



OFFICE OF THE STATE PUBLIC DEFENDER STATE OF MONTANA

PUBLIC DEFENDER COMMISSION ACTION ON DRAFT MITIGATION PLAN

At their October 3, 2016 meeting, the Public Defender Commission took action on items presented as part of a proposed mitigation plan to offset an anticipated \$3.5 million shortfall in FY 17. Action was based on the [Estimated Cost Savings](#) document presented at the meeting.

1. HIRING FREEZE

The Commission voted in favor of hiring two social worker positions and freezing the other three unfilled modified positions (one paralegal and two eligibility specialists).

Anticipated savings is \$153,400 for FY 17. (Note: the original estimate of \$360,000 included the two social work positions and leaving the MCU supervisor position unfilled.)

2. ESTABLISH OVERTIME RESTRICTIONS

Motion failed.

3. DISCRETIONARY FUNDS

The Commission voted to apply the unobligated discretionary funds to the shortfall.

\$209,000

4. CEASE REPRESENTATION IN POST CONVICTION TREATMENT COURTS

The Commission voted to strike this from the plan.

5. CONTRACT INVESTIGATORS

Stop using Contract Investigators for Programs 1 and 3 in Regions 9, 1, and 2 (Billings, Kalispell, and Missoula). Hire two modified full time investigators in Program 3 to work in Missoula and Billings to perform investigations for Programs 1 and 3.

Savings expected is \$75,000 through the end of the fiscal year.

6. SOFT-CAPS

The Commission voted to strike this from the plan.

7. DN CASES -- PUTATIVE FATHERS

The Commission voted to discontinue representation of putative or unknown fathers in DN cases. The estimated cost savings assumes that 25% of DN cases include putative fathers.

The estimated savings would be \$1.2 million by the end of the fiscal year.

8. DN CASES -- REPRESENTING ONLY ONE PERSON

The Commission voted to strike this from the plan.

9. LOWER COURT CASES

This item was consolidated with #10.

10. DISCONTINUE USING CONTRACT ATTORNEYS IN ALL LOWER COURT CASES; ADD MODIFIED PART-TIME ATTORNEYS

The Commission voted to discontinue assigning misdemeanors to contract attorneys, and to hire modified part-time attorneys as a cost efficient alternative.

Estimated savings for the rest of the fiscal year would be \$624,000.

**11. DISCONTINUE USING CONTRACT ATTORNEYS IN DISTRICT COURT CASES IN CERTAIN REGIONS;
ADD MODIFIED PART-TIME ATTORNEYS**

The Commission voted to discontinue using contract attorneys in Regions 1,2,3,4, and 9 (Kalispell, Missoula, Great Falls, Helena, and Billings), and to hire modified part-time attorneys as a cost efficient alternative. The estimated cost savings assumes no caseload growth, and does not consider case complexity.

Estimated savings for the rest of the fiscal year is \$1.6 million

12. FURLOUGH OPTION

The Commission voted to strike this from the plan.

The Commission also took action on two items from the September 22, 2016 [Draft Mitigation Plan](#):

16. MODIFY DUTIES TO ACCOMMODATE INCREASED CASELOADS

The Commission voted to make no recommendation on this item since they are management decisions.

17. SUSPEND ASSIGNMENT OF ALL MISDEMEANOR CASES, INCLUDING FTE.

The Commission voted to strike this item from the plan.

At the November 30, 2016, Public Defender Commission meeting, the following motion was adopted as an amendment to the mitigation plan:

MAKE IT A PRIORITY TO ENSURE THAT THE IN-HOUSE WORKFORCE REMAINS STABLE THROUGH FY 17.