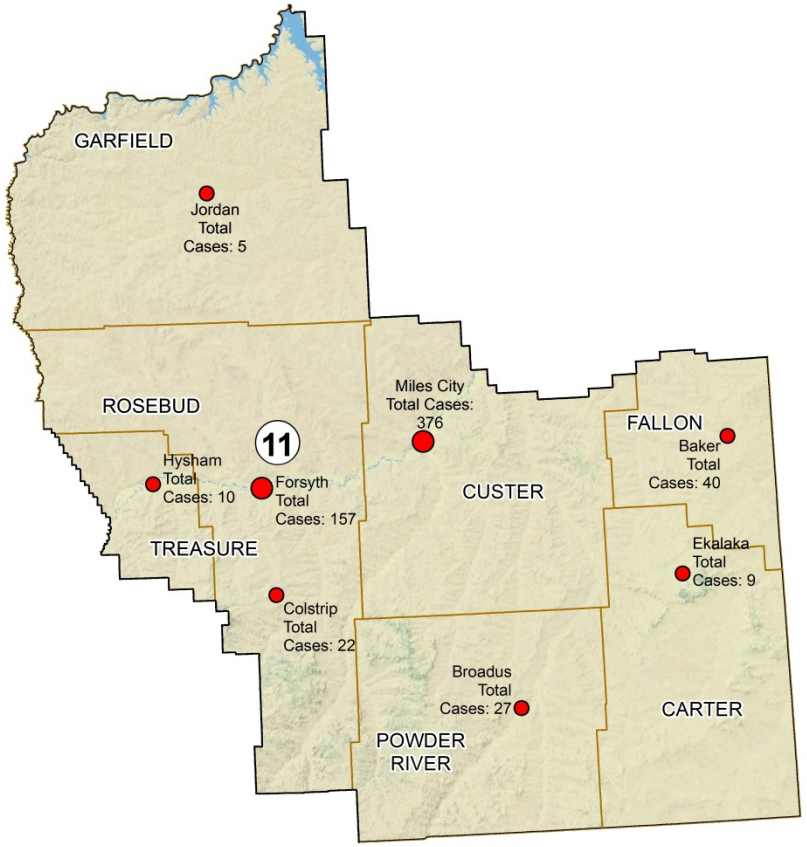


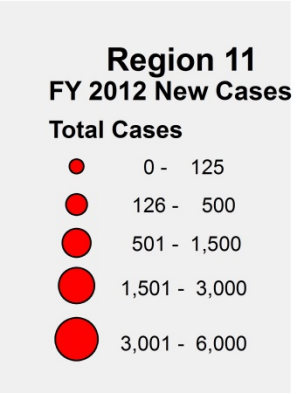
Region 11 – Miles City

Attorneys: 2
Support Staff: 1
Investigators: 1
Contract Attorneys: 17
FYE 2012 Cases Opened: 644

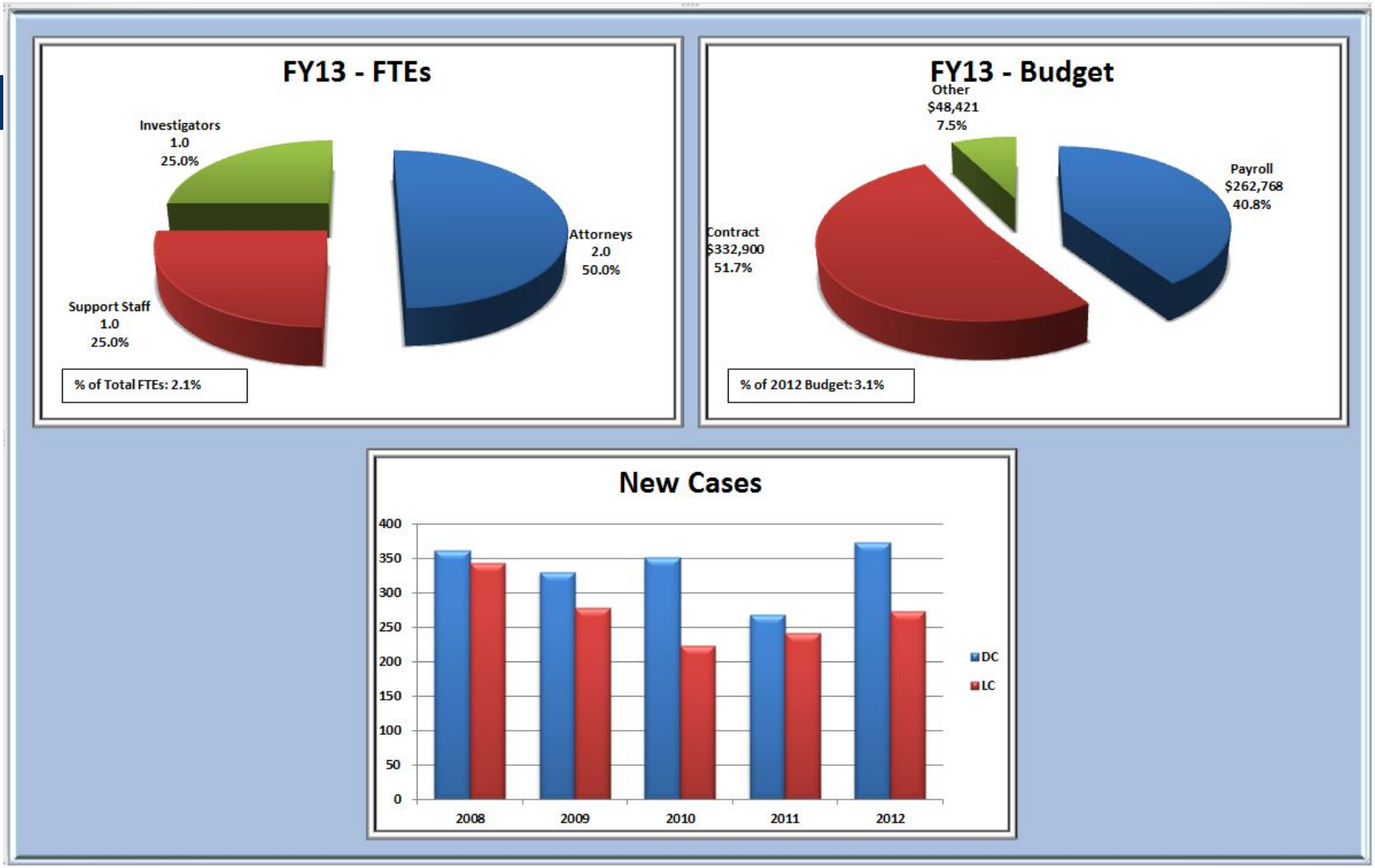
- District Court Cases: 366
- Cases in Courts of Limited Jurisdiction: 278

District Courts: 7
Lower Courts: 14
Sq. Miles: 22,700





Region 11 – 2012 Snapshot

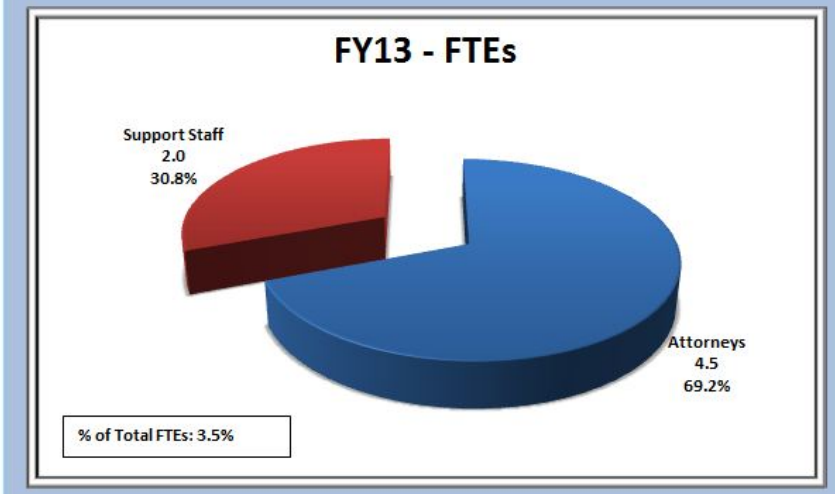


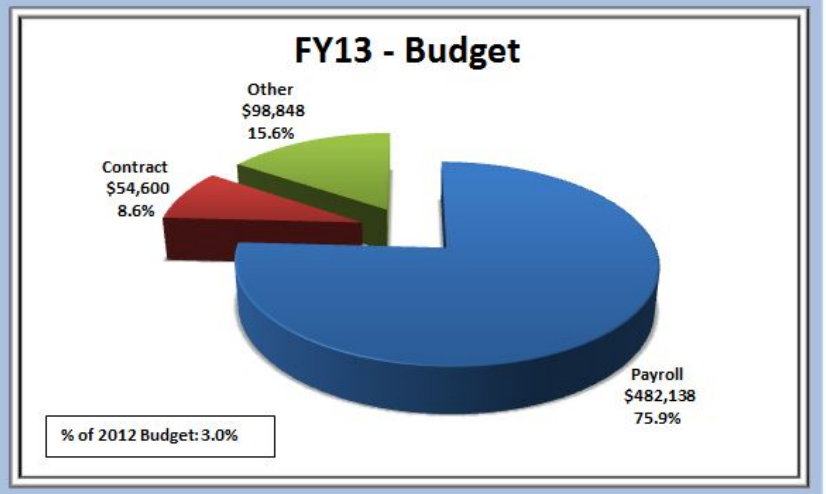
Major Crimes Unit

Major Crimes Unit – Serves Entire State

Attorneys: 4.5
Support Staff: 2

Major Crimes Unit – 2012 Snapshot





Conflict Coordinator

Conflict Coordinator

Attorneys: 0.5

Central Office

Central Office - Butte

Attorneys: 3.25 (Non-practicing)

Support Staff: 15

Investigators: 0.5

Appellate Defender

Appellate - Helena

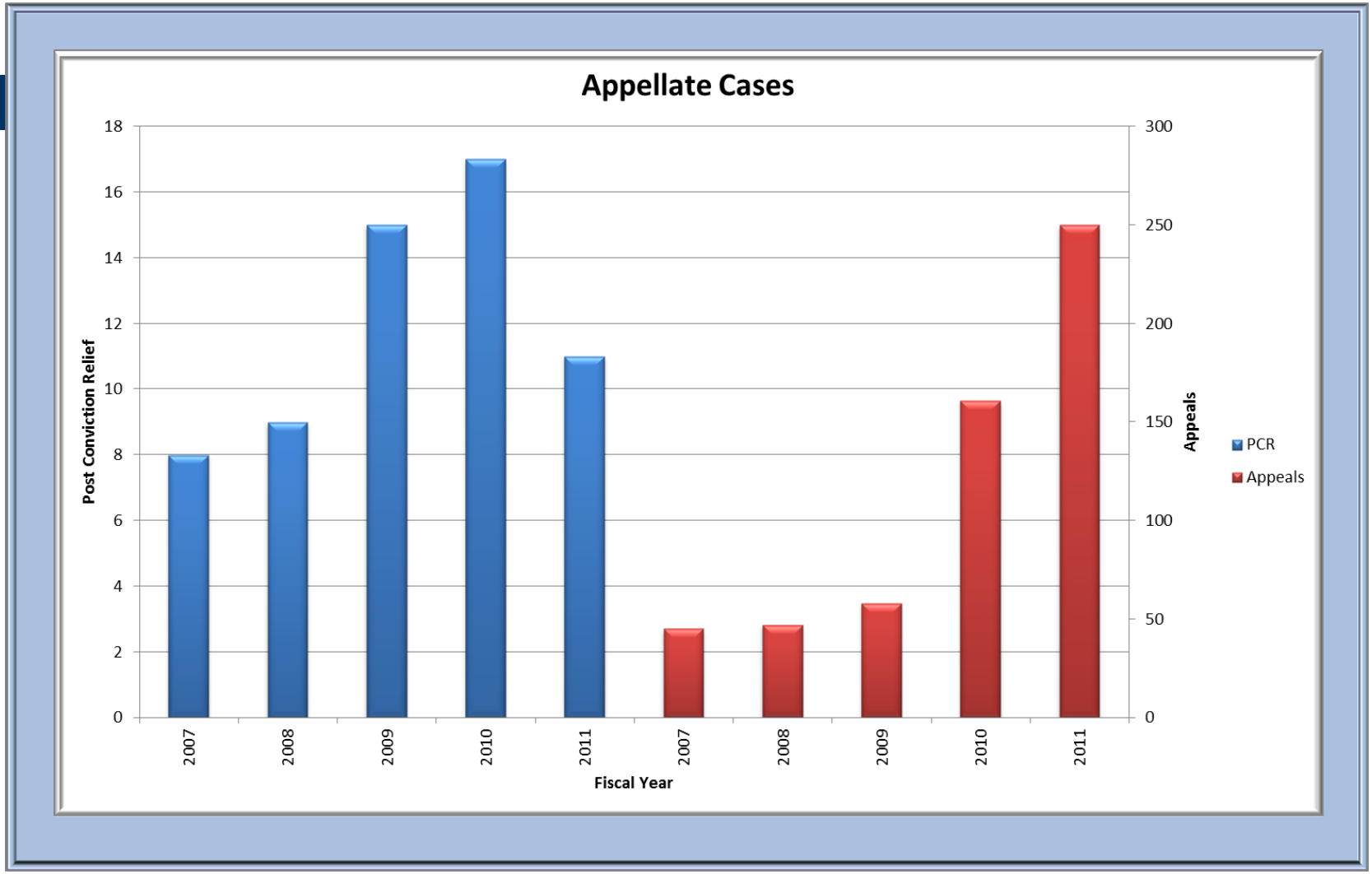
Attorneys: 9

Support Staff: 2

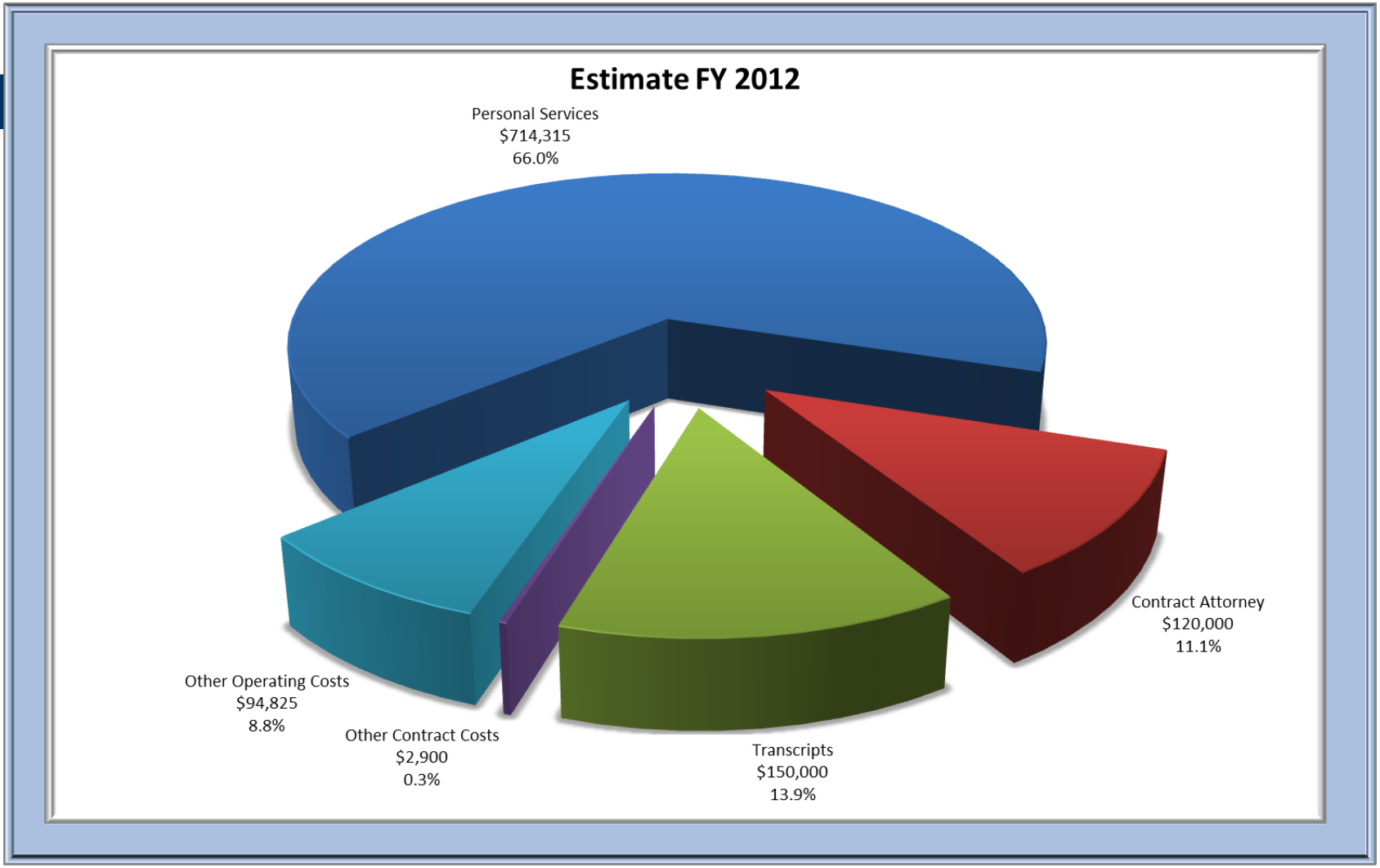
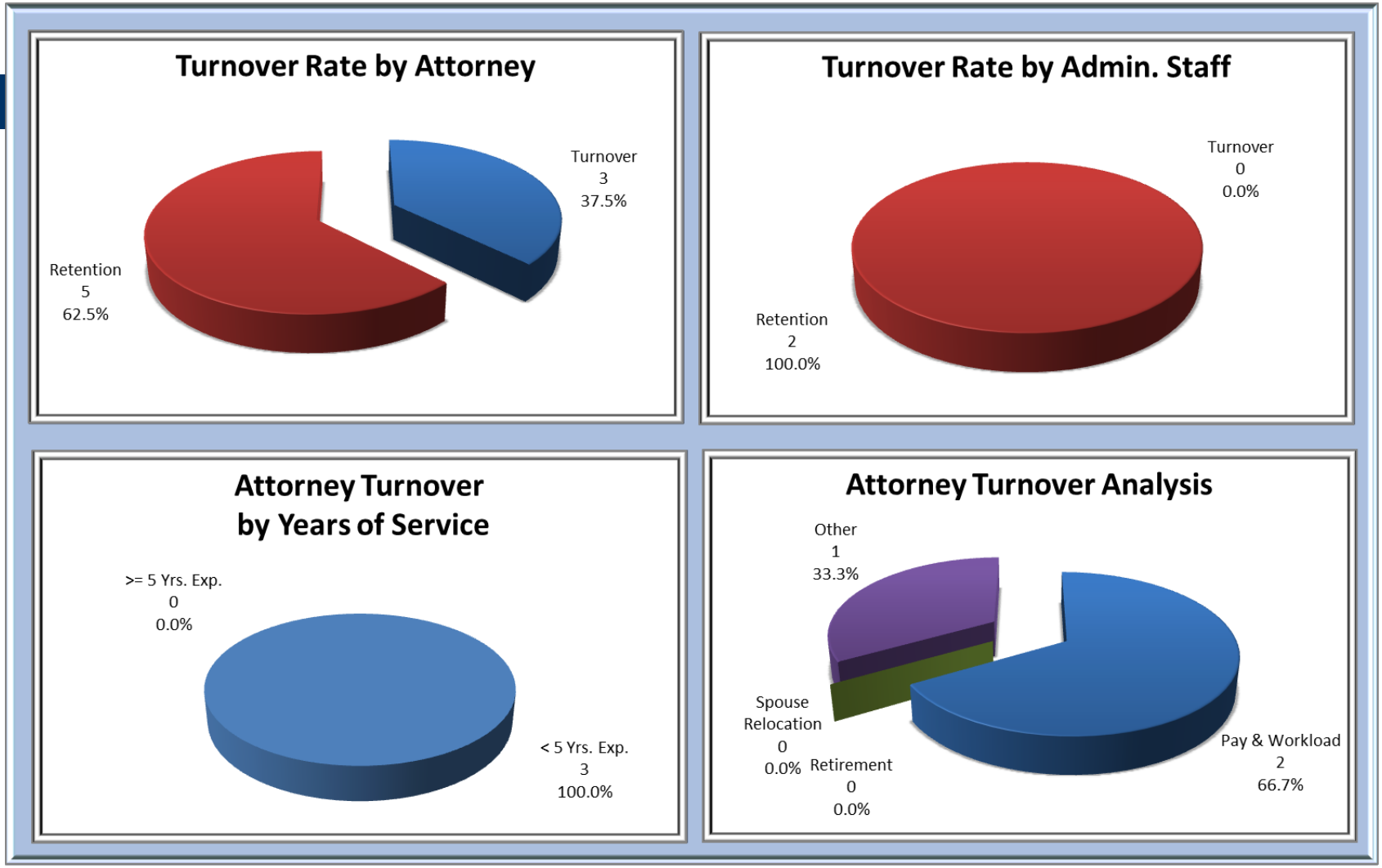
Contract Attorneys: 5

Supreme Court: 1

PCR & Appeal Ending Balance



Appellate Program Expenditures



Appellate Program Turnover Analysis