



# Task Force on State Public Defender Operations

## 64th Montana Legislature

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#### COMMITTEE STAFF

DAVE BOHYER, RESEARCH DIRECTOR  
JULIE JOHNSON, ATTORNEY  
FONG HOM, SECRETARY

### Agenda December 10, 2015 Room 102, State Capitol Helena, Montana

- 9:00 Call meeting to order -- roll call
- 9:05 Status Check Regarding Study Plan -- Dave Bohyer, LSD Research Director
- 9:15 Legal and Policy Guidelines Affecting OPD and Contract Attorneys -- Julie Johnson, LSD Staff Attorney
- Training and continuing education of contract and OPD staff attorneys
  - Criteria for selecting and excluding contract attorneys
  - Sanctions for official misconduct or ineffective assistance of counsel
  - Agency or statutory requirements for serving as a child's attorney
  - Legal guidelines for the appointment of an attorney for a child
  - Guidelines regarding client and OPD latitude for plea agreement, jury trial, client testimony, appeals
- 10:00 OPD Conflict Coordination: Ms. Kristina Neal, Conflict Coordinator, OPD  
Ms. Neal will brief the Task Force on the who, what, where, why, and how of managing attorney-client conflicts for public defender clients, both within the OPD and with OPD-contract attorneys.
- 10:45 BREAK**
- 11:00 Overview of OPD Information and Data
- Wide-ranging financial, personnel, management, and performance information -- OPD Staff Team
    - ✓ Personnel numbers: Statewide total FTE by Region for: (1) OPD; (2) APD; and (3) OCC by position category for (a) Attorneys; (b) Investigators or other Non-Attorney Professionals; and (c) Support staff. Harry Freebourn, OPD Administrative Director
    - ✓ Job classifications and compensation: job titles/descriptions; pay bands and pay ranges (actual and administratively authorized); total personal services expenditures, statewide and by Region. Harry Freebourn, OPD
    - ✓ Workload data: totals for OPD/OAPD/OCC positions, statewide and by Region. Bill Hooks, Chief Public Defender; Kristina Neal, OPD Conflicts; Fritz Gillespie, Acting Chief Appellate Defender
    - ✓ RFP, MOU, and Contract Practices for establishing and maintaining private attorney pool. Kristina Neal, OPD Conflicts; Wendy Johnson, OPD Contracts Manager
    - ✓ Office space rental/leases. Harry Freebourn, OPD
  - Supervision and Management of Contract Attorneys -- Bill Hooks, Chief PD and Fritz Gillespie, PDC Chairman
- 12:30 - 1:30 LUNCH** (Informal working lunch provided for Task Force members and PDO staff)

- 1:30 Reconvene
- 1:35 District Court Workload and Public Defender Impacts -- Beth McLaughlin, Administrator, Montana Supreme Court
- 2:00 Principles and Practices of Public Defense Systems-- Dave Bohyer, LSD
- Ten Principles of a Public Defense Delivery System, ABA, 2002
  - The Ten Principles and How Montana and Other Jurisdictions Practice Them
- 2:45 Task Force Discussion -- Rep. Kim Dudik, Chair, and Task Force Members
- Narrowing the number and scope of issues for further study
  - Identifying additional information needed for analysis and consideration
  - Identifying additional experts to inform Task Force
- 3:30 Public Comment -- Any member of the public may provide comment relevant to the operations of the Office of Public Defender. The Task Force Presiding Officer may limit time allowed for public comments. Written comments are encouraged.
- 4:00 Adjourn

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