



OFFICE OF THE STATE PUBLIC DEFENDER STATE OF MONTANA

May 11, 2016

To: Task Force on Public Defender Operations

From: Peter Ohman, Training Coordinator

Re: Mentoring Program

The Office of the State Public Defender implements a variety of mentoring programs. These include the following:

New Employee Mentoring: Partner a new employee [attorney] with an experienced lawyer who can take them through standard court processes such as arraignments, bail hearings, change of pleas, omnibus hearing, sentencings, etc.

Career Development Mentoring: A less experienced attorney gains insight or knowledge into the next possible career step from an experienced attorney; e.g. the new attorney sits second chair on a felony case before being assigned felony matters.

Reverse Mentoring: A cross-mentoring relationship where an experienced attorney or support staff pairs with a less experienced individual with a different specialized knowledge to the benefit of both; e.g. an experienced paralegal partners with support staff so he can learn how cases are opened, conflicts identified, calendars updated and discovery entered; benefit of cross-training in this instance is if there is turnover paralegal can assist with office operations until the vacancy is filled.

Implementation of various mentoring programs depends on the office. Larger offices with a greater number of personnel are expected to adhere to clear program goals and expectations – implementation of new employee and career development mentoring.

The level of career development mentoring may not be as great with smaller offices, where the Regional Deputy Public Defender (RDPD) might only have one or two more years of experience than the new hire. In these situations the RDPD needs to be proactive with the new hire in reaching out to adjoining regions and the training office for mentoring.

Standard mentoring practice in each region will include the following:

- Ensure the RDPD identifies an attorney in each office (can be the RDPD) to mentor new attorneys.

The mentor will initially introduce the new lawyer to judges and court personnel on their first or second day in the office.

The mentor makes sure the new attorney knows she is free to contact the mentor at any time to ask questions or get advice. Ideally the mentor will have significant experience as that would give them the ability to introduce the new attorney to all the judges and important court personnel. A less experienced attorney might not know all the judges in district court and thus would not feel comfortable going into chambers and making introductions.

Depending on the size of the office, there may need to be another mentor for the new attorney. For example, if the original mentor does not practice in misdemeanor courts, the new attorney will need a mentor in the courts in which he will be practicing. Doing so will ensure that new attorneys sit as second chair in their first misdemeanor and felony jury trials respectively. The RDPD must monitor attorneys to ensure they are not assigned complex cases in which they have little experience; e.g. an attorney should not investigate and try their first felony sex case on their own.

- For support staff the RDPD must identify a staff employee in each office (usually the office manager) to mentor and train new support staff.

In order to improve representation in high level cases, the Training Office recently initiated a process to track incoming deliberate homicide cases and provide mentoring on the same with the assigned attorneys.

With respect to contract attorneys, OPD Policy 130, 4.0 requires mentoring for contract attorneys who need further training and/or mentoring prior to OPD providing them with a memorandum of understanding.

The agency will continue to develop and improve a mentoring program that results in employees who are:

- Engaged: willing to expend discretionary effort on the job;
- Enabled: equipped with the tools, resources, and support needed to do the job effectively;
- Energized: have a work environment that actively promotes employees' physical, emotional and interpersonal wellbeing;
- Experts: employees are more skilled in their professional responsibilities.