

MONTANA PUBLIC DEFENDER COMMISSION
PERSONNEL COMMITTEE MEETING

Butte Public Defender Office
49 N. Main, Butte MT 59701

December 20, 2010

DRAFT MINUTES

Call to Order

Committee Chairman Terry Jessee called the meeting of the Personnel Committee to order at 1:05 p.m.

Committee Members Present

Terry Jessee, Billings; Caroline Fleming, Miles City; Chuck Petaja, Helena. Fritz Gillespie, Helena was also in attendance.

Interested Parties

Randi Hood, Chief Public Defender; Joslyn Hunt, Chief Appellate Defender; Barb Kain, Human Resource Officer; Harry Freebourn, Administrative Director; Eric Olson, Training Coordinator; Larry Murphy, Contract Manager; Timm Twardoski, American Federation of State, County and Municipal Employees, Montana

Approval of Minutes

Commissioner Petaja moved to approve the minutes of the August 18, 2010 meeting as submitted. Commissioner Jessee seconded and the motion carried.

Conflict Manager Job Description

Commissioner Petaja moved to approve the draft conflict manager job description as final. Commissioner Fleming seconded. The next step is to define the cost by going through the classification process prior to the January 10, 2011 Commission meeting. . This is a .5 FTE attorney position reporting directly to the Commission. The question was called and the motion carried. Human Resource Officer Barb Kain will work on the salary package and email it to the committee for review.

Review Evaluation Process for Chief Public Defender and Chief Appellate Defender

The performance evaluations for the chief public defender and the chief appellate defender have been completed and sent to Chief Public Defender Randi Hood and Chief Appellate Defender Joslyn Hunt. Commissioner Jessee would have liked to include an area for commentary by the commissioners, but otherwise the process went well. He will send documentation to Ms. Kain for the personnel files, and will provide the office with materials regarding the process that was used for inclusion in the minutes.

American University Recommendations

#10 Trial notebooks for each category of cases; orientation program; initial skills program; brief bank; video recordings of trainings; and newsletter.

Administrative Director Harry Freebourn said that this item is complete except for the trial notebooks. Training Coordinator Eric Olson said that each regional deputy is developing a trial notebook on the local level, and some are already in use in individual offices. Creating a template in the Central Office remains to be done, although a trial notebook has been used at boot camp for felony and misdemeanor criminal cases. Standards checklists have been updated and will be on the website soon. These will provide the basis of the civil trial notebooks.

Commissioner Jessee asked about the status of the appellate brief bank. Chief Hunt said that there is an appellate brief bank searchable within the limitations of Word. It is only accessible by the appellate staff, but they send briefs out by request. She and Mr. Olson are working on a trial brief bank that will more accessible to all. Contract Manger Larry Murphy noted that he refers unique or well-written briefs to Mr. Olson for inclusion in the larger brief bank. The committee agreed that this item has been handled.

#11 An evaluation procedure for lawyers needs to be developed which is timely, is based primarily on objective data, and promotes the lawyer's professional development over the next year.

All evaluations are complete except for new hires since December 2009. The new evaluation cycle is underway using the updated evaluation forms. Mr. Freebourn suggested that this item is complete, but noted that it does not include contractor attorneys. Proficiency determination for contractors will be discussed in the Contracts Committee.

Commissioner Jessee asked about pay raises. Chief Hood said that the agency doesn't have a lot of discretion regarding raises due to union negotiations. She noted that pay ladders are not in the governor's budget, so the office is seeking guidance from the governor's labor relations designee on how to handle this. Ms. Kain said that all classified employees (Central Office staff, appellate staff and supervisors) will receive the same raises as union employees. Mr. Freebourn noted that the governor's proposed pay package is not adequate to fund the pay ladders. Commissioner Jessee wants to bring this issue to the Commission as a whole, especially in terms of budget.

#14 Emergency attorney on call 24/7

This item has been rejected until funded. Chief Hood's management team met last week and sees no pressing need for this. Commissioner Jessee would prefer to defer the item rather than reject it, but agreed to go along with rejecting the item.

#16 When caseloads are at a maximum level, OPD refuses cases

The improved Case Weighting System (CWS) is used to identify overload and cases are assigned to contractors if necessary to handle the excess caseload. Commissioner Petaja asked how the new CWS is working, and Chief Hood said that one comment is that it doesn't capture people doing jail court every morning. Further refinement may be required, but overall it is a big improvement. Most attorneys are under the benchmark of 150 units, and the few exceptions are getting personal attention to determine if their workload is excessive. This item is complete.

#20 Explain why different resource distributions among regions

Chief Hood said that budgets went out to the regions and departments in October and so far no one has challenged their allocation under the Commission's new process.

Commissioner Jessee is concerned about the new district court judgeship in Yellowstone County. Chief Hood said that of the offices with new judges, none are anticipating stress on the office because it will be the same number of cases, just being handled by more judges. Commissioner Jessee suggested that the new Billings judge will increase the agency's caseload and recommended keeping an eye on the situation. The agency believes this item is complete. The committee agreed and will make the recommendation to the full Commission.

Public Comment

No public comment was offered.

Old Business/New Business (*Action Items)

There was none.

The meeting adjourned at 1:50 p.m.