



OPD FY 2027

Annual Plan

Mission:

To provide timely, effective, and equitable representation to clients.

Office of State Public Defender FY 2027 Annual Plan

Pursuant to Mont. Code Ann. § 2-12-104, the Office of State Public Defender (OPD) has prepared this FY 2027 Annual Plan.

OPD’s sole purpose and priority is to provide timely and effective representation to individuals in criminal and civil cases when appointed to do so under Mont. Code Ann. § 47-1-104. OPD is made up of four divisions working to fulfill this shared mission: Division 1 (the Public Defender Division that represents clients in Montana’s trial-level courts), Division 2 (the Appellate Defender Division that represents appellate clients before the Montana Supreme Court), Division 3 (the Conflict Defender Division that represents clients in Montana’s trial-level courts when Division 1 is unable to do so due to conflicts of interest or caseload capacity limits), and Division 4 (the Central Services Division that administers client representation provided through independent contract public defenders and that provides OPD training and other logistical support).

To achieve the shared goal of providing timely and effective representation, OPD’s four divisions have chosen three strategic initiatives, each with specific outcome measures.

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Division 1 - Public Defender Division

 Strategic Initiative #1	Provide Timely and Effective Representation	
	by Recruiting and Retaining Qualified Employees	
	Key Measure	Hold the average daily vacancy rate for public defender positions in Division below 6%
 Strategic Initiative #2	Provide Timely and Effective Representation	
	by Managing Workload to Enable Effective Representation	
	Key Measures	Reduce below 30% the percentage of public defenders whose annualized caseload exceeds Policy 201's Ethical Case Management limit
		Update and validate annually Policy 201's Ethical Case Management standard for trial cases
 Strategic Initiative #3	Provide Timely and Effective Representation	
	by Providing Timely Attorney Assignments	
	Key Measures	Hold the percentage of cases spending longer than three business days in the Division's assignment queue below 10%
		Reduce OPD's monthly Public Defender Shortfall to zero attorneys' worth of work in the majority of months

Division 2 - Appellate Defender Division

 Strategic Initiative #1	Provide Timely and Effective Representation	
	by Recruiting and Retaining Qualified Employees	
	Key Measures	Hold the average daily vacancy rate for public defender positions in Division below 6%

 Strategic Initiative #2	Provide Timely and Effective Representation	
	by Managing Workload to Enable Effective Representation	
	Key Measures	Reduce below 30% the percentage of appellate defenders whose annualized caseload exceeds Policy 201's Ethical Case Management limit
		Update and validate annually Policy 201's Ethical Case Management standard for appellate cases

 Strategic Initiative #3	Provide Timely and Effective Representation	
	by Providing Timely Attorney Assignments	
	Key Measures	Reduce the percentage of new cases waiting more than 10 business days between receipt and notice of appeal below 10%
		Reduce the average monthly median delay between record complete and first assignment of appellate counsel below 14 days
		Reduce Appellate Defender Shortfall to zero attorney-months' worth of work in the majority of months

Division 3 - Conflict Defender Division

 Strategic Initiative #1	Provide Timely and Effective Representation	
	by Recruiting and Retaining Qualified Employees	
	Key Measures	Hold the average daily vacancy rate for public defender positions in Division below 6%
 Strategic Initiative #2	Provide Timely and Effective Representation	
	by Managing Workload to Enable Effective Representation	
	Key Measures	Reduce below 30% the percentage of conflict public defenders whose annualized caseload exceeds Policy 201's Ethical Case Management limit
		Update and validate annually Policy 201's Ethical Case Management standard for trial cases
 Strategic Initiative #3	Provide Timely and Effective Representation	
	by Providing Timely Attorney Assignments	
	Key Measures	Hold the percentage of new cases spending longer than three business days in the Division's assignment queue below 10%
		Reduce OPD's monthly Public Defender Shortfall to zero attorneys' worth of work in the majority of months

Division 4 - Central Services Division

 Strategic Initiative #1	Provide Timely and Effective Representation	
	by Recruiting and Retaining Qualified Contract Public Defenders	
	Key Measures	Increase median monthly cases accepted by contract public defenders to above 70 attorneys' worth of work Increase the guaranteed case-assignment capacity under direct assignment agreements by 25%

 Strategic Initiative #2	Provide Timely and Effective Representation	
	by Ensuring Well-Trained, Effective Counsel	
	Key Measures	Provide at least 125 hours of training to OPD's employees and contractors

 Strategic Initiative #3	Provide Timely and Effective Representation	
	by Providing Timely Attorney Assignments	
	Key Measures	Hold the percentage of cases spending longer than three business days in the Contract Office assignment queue without an offer being made below 10% Reduce OPD's monthly Public Defender Shortfall to zero attorneys' worth of work in the majority of months