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Law and Justice Interim Committee

58th Montana Legislature

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VALENCIA LANE, Staff Attorney
REBECCA SATTLER, Secretary

AGENDA

Law and Justice Interim Committee

Meeting #2

Thursday, October 23, 2003

Room 102, State Capitol

- 9:00 a.m. Roll Call
Approval of Minutes from August 5, 2003
- 9:15 a.m. Staff review of study process, work plan, and agenda, **Ms. Sheri Heffelfinger**,
Research Analyst, Committee Staff
- 9:30 a.m. Staff background report
- ▼ Judicial Branch structure
 - ▼ The right to defense counsel
 - ▼ Public defender issues nationally
 - ▼ Administrative and organizational models
 - ▼ Funding schemes in other states
 - ▼ Montana's current law, organizational models, and funding schemes
- Committee discussion and questions
- BREAK
- 10:30 a.m. Informational briefings on ACLU lawsuit
- ▼ ACLU representatives, **Mr. Ron Waterman or Ms. Beth Brennaman**
 - ▼ County defense counsel, **Mr. Norm Grossfield**
 - ▼ State defense counsel, **Mr. Brian Morris**
- Committee discussion and questions

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AGENDA
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Thursday, October 23, 2003
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11:00 a.m. Information briefings on SB 218 from last session and state assumption of district court funding in relation to indigent defense costs

- ▼ Bill summary, **Ms. Valencia Lane**, Committee's Staff Attorney;
- ▼ Analysis of funding issues, **Legislative Fiscal Analyst, Speaker TBD**

11:30 a.m. Legislative policy issues and decision points, **Ms. Sheri Heffelfinger**

12:00 noon LUNCH

1:00 p.m. Roundtable discussion to identify the issues and problems
Rep. John Parker, Moderator

Questions: What are the problems with respect to Montana's public defender laws and existing methods for providing for indigent defense? (See attached issue categories) Do these problems need to be addressed legislatively?

- ▼ Chief Justice Karla Gray, Supreme Court
- ▼ District Court Judge Kenneth Neill, 8th Judicial District (Cascade Co.)
- ▼ Mr. Eric Olson, Chief Public Defender, Cascade County
- ▼ Court Administrator Dorothy Bradley, 18th Judicial District (Gallatin Co.)
- ▼ Public Defender, Gallatin County
- ▼ Mr. Chad Wright, State's Chief Appellate Defender
- ▼ State attorney, Department of Justice (TBD)
- ▼ Mr. Gordon Morris, MACo
- ▼ Mr. Fred VanValkenburg, County Attorney's Association

3:00 p.m. BREAK

3:15 p.m. Public comment

3:45 p.m. Briefing about the report to the Committee that is required in SB 211 and that is to be made by the Board of Pardons and Parole on the disposition of applications for parole made by Native Americans from January 1, 1999, through March 31, 2004, **Mr. Craig Thomas**

4:15 p.m. Any rule review matters

4:30 p.m. Committee Discussion/Action

- ▼ Study Plan
- ▼ Meeting Agenda for Jan. 8, 2003

5:00 p.m. Instructions to Staff
Adjournment

DEFINING THE PROBLEMS

Roundtable on Montana's Public Defender System

Questions:

- ▼ ***What are the problems, if any, in each of the following areas?***
- ▼ ***For each problem identified, why is it a problem, how serious is it, and what, if anything, can the legislature do about it?***
- ▼ ***As appropriate, discuss the problems in the context of the service delivery models identified in the attached chart of organizational structures in Montana.***

1. Access and eligibility
2. Independence (staffed offices and hiring, appointed or assigned counsel, contracted counsel, funding decisions and supervision of work)
3. Quality (compensation, qualifications, performance, training, work load, etc.)
4. Parity with prosecution (i.e., equal access to resources)
5. Funding (funding sources, scope of what costs are funded by whom, and sufficiency of the funding provided)
6. Uniform application of standards and procedures
7. Other issue categories and problems not covered above?

Organizational Structures in Montana

	State	Regional	Local (Court or County)
Staffed Office (i.e., public employees on annual salary)	None. (Appellate defender handles only cases on appeal when client/public defender conflict is an issue.)	1 Regional Office shared by Anaconda-Deer Lodge, Granite, and Powell Counties	5 staffed county public defender offices: Cascade, Missoula, Yellowstone, Lewis & Clark, and Gallatin Counties
Appointed/Assigned (private attorney paid by public for indigent defense work)	None.	None.	Several. (No consolidated information on how all the other counties deliver services.)
Contracted (private attorney paid by public for indigent defense work)	None.	None.	Several. (No consolidated information on how all the other counties deliver services.)