



# OFFICE OF THE STATE PUBLIC DEFENDER STATE OF MONTANA

April 1, 2016

To: Montana Public Defender Commission

From: Peter Ohman, Training Coordinator

Re: Training Report (10/1/2015 – 4/01/2016)

Since the last report we have conducted several training events.

On October 14-15, 2015, the OPD held its Tenth Annual Conference at the Colonial Inn in Helena. Over 200 attorneys attended with a mix of public defenders and contract attorneys. The conference included many sessions, including but not limited to presentations on: Constitutional Objections, DN Practice, Prosecutorial Misconduct, Trauma in Native American Populations, ACE's Study, Sex Offender Treatment Research, and Effective Use of JustWare.

In late October two OPD attorneys attended the Juvenile Defender Leadership Summit in Salt Lake City. The conference is an annual national gathering of juvenile defenders providing training in all areas of adolescent development, legal procedure and organizational structure for youth-focused practice.

On November 12, 2015, I presented a one hour webinar entitled *Punishment – It's Not in the Act; Practice Points and Updates for Youth Court Practice*. The training covered topics including ICWA, IEPs, restitution in youth cases, detention hearing procedures risk assessments and disposition alternatives.

On December 17-18, 2015, OPD held a two day management conference. Regional and managing attorneys, the conflict and contract coordinators and Chief all attended. One day of the meeting was devoted to agency issues and procedures. On the second day Colleen Shaddox presented a webinar on communication strategies for public defenders. Ms. Shaddox is a former journalist and national speaker who regularly advises non-profits on messaging and public relations. After her presentation, Greg Martin with the Governor's Bargaining Unit, spoke for the remainder of the morning on issues related to working with an organized workforce, progressive discipline, and supervision generally.

On January 14, 2016, the Immigrant Legal Resource Center in San Francisco, CA presented a webinar entitled *Immigration Consequences of Criminal Offenses*. Staff attorney Grisel Ruiz advised participants of the deportation process, types of immigration status, immigration terms of art, detention, immigration bond and forms of advice defenders can give clients facing deportation proceedings or who may face admissibility issues due to convictions.

On March 4, 2016, Brent Getty, assistant public defender with the Kalispell office, conducted a webinar entitled *Collateral Consequences*. The training initially focused on the effect different types convictions and commitments can have on the right to own firearms, then proceeded to cover topics such as professional licenses, military service, medical marijuana, public benefits, financial aid housing.

On March 25, 2016, OPD offered a webinar entitled *Ineffective Assistance of Counsel, Common Ethical and Practice Challenges in Public Defense*. Natalie Wicklund of the Appellate Office presented. Ms. Wicklund began with an overview of the case law and constitutional standards requiring effective advocacy. She then reviewed Montana Rules of Professional Conduct related to competence, diligence and communication. Ms. Wicklund described how the professional rules can be applied to establish and combat IAC, focusing on what might not be done and what should be done to ensure a client receives quality advocacy.

March 30 – April 1, 2016, OPD held its 14<sup>th</sup> *Trial Practice Training* – this was formerly referred to as “Boot Camp,” but given its focus we decided the new name would more accurately describe the training. The three-day training took participants from first meetings to bail arguments, interviewing witnesses and clients; voir dire; opening; cross examination; and closings. The training follows a “bring your own case” method so attendees can work on a case they believe will go to trial. People are “on their feet” in all the above disciplines, as there is no substitute for practice in learning how to become a good lawyer.

Future training events include monthly webinars, sending an OPD attorney to the UM Law School Trial Advocacy Program, orientation for new attorneys, mental health training, office manager conference, annual conference at the beginning of October, ongoing management training, trial skills practice, youth court summit and others as the fiscal situation and attorney demand provide.

## **OTHER MATTERS**

In addition to specific training events, the Training Office provides direct support in a variety of ways. We participate in one-on-one online meetings with new attorneys; provide orientations in the area of sentencing, DUIs, and civil commitment proceedings; send teams to offices upon request for one-day in-person trainings; and maintain the Brief Bank.

The Training Office also assists with Central Office operations working with regional deputies and staff to ensure compliance with the case weight system. Administrative Assistant, Chris Thomas, has travelled to multiple locations around the State to assist offices with agency procedures. Not only has she and others trained on eligibility but they have also coached support staff in areas such as efficient use of JustWare, discovery, and file management. Ms. Thomas is also the Vehicle Manager for all OPD cars and assists in regular Communications Meetings.

An upcoming office managers training will focus on further refining standard practices throughout the agency in the fields of opening cases, case weights, utilizing the file cabinet in JustWare, closing cases and uniformly processing deferred sentences. The Training Coordinator has a draft of content to be uploaded to the OPD website identifying

Frequently Asked Questions and providing better information for our clients and the public at large.

In addition to training responsibilities the Training Coordinator is involved with a number of boards and commissions. These include membership on the Court Assessment Program Advisory Committee, the Interim Commission on Sentencing, the SJ 24 Study of Sexual Assault Working Group, the Western Juvenile Defender Center Board, the National Association for Public Defense Education Workgroup, and the Youth Justice Council. All of these entities are directly involved in projects that have an impact on OPD business.

Jennifer Streano, an attorney in the Training Office, has also developed an internship program with the University of Montana Law School. Her program is supervising multiple third-year law students who are representing clients in a variety of misdemeanor cases. Ms. Streano has also established a homicide review program whereby OPD tracks incoming deliberate homicide cases and the training office provides advice and consultation on handling these challenging matters.

The training office also handles all of the Sentence Review cases for OPD. The Sentence Review Division is composed of a three judge panel of district court judges. The Panel sits six times per year – quarterly for men and biannually for women. The hearings take place at the Montana State Prison or the Montana Women’s Prison. Meeting with clients prior to hearings can be time consuming due to the fact the clients are in placements throughout Montana. The Training Office handled approximately 200 sentence review cases in fiscal 2015.