

Improving Public Defender Operations

1. What is working well with the Office of the State Public Defender?

No.	Response Text
1	Clients are getting appointed attorneys within a reasonable time frame. OPD attorneys are going to trial and bringing along younger attorneys to train in district court.
2	General competency
3	They are quickly assigned and/or conflicted. They have a smooth relationship with the County Attorney's Office in regards to delivery of documents, notices, and discovery. They are generally consistent and do well covering for one another.
4	Very little. They're efficient on the front end in getting lawyers appointed and getting cases assigned quickly. But, that's the end of it.
5	Generally, the attorneys are skilled at their job. They have a good working knowledge of the law, often times they have better knowledge of criminal law than do private sector attorneys.
6	Promptly assigned & entering appearances, barring conflicts within the local offices.
7	The PDO attorneys generally cover for each other in law and motion for such hearings as initial appearances and status conferences, thus limiting the time attorneys have to spend in court.
8	In this area, there are young and energetic attorneys who want to do the right things and do work hard for their clients. I see some contract public defenders push cases that they probably should not, but ultimately they do have a duty to their clients.
9	I believe that we have a good working relationship with the OPD.
10	Attorney collaboration; passion; finding interest in our work
11	Really?
12	The GOOD attorneys who work for the public defender's office are able to give solid advice and quality representation to indigent defendants.
13	Friendly staff; timely appointments.
14	1. Assigning attorneys quickly when there is not a conflict. □ 2. Good relationship with the local OPD Office
15	The majority of the OPD and OPD contract attorneys I (local prosecutor) work with have integrity and are reasonable to deal with without being pushovers. Many are very good at proposing creative resolutions which can promote rehabilitation without ignoring accountability. Most defendants that they represent seem as far as I can tell to understand their rights and the law. I don't work with the OPD's directly employed attorneys much in my jurisdiction, but two of the defense attorneys that I respect the most get a large portion of their work from OPD contracts.
16	The defendant's generally get competent representation. Generally we see contract counsel which seems to work well.
17	They are paid better than the county prosecutors, therefore attract better candidates.
18	everyone is represented
19	The experienced attorneys who have been with OPD for a substantial period of time are phenomenal. They are very dedicated and work zealously for their clients.
20	People that need defense get it
21	The public defenders show up on time and are courteous.
22	I have a good relationship with them. They are prompt and have constant contact with their clients.
23	No comment.
24	Excellent training
25	For the most part the attorneys are prepared and familiar with their cases. They try to meet with clients prior to omnibus hearing. There are always clients who don't stay in contact with the public defender's office which makes it hard for the attorney to prepare a case.
26	The Public Defender's Office (PDO) does an excellent job promoting quality talent within the organization. The recent incentives authorized by the Legislature has allowed the PDO to retain its more experienced and more pragmatic attorneys. More often than not this has resulted in the best possible representation for the most serious offenses.

Improving Public Defender Operations

1. What is working well with the Office of the State Public Defender?

No.	Response Text
27	There are a lot of hardworking people in this agency who are very dedicated to its mission. The Public Defender Commission and Management try very hard to ensure the agency has the resources it needs to operate. They are not always successful in obtaining the resources asked for but it is certainly not for lack of trying.
28	The people who work here.
29	With the vast state resources at their disposal, the OSPD is able to overwhelm and outwork local prosecutor's offices.
30	Very prompt. They seem somewhat organized and up to speed.
31	The Office of the State Public Defender has dedicated hard working individuals at all levels. This includes lawyers, paralegals, and administrators. These individuals are people that care about the clients, and work hard to ensure the clients' rights are protected.
32	The team work and dedication of the employees, especially staff, is commendable.
33	Quality attorneys who deliver quality results to their clients.
34	Depends on who you ask. Generally, the OPD provides qualified legal representation for indigent defendants. The individual attorneys do strive to provide competent legal assistance. Many of the attorneys meet with their clients and prepare their cases early and well. They seek to achieve "justice" for their clients.
35	Defense counsel are very important to the effective and timely processing of criminal cases. OPD attorneys are generally well trained and have extensive knowledge in the area of criminal law.
36	The Public Defenders office appears to be well-staffed and appears to have no difficulty keeping positions filled. The ratio of public defenders to prosecutors in any given court seems to have significantly more public defenders to prosecutors handling the same caseload. In my jurisdiction there is one prosecutor to four public defenders.
37	They have the resources they need now.
38	Makes for an easier defender appointment. Good to be working with same defense attorneys and establish a healthy interaction.
39	OPD has been able to provide a relatively consistent level of service for all indigent persons in Montana. We have high quality assurance over our line attorneys to ensure we're all providing effective assistance to the extent possible given our resources and time demands. OPD provides good training, and attorneys have access to good investigators. Because experts are a budgeted internal expense, attorneys have reasonably good access to experts when they are needed. My office has a great sense of camaraderie and we are able to draw on each other to learn from, mentor, and support one another in what is a very difficult job. That we have improved pay in the last few years has allowed us to attract better attorneys than we would if it were a contract-only or a county-based system. For instance, I have been here more than 8 years, but I'm not sure I'd be here at all if I had to work on a contract basis. Consistent with surveys of the federal system, it's also been my observation that full-time employed public defenders provide better representation and achieve better outcomes than most contract attorneys, and that our results are often much more comparable to what the private bar can achieve. My region has access to a social worker which has been invaluable in getting better outcomes for clients--placing them in community-based programs and treatment centers--than they would have obtained otherwise. Social workers <input type="checkbox"/>
40	<input type="checkbox"/> Particularly in the last few years as some of the early management problems have worked themselves out and the legislature has improved pay, Aside from improved speed in payment to contractors and the Appellate Defenders, very little. I have been contacted by more people seeking to sue an OPD attorney for malpractice in the last year than in all prior years since 2007 combined. Something must not be working correctly.
41	Having Attorney's that are "Public Defenders" and are not involved in "Private Practice"

Improving Public Defender Operations

1. What is working well with the Office of the State Public Defender?

No.	Response Text
42	The Attorney's and the Staff at the Office of Public Defenders. I work with some of the most dedicated professional people in the business. They go out of their way for each and every client. We work hard everyday to make sure that our clients are getting the best representation. Without the Public Defenders, the Courts would be a mess. How would the Courts function if there were no Public Defender Office?
43	Many people who work for OPD believe that everyone deserves the best defense possible. While many attorneys only work for OPD for a few months, there are a handful of attorneys who have worked for the public defender's office for over a decade. These experienced push this dysfunctional, underfunded system along with brute strength and sweat.
44	represent clients to the best of their abilities. I also believe the upper level management has improved significantly.
45	Not much
46	Indigent defendant's receive excellent representation.
47	Central office and staff.
48	The goal to provide competent indigent legal representation without disparity based on geography is a worthy and worthwhile mission. The state-wide creation of regional offices w/ managing attorneys and regional deputies is a good start to effectuate the mission.
49	Very professional regarding pre-approval protocol- when I need something I can talk it over in a professional manner and be treated fairly. Also I enjoy the personal and trust relationships that I have.... They understand the first priority is the client and the case but the agency has to function too. □ Observing the PD attorneys, OPD has some very fine attorneys doing really good work.
50	The checks clear. ... are very responsive. The new portal system is working well.
51	most cases there is a prompt response to represent clients, the machinery works well in getting appearances made,
52	I think OPD and their contract attorneys generally do a good job working out plea bargains for their clients. The ones I deal with advocate for their clients and are effective in working out an acceptable resolution for most matters.
53	attorneys do a good job
54	All OPD employees believe that indigent clients deserve the best defense possible. OPD has many dedicated employees who try and help our clients everyday.
55	Some of the individuals at the leadership level are incredibly gifted, talented, and committed. The ... offers great intelligence, ability, and a willingness to share his expertise. ... is also very talented and committed to the OPD mission statement. ... has also demonstrated such excellence. Character traits here are intelligence, experience, integrity, and commitment to public service. Individuals that are extremely capable like this are humble, willing to train others and offer leadership by example. They are passionate about what they do. They insure that the mission statement is being accomplished.
56	The management within my region provides the tools and support necessary to help me do my job and know that I am appreciated.
57	The OPD Brief bank is helpful. Billing is a lot smoother with the electronic system. Regional OPD offices are usually very helpful.
58	The email system connecting the lawyers. If I have a random question or need guidance I can quickly ask a large group of lawyers who seem willing to help.
59	As a contract PD we find it very helpful to have a contact person to talk to when we have special questions or needs, like obtaining an interpreter for a defendant. Having this person at the PD office reachable by telephone and responsive is very helpful and makes it more time efficient. When the billing system is working it is very efficient, of course, when it is not, YIKES.
60	I think that pretrial detainees are adequately represented as a whole.
61	The individuals the work for OPD are fantastic.

Improving Public Defender Operations

1. What is working well with the Office of the State Public Defender?

No.	Response Text
62	The OPD is extremely helpful in having an organization that can pool resources when needed to assist a client. Oftentimes there is an issue of legal significance an attorney might not be fully aware that the attorney can draw upon the combined experience of other Public Defenders in determining how to address.
63	Generally speaking, I agree with the need for a state public defender office. I believe there needs to be a balance and check within the legal system. However, I have very mixed feelings about how this entity has been used historically during my tenure. In some instances, I have experienced attorney's that have gone the extra mile to assist those involved in the criminal justice system and find good resolutions.
64	There is plenty of cowbell.
65	Communication among other attorneys in the office.
66	I think the concept of indigent people who can't afford representation being appointed attorneys is crucial and needs to happen. OPD has been good, from my view, at making sure that indigent people are afforded representation.
67	the support staff does a good job with the resources which are available, but even things like office supplies are often hard to come by.
68	For the most part, great camaraderie and a vast knowledge base. There is a definite passion for justice in this agency.
69	The rapport between the public defenders and the prosecutors, the judges, and other stakeholders.
70	They are usually good attorneys, good to work with and fair.
71	I have limited contact with the office overall. So far I have only been contacted about 3 cases, 1 of which I accepted due to timing of hearing issues.
72	OPD is decent at identifying and flagging defendants who have mental health disorders, are homeless, or are otherwise in need of major services. As a prosecutor, I don't always receive this information without an OPD attorney providing it to me.
73	A more specific question would lead to better information. However, we have very little contact with anyone from the OPD, so we really do not have an answer for this question.
74	There are a great many dedicated, caring, motivated people who are committed to the idea of justice and the preservation of all of our citizens' rights.
75	The sharing of materials and ideas when someone is looking for help. It gives the feeling that we are big law firm and someone will have what you need so you do not have to reinvent the wheel.
76	The professionalism from our local OPD has been exceptional and have been very cooperative with the police department.
77	They are certainly aggressive for their clients.
78	People that are in need of an attorney are provided one.
79	Support from supervisors, positive team atmosphere within the office and meaningful work for our clients.
80	they are appointed in a timely fashion.
81	Generally speaking, the individuals who work at OPD believe that everyone is entitled to representation and a defense. They are committed to helping the indigent. <input type="checkbox"/> <input type="checkbox"/> We also have co-workers that we are committed to; we come to work because we enjoy the people we work with. Some of the lawyers I work with have the most amazing legal minds. I learn every day from them. I believe they are a very talented bunch of people. <input type="checkbox"/> <input type="checkbox"/> I am also fortunate to have a Regional that I believe in and would follow to the ends of the Earth. <input type="checkbox"/>

Improving Public Defender Operations

1. What is working well with the Office of the State Public Defender?

No.	Response Text
	<p>Annual training - relevant and gives us almost our total, necessary, yearly CLE credits. Fantastic and much appreciated that expenses are either paid or reimbursed for this training! <input type="checkbox"/></p> <p>Nice that we have listservs so all attorneys in distinct areas of practice can discuss caselaw and statutes relevant to our practice. <input type="checkbox"/></p>
82	<p>I would like to think that being a State agency makes policies and procedures more uniform. For example, our clients receive better service when staff and attorneys in one office can give information that generally applies in other jurisdictions in the State.</p>
83	<p>The appointment process works well. They are quick and provide the information needed. The Pre Trial Conference works well when it occurs.</p>
84	<p>The staff who stays with the organization for a long time are very dedicated to the cause of representing those who could not otherwise afford legal representation.</p>
85	<p>The support staff at Region 1 Kalispell is fantastic. Quick to respond to my questions, efficient in providing anything I ask for and very friendly. Give them a raise!</p>
86	<p>Most of our attorneys and support staff have a good work ethic and work very hard at getting their job done every day.</p>
87	<p>Referrals of conflict/overflow cases and communications from/to Conflict Office is flawless, so is document flow upon acceptance.</p>
88	<p>Supervisors and staff coordinating conflict and non-conflict assignments are efficient and responsive. Questions and problems are timely addressed. As a contract attorney, I feel like I have legitimate support from OPD staff.</p>
89	<p>The office is local for most defendants. The assignments are done quickly.</p>
90	<p>Clients are assigned to an attorney quickly when paperwork is turned into the office.</p>
91	<p>This Court is very satisfied with the workings of this Public Defender office....</p>
92	<p>Generally, I think that the clients are satisfied and when they are not it is not a result of the work of the individual defenders or a substantial difference in outcomes from private cases. <input type="checkbox"/></p> <p><input type="checkbox"/></p> <p>There is a good atmosphere for younger attorneys to learn the ropes of a tough job, and I think both the defender administration, and more particularly, the conflict coordinator's office are striving to maintain that atmosphere at relatively reasonable public costs. <input type="checkbox"/></p> <p><input type="checkbox"/></p>
93	<p>The statewide CLE that OPD puts on is a great benefit to private contract attorneys and public defenders alike.</p>
94	<p>I believe that most all of the people that work for this Agency believe in the Mission of the Agency. But I think the people that have been here since the beginning, are saddened by the lack of change that this Agency needs; change for the better. All things that remain stagnate, will eventually die. With the correct direction of change, I believe the Agency will overcome and succeed, mainly because of the care and concern for the Mission of the Agency, by the people that work here.</p>
95	<p>The local Lewistown office works well with all involved. They communicate well with the courts and a solution to any problems is sought, properly.</p>
96	<p>The OPD in region #6 is working extremely well and efficiently. It is so much better than our previous independent counsel appointment process words can not express the vast improvement.</p>
97	<p>Given the challenges our office faces I believe the attorneys, investigators and support staff do an amazing job keeping a positive attitude and staying upbeat. I also believe our clients get superior representation from outstanding attorneys.</p>
98	<p>Since I am a support staff person, that is where my expertise lies. We are lucky ... because we have an organized, efficient office manager. That is a key to a smooth operation. Good training and the efficient running of our office are directly because of that office manager.</p>

Improving Public Defender Operations

1. What is working well with the Office of the State Public Defender?

No.	Response Text
98	The idea of having 11 Regions works well in theory due to the geographics of the State of Montana. The agency has strived to fulfill the obligations of providing service in all areas and in all of Montana's courts. There are times that we have no attorneys in some areas and yet find a way to provide that service from people who are willing to travel to provide the service. It is a challenge but one that seems to get met.
99	... are amazing to work with! Very clear, respectful communication between that office and my office. ... also writes clear, to-the-point emails regarding representation....
100	it works well as long as they have the people
101	In my region the relationships between the attorneys are collaborative. Management is excellent with support and honesty freely given. This really helps with morale and with actually having the tools to do the job.
102	The assignment of cases, oversight of case loads, broadcast email system, payment system.
103	The office in which I work has a passion for the mission. The attorneys covet the opportunity to go to trial, they work long hours and put forth an uncommon effort to serve our clients. Though they have the opportunity to work in private practice, they stay where the need is dire and don't blink when the rubber hits the road. Choice office staff go above and beyond the call of duty on a daily basis to attend to clients' needs.
104	As a longtime employee/attorney of OPD, very little works well. Everything is haphazard from the top down. OPD has yet to hire a leader that really knows what she/he is doing as far as management, they may be excellent lawyers, but management they are not. Instead OPD hired longtime state hacks to do the management/personnel side and the whole organization has suffered as a consequence.
105	We work hard to represent people who otherwise wouldn't have their voice heard in court. Contract attorneys are vital in handling overflow and conflict cases.
106	represent. Despite the chronic underfunding and increased caseloads, those on the front line work tirelessly to meet their ethical obligations to the clients and the courts. This work ethic extends to all, including administrative support staff, investigators, central services, and the volunteer members of the Public Defender Commission. While the Task Force has heard anecdotal (and likely incomplete) stories from some who apparently harbor deep animosity to OPD, the factual reality is that OPD works hard to provide representation to those who often suffer from mental illness, chemical dependency, and a myriad of other social issues. This type of legal practice is grueling, and it is not for the timid. Improving salaries and bringing them more in line with other State employees was a definite step in the right direction.□
107	(2) All divisions of the agency have achieved significant successes. Charges have been dismissed, plea bargains have been negotiated, juries have acquitted clients of some or all charges at trial, and relief has been granted on appeal. Each of these outcomes saves taxpayer money by relieving the State of unnecessarily paying for incarceration and/or supervision. Wrongful convictions are costly mistakes that destroy lives. Reception and support are responsive and accurate, even-tempered. Public defenders are competent attorneys once they have some experience. Mentoring for contract attorneys is available through conflict coordinator. Payment process for contract attorneys is fairly efficient. Both contract and in-house attorneys are usually responsive to one another in First District, so that aspect of hiring is OK.
108	When I was just starting out as an OPD contractor, I talked to several state agency and court officers who said they had witnessed the agency "professionalize" criminal defense and transform the practice locally. I was struck by the respect that came through when they talked about the new conscientious breed of public defender.□
108	I am proud to part of the OPD. I think that the professionalism is nurtured by the leadership and culture in the local offices, which emphasizes adherence to the rules of ethics, respect for the system and the people who run it and the people we defend, and a generous approach to sharing expertise and work product with everyone in the business of defending people. Lawyers in private practice seem to respect OPD and maybe that inspires some of the generosity they extend to public defenders, too.

Improving Public Defender Operations

1. What is working well with the Office of the State Public Defender?

No.	Response Text
109	great investigators and getting experts to help win cases
110	<p>The conflict attorney system, utilizing private attorneys for conflict cases, provides an excellent balance of resources for state dollars and provides the only available expertise for indigent clients. The conflict attorneys are paid base wages with no overhead or benefits saving the state money as contract employees. It is a win-win. □</p>
111	<p>More specifically, the Office of Public Defender employs excellent attorneys and saves the state money through their conflict attorney contracts, in lieu of hiring additional state employees, meeting the needs of local communities through hiring local attorneys, as needed.</p>
112	Team spirit, organizational cohesiveness and sharing resources.
113	Providing legal counsel for those unable to afford an attorney
114	<p>Personnel are committed. Personnel do the best they can to serve clients and staff. Personnel do the best they can under impossible circumstances to serve. For the most part, administrative staff and lead attorneys recognize this and do their best to support.</p>
115	the referral and payment system
116	<p>There are a lot of things that work well. The actual, organized training events are pretty good. The weekly case reviews are helpful. The agency has worked to increase salaries, which has helped with turnover, especially for those that want to be here. The support for experts, investigators, etc. is good. I personally have never had a request denied, despite many expensive requests. There are a lot of great, dedicated employees that provide quality representation.</p>
117	<p>As a contract attorney, I have no problems with OPD; although I understand that the OPD could probably better serve those in need of public defenders if they had more attorneys and support staff, the existing staff always get the necessary files to me and they are able to respond to any particular questions I may have usually in a very timely manner. I am impressed with nearly all of the attorneys with whom I work with and opposite to on cases.</p>
118	<p>I have found that the system regarding assigning contract attorneys cases works very well. I appreciate the initial interest question to find out if I am able to take the case, and then the prompt receipt of case documents is very efficient.</p>
119	The conflict and support staff is very responsive....
120	Clients are quickly appointed counsel and represented at bond hearings, arraignment, and trial.
121	<p>It is very important that we offer indigent defense services to those that actually indigent. Other than that the current functionality of the OPD is failing- there is no proof that indigent are getting any better defense now than they have ever received and the costs of the system has increased 100% + in 10 years! What works well with the OPD is that we are finding more jobs for attorneys.</p>
122	<p>For the most part, the PDs who work for the State do a good job of juggling the number of cases they get assigned. They are easy to speak/work with and seem to have a good grasp of what their clients need but also how the system works.</p>
123	The representation that is provide to clients.
124	<p>The Attorneys, both FTE and Contract, are a great bunch of men and women who work tirelessly to serve out clients. They need a higher pay scale to be competitive and stay longer than a couple years and then strike out on their own. On that same note, Support Staff is wholly underpaid and the turnover is damaging to the flow of business at each office. This Agency has been underfunded from the beginning and a lot is expected with little funds or support.</p>
125	<p>I believe that most of the employees believe in the Sixth Amendment rights of the clients and want to do a good job.</p>
126	Support staff works well together!
127	<p>Competent attorneys overall, does not require court administration, eliminates local disparities in quality of services and resources, self policing, adequate attorney-client contact</p>

Improving Public Defender Operations

1. What is working well with the Office of the State Public Defender?

No.	Response Text
127	The public defenders in my jurisdiction who are employed by OPD are generally good to work with and do their jobs efficiently.
128	It's nice to have a local office with a set of attorneys that are more often than not friendly and easy to deal with. They are available on a constant basis to work with and are receptive to solutions.
129	Most of the attorneys know which cases to take to trial and which shouldn't be presented to a jury. Of course client preferences trump the attorney's opinion and most of the attorneys seem to have adequate client control.
130	The Glendive office does well with the resources allotted it.
131	All of the PD's I see in Court are dedicated, hard working, and committed to defending indigent clients. The ones I see in jury trials are prepared and do a good job. I do not see many frivolous motions.
132	I enjoy the OPD attorneys and feel that I have a good working relationship with their office.
133	In Cascade County for the misdemeanor crimes there appears to be a good working relationship between the Defenders' office and the Prosecutor. This allows the work to proceed without personality clashes that have, in the past, occasionally blocked up the case flow.
134	The office ensures timely legal representation during the initial phases of a case where the accused is at a distinct disadvantage. Court appointed counsel ensures balance and openness is a system that can rapidly become one of process rather than substance.
135	The regional director in this region is good to work with and for the most part so are the attorneys and staff.
136	The representation of indigent defendants is the best it's ever been. In fact, it is better than a middle class defendant could get.
137	The ability to provide an attorney quickly to persons accused of crimes. Working with the same attorneys over a period of time allows you to develop a rapport that allows you to more quickly come to terms with a case and determine if it is one to be tried or settled.
138	Most of the attorney's are very dedicated. Those with experience can assess a case quickly and resolve those needing appropriate disposition and spend time and resources on more complex cases. The representation for the clients is highly professional and competent. I am very pleased with the office.
139	I work primarily with DN cases and with DN and DI appeals. I think the OPD has an important role in resisting the State's power. We have an important job to make sure that if the State is going to infringe on someone's rights, they are held to the highest possible standard of proof. So the fact that the OPD exists is what works well. I really appreciate the brief bank and the weekly case summaries. Also, great camaraderie among the attorneys in my region have made my assignments very pleasurable
140	good attorneys- they are always well-prepared in my Court. They are flexible with what are sometimes very short- notices for their appearances.
141	faxing new client information and referrals to them works great, We usually do not have many problems with the OPD, we are usually able to keep things on track with them.
142	I am most familiar with the appellate side of the public defender; what is working well is that the lawyers in the OAD appear consistent with the legal arguments they raise, they do a thorough job analyzing the cases, their briefs are consistently well-written, and for the most part they recognize when a claim clearly lacks merit and file the appropriate Anders briefs.
143	Citizens can get real legal help.
144	zealous and concerned representation of clients.
145	Contract OPD attorneys generally zealously advocate for the client while working toward a speedy resolution for all parties involved.
146	The attorneys employed by PDO in Anaconda provide quality counsel for their clients. The contract attorneys are excellent in this area as well.
147	For the most part they are a dedicate group.

Answer Options

Improving Public Defender Operations

1. What is working well with the Office of the State Public Defender?

No.	Response Text	Response Count -- 147
<i>answered question -- 147</i>		
		<i>skipped question -- 37</i>

Improving Public Defender Operations

2. What is not working well with the Office of the State Public Defender?

No.

Response Text

1)Mentoring – The OPD has less turnover in Yellowstone County than it has in past years but there still tends to be a “revolving door” to some extent. That is the nature of that type of legal work but the burnout could be lessened if there was more mentorship and support. Far too often I see not only the Courts being frustrated by also the State’s attorneys at inexperienced attorneys making time-consuming mistakes. Mistakes, which if there was mentorship/guidance from experienced attorneys in their office, would be less likely to occur. There are many good attorneys in the OPD but a lack of mentorship creates additional stress in the newer attorneys and leads to time wasting mistakes and quicker burnout.

I understand that the OPD attorneys have overwhelming caseloads and in an effort to keep afloat the attorneys focus on their cases and not what their co-workers are doing. However, simply pairing experience attorneys with less experienced attorneys for mentorship would be a great start. I know of at least one more experienced OPD attorney in Yellowstone County who has undertaken this as he/she has state to me something to the extent of “if I don’t do it, no one will.” That there is such a lack of co-worker support is troubling.

- 1 2)Attorney fees – The legislature some time back approved legislation that charged defendants between 250.00 and 800.00 for representation as part of their sentence. This is appropriate in my opinion. However, what has happened is that the OPD attorneys in advocating for their clients argue that these fees should be waived due to indigency and many times it is. However, many of these same “indigent” clients have smart phones with data plans, etc whose monthly costs exceed the approximately 23.00 per month one would have to pay if one was ordered to pay 800.00 over the course of 3 years. At some point, the OPD needs to carefully consider all financial aspects of their client and not just ask for waiver of these and other costs out of hand. This is not limited to OPD attorneys either. Contract attorneys for the OPD do the same. Perhaps if they argued this a little less they would not have to come before the legislature every session begging for more money.

3)How conflict attorneys are appointed – Going through Helena to that outside attorneys are appointed seems to be disjointed. Perhaps there is a reason to have appointments be “one removed” from the county in which the case is sitting but it is just another way that cases can drag on. For example, there have been cases were multiple attorneys have been appointed due to a difficult client. Status hearings are had and the local OPD head attorney is called in to be present for the hearing. The Court will often order another attorney be appointed and then instead of the local OPD head doing this, he needs to relay it to Helena which takes time.

There are many things that are not working well in the OPD that need to be addressed. □

□

1. In ... there is only one manager ... for the entire office as well as the surrounding counties. There is another lower level manager for the Justice Court and Municipal Court attorneys but she has not tried any felony cases and as far as I can tell, there is not much supervision at least in Justice Court. There appears to be little guidance for younger attorneys. More supervision, especially in regards to meeting with clients and realistic discussions with clients, is warranted. □

□

2. The two page checklist that the attorneys are required to follow does not always work in practice. In theory it may be a good idea, but in reality it is not. There have been numerous examples in Justice Court of young attorneys with clients who want to change their pleas (to such things as traffic offenses) and the attorneys will not allow that to happen until they go through that lengthy check list. This is not justice for anyone. It backlogs the system and the client has to wait even longer to resolve his/her cases. □

□

3. Is there any supervision for contract attorneys? Most of them do a great job, but who supervises them and checks to make sure they are following through? The pay for them is less than what it should be as well - \$62/hour does not attract the best and the brightest. □

□

4. I think there are some real ethical issues with the "conflict office" within the OPD. Are these offices really separate from the main OPD or do all the attorneys have access to all the clients' information? □

□

5. Too many times at sentencing an attorney will ask for fees to be stricken or significantly decreased because the attorney "didn't do much work on the case." I know there must be a requirement for whether the client is able to pay the financial obligation, but to claim the attorney hasn't done enough work to warrant the \$800 fee is not acceptable.

3 The attorneys at times file motions that have no merit out of fear that might be on the receiving end of an ineffective assistance of counsel claim. The PD attorneys seem to file unnecessarily more motions and futile requests on the stated basis that they must do so to avoid the IAC claims.

4 The local office has more conflict cases than I have ever seen in this jurisdiction. It appears that "conflicting" a case out is a way of controlling case load for OPD attorneys.

There is no mentoring or supervision of attorneys. Many new attorneys are given a large caseload without any direction or guidance. □

5 Public defenders do not communicate with the prosecutors or with the Court regarding the status of cases. Judges have recently instituted status conferences to address the lack of communication regarding status of trials. Many OPD attorneys let the cases roll over to the next trial setting without speaking to the client, the State, or the Court.

6 Case resolution delay - systemic non-response or extremely tardy response is very common

7 Client contact is the main hurdle for them. We constantly hear in Court that clients have tried to call and leave messages or contact them without success. Defendants at the jail in particular complain about never having seen their attorney. This is likely indicative of their workload.

8 Attorneys in the ...B16 office have no apparent supervision. Attorneys rarely respond to phone calls or emails under called to account by courts. Judges have resorted to holding status hearings and that is when responses are finally obtained. Meanwhile, defendants are sitting incarcerated and routinely complain they have had little or no attorney contact. Attorneys are assigned to cases in which they have little or no experience and simply have no business dealing with such clients.

9 Cases are not assigned/re-assigned quickly. Attorneys do not get back to prosecutors or judges with status on their cases in a timely manner. It takes way too long to get evaluations approved and completed (mental health & psychosexual), which delays plea negotiations and trials. Newer attorneys appear lost and do not appear to have any significant mentor or guidance on procedure in district court.

10 Moving cases. Too much time is spent answering goofy briefs filed either to satisfy troublesome clients or to comply with "cookie cutter" practice. The doctrine of ineffective assistance of counsel and the crazy extension of it over the years is ruining the art of criminal defense.

Some OPD offices lack professionalism & make personal attacks on opposing counsel & other professionals. □

- 11 □ OPD regularly complains about lack of funding & requests additional funding from the legislature, yet almost always asks the Court to waive and/or suspend statutory counsel fees & prosecution costs. This does not help the system, and creates a sense of entitlement for many of the repeat offenders.

... I have seen a couple examples of conduct that raise serious concerns about the oversight of attorneys in the PDO. First, an attorney in the office represented a defendant in multiple misdemeanor cases. The court found the attorney did not qualify for representation. The PDO attorney then represented the individual "Pro Bono". More so, he appeared in court during working hours on the defendant's behalf multiple times. Beyond the obvious concerns about a PDO attorney representing a defendant pro bono when that person makes too much money, I also strongly doubt that any approval was given for the representation. While being paid by the taxpayers, the attorney represented an individual who could afford to hire private counsel. □

- 12 □ Second, a number of attorney in the ... office are hired to do "contract work" by conflict attorneys. This largely includes legal research and drafting briefs. My first concern with this practice is that at a point a case is "conflicted" out, PDO attorneys should not be touching it. Second, the PDO attorney is being hired at a rate less than what the conflict attorney is paid. Thus, the conflict attorney skims some money off the top of the hourly rate, and the PDO attorney makes extra money over and above his or her salary on a case he or she should not be working on (and with the lack of oversight, who knows whether the attorneys are drafting these briefs during working hours and neglecting other cases in the process). If PDO attorneys are so overwhelmed with caseloads they struggle to properly represent their clients, this practice becomes even more egregious.

- 13 Many of the public defenders appear to have too high of a case load as I often hear back from them late in response to plea offers, etc.

The OPD seems to waste a lot of time with cases that could easily be settled out of court. We (police) get called in to court for minor traffic infractions that could be and should be plead out. For example, drivers who receive citations for Driving While Suspended, who know they are suspended, and have been suspended for a number of years, bring that citation to court and plead not guilty. Or, the shoplifter that is on surveillance stealing the item, yet they plead not guilty. The OPD complains about being overworked, yet they still waste their time defending cases like this.

- 14 Lack of administrative communication; frequent turnover; no training or strategies to work on preventing burnout

Too many contract attorneys travelling from all over the place. All in house employee attorneys in one town, supposedly serving several judicial districts, but as a result lots of scheduling conflicts. No employee attorneys in any of the county seats - not one employee attorney resides or has an office in our entire judicial district. Scheduling is a nightmare, and wastes a ton of time. And then when they do travel down here, 2 or 3 of them travel together and sit and watch court all morning.

- 15 Lack of administrative communication; frequent turnover; no training or strategies to work on preventing burnout
- 16 Too many contract attorneys travelling from all over the place. All in house employee attorneys in one town, supposedly serving several judicial districts, but as a result lots of scheduling conflicts. No employee attorneys in any of the county seats - not one employee attorney resides or has an office in our entire judicial district. Scheduling is a nightmare, and wastes a ton of time. And then when they do travel down here, 2 or 3 of them travel together and sit and watch court all morning.

17 I can only speak about Region With that caveat, it appears that there is a lack of mentorship in the region. The newer attorneys appear to be given very little oversight and appear to receive almost no training with regard to issue spotting, case management or courtroom decorum (or basic courtroom procedure, for that matter). The lead attorneys who bring on less experienced attorneys for trials, are ill-equipped to teach, as they, themselves, do not appear possessed of the skills necessary to maintain professional independence vis à vis their client's desires/demands as to specific motions filed or defenses mounted with little or no supporting facts or law. Having worked as both a prosecuting attorney and defense attorney, I understand that this is not an easy skill to develop. There does not, however, appear to be any effort to teach this in Region

This is not to say that all public defenders are bad attorneys, there are many good attorneys that work their cases and generally provide a quality defense for their indigent clients. There are a sufficient number, however, that cannot do this. Consequently, those attorneys bog down the legal system and appear to only know how to disagree.

18 Service of paperwork, particularly in DN cases.

1. Assigning attorneys when there is a conflict with the OPD

2. Getting an attorney assigned to a Respondent in a mental health Hearing-time is of the essence and it can be delayed due to problems getting an attorney assigned.

3. When a conflict arises with the local OPD Office and a client has to be sent to a conflict attorney, oftentimes information/motions/evidence that was sent to the OPD office before the prosecutor knows the case was re-assigned does not get sent to the new attorney. I'm not sure where the documents go (possibly thrown out?), but there is often a problem with the new attorney receiving anything sent to the OPD Office.

19 4. The income verification process. I understand attorneys have to be assigned quickly, but even after an attorney is assigned the appointment could be rescinded if the client is over income. I think better documentation from the client is required to check income, and every 3-6 months during the pendency of the case the client's income should be reviewed and checked, including income tax records. This may help with OPD budgetary issues if a better analysis of indigent clients is performed.

5. Conflict attorneys are used who are traveling from great distances to represent their clients. Some attorneys are traveling two hours or more each way, which is racking up costs for the OPD. Possibly pay attorneys better and you'll get enough local attorneys signing on as Conflict attorneys so an enormous amount of funds isn't spent on travel costs.

20 not enough mentoring for younger attorneys. They seem to get no leadership or advice unless a problem arises.

21 poor local management with middle level managers not having authority to work with local drug courts or receive state authorization for client evaluations.

22 In some cases it appears that their attorneys are dependent on law enforcement and/or the prosecutor to conduct follow-up investigation, which can be problematic in cases where there's a meritorious defense or significant mitigating information that might be missed. I'm not sure whether this is caused by lack of resources or whether it is philosophical/strategic; I will say that this problem doesn't appear to me to be unique to OPD attorneys.

23 In some senses attitude. Public Defender counsel, from the PD office, adopt the philosophy that the "State", which is the County attorney, is an evil entity. They are sometimes disrespectful from that perspective. The alternatives to trial are often not reasonable. Negotiation skills need improvement. Some mentoring for less experienced counsel would be desirable.

24 They determine who does the sex offender evals. This is an unethical practice since this is supposed to be a unbiased post conviction eval for community correction purposes and public safety. The MSOTA evaluators do not get work from the public defenders officer if their evaluation puts a client at a high tier level. This needs to be designated by the judge and the OPD should take the lead and do the right thing.

25 The amount of time defendants are waiting to hear from their attorneys and the amount of time from arrest to sentencing.

26 I worked for OPD for a number of years. I left because I was expected to prosecute felonies. I was aware that little or no mentoring would be available to enable me to transition effectively. Frequently, young lawyers take the job as a last resort in order to gain trial and courtroom experience and then leave within a year. The turnover rate is astonishing and it isn't all due to pay rates. OPD staff attorneys are serving private clients as well as OPD approved clients at the same time. They will appear at a court, such as at an omnibus hearing and represent each client in succession.

27 The local public defender office ... currently represents many cases in which jail time is not being sought or even a penalty, traffic citations. This has to contribute to some of the workload that is needless within this office. Additionally, the local office continues to meet with and provide legal counsel to individuals who have not been appointed to the public defender office.

28 The office puts so much effort in for people that don't even show up for their own hearings. Half the time the defense attorneys don't even ask a question or make an argument, yet the public pays for someone to get defended on a case that isn't even important enough for the defendant themselves to bother showing up for. The officers are called in on their days off and the public pays again for overtime hours. All of this is fine as long as the defendant actually wants to fight the ticket

29 The public defenders, with two exceptions, have not:
A. Communicated forcefully with their clients in general.
B. Communicated forcefully with their clients soon after receipt of a settlement offer to respond quickly to a settlement offer.
C. Communicated forcefully with their clients telling them that a plea of guilty to two charges is almost always better than being convicted of four charges at a trial in absentia.
D. Remained in close contact with their clients, guiding them through the process of reinstating their drivers licenses where a drivers license charge is pending.
E. Performed background checks of / with their clients to obtain socioeconomic information to support a defense counter offer.

30 One public defender is never in contact with his clients? ... meets with them once , right before trial.

31 Too many public defenders do not keep on top of their caseloads. I am not certain if this is a caseload issue, a competency issue, or both.

32 Too many lengthy discovery requests

33 There is little apparent supervision of contract/conflict attorneys. There have been allegations that some have engaged in inappropriate relationships with clients and nothing is done to investigate these claims. Many of these female defendants are vulnerable. When word circulates this is going on it seems like there should be an inquiry. There are contract attorneys who delay and delay cases as a defense tactic. It might be a billing issue, but there is some manipulation of the court system when representations are made to the court, ex parte, regarding reasons why a case needs to be repeatedly continued. If delay is a defense strategy it seems suspect.

Courts should not allow ex parte communications, but I have seen it happen repeatedly. Defense attorneys should have a responsibility to notify the prosecution of a hearing. The court should require the City/State to appear since it is an adversarial system where both sides are entitled or required to be present at such hearings. Defense attorneys take advantage of the opportunity.

I should qualify my complaints by stating that they have nothing to do with winning or losing in court. As a prosecutor, I believe the system works much better when quality and competent defense attorneys are available to represent defendants on serious, stacking offenses. When this is not the case, it does not matter if I win or lose. The victories and losses are meaningless when convictions can be so easily attacked with ineffective assistance of counsel claims. □

□
This is the base of the problem. There is such horrendous oversight at the PDO of younger and mid-level attorneys that the process suffers, both for the prosecution and offenders. Young public defenders have little to no guidance and repeatedly file motions that waste time and do not identify real issues. Prosecutors do not mind litigating issues that are deserving, but constitutional challenges to misdemeanor offenses bog down the system and ultimately hurt their clients more than what they probably intend. □

34 □
Worse yet is that these practices are often encouraged. It isn't that this is a waste of time for the courts and prosecutors - it comes at a cost to other deserving defendants as well. The relentless pursuit of constitutional challenges, at least in my jurisdiction, distracts the PDO from clients who truly need competent representation in stacking offenses. □

□
This all starts at the top of the PDO and trickles down to the entry level attorneys. The lack of mentoring is most glaring in the professional areas of being an attorney and officer of the court. Some of the best advocates I have gone up against at trial focus on the real issues because they have been mentored accordingly. When no mentoring exists, it seems to be common practice that younger, aggressive attorneys will throw anything at a wall to see whatever sticks. We owe it to taxpayers and to the system, and in particular criminal defendants to not litigate meaningless issues, even if attorneys feel like it is their job to do so. □

□
I personally have tried misdemeanor cases against the PDO where three separate attorneys sat to represent a 1st time PFMA defendant. Not only did they all three focus on meaningless issues, they all three redirected their defense to an attack on the prosecution. Our office refused to respond in kind and did not dispatch two other prosecutors to help me, because ultimately the jurors who sit on these cases are likely taxpayers as well and would note that such an effort is a tremendous waste of time. The same standard should apply to defendants. The only way such a thing can change is if the mentoring is dramatically improved.

35 The people inside and outside of the agency who have a negative attitude. I've read through some of the comments from this survey previously posted and I was appalled at the personal attacks. I think it is pretty easy when a survey is anonymous to make disparaging remarks about people that one would never make to a person's face and then hide behind that promise of anonymity. I would suspect these are the same people who are never held accountable for their actions. I would hope that anyone who has read those remarks would disregard them.

36 We need more help. It's hard to take care of all our client's problems and meet all the time reporting/closing cases requirements. If there was a more convenient way to enter time and close cases - say while waiting for our cases to be called when we are stuck in court, it would help.

37 The office rates very poorly in prioritizing the cases that merit the application of their vast resources to the cases they handle.

38 Constantly changing staff. They need more time with their clients to prep. They need better communication with the defense attorneys.

39 Justware- This is the computer programs that we use as case management. Justware is slow and cumbersome to use. Every time the software is updated issues arise that then must be fixed slowing us down. While I do understand that a case management software is needed, there are plenty of other options that would be beneficial. □

There is a disconnect between the central office and reality of courtroom practice. When presented with an issue that may be found in one region or even one court district the central office does not take steps to help remedy that situation until it has is and issue state wide. By the time the issue has become that big it is to late to fix the issue.

Huge case loads mean that attorneys cannot devote enough time to clients. This leads to frustration on the part of our clients and their families which in turn leads to complaints and difficulty for support staff who have to deal with the clients that the attorneys cannot or will not make the time to work with. □

-
- 40 The adversarial bias that the courts take against employees of the public defenders office is difficult to overcome. OPD for some reason has become the pariah of the judicial system. □

□

Attorneys by in large are treated as a privileged class. Staff is treated as expendable servants to that privileged group.

- 41 Caseloads are crushing and a recipe for malpractice.

(1) PDO files boilerplate, meritless briefs/motions in misdemeanor cases, which require responses and hearings on the motions. This results in PDO lacking credibility with prosecutors and courts, inefficiencies, and delays with case process, etc. (2) PDO consistently request continuances in cases, causing additional delays and inefficiencies. (3) PDO's calculation of its case statistics is misleading and dishonest.

- 42 Specifically, PDO calculates a "count" as a "case." For example, in a case in which there are multiple charges filed under the same docket number/cause number, PDO stats reflect each "count" as a "case." This is intentionally misleading and intended to inflate their case statistics. This practice is also inconsistent with how courts and prosecution offices calculate their respective case statistics. Courts and prosecution offices count each docket number/cause number as one case, even when that docket number contains multiples counts. (4) PDO does not accurately assess whether a defendant qualifies for its services, thereby expanding its clientele unnecessarily at tax paper expense, and thereby bolstering its argument that it needs additional funding/staffing.

OPD does not supervise all their individual attorneys in the same manner as many of the County Attorneys' Offices do, or even as many of the City Attorneys' Offices do. That is to say, they are not obligated to obtain approval for a plea agreement from a supervisor, nor are they obligated to review strategy with a senior attorney. This wouldn't necessarily be a problem except there are quite a few newby attorneys with little over-all experience in plea bargaining or in case presentation/analysis. Some of these newby attorneys are not familiar with the rules of procedure or the case law which applies and they file motions which a more experienced PD attorney would not file. This costs time/money for prosecutors and courts as they still have to respond or review these motions or have hearings which are not necessary. (one can chalk this up to the learning curve, but is this really cost effective?) □

-
- 43a OPD does not support payment of the costs of the appointment by their clients. This means the prosecution is left with deciding whether to fight for inclusion of OPD costs in a sentence or not. This is not to say the services of the OPD are not necessary, but the decision as to whether a defendant should have to pay these costs is a Court decision, not an OPD decision. An assessment should be made at the time of appointment as to whether a particular defendant has the means for payment of the statutory costs, or payment of some of the statutory costs. OPD should not be in the business of fighting for payment of their costs, but only making the showing to the Court of the lack of means if the individual defendant is unable to pay those costs. This is particularly true when the case goes to jury trial and the Defendant is convicted. The OPD is rarely prepared to present to the Court the information necessary as to the number of hours involved so the Court may determine costs. This despite the fact many convictions do not result in sentencing that day but at a later time and the attorney has had an opportunity to obtain this information. □

□

OPD is granting a PD appointment for those who are at the top end of the financial scale and this is taking away resources from those who are truly indigent. All applicants should be required to sign a form which is filed with the Court and the prosecutor acknowledging their understanding of the statutory costs of representation and agreeing to pay. This would also facilitate a discussion about fines when presented to the Court for sentencing. □

□

□

OPD is not always able to adequately supervise the new attorneys w/ less than 3 years of experience. This lack of supervision leads to increased work for the prosecutors and the Courts as they must wade through all motions, regardless of how frivolous or ill-contrived. While this may be part of the learning curve, new attorneys should have some supervision regarding motions filed. Supervision is also lacking in plea bargains. While many City and County Attorneys reserve to the County Attorney of Chief Deputy the responsibility of reviewing all plea agreements before acceptance, the OPD attorneys consult with their clients but not with others, generally. Opportunities are missed in this process, resulting in inadequate service to the defendants and to the public.□

43b □

OPD attorneys have a tendency to stray from "diligent representation" to "zealous representation" despite the change in the ethics rules. This can result in advocating for a position which the client may want but which is not supported by the law. Senior attorneys could assist the younger attorneys in client discussions to help address this issue.□

□

Number of Defendants is large, maybe too large. OPD attorneys do not all seem to meet with their clients prior to a court appearance. Some of them appear to wait until the last minute and then have a discussion with the client in the proverbial hallway explaining for the 1st time the plea agreement. This is inefficient and wasteful in terms of time and energy for the Court and the prosecution.

44 The public defenders' caseloads in our area are too high for them to do an effective job advocating for clients regarding most pre-trial issues. This, in turn, results in acquiescence in all sorts of practices - it has also resulted in generally higher bonds and increased pre-trial incarceration in our region.

45 There seems to be little or no oversight of public defenders, particularly at the entry level. There is no supervision of new attorneys and as such many public defenders do not learn proper courtroom etiquette. In the past 5 years it seems public defenders' professionalism to opposing counsel as well as judges/court staff has decreased dramatically. The lack of supervision of attorneys also causes the filing of numerous frivolous appeals (appeals made in many cases where there had been no appearance by the defendant after appointment of OPD and the appeals had no legal basis). Matters seem to be taken to trial in the name of gaining trial experience with little regard to the consequences to the client (which results in great financial detriment to the client).□

46 Representation of absentee Defendants. We have a number of trials in absentia for Misdemeanors....many of these are also being appealed...sometimes without the Defendant ever showing in court except for the initial and arraignment. There is no indication that the attorney has had contact recently.

47 They have too many conflicts and they are hiring conflict counsel like crazy. It costs way too much money. The conflict counsel are more likely to file nonsense motions and take losing cases to trial because they get paid more to do it at the detriment of their clients.

48 For unknown reasons there seems to be a systemic inefficiency. After the public defender's office gets a case, even minor misdemeanors, they too frequently want a continuance from the court and the case is unnecessarily delayed for prolonged periods. The continuances seem to be because they have not consulted with their clients. Many minor cases could be resolved earlier with the same result if they got to it. They do not stay in contact with their clients. I had a defendant calling me as prosecutor wanting to get resolution to their case but their attorney would not call them back. Some PD offices do not use technology to the full extent. I encouraged one to start using a cloud to receive the police reports rather than having paper copies mailed. The attorneys are good people but seem to lack guidance and training for an efficient law practice.

There remains no good system of ensuring our caseloads are adequate. Time is our most important resource and as the number of cases goes up per attorney, the quality of representation declines. Attorneys with families can't sustain working 60-80 hours/wk, and that in turn results in loss of experienced attorneys. □

We have a case-weight system that allows us to track the amount of work we're getting, which I think works reasonably well. The problem is that once we exceed the recommended case weights, even by a significant margin, nothing really happens. There's no safety valve to ensure that we are always at a level where we can provide effective assistance. □

□
The problems are not with the system so much as they are with aspects of how we are set up. I think management quality is uneven from region to region. Some regions (such as my own, in Region ...) have very strong managers. Others have managers who do not actively manage and supervise their regions. □

□
49 Finally, it is frustrating to feel like we are in a "second-class" state agency where lawyers here are treated worse than lawyers in other state agencies, even though many of us work many more hours, have higher stress positions because our jobs inherently involve litigation (unlike many state attorneys), and deal with a very difficult population. I handled a probation revocation case this year opposite an Attorney General prosecutor. At every turn, the AG had more time and resources than I did: from public records searches, to the time they could spend researching case law, to filing an (unnecessary in my view) sentencing memorandum and even having a very professional exhibits binder for the Court at the hearing. I lack the staff and time to match that without working into the late hours--which is precisely what I had to do on that case. I know from other folks who work in state government that they have better staffing, paralegals to do many of the administrative tasks I do--drafting routine motions, calendaring, filing away paperwork I've received, putting together binders and exhibits, preparing discovery disclosures, drafting routine letters, getting records releases, organizing my file--that are not really tasks an attorney paid at an attorney's salary should be doing. Likewise, county attorney's offices in our region have much better staffing ratios and investigative resources because of their relationship with law enforcement. There is an unfortunate belief that we are lesser attorneys or deserving of lesser resources than attorneys who work for the counties or the state who have responsibilities no greater than our own.

Leadership is horrible, ...! Youth in need or care cases are chewing up more and more OPD budget. Half of the cases shouldn't ever be brought OPD has not developed a strategy to combat the winnable ones, and to let County Attorney's know that they should tell their little over protective Social Workers to stop removing kids at the drop of a hat because Family services is going to get 2 or 3x matching funds from DC. Aggressive representation on those cases would eventually stop the rising tide of them, but since half OPD staff attorneys have less than 2 years practicing law they don't have the trial skills to effectively fight that fight. DN cases will continue to take up more OPD budget each year until OPD plays hardball or the legislature fixes the statutes so children aren't removed for lack of chairs in a house or large age differences between parents. CPS workers really need full psych evals like cops in large cities get before being hired. □

50 □
... office is malpractice central. I have a client who has been continually lied to by her appointed counsel out of that office, all documented. Clients with pending felony trials not having discovery sent to them until 8 days before trial dates! Clients being denied documents in their files, that are needed for appeals! One example the phones can go 20 minutes without being answered while half the staff stands around the entrance smoking. I could go on further but it won't get fixed without entirely new staff from the Regional Director down to the receptionist. Eventually the malpractice suits will explain it all, expect them in the next 12-18 months. I have at least 2 good ones so far. I expect to retire from the contingency fees on them

51 Contracting out to "Local Attorney's" with "Private Practice's"

The one of biggest problem the Office of Public Defender is running into regarding the budget, is the amount of chemical dependency evaluations/mental health and/ or other evaluations that the Judges are setting on the Defendant's before they will let them out of jail. In order for the Defendant to get out of jail, he must have the evaluation done; at the OPD expense. While I am all for getting our clients the help they need, however, not every client needs an evaluation done. It is happening more frequently than ever. There has to be a check and balance system. We are doing what the Courts are Ordering, for the Defendant.

This is not brain surgery. Everyone knows what is wrong with OPD. The American University Report identified all of OPD's problems, but OPD management only pretended to follow AU's recommendations. Creating a policy for each of AU's report is good, but it doesn't work if OPD managers do not follow the policies. Management is not working well....

Some of the more senior public defenders. Sadly, I see a lot of burn-out, sub-par practice, and nonchalance among many of the old-guard. Whether they are simply being pragmatic rather than nonchalant, it shows to the client and is interpreted as an uncaring throw-in-the-towel attitude.□ Additionally, younger eager lawyers aren't getting much mentoring from the older attorneys. Perhaps that's actually a good thing.

55 Too many cases

As a prosecutor, I am frustrated by the number of Defendants who are being represented by the OPD when they are not truly indigent, thereby misappropriating tax money and abusing the system. I would like the financial statements submitted by the Defendants to be under penalty of perjury, require Defendants to update their financial statements when their status changes, and to make the financial information discoverable by the prosecutor during prosecution. In the alternative, I would like to see an independent office review the financial information and be able to file motions to withdraw. I have tried to report some financial concerns to the OPD and it places them in a difficult position to evaluate the veracity of their clients or potentially take adverse action. It also places me in a difficult position when I feel it is necessary to report an abuse.

57 they are too spread out with too many counties and scheduling etc. is really a challenge, they seem to spend all their time at the other end of their district

There is no system in place for determining who is a good lawyer and who is not, especially in the contract/conflict attorney assignments. Consequently, PDs' get a bad reputation for having inexperienced, lazy or ineffective attorneys. This is unfortunate for those of us that work hard, do well, have credibility with Judges and win cases, or at least "soften the landing" and negotiate fair deals. It is painful and embarrassing to observe so many ill trained, poorly managed attorneys jeopardizing their clients' basic rights on a daily basis. There seems to be no management (micro or otherwise) to make some PDs show up to work, show up for their cases, work their cases and/or represent their clients. Although the numbers of bad lawyers are small compared to the passionate, committed, hard working attorneys, their incompetence speaks volumes to client and public perception of PDs. A good public defender should be the top of his/her game because they are the experts in criminal defense and people should pay attention when they walk in a room. I don't know if some PDs are demoralized, beaten down, or burned out but the vacuum in leadership/management contributes to the problem. No attorney should be assigned a felony criminal matter unless they have shadowed or second chaired several jury trials, at the very least. Conflict attorneys simply check a box to notify OPD what cases they are competent to handle. This policy is inexcusable. Besides the lack of training, accountability or management, the inefficiencies of running the day to day demands is abhorrent. Having 5 attorneys waste all morning doing arraignments is a complete waste of resources. Even the State figured this out by assigning

58

"Duty" attorneys and rotating prosecutors required for court. □

2. The OPD "co-pay"/ fee is unconstitutional and ridiculous. We represent the poor, the marginalized, the impaired, the addicted, the cast offs. These people do not have \$800.00 for a lawyer, just as they can't afford bail, GPS fees (\$400/month), pre-trial supervision fees, breath tests, SCRAM bracelets and all the other income generating options offered, for pay, to not sit in jail while an overburdened criminal justice system can't set a trial sooner than 6 months in most cases. Adding insult to injury, OPD then rescinds appointments of attorneys whose clients have failed to prove their indigency by completing a form. Of course, the fallout from this, is communication between client/lawyer breaks down, court appearances are missed, bail jumping charges are added creating more jail time and more work for the PD. Some of our clients can't even figure out what socks to put on in the morning, let alone, meet all the financial, communications and court demands a pending case presents. The public, the legislature, (and many Judges) absolute lack of empathy or understanding of poverty and all its stresses is incomprehensible. But, when OPD doesn't get it, indigent defense is really at risk.

59

I am sure the caseloads and lack of time for enough client face time are always a problem but I believe these problems are being dealt with.

60

1. The non-conflict invoice submissions sit for a couple weeks before they are ever approved. The conflict submissions are approved in a couple days. 2. Last minute appointments, like 4pm for a hearing the next morning. Results in a lot of continuances and added expense to OPD. 3. No indication of any appreciation from OPD for the work contract attorneys do for OPD.

61

over zealousness in defense; asking for a jury trial on a no drivers license or suspended and revoked,

Oftentimes client communication is lacking. We have defendants coming into our (the prosecutor's) office, asking what the status of their case is, if we've heard from their attorneys, what their court dates are, etc. The defendants also often complain that they have difficulty contacting their attorneys. I realize that OPD has a significant caseload, and that some clients want to be in contact with their attorney constantly, which is not realistic. Nevertheless, some defendants have reported only speaking with their attorneys once or twice in the 6+ months their cases were pending. □

□
62 In addition, we've had difficulty getting responses from defense attorneys and OPD concerning hearings and trials, only to have them call or show up the morning of wanting to continue or resolve the matter. At that point, substantial resources have been expended by our office lining up witnesses, exhibit lists, jury instructions, and generally preparing for a full hearing or trial. Similarly, the Clerk of Court's office has often called a jury and expended a lot of time and effort getting their side of things in order. □

□
Lastly, there seems to be a lack of organization or communication between public defenders. If a case is transferred from one public defender to another (especially a contract attorney), it's a rare occasion when discovery gets transferred too. Usually, our office has to put together another stack of discovery documents and send them to the new attorney. This sucks up a lot of staff time in the prosecutor's office and really shouldn't be necessary.

63 Glasgow office should handle its own appointments rather than get them from Havre

Employees sell drugs from OPD offices. Attorneys illegally run a private law office while working as a full time OPD staff attorney. Management is not professional. They have sexual relations with subordinates.

64 They drink and use drugs during working hours. They use their position of power to belittle and retaliate against employees who speak up. They reward favorite employees and punish employees who aren't in their clique.

The organizational structure as initially envisioned seems to have deteriorated at At times, core supervisory job duties are carried out by support staff. Specifically, ... (according to more than one assistant public defender) no longer assigns cases and provides little if any mentoring to newly hired, inexperienced attorneys. Other attorneys are forced to assume this responsibility. The office manager for whatever reason has assumed at least some of his job duties. The organizational structure has been effectively "turned on its head."

65 DNS, DIS, DGS. I do not believe these kinds of cases were what the framers had in mind in adopting the
66 6th amendment. Also a number of misdemeanor cases that should not have mandatory minimum sentences

I think there are a lot of resources available to OPD contract/conflict attorneys that we don't know about (i.e. availability of vision net through Regional OPD offices, use of OPD investigators or staff that are able to assist contract attorneys if there is time).

67
68 The size of Region 10's travel requirements. Other Regions have satellite offices. It doesn't make sense to have to travel 1 hour to Sidney, 1.5 hours to Wolf Point and then home in the same day. It makes us inefficient because one hearing can eat almost a whole day. You cannot get work done on the road either because the phones do not work in between the cities.

Sometimes there is a real lag between our agreeing to take a defendant and actually getting appointed so we can begin the process of representation through the court and with the county attorney office. The result is sometimes we are contacted by the client before we have actually been appointed and do not have any discovery or dates because we are not part of the court file. This has led to some missed court dates. This is not good for me or the defendant before the court.

70 Staffing seems to be a serious issue. Efficacy does not seem to be the PDO's strong point. I believe that the PD's are currently overworked and therefore have a tendency to develop an apathetic demeanor with regards to law enforcement and the overall system.

71 The new billing system is time consuming. Multiple mileage rates are a problematic to bill because when the mileage is entered throughout the month I am unsure how many miles I will have by the end of the month

72 Caseloads and the necessity of dealing with bond issues. There is a never ending cycle of clients that only seems to increase at this point. Money is added for law enforcement and prosecution services, but with that comes additional arrests and cases. No money is added for additional Defense services for clients due to increased case loads from additional law enforcement and prosecutors. Thus Public Defenders feel overworked and understaffed. Furthermore, dealing with bond arguments and reductions so that a client may mount their defense takes away valuable time for a Public Defender. The courts should move away from the bond system that frustrates our abilities to adequately represent clients on their charges, and not just securing freedom in the interim process.

I have worked with the State Public Defender's Office, hereinafter OPD, for many years. My experiences have been vexing, at best. Additionally, I have worked with OPD even prior to funding adjustments from previous legislatures. There are several issues that have caused concern or, at least, confusion. First, I have heard repeatedly that OPD is overworked and overburdened. I heard this prior to legislature adjustments and since the adjustments. My confusion comes from my own personal experiences. For instance, I had one OPD attorney tell me that he files motions to suppress in every DUI case. I remember making some response comment about "how you can file motions wherein there is no basis" and he just informed me that was his practice. I thought maybe he was playing games with me but he actually did file lots of suppression motions even where, in my opinion, there was no basis. On one level, this seems ethically concerning to me but on another level it seems like a massive mismanagement of time. This is dovetailed with another attorney that indicated he filed motions just to fluster my office because he is aware of how busy my office is and apparently his motion practice is to be vexatious. Although, I was not present for this second comment, I am well aware that my source is reliable. An additional issue, I noticed that I am seeing more OPD rescinded cases where I practice. I used to try a lot of cases with OPD but now I have a lot of Pro Se cases wherein it is hard to resolve because there is not an attorney on the other side. These rescinded cases present an interesting issue. First, it would seem that the OPD's case load has decreased significantly. Secondly, I know of at least one attorney (in-house and not contract) that was allowed to take rescinded cases for a private fee. So, OPD would rescind on the case and an in-house attorney could then take the case for a private fee. I find it hard to believe that OPD is overburdened when they can take private cases that they have initially refused. Regarding contract OPD attorneys, I have speculated as to whether contract attorneys are fairly billing the system. One attorney requested interviews with officers on very minor cases that were set for bench trials. I'm not sure if he was inexperienced or maybe just doing his due diligence but I had several interviews with officers at 6 a.m. on driving while suspended cases, disorderly conducts and other minor misdemeanors or traffic offenses. This also seems like a misuse of funds and/or time management. Also, I know of at least one attorney that was able to take three, two week vacations one year. I was surprised that an attorney could take a month and a half off of vacation a year on consecutive days. This does not strike me as an overburdened system. Continuing, I also have attorneys that have been rescinded from a case but have filed substantive motions after being rescinded from a case. I also find this odd. OPD is no longer on a case, yet, they file a motion, request a hearing and do not show up for the motion. I am not entirely sure what to take from all of this but it appears, at least, problematic. Unfortunately, I have heard from former OPD employees that institutionally OPD has mandated to use its resources to not protect the rights or serve as a check on the criminal justice system but really just to frustrate the legal process and be vexatious. As I would like to believe these are merely remarks by disenfranchised former OPD employees, my experiences portray this as more likely a reality. This to me seems to be a massive misuse of resources/time management, etc. These are just a few experiences that I have had and I think it is relevant to reviewing exactly how resources are being managed. I apologize to the reader for any grammatical errors as I received this survey late and had only a limited time to write my

74 The cowbell is not loud enough

75 time tracking- it's no secret public defenders are extremely busy. We are overworked and underpaid. But to have each attorney sit down and tell the state what we are doing every six minutes is burdensome.

76 lack of training that achieves meaningful results. It has improved incredibly in the last year and a half, but there are plenty of attorneys who don't seem to be aware of case precedents. Newer and inexperienced trial attorneys are not required to sit second chair in complicated felony trials. That is one area where tremendous learning can occur.

I here is a lot of stuff that is not working well with OPD. As a former public defender, I am well aware of the issues that OPD has been facing since 2006. At one point, the attorneys had caseloads that were completely unrealistic and unmanageable. I know this because I was one of the attorneys that felt the brunt of the caseloads and constantly felt as if I may have been on the verge of malpractice due to the sheer volume of my caseload. I don't believe those case loads exist anymore, which is a very good thing for both the attorney and the client. However, on the other side of that, I see that OPD attorneys are filing motions which are completely frivolous and without merit. While I understand probably more than anyone the duties you have to a client, OPD shares a duty to the court not to waste their time with motions such as these. I know that several attorneys have been very vocal about their desire to bury the other side in motions, despite the fact that the motions are without merit and wastes everyone's time. □

□

77 I also have issues with the way in which OPD has been training their attorneys. I don't know what has changed since I was over there, to be quite frank. It seems as if the attorneys are now being taught to be as combative and difficult as possible. It seems as if they believe their whole function is not to represent the rights of the accused, but to frustrate the judicial system as much as possible. I've witnessed this first hand and can attest to the fact that it is NOT helping their clients. In fact, it is often times to the detriment of their clients and against their client's wishes. □

□

I also have issue with how the agency is allowing their attorneys to claim that they are incredibly overworked, yet in the same breath, I see multiple OPD attorneys watching a trial of one of their co-workers. This isn't one attorney just watching voir dire or closing arguments. I am referring to multiple (sometimes as many as five or six) OPD attorneys watching a trial almost in its entirety. I am at a loss for how an agency can claim it is so overburdened, yet the majority of their attorneys can take almost a full day (or more) to watch trial instead of spending that time working their cases and meeting with their clients. It's haffling to say the least

78 resources are always tight and the mentoring program is nearly non-existent. Younger Attorney's should have more access to their more seasoned colleagues, and time should be allocated specifically for mentoring.

79 We need more attorneys! Desperately. We are overloaded and overtaxed. Also we should have a regular wage raise schedule and our staff should make more.

No supervision of assistant attorneys. Regional offices are not cohesive "law firms" with established standards and policies. Each attorney acts individually. This has resulted in far more arguably frivolous or meritless motions and appeals. Region 4 has grown substantially both in the number of staff attorneys but also in the number of contract/conflict attorneys. Prosecution offices and court staff have not grown accordingly. Contract/conflict attorneys are not supervised at all. □

□

80 Frivolous/meritless motions and appeals take away valuable resources from efficiently and effectively representing their clients. □

□

Assistant OPD attorneys have accepted as private fee clients previous clients whose representation by OPD was rescinded. □

□

Overall, the citizens of the State of Montana are paying a lot for the State Public Defender and the indigent citizens of Montana are not getting effective representation.

81 The public defenders have too many cases.

82 I think there needs to be stricter screening for defendants who can pay for their defense.

83 I hear many complaints about the billing process for contract attorneys. I'm hoping my 1st experience with billing won't be like those I've heard.

84 Time management. Showing up to court. Talking with defendants more than fifteen minutes prior to a hearing. Prioritizing resources/cases. Mentorship. Management. Efficiency. Motion review by experienced attorneys. Frivolous motions. This varies wildly by region. Some are very good, others are not. Ultimately, the biggest issue appears to be efficiency.

85 Again, no real information.

Hiring attorneys that have a complete dislike for law enforcement and that are difficult for other agencies to work with. In region seven there is a great deal of animosity between the OPD and law enforcement and the Fergus County' Attorneys Office. Law enforcement does not trust the OPD. We understand the adversarial element of this but some conduct is over the top.□

86 □
Payment by the defendant for assigned counsel per MCA 46-8-113. The Office of Public Defender claims to have a budget shortfall however they are not collecting funds to help pay for costs under this code. Our county attorney's office has informed us these fees are always waived. Also MCA 47-1-111 (2) (a) in part reads an applicant for public defender services who is eligible shall provide a detailed financial statement and sign affidavit.

87 There seems to be an attitude of "we do this because we've always done this," which is remarkable for an only decade old institution. For employees, the case weighting system seems mostly arbitrary. The rules regarding conflicts make little sense. There does not seem to be much global "vision" about how the parts of the organization work together. Throughout the organization there is an over-reliance on attorneys and an under-reliance on staff. Attorneys could handle more cases (especially lower level ones) if they were not spending so much time making photocopies and reminder phone calls. Contract attorneys cannot bill OPD for their staff's time, meaning OPD likely pays attorney's at attorney rates for clerical work in contract cases. It is very easy to get a \$1,000 mental health exam paid for. It is nearly impossible to get \$10 worth of mental health records paid for because of the convoluted vendor payment process.

88 While the training has been good it would be nice to have more special and narrowly tailored training in Youth, DN and civil commitments. Seems majority of focus goes to straight criminal prosecution

89 Our police department does not have much contact with the public defender's office other than inside the court room.

90 OPD is not communicating clearly with the Courts of Limited Jurisdiction when a defendant is eligible. I have judges who think they can appoint a public defender and others who wait until the defendant has financially qualified.

91 Many people that could afford their own attorney are provided one. Just because a defendant could be sentenced to jail for a No Insurance violation, does not mean they should be provided a defense attorney.

92 Excessive caseloads, entirely too much leverage by the prosecution to extract guilty pleas due to enhanced and extremely punitive sentencing structures in Montana's criminal laws.

93 1.) The number of continuances is nearing ridiculousness, people are going well beyond the speedy trial dates, and for those that are staying in jail and not out on bond it's a hardship on the arrestee's and the tax payers. I don't know if it's because they are so busy with too many defendants from OPD or I know a couple of them also take on outside clients which probably interferes as well.□

2.) I get many complaints that the defendants' don't hear from their public defenders until their court dates, in which they don't feel that they are getting their side heard.

We still have large caseloads. The problem with this is two-fold. First, it erodes the idea that we are part of a team. A team works together. Because of our caseloads, we are too focused on our own work. Because of this, we can't step back and see the bigger picture that is required with in team work. A co-worker who is appearing in two different courts at the same time asks for help, but gets silence in return because colleagues are too worried about their own work. The other problem with large caseloads is compassion fatigue. We stop hearing how our clients are individuals because we have already heard 20 horrible, soul crushing stories already today and it is only 10 a.m. Clients sob in our presence and we are no longer affected by that. Clients will tell us their stories and all we can think of is "I don't have time to hear this." □

94 □

While I understand the concept of case weighting, I don't think it is an accurate reflection of the time and energy some of our clients require. I have had cases that were very cut and dry, however, because of the nature of my client, I will have spent five times longer on that case just dealing with my client's needs. At the end of the month, when signing off on my numbers, according to the numbers, I should not have been that busy. But when I look at my JustWare hours, I can understand why I felt like I was constantly running.

□

Historically, we have suffered from low morale. I think some of those trappings still hold true, even though we did recently receive a raise. As an organization, I believe we feel like the other shoe is always about to drop.

First, in my office, we do not get the new Code books for 2015. I understand we have a tight budget, but this is the foundation of our work! My boss suggested we print statutes off before going to court (which costs money also). We rarely know prior to attending hearings all of the statutes we will need to reference or review in making arguments to a court. He also suggested we use our own smart phones to look up statutes. While I appreciate! having my job, I don't believe I or other attorneys should have to use our own resources to do our jobs, especially with the cost of owning a smart phone. □

95

We do not have enough attorneys, staff or office space to handle the caseloads of all types of cases - criminal, juvenile and abuse/neglect. EVERYONE is overworked in the agency and we have no control over the number of cases filed; we just have to accept those cases and work on them.

96 The new payment process is still slow. Although last month was fast.

97 OPD staff Attorneys and investigators have a tremendous case load. Therefore the service to the client isn't up to an acceptable standard due to the number of assigned cases.

98 Assigning multiple attorney's to one client. I understand that it is necessary when there are charges in multiple jurisdictions. However, it is very confusing to the client when I represent them in one court and another attorney in another.

99 Our policy that only 10% of applications need to be verified for income is overwhelming our office and our attorneys with appointments to cases which probably should have been denied. A higher percentage of applications requiring verification needs to be implemented immediately because only reviewing 10% for income verification is ridiculous. Instead of 10% verification of income, I would suggest a number closer to 100% because the budget in our office has exploded with no end in sight since the present EQ person in our office began working that job.

clients should be qualified as indigent prior to having a public defender appointed (some clients have assets, retirement, homes, vehicles etc. why can't they sell something to pay for an attorney?). □

100 clients that fire their public defender should have to sign a public defender refusal form (or something to that effect which we can make up) and then be required to obtain their own attorney. we have clients who manipulate their attorney's and the system by firing their attorney's and going from one attorney to two attorney's to three and four and five different attorney's all because they want to delay the process or they don't think the outcome is to their liking. □

I realize that attorney's have the right to defend their clients as they see fit but I see many times that the client controls what the defense is and the attorney should grow a pair and stand up to their clients and not file frivolous defense theories. it is a waste of the courts time and the defense costs.

Billing. I answer to the Constitution and the Judge in any particular case. I do not answer to "accounting interns" in how I represent a client and pursue a defense. Boumediene v. Bush, you cannot turn on and off the Constitution as you please, and of course it's cheaper to violate people's fundamental rights than to uphold them, but that's not how the game is played.□

The \$25 "stiphen" is a joke, a collect call from the local jail is a minimum of \$14.99, fax-filing is \$0.50 a page, and having the clerk of court emailing things is \$0.25 a page. Just be honest and tell us from the get-go that we have to eat those expenses, but don't make me argue with an "accounting intern" over \$0.75.

At times, I see the employment of some of my assigned clients and am unsure that they legitimately qualify for services. For instance, I recently represented a young, single USAF airman on a hunting violation and question how he qualifies for a court appointed attorney when he makes a reasonable wage, has better healthcare than I do, and either has base housing or a housing allowance.

The case load in this Judicial District is overwhelming. As a result being prepared is a problem with many of the attorneys. The time to assign conflict counsel is also a problem. These create delay and due process issues for everyone.

No one questions the court for input if the defendant is truly in need of services or not. I often see strategy with some defendants, especially the ones who violate the law on a regular basis, they either enter a plea of "not guilty" and then wait until they are laid off of their \$30-\$40/hr job before submitting the application or they do not disclose correctly. I had a defendant who bragged all around town that he was receiving a minimum of \$10,000/ month from his family farm in the ... area during the oil boom (he bought a new house with cash and was driving a new Dodge pick-up and new Corvette) and received a PD. If OPD would have a checks and balances system to check with the Court as most of us know our clients, there would be a more accurate accounting and if they still wanted help, they could be assessed the attorney costs and make time payments or something to OPD. I see a lot of scamming of the system and the tax payers would be angry if they knew their money is not always spent correctly.□

Sometimes, I hear from the defendants they do not receive contact from their attorney even when they are calling the attorney's office. I have witnessed a client who wanted a trial and the PD filed in paperwork for a COP...all due to not meeting and discussing the case. On my conditions of release/bond, I state the defendant must check in with their attorney weekly and the attorney can notify the Court if they do not which could lead to the PD submitting a motion to be released from the case due to no contact. PD does not take advantage of that, of which is a shame, since tax payer dollars are being spent but it would be the proper use of time and money spent. I wish OPD would give the Courts a form to give the defendant to fill out and submit if they have pretrial issues with no return contact from specific attorney(s) so OPD could monitor the attorney(s) better. I know for a fact one particular attorney group is guilty of that.□

As far as conflict cases are concerned, I think there is a database problem. I have had cases on more than one occasion where the client is still being represented in the OPD system or by another attorney which puts the attorneys in odd ethical positions as well as not being in the clients' best interest.□

□
The workload of defenders appears absurd from the outside. Criminal cases require a lot of attention in order to satisfy the client and to ensure that law enforcement and other public employees are carrying out the criminal law in a fair and reasonable manner. With heavy workloads, the attention that can be given to individual cases diminishes substantially. This problem is likely to get worse rather than better with the erosion of the middle class. I think it is likely that more people will qualify for public defense in the future, and that means a greater workload borne on the same number of shoulders.

1. Accountability - There is no accountability in this Agency. From the highest position to the lowest position. Policies are created but are not required to be followed.□
2. Qualified people for positions that are offered or filled. The positions that are filled in this Agency, especially the higher positions do not have to have the qualifications required for the job....□
3. Training for support staff, there isn't any! And then they wonder why there is such a huge turnover! People are constantly thrown into positions without any adequate training what so ever, and are expected to find out the job duties on their own.

107 The contracted attorney (s) appear to not have the needed contact prior to trial with defendants. These defendants complain to the court they cannot seem to contact their attorney.

108 Our OPD is very proactive here and takes care of issues as they arise.

109 Obviously the case loads of our attorneys can be overwhelming. The pay for our support staff is sub standard.

Over my four years in the ... OPD, most of my frustrations happen because there are no Standard Operating Procedures. I know there are standards for things like billings, payroll, etc., but for many of our daily procedures, we do what works best for this office. That is ok to a degree, but many things could work for other offices and things could run smoother if those things were shared and cross-trained. Many offices do standard procedures differently in each office. This makes it hard to implement any changes that would work for everyone, and slows down the process of working efficiently as a state office. If I transfer to another office, it is very inefficient to learn a whole new skill set just to function in another office of the same organization. I know some things carry over, but there are a lot that do not. This also makes it hard ... to implement software changes in JustWare, if it is something that could work for everyone, but they don't do the procedure the same way and would not use the change she wants to make. I realize we are not all operating at the same technological levels, but a lot can be done taking that into consideration. □

□

The other aspect that slows us down is that the attorneys are not sufficiently trained to use JustWare. I had an attorney that was new to our office ask where our supply of letterhead envelopes were. He had no idea they could be created in JustWare. He said they only used JustWare for their time-tracking in the office he had just moved from! JustWare is a great system, but is definitely under-used due to lack of training. Our attorneys need to have a tablet in every hand, and learn to use JustWare and our mobile app efficiently. Why put money into research and implement these programs that only some of us make use of? ... should have a two-person staff to help her, as there is definitely not enough of her time to go around.

Along with those 11 Regions, we have oftentimes 11 different agencies, as each Regional Deputy runs their Region as they see fit without direction from above. Not all Regions are equal, and not all employees are treated equal. You have managers who have never received ANY management training and have no direction from the Chief Public Defender, therefore you have Regional managers that do not deal with difficulties in their Regions because they don't have to.

The master case lists that are generated monthly by OPD to assist with billing are sometimes not very accurate...but this is such a minor issue because my office keeps a 100% accurate master list of our clients and the case status.

113 inadequate staffing

The legislature and the courts using OPD as a political football. The legislature closing down Boulder. The courts being arms of the prosecution. The blatant refusal of the legislature to give a rip that even "the least of these" need their barest constitutional rights protected and it's up to OPD to do it.

The reinvention of the wheel in many briefs and motions because the brief bank is too inefficient/difficult to use. Inability to get staff assistance with things like having an opd attorney needing to withdraw from cases because of conflict; the webpage states we can get assistance, but there aren't enough staff. When an attorney is conflicted out of a number of cases at once, it slows up the court process to have to wait for the motions, orders, and reappointment of a new attorney.

This office, as well as most, is overworked and understaffed. Some attorneys juggle the caseload of two. Our Justice Court attorney (literally) has not gone to trial in the four years I've been here. ... forces each client to accept a plea, and the County Attorney's Office knows this, so ... has no leverage to work a better deal. Office staff is faced with too few handling too much of the responsibility. The ones who are most productive are asked to take more onto their plates. The slackers continue to plod along, doing as little as possible. Although this is true in most workplaces, this office is drowning and in need of additional attorneys to handle YINC and Justice Court cases so our clients' cases can receive the full attention they deserve. We are also in need of additional office staff to handle the increasing caseloads.

117 The biggest problem I faced was lack of support staff. The best legal assistant I ever had was not paid to be a legal assistant, she was paid to be a secretary. When OPD decided they did not want to manage staff, they squeezed her out, refused to pay her what the other gal in the office who actually had a degree and couldn't hold a candle to my secretary was being paid. In that move, OPD lost 17 years of institutional memory. That particular office continues to function below what it could with staff that really wanted to help the clients. After leaving OPD and becoming a contract attorney, the biggest slap in the face this Montana Legislature could deliver was to not increase the contract hourly fee. While some attorneys in Montana do take OPD cases, most will not because of the fee.

(1) Chronically excessive caseloads, which are exacerbated by the significant increase in DN cases. Overall, there are too many cases, too few attorneys, and not enough support staff. It should not be a surprise that turnover is once again on the rise. Individuals can move to another State agency, receive higher pay, and enjoy a more reasonable workload. □

□
118 (2) As Judge Haynes pointed out during the first Task Force meeting, a strong public defense is the constitutional counterweight to prosecutorial overcharging. It is troubling that some prosecutors may want to use this Task Force Study to try to weaken OPD. The functions of the prosecution and defense are different, and they cannot be easily compared. For instance, when comparing resources, it is often overlooked that prosecutors have an army of supporting professionals, including but not limited to law enforcement officers, victim advocates, social workers, the AG's special prosecution unit, etc. When the entire cast of prosecutorial support is factored in, it is clear that OPD is not provided parity in resources. Additionally, it is overlooked that OPD attorneys deal directly with clients who are affected by mental illness and/or substance abuse. As long as the focus is on prosecution and punishment, rather than treatment, costs will continue to escalate. □

□
(3) Lack of an independent time study, similar to the one undertaken by the courts. OPD has done an admirable job developing a Case Weighting System in an attempt to quantify the caseloads and productivity. An independent study is needed, and it should be funded as a priority.

119 Timely transfer of documents to contract attys at the start of the case. Using email instead of mail has helped. In-house PDs expected to do every kind of case reduces competence. Turnover of support and legal staff. Overall co-ordination to get ahead of legal issues instead of always being reactive.

Compensation is poor, and that is reflected in the turnover of support staff and the OPD agency lawyers, and to some extent in the quality of the contractor labor pool, which is more uneven than the quality of in-house counsel. I listed staff turnover first because I believe that well-trained, committed, IT-savvy and experienced support staff make or break a law firm. OPD seems to lag behind the advances in software and technology that in the long run will hold down staff costs, if there's wise investment in top quality, competitive staff now. □

□

The turnover in the in-house attorneys seems really high and seems driven by unmanageable caseloads, but I'm not in a position to speak to that. Despite the really high caseloads, I don't hear any whining and office morale seems good. □

□

120 I think that the contract attorney rate could result in a cadre of hacks. As long as I only do public defender contract work at \$62 per hour, I will never be able to hire staff. For \$62 per hour, the state is paying attorneys to do a lot of clerical and paralegal work. A large proportion of billed time is for printing envelopes, opening envelopes, making calendar entries, formatting documents, stapling, punching holes, printing, saving, filing, and communicating with paralegals and other support staff at OPD, other offices and the courts. The countless small clerical demands demand a lot of energy every single day. Shirking these details can mean missed hearings, warrants for my clients, confusion and misunderstanding in front of the judge--the repercussions are immediate--whereas shirking research, investigations, and client communications doesn't have such immediate consequences. I worry that I'm not developing professionally as I should and that my clients deserve better representation than I sometimes give them. □

□

In Helena, it seems like there are enough vacant offices that more support staff could be in daylight offices. That might actually help a lot with retention.

121 I have to work 20 hours of volunteer time a week to give adequate defense for my case load that averages 2.5 times the maximum amount that I am supposed to do. If I use vacation not to lose it, I have to probably put in 2 to 3 hours a day to make things work.

122 The current staff of OPD is underfunded by the legislature and if it doesn't change they will be forced to sue the State in order to comply with their Constitutional mandate.

123 Overturn of employees and thus having to move people and staff around to accommodate.

124 Too many cases, too few lawyers, too much turnover

The well never runs dry. There are not enough people for attorneys to excel and to provide the services they are obligated by oath to provide. One is never relieved of the stress that comes from discovering that something inadvertently was overlooked.

126 the rules for experts needs t be written more clearly

Communication, it has been a real problem, especially combined with apparent indecisiveness on certain issues. For example, I have worked here for 5 years, in two different offices. On two separate occasions, I have had my immediate supervisor either resign or retire. On both occasions, my immediate supervisor was not replaced and it was never clearly communicated whether they would be replaced. Still. □

□

127 Along the same line, the supervision and mentoring is not as good as it should be. There does not seem to be much emphasis on improving those areas, either. For example, the Billings Office has a regional deputy, and 20 (I think) attorneys underneath him. Only one of those is a supervisor and she only technically supervises attorneys working in lower courts. And she only appears in Municipal Court, so the attorneys in Justice Court aren't actually supervised. Additionally, there used to be a third supervisor who covered District Court everyday, but he retired, and was not replaced. Now, the felony attorneys are supervised by the regional, who rarely goes to court. This despite the fact that there are many inexperienced attorneys practicing in district court. □

□

Also, the continued neglect of the Billings office by central office. I believe the central office does not fully understand the workload experienced by attorneys in the Billings office. An old grievance, but one that continues, is that the Missoula office has more attorneys and fewer cases. And that only tells part of the story because the Missoula office has mostly experienced attorneys (relatively low turnover, surely caused in part by the respective supply and demand of attorneys in the cities) so they would be in a better position to handle larger caseloads.

128 Being understated lessens the effectiveness of the OPD as a whole. As a contract attorney, I can limit the number of cases I work; while nothing new, I question the caseload a public defender can effectively handle.

129 I do not have enough experience with the office to answer this question.

130 A little more information concerning why there is a conflict, names of witnesses, etc. I understand that sometimes we won't know there is a conflict until discovery is provided. □

I know funding is short, but some cases require a lot of 'materials', some don't. I don't think it is fair that if you have 1 case you get \$25, and if you have 25 cases you get \$25.

131 Too many people who could probably afford private counsel are appointed a public defender. Courts and OPD should be able to monitor better. OPD management, although extremely busy themselves, should review work by assistant public defenders to ensure that unnecessary motions are avoided. Valuable resources are wasted through continuances and unnecessary motions.

132 The OPD's cost has increased from approx. 14 million ten years ago to 35 million this year and I do not believe the indigent are being provided a better service than they were prior to OPD, however more being represented. THE MAJORITY OF OPD'S CLIENTS DO NOT SHOW UP FOR THEIR OWN HEARINGS NOR DO THEY SEEM TO CARE ABOUT THEIR DEFENSE- WE ARE WASTING (OUR) TAX PAYER MONEY ON PEOPLE THAT DO NOT CARE ENOUGH ABOUT THEIR OWN DEFENSE TO PARTICIPATE!

The policies and procedures are grey not black and white. Thus they are sometimes confusing and can lead to confusion, or possibly it leads to them not being followed at all. Some it feels as if they are not even enforced. □

Their isn't adequate staffing for the case loads (attorneys) nor is their adequate staffing to support the attorneys (support staff.) □

133 The IQ process is different or so it seems in every office, some don't even check the 1 in 10 instead they use those in Jail or on State assistance as the 1 in 10. If they would remove those from the 1 in 10 the case load would possibly go down. □

Supervisors should be consistent in everything, but mainly communication and discipline. □

JustWare is sometimes not being used adequately, it is here to help us not hinder us. It has the potential to make support staffs jobs easier and more efficient. □

More training on specific duties and programs would be helpful instead of a quick 1-3 day training and then you learn the rest via trial and error or just over time.

134 Some of the contracted private attorneys seem more interested in keeping cases going to milk the system instead of what may be needed in fairness to their client. I know finances are an issue with OPD so it may already be done but a look at what private contract attorneys are charging verse what the State is paying their staff could help save a few \$\$s. Also, I may be off base but are some clients who claim they need a PD getting screened enough in the eyes of the OPD so that the ones who truly need a PD get one and the ones who can afford a private attorney obtain their own?

The role of the board is not clearly defined. A good board should be providing over arching goals, instead it appears they are attempting to direct daily operations instead of letting the Chiefs implement the goals. □

135 □
The result is decisions are not made in a timely if at all. This management style has created an attorney-centric and directionless organization.

136 There is disparity among the offices and more leadership and management needs to take place so that all FTE Attorneys and Support Staff realize they are part of a whole Agency throughout the whole state and they cannot "do their own thing" just because that's what they want to do. That makes it difficult for everyone in all offices. Managers need to manage and lead! It is beyond sad that Attorneys and Staff can get another job for more money that has less stress and work associated with it. Attorneys need to treat Support Staff with respect and maybe we could keep some of those that are constantly looking for another job with more pay and less stress and work load. Our HR is a joke and the laughing stock of the entire State, she is more concerned with being the perfect State Employee than helping out the employees of this Agency. I have no respect for her at all after the way I have been treated for the past 10 years.

137 Communication, morale. Too many cases per attorney/investigator.

138 -Management. The accounting supervisor does NOT supervise her employees or offer help when questions are asked. She only has a business degree, not an accounting degree. □

-Also, the contract manager does not properly use our new online billing system and there are indications of improper relationships between the contract manager and upper management.

139 Uneven quality of contract attorneys, high caseloads

140 Contract public defenders who file meritless motions in an apparent attempt to bill more. Contract public defenders who take cases in a jurisdiction requiring them to travel for court appearances who then complain about coming to court or make excuses not to come to court. Contract public defenders who are not competent and who then are paired with "mentor" defense counsel resulting in double the cost of the defense.

141 The constant turnover is extremely hard. Cases get continued because of attorney re-assignments. Things are prolonged, and you constantly have to get used to working with someone new.

142 Many cases are appealed at the wrong time. Many identical motions are filed and denied and no appeal is ever taken. Many defendants are disqualified, later qualified, and then the cycle repeats; none of this occurs in timely fashion.

143 The appellate branch is far to aggressive in undermining the trial branch. It pursues appeals and ineffective assistance of counsel claims it should not. This has a demoralizing effect on local counsel and makes it more difficult to find local counsel willing to accept appointments.

144 A couple of the same PD's I see regularly never seem to be ready to proceed on the day of a court appearance with the matter before the Court so they ask for a continuance. This approach takes time for court personnel and prolongs stays in jail if they are not released. I recognize that the caseloads are fairly large, yet the other PD's I see always seem to have found time to visit with their clients and be prepared on the day of the appearance. I'm not sure that supervision is working on those attorneys who seem never to be ready.

145 Having worked at OPD their case weights are flawed because they are entered twice, one for in justice court and one for when it is transferred to district court. Even though they do no real work in Justice Court it appears as though it is a full case.

146 There is not enough funding to provide the number of attorneys and support staff necessary for the caseload. Misdemeanor cases routinely go beyond the 6 month speedy trial deadline because the attorney has not met with the defendant before the trial date. This is explained as caused by a lack of hours available to meet with all of the Defendants that are assigned.

- I believe that overall it works very well. At times advocacy for the sake of advocacy impedes common sense. Much of that stems from the personal belief of the defender, shaped by the approach of the prosecutor, and losing sight of a systems approach to criminal justice.
- The untimely filing of meritless motions. The inexcusable delay of probation revocation hearings. Bureaucracy, conflicts that are generated by former defendants becoming tomorrows victims. Fear of IAC claims to the point they aren't being efficient.
- Turnover. This cases overloaded caseloads, newbies to be "trained" and allows people to fall through the cracks. Treating every type of case the same as far as processing. To drag out simple cases with no issues on the same track as those with contested matters is very inefficient and clogs their own system. The number of continuances are ridiculous. Most are simply a matter of being behind on the caseload not having good cause on a case. This erodes the defendants trust in the system and jams the court calendar with meaningless events. The attorney's have to handle the cases over and over just because they are not ready.
- I'm a contract attorney. I have to use every personal initiative I have to seek out advice and counsel from other attorneys. It's hard to fly solo on a lot of these cases.
- I understand that the Communication from my Court to the PD's office could be better. The attorneys are not getting enough notice of the need for counsel on a case or proceeding in my court. I intend to discuss this with the appropriate people at the local office, as I just learned it was an issue.
- Scheduling is always a problem, continuing, continuing. Of course the CA is to blame for some of the continuing.
- The cases are long overdue getting briefed; there have been some that have taken a year or even two from the time the notice of appeal is filed until the case is presented to the Supreme Court for consideration. Also, there seems to be some disconnect between trial strategy and appellate strategy, with appeals challenging effective assistance of counsel based on matters of trial strategy. Though a certain amount of this is part of the necessary function of an appellate lawyer, some of the claims appear to be based on lack of understanding by the appellate lawyers of the trial process or vice versa -- trial counsel's failure to preserve claims that could have been raised on appeal.
- Attorneys seem to be using the courts as a training program for trial or motions work, often in disregard of their clients best interests.
- switching attys in one office resulting in delay.; 5th judicial district divided into 2 regions- delay, confusion and ongoing request for continuances due to "need to be in another("metropolitan") court " when scheduled for court in our rural district; attys caught in dilemma of ongoing battles which can't be won because there is no cost at all to the client
- OPD staff attorney in my jurisdiction often files frivolous motions, misses hearings or other wise impedes the court system.
- These attorneys are grossly underpaid so there is a huge turnover. What sense does it make that you can double your salary by quitting as a PDO attorney and becoming one of the contract attorneys for PDO?
- The Court System is choking the jails. Especially Yellowstone County. Not just the PDO fault but from the crown to the ground. It take forever to bring a case to trial. Then if there is a conviction there is a three month wait for a pre-sentence investigation and then the sentencing will still get continued.

Answer Options

Response Count -- 160

answered question -- 160

skipped question -- 24

Improving Public Defender Operations

3. What changes could improve functioning of the Office of the State Public Defender?

No.	Response Text
1	1) Do not always ask to waive OPD fee in cases. <input type="checkbox"/> 2) MENTOR the young attorneys <input type="checkbox"/> 3) Cut the bureaucracy with Helena micromanaging issues <input type="checkbox"/> 4) Did I mention MENTORING?
2	1. More managers in the Billings office with more supervision and accountability for younger attorneys. <input type="checkbox"/> 2. Do away with the two page checklist. This doesn't work in all situations. <input type="checkbox"/> 3. Pay contract attorneys more than \$62/hour. <input type="checkbox"/> 4. Something needs to be done regarding payment of fees of OPD attorneys to get the clients to buy in to their representation. The fees imposed now are not working.
3	There needs to be more oversight and monitoring of what constitutes a "conflict" case. Additionally, there needs to be some better criteria for determining indigency. There appears to be many defendants who qualify for services who clearly should not.
4	Better management or supervision. New OPD attorneys need guidance, especially when faced with large caseloads. There needs to be guidance regarding time management and managing caseload numbers.
5	Use fewer OPD attorneys to attend daily law and motion - 1/2 their day for most of the office is spent there and not on active cases
6	Some kind of system to help them maintain contact with their clients! They deal with a very transient group of people with changing phone numbers and addresses. This is an incredible source of delay--as attorneys often cover for their client's lack of contact through motions to continue.
7	We need a centralized accountability structure in each region so that there is a point of contact with authority to fix issues or address concerns. The judges need the ability to get a quick response to basic calendaring questions. They have such ability with the prosecutors' offices, but frequently receive no response to similar inquiries with OPD attorneys.
8	Having a manager over attorneys in district court so they get a handle on the situation, so multiple continuances are not needlessly sought. Assigning mentors or managers to guide new attorneys through a move to district court. Streamline the process to get a mental health or psychosexual or expert opinions so cases are not delayed at length.
9	The appellate courts should give guidance on IAC claims so the public defender is not scared of its shadow in practicing defense. Stop wasting time and get to the guilt/innocence question.
10	Make it policy to enforce the statutory requirements for fees & surcharges. Additional training on working with other professionals in a manner befitting the legal profession.
11	There needs to be more oversight of attorneys, and there needs to be more mentorship of attorneys.
12	Each attorney appears to have a very high case load, and the case load probably needs to be substantially reduced (Butte area).
13	Plead out the minor cases, which frees up more time for the major ones.
14	Better quality lobbying--our agency has been structured to depend on the legislature, so we need well-planned, coordinated, and effective lobbying strategies backed by data that match what our agency needs with what the legislature can do. The trial division having more training on appeals and what it takes to preserve that right effectively for their client. Better administrative communication throughout the agency.
15	Have a Pub Def for each judicial district, and get rid of the "regions" that the PD artificially created.
16	Implementation of an actual mentorship program involving skilled attorneys (not simply those that have been around the longest), case management, and encouragement of professional independence. The ability to spot issues with an investigation does not appear to be a skill that is fostered. Routine supervision, case discussions and a clear delineation of attorney decisions vs. client decisions.
17	Periodic conferencing with prosecuting attorneys, to identify areas of concern and program improvement plans.

1. Better pay to assist with retaining attorneys.□
2. Better supervisors.□
3. Better system of screening indigent clients.□
- 18 4. Starting a separate agency to handle civil actions, i.e., YNOC and mental health cases, which will help ease the burden on criminal Defense attorneys with the OPD.□
5. Establishing a policy re; how far the OPD can go to assign a conflict attorney (in terms of distance from the defendant and the court). If needed, there should be a special protocol when an attorney who is several hours away has to be assigned.
- 19 Develop more mentoring opportunities.
- 20 more local control and management training for regional and sub regional office heads.
- As far as resources it would probably be helpful if they had more investigative tools available, or were more
- 21 in the habit of using the ones that they have. As far as overall approach, it's hard to think of much; most of their attorneys do a difficult job pretty well.
- 22 See above re: mentoring.
- 23 Better communication between lawyers and the above comment.
- Mandatory contact by the defense attorneys with the defendant within 3 business days or something
- 24 reasonable. I have inmates that are waiting literally weeks to months to get first contact with their OPD attorney and that whole time not knowing if they even have an attorney or if they have a plan.
- 25 Better recruitment at the law school level to engage students who are truly interested in serving in the area of criminal defense. Prohibit representation of outside clients during regular business hours.
- The public defender's office should be subject to audit of their time spent. I can imagine that the workload
- 26 within their office's throughout the state, not just in ..., would be comprised of time spent with some of the individuals that have not been assigned to the public defender, or representing individuals who are facing charges that jail time is not being sought. Also, when it is revealed that their official time at work is spent on these types of individuals, they should not be allowed to bill the state for this time, or even claim it as time worked on a time card.
- 27 Stop wasting public money defending people who don't care to be defended.
- Instruct the public defenders that a zealous defense of their client includes remaining in near contact with their client to address settlement offers rather than wasting time trying locate witnesses to support weak
- 28 defenses. It's a rare case that goes to trial without a settlement offer having been made well in advance of trial. Given the high percentage of cases that settle pursuant to plea bargaining, forceful communication with the client is important so as not to lose a favorable settlement opportunity.
- 29 I think they are doing things just right!
- I read in the paper this week that a report to the Task Force indicated that OPD turnover is caused more by high caseloads than lack of pay. I disagree. I know several public defenders who enjoyed their jobs but left
- 30 to make more money elsewhere. It is pitiful what the public defenders get paid. If the State is willing to pay contract attorneys \$62/hour, why is the State not willing to spend the same money on staff attorneys. The state could pay \$35-40/hour and provide benefits for \$62/hour. I believe that would significantly increase retention. And with better retention comes better efficiency and effectiveness.
- 31 Stop changing management and defenders. It is a revolving door.
- Mentoring new attorneys is a necessary component of all new attorneys. This takes time, but it fosters practical advice which allows cases and relationships to run smoother. When a new attorney is allowed to run amok it does not foster a respect for the judicial system and other attorneys. There should be a culture in the
- 32 public defender's office of zealous advocacy, but not at the expense of presenting arguments to the court that an attorney knows is not true. Filing frivolous motions which have no basis in law or fact is an example of what good mentoring can prevent. Mentoring takes time, but it is a commitment with many rewards. The turnover in some offices makes it difficult, but it also serves a client well when an attorney has a realistic understanding of the procedure, law and facts.
- 33 The PDO must be accountable to not only taxpayers, but to the judicial system as a whole. The PDO must incentivize mid-level managers to actually take on young attorneys and mentor them through the system. Now, bad habits are not discouraged and the result is disastrous for the system. With an effective, professional development program, the PDO could improve dramatically.

34 People should be held more accountable. Also, there needs to be better communication of what is expected and why.

35 Social workers. I'm compassion fatigued. I deal with a lot of client's problems that could be better addressed by a social worker/counselor. If we had those here, they could get off their chest those issues so we could focus on the legal part of their cases. I do believe their housing/basic necessities/personal and family dysfunctions play a direct part in their cases I represent (for a majority of cases).

36 Instruction on ethics and professionalism and closer staff supervision by senior attorneys so their vast resources are not being squandered. There is no financial accountability being exerted at the state level.

37 See above

Train the justice of the peace better. A large amount of my time is consumed with attempting to train the non-lawyer judges on proper procedure.

38 Make it easier for clients to access important information regarding their cases. This would include having a client portal for them to see things that have been filed and orders on the website or in the case management software. A large amount of my time is consumed with calling a client or returning a call about an order regarding a motion. This would also allow for clients to submit the application online.

Keep in mind that my obligation is to my clients not to the judges or the state.

Bring back the practice of book and release or even use a summons for misdemeanors. Everyday somebody from our office has to stop working just to go and do "jail court." Most of the are for misdemeanors where the only reason we actually have to be present for the initial appearance is because they are in jail.

More personnel or lower case loads.

An understanding with or legal dictum to the judiciary that OPD is equal to the prosecution and that OPD employees are as good and honest as law enforcement.

39 More money for technology, training, and equipment. Law enforcement and prosecution staff far surpass our ability to serve our clients based on that factor alone. The court accepts faulty forensic science for the prosecution in large part because we don't have the means to provide counter evidence. For example; if P&P alleges that our client has a hot UA (we know that these results are often only presumptive tests) and the prosecution files a PTR, there should be a means to immediately get the client into an accredited lab for a true and proper sample test.

40 Reduce caseloads and/or increase staff.

Please refer to #2 above for some of those answers. The OPD is a big chunk of the state budget, and while they have a duty to their client, they seem to think all they need to do is ask and they will receive. They need to figure out a way to provide their services within the present framework. □

□

41 OPD has asked repeatedly to remove some misdemeanor offenses from their sphere through modification of the statutory punishment by removing jail time. While this could eliminate a few cases, it is not really the solution. The solution is more a matter of time management. OPD attorneys need time to work on cases and they need time to appear. The Court controls one portion of the calendar and the attorneys control the other. They need to find more efficient ways to manage this. Returning phone calls and emails should have some kind of protocol to eliminate issues about when/how these are returned. (ie: return calls/emails w/in 1-3 business days, or acknowledge the email and indicate when it will be returned) In particular, rather than hiring more attorneys, hire paralegals who are capable of doing research and writing briefs. Even better, train the support staff as paralegals. Make use of interns for the more non-confidential aspects of the office or as a behind-the-scenes training ground. Maintain a brief bank by topic with current research. Don't put only brand new attorneys on the misdemeanors. Have a senior attorney mentor them and review those cases early for strategy, appropriate motions, etc. Have the paralegals meet with clients to review plea agreements in the office if the attorney is not able to do so due to other calendar issues. Make sure the attorney or the paralegal specifically addresses how fine payments will occur (if this is done there is less likelihood of a revocation for failing to pay fines). Do not hesitate to explain the attorneys obligation during the first meeting as to notification to the Court if the client fails to maintain contact with the Court. This will eliminate holding on to cases where the defendant has dropped off the proverbial map. This might seem to be a contradiction to the obligations to the client, but the caseload is such as to require the attorney to not waste time tracking down a particular defendant when there are other clients to serve.

42 The OPD should be funded similar to the County Attorney offices with sufficient staff to do an effective job.

43 More staff is not the answer, in fact that would likely worsen the problem without supervision over the conduct of OPD attorneys. If there is a financial shortfall in the OPD budget, OPD attorneys should be restricted from asking OPD costs to be waived following a guilty verdict from jury trial-I have yet to see an OPD case go to trial with a guilty verdict where the attorney did not ask the defendant be relieved of any and all costs of their defense. If public defenders determine a case worthy of jury trial, the potential costs need to be explained to the client (and accepted by the client). The idea that there is "nothing to loose" by going to trial is commonly held theme held by many OPD attorneys. Again, more supervision from senior attorneys should result in entry level attorneys learning what cases are appropriate to take to trial and which are not.

44 number of appeals have skyrocketed and our number of trials have as well. I do not believe that this is a result of better lawyering nor do I think it is in the best interest of the clients. Some have ended up going to trial and paying much more than they would have had they not gone to trial. I understand that it is a touchy subject, but for someone to have to pay more because of the inexperience of an attorney is not what justice is about. I am a Municipal Judge and as a result of these increased numbers our court is becoming backlogged. I think a little more direction for inexperienced attorneys is needed. I understand that as a Judge I am going to be appealed, but some of the law and the issues seem to be a waste of valuable time of Public Defenders.

45 All offices should be broken up into offices of 3-4 attorneys. One or two senior attorneys and then one or two new attorneys. Then each office should have one support staff. The benefits would be immense. First, each office could handle conflicts for other offices. This would drastically reduce the need for conflict counsel. There would be additional cost for more small office space but I believe that would be less expensive than the current arraignment with conflict counsel. □

□

Additionally, OPD would benefit because when an office became a problem ... a smaller office could be more easily disbanded and integrated with offices that work well. This could be accomplished with significantly less damage to the representation that the all the offices in the area provide.

46 The leadership of the Office of Public Defender seem to promote and encourage this systemic inefficiency. It appears to almost be an intentional delay to try to create as many speedy trial issues as possible.

(1) A hard cap on caseloads: The single biggest problem with OPD is caseloads. I think we need to have the system set up so that our FTEs only handle cases up to, say, 125% of the maximum recommended caseload (the maximum recommended is currently 125 case-weight-hours/month). Above that, the case must go to our contract attorney pool. That would ensure cases per attorney do not get out of control. It would also give the legislature a good metric for assessing how resources are handling caseloads, because it would be reflected in the contractor expenses. □

47 □
Also, although I think our case-weighting system (which generally came from reviewing hours of diligent time trackers to determine how long an "average" case takes) works reasonably well, it might be a worthy investment to hire someone to do a caseload study similar to what the district courts have done and in a rigorous, systematic fashion, develop a caseload measure for better tracking our case weights. □

(2) Support staff. If anything, our need for support staff and non-lawyer professional staff--investigators, paralegals, and social workers--is greater than our need for attorneys. Attorneys are the highest paid of all of those categories, and we spend a great deal of time each day handling administrative matters, filling in gaps where our investigators are overwhelmed, or doing our own amateur social work. I would be much more efficient if I could delegate those responsibilities, and it might greatly reduce the need for additional attorneys.

48 Adequately fund the agency if you really intend to keep it, as in it should be funded at the level equal to all funding on the AG's office plus all funding spend on all the county attorney's staffs across the entire state. Then fire the entire staff in the Helena office to start they are probably the worst. In the last three years I have not been listed in ANY phone book and I still get calls from people who need help with their cases and they have assigned counsel from the Helena OPD Office. Complaints are usually the same no discovery sent to them, OPD attorney not working the case but has plenty of time apply for open judge positions while trying to force them to plead. Make the system compete with the private market. Do a REAL study about what the TRUE cost of OPD provided in house counsel actually costs to include healthcare, overhead, retirement benefits, and the upcoming costs of the malpractice lawsuits that will eventually pop up. Use that amount to assign a dollar amount to put on a voucher. Offer up vouchers that people can redeem at either an OPD office or private law office. After 6 months OPD won't have enough vouchers to keep the lights on.

49 past 6.5 years as the Chief of a small agency. I have generally been impressed by the care and concern of the "Public Defenders" I have come in contact with, they play the hand they are dealt to the best of their ability within the law. I don't have the same opinion of the "Local Private Practice" contract "Public Defenders"

50 I would like to see an automated service to send a text to the client for court dates and times. This, in many cases would help eliminate the client getting a warrant, going to jail and having to bond out of jail again. Hire an office FTE, LAC to do evaluations for clients.

OPD needs to follow its policies. OPD needs to have managers that know how to properly manage. □

□

The Chief needs to be replaced. An attorney with experience managing should be the new chief. And OPD should provide continual managerial training. The new Chief needs to know what is right and what is wrong, and the new Chief needs to act! ... OPD will be in the headlines. OPD will be shamed and damaged. □

□

More funding is needed so that there are enough attorneys to handle reasonable caseloads. While OPD created a policy regarding caseloads, OPD does not follow its own policy. Attorneys are continually assigned more cases per month than is allowed under OPD policy. When attorneys say they cannot take any more cases, which is their ethical responsibility, OPD management retaliates against them by withholding raises. □

□

Attorneys are so overloaded with cases that very few clients receive adequate representation. At times attorneys do not even read the police reports or witness statements for a case; at times attorneys do not request investigation; at times attorneys don't care and just want to finish out the case. □

□

These things I know to be true: □

51 □

There are men in prison because their OPD attorney was not experienced and had too many cases. □

There are OPD clients who have killed themselves because their OPD attorney wasn't providing zealous representation. □

□

There are people who have lost their jobs, their children, and their homes because their OPD attorney was too overloaded to help them. □

□

If more attorneys are funded and hired, the number of legal assistants must increase also. □

□

OPD needs to actually follow the recommendations set forth in the AU report. Creating a policy to limit caseload is worthless unless OPD management follows it. Creating a policy against sexual harassment and retaliation is worthless unless OPD management follows it. Creating a policy to conduct meaningful performance appraisals is worthless unless it is followed. OPD continues to reward managers who are ineffective and corrupt, and OPD continues to beat down employees who voice concerns regarding effective representation of clients. □

□

It's pretty simple. OPD management does not care whether attorneys provide B113 effective, and zealous representation. OPD management does not care about our clients. OPD management does not care about OPD employees. □

I would suggest constant quality control mechanisms. Nothing like "customer satisfaction" surveys with the clients, but peer-review (especially from out of region attorneys) and input from the judges. From my perspective, there are no consequences for bad practice or attitude. □

52 There are far too many continuances requested during hearings. Often the excuse is, "your Honor, can I continue this arraignment, I haven't had a chance to meet with my client." I get that the work load is difficult, after watching the same public defender request 5 straight continuances in a law and motion day, it became a sad joke.

53 More lawyers or less cases

54 The OPD should have attorneys appear in Justice Court When preliminary hearings are scheduled so as to protect client's rights.

I believe all courts in Montana use FullCourt which tracks cases, status, hearings, payments on fines, daily dockets, etc. and has a document generating module. This will be shortly converted to an online database. I believe the OPD (and all prosecutors) should have access to the appropriate FullCourt (FullCase) module. 55 This would save countless hours in tracking calendars, upcoming hearings, status of cases, and document creation. It would also allow the attorneys to see a Defendant's history which might open up new avenues of discovery. It could also be used as the case management software.

56 they seem understaffed, just like the rest of us

1. A re-education/training towards a climate of vigorous and unapologetic representation of our constitution and the poor people we serve. This starts at the top, with better management and leadership that will stand up against judicial unfairness and state abuse of power. □

2. A system where management can observe attorneys in court, staff cases with attorneys, ask questions like: Why didn't you go to the jail to meet your new client for a week? Why didn't you return a client's 1/2 dozen phone calls? Why did you plead that guy to 62 counts of violating an order of protection? people may balk at the "micro-management", but there should be way more dialogue, instruction, and team work on
57 managing the complexities and chaos inherent in every case. Although professionals like to be autonomous and I certainly would not perform well with someone hanging over my back all the time but even Drs.', therapists, etc. staff their cases often, review each other's work for insights and clarity. □

I generally get a feeling from OPD like they are constantly trying to justify their existence and it is time to be a bit more offensive and pro-active rather than covering asses and staying below the radar all the time. As long as society cannot address the social ills of millions of people, crime will always be with us and so is the need for good public defense. we are the final stop on a long train of battered, abused, distressed and suffering people and we need to command the respect we deserve. □

More lawyers so lower caseloads. Also higher hourly rate could help get more quality private attorneys to do
58 appointed cases, but I believe the current administration of the office is committed to dealing with problems and improving service.

More timely appointments. Information will be time stamped days or even a couple weeks prior to any
59 appointment to contract attorneys. □

More timely payment. waiting several weeks when submitted through the new portal system makes no
sense. The portal system was supposed to expedite the turn around time and it has not done so to date.

60 create categories of offenses that the PD would not represent and prosecutors would not be able to recommend jail or do not carry a jail sentence,

Training to improve client communication or more public defenders would be the most obvious options. That
would reduce each individual public defender's caseload and hopefully allow them more time to discuss
61 individual matters with their clients and contact prosecutor's in a more timely fashion. In addition, some work could be done to improve communication and file transfer between OPD attorneys and contract attorneys. That would hopefully reduce confusion and time wasted redoing things that have already been done.

Management needs to have professional training. Managers should understand they cannot view the
subordinates as a dating pool. Managers should OPD policies. OPD has a policy that states caseloads will
be low enough so that attorneys can properly represent clients. But the caseload policy is not followed. When
62 attorneys speak up and say the caseload policy must be followed, managers shouldn't be able to punish these attorneys. Every year we are told there isn't sufficient money in OPD's budget to fund raises set forth in the union contract but then managers give themselves big raises every year. Managers need to professionally supervise and train subordinates. Policies need to be followed. Quality Continuing legal education seminars must be provided.

Those things that do not contribute to the overall mission of the OPD should be identified and corrected.
63 Formerly mentioned outstanding leaders in this organization will mostly likely be the solution.

Adopt a separate agency for the civil functions of OPD (DN, DI, DG). Have the legislature really take a hard
look at mandatory minimum sentences on misdemeanors. In my tenure I have had over 100 theft cases
where it was a third or subsequent conviction. I would be willing to bet that the vast majority of these cases
64 were for stealing inconsequential amounts of food (under \$10). 100 cases at 30 days per case = 3,000 days in jail and hours of defense attorney, prosecution, and judicial time spent at taxpayer expense. Get rid of the mandatory minimum, or create a new non-jailable offense for petty theft. Same for Driving While Suspended or Revoked.

It would be nice to have a list of attorneys doing OPD work for each region, as that would provide a resource
65 for questions that don't necessarily rise to sending out an email to all contract attorneys - and a reminder of attorneys who are doing similar work.

Change the hour logging requirements of the older attorneys. I understand the need for young attorneys to
show what work they are doing and how long it is taking. It doesn't seem feasible to take an experienced
66 attorney and make them log every single entry to prove they are staying busy. It eats time in an already time strapped work week.

67 Since I am not part of the office I have no idea.

68 Allow more funding to hire more PD's.

69 The billing system is too time consuming. Just have one mileage rate.

70 Increased funding to add investigators and staff, along with incentivizing longer retention for Public Defenders themselves.

71 I think there needs to be a sincere, legitimate review of the management and practices within the public defender system. Perhaps there needs to be better training but I feel that even at the management level the goal is to be as burdensome to prosecution as possible and that this is not a system to protect the rights of the accused. As a taxpayer, I am also bothered by their practices and use of funding.

72 Tune up the cowbell in the mix. It makes things great.

73 I enjoy my job, however get rid of the time tracking.

Better training. Many attorneys start working as defense attorneys and do not know much about case precedents. Even after trainings sometimes attorneys don't know case precedents. Some type of exam might help make sure attorneys know about important cases.

74 Trial skills could be improved. A good resource for newer or less experienced trial attorneys is available. "The Complete Trial lawyer Success System" is a concise nuts and bolts teaching tool that is short enough to absorb and use and not get lost due to too much information being imparted.

Meaningful evaluations that include considerations of time at work.

I think OPD could be improved greatly if they could pay their GOOD contract attorneys more. I know OPD has had issue with keeping good contract counsel. They should be paid more so more quality attorneys would be available.

Keeping in line with that, I believe too many OPD cases are being farmed out due to "conflicts" that exist. What I have seen with my former knowledge of OPD clients (at least in this region) is that OPD is making active efforts to farm out the clients and cases that are the most difficult. From a cost standpoint, this makes absolutely zero sense to me. Yes, when a client is notoriously difficult, they will demand more of your time.

75 But shouldn't that time be with a person who is on salary with OPD as opposed to someone who is getting paid by the hour? I also believe that OPD is making attempts to create as many "conflicts" as possible, even if it is not a true conflict.

Bottom line: I don't think this agency needs more money. I say this as a former OPD attorney who understands how the agency works and who currently works with the agency on a daily basis. I think the agency needs to 1) manage its money better and 2) manage its attorneys better. For years, OPD has cried that there were not enough resources for the agency. The inadequacies that existed when I was there have since been corrected. There is no need to pour additional money into a system that doesn't need it, provided they manage their money and time better.

76 more stringent case load limits to ensure that each client can actually be given the time they should.

77 More staff and/or attorneys

78 More attorneys and better pay. We lose many attorneys based on salary which equates to wasted training etc.

79 Implement a structure so that attorneys are following an established set of standards. Have a supervising attorney review and approve pretrial motions and appeals.

80 More public defenders.

81 Stricter screening for defendants who are able to pay for their defense.

82 Perhaps billing; the referral process is a mystery to me and I wouldn't mind getting more referrals, although I'm very limited in what I'll accept (DN cases representing the child).

83 The job of a regional director needs to be changed so that it is clear a large part of their job is attorney/office management, mentorship, and developing the office. From an outsider's view, it appears regional directors are still responsible for a large caseload of serious cases, which leaves no time to actually direct or manage. This means they don't have time to spend maximizing efficiency, reviewing the work of their subordinates, or mentoring. Every office should be constantly looking to streamline processes, yet it doesn't appear (again, from the outside) that this is actually occurring. I suspect this is a function of insufficient time, not a lack of willingness or ability. It appears that changing the expectations of RDs to perhaps 50% casework and 50% management would go a very long way towards improving efficiency/morale/capability of OPD. □

□
There are significantly more defense attorneys than prosecutors.

84 Perhaps, more communication. It would be beneficial for everyone to be able to at least put a face to a name.

A process where issues with OPD attorneys could be resolved which would improve working relationships. This way if issues do come up they could get resolved immediately before relations become strained. □

□
Make sure the OPD is collecting some funds for the cost of counsel. Even if it's a small portion some defendants have the means to pay something. □

85 □

Require investigators that are employed by the OPD record all interviews they conduct. We in law enforcement are required to do so and are heavily scrutinized by defense counsel if we do not record interviews or contacts with suspects. We have seen reports completed by OPD investigators that are very short and lack detail. If those interviews were recorded they obviously would be admissible in court and open to discovery and there would be no dispute as to what was stated.

86 The organization should be run by a person whose skill set is as a manager and not as a litigator. That person should review the processes that OPD uses to assess if they make sense and are efficient. The division of cases between FTE and contract and conflict cases should be addressed, as what works in one region (or even part of a region) doesn't necessarily work in another region. The division of labor between attorneys and staff should be addressed. OPD is essentially the largest law firm in the state, and no one who was running a law firm would ever set one up like this. Simple pleadings should be drafted by assistants and paralegals, as should document requests.

87 Provide materials need to do the job. Had to buy my own code book for 2015. Electronic tablets for court and meetings outside the office that can access full justware and calendar options so we can have access and be able to respond as needed and schedule without having to go back to the office and calling.

88 What would really help out our police department is being notified upon a defendant receiving a public defender. Often times, the investigator or investigating officer will do follow up interviews and will not know whether or not a defendant has an attorney or who is representing them. Officers do not want to make any inadvertent contacts with a defendant who may have obtained representation. After the officer charges and individual, many times they are asked to contact the defendant for a follow up interview. We do not want to violate anyone's rights so it would be nice to know who their attorney is before we contact them for any follow up interviews. The officer would then be able to contact the attorney and not the defendant.

89 On-line qualification forms and electronic replies. No more pen and paper.

90 Be more selective in giving free legal services to people that can afford their own attorney

91 Need to decrease the caseloads which in turn would reduce the budget. There is only one way to do this: not every instance of bad behavior needs to be a crime. Make some felonies misdemeanors and some misdemeanors civil offenses. Modify probation revocations so offenders receive credit for time served on probation if no violations for a six month or longer period. At this time courts are entirely free to give no credit for time on probation - even if the client has been a model citizen for years before making a mistake. This results in longer sentences and greater chances for revocation, incarceration, loss of job, family problems for minor, technical failures to abide by the conditions of sentence.

92 could you limit the number of clients and/or base it on the amount of OPD vs. Outside clientele each PD wants. Make it mandatory that a PD contact the defendant at least one time in the first few days. Why is it taking two weeks or more for the first contact- especially if that person is in jail.

I believe we need smaller caseloads and approach our clients with a more holistic method. We need to become more of a one stop service center to try to stem the number of the repeat offenders. Attorneys are not trained to be social workers, nurses, or doctors, and yet clients will ask me where to get resources, ask me if a rash looks bad or ask me to organize them so that they know where to be for the next couple of weeks. □

93 □
Attorneys also need training on infection control. We are going to jails to meet with clients and it is disconcerting when detention staff is gloved up, wearing masks and we are lead into a small room to meet with our clients. I have met many attorneys who are very concerned about if they were exposed to something that they are going to take home to their families. □

□
As a state employee, it would be nice to be given more assurances that my job is important and that there is at least some funding to uphold the pay scale. It would also be appreciative if we knew there was funding for some relief with caseloads. □

More OPD representation in actions which affect our agency, especially by representatives who have worked in the trenches and know how rules pan out for those who actually practice. I know this is not necessarily in OPD's control, but since the legislature can control who sits on some committees and the present committee reports to the legislature, this is an appropriate forum in which to address the issue. As an example, someone had a marvelous idea to hold pre-hearing conferences in YINC cases, but nobody involved considered how this would increase the workload on already overburdened OPD attorneys and increase the time (and, hence, cost) of contract or conflict counsel. They also did not consider the scheduling conflicts this would create. Between attending hearings and attending pre-hearing conferences, I will have little time left to meet with clients or, Heaven forbid, actually research and write motions, briefs, and proposed Findings, Conclusions and Orders. □

94 Sometime in the recent past, the legislature enacted a statute forbidding substitutions of judges in juvenile and abuse/neglect cases and charging a fee, even to OPD clients, to effect a substitution in criminal cases. I know this agency submitted a strong response to the rule change. However, I feel that response was pretty much ignored. So the judges can reassign cases as they wish but our clients, whose Constitutional rights are at stake, cannot ask for a different judge if they believe a certain judge will not act fairly in a certain case. □

Another change that would improve functioning of OPD is for all branches of the State government to take this office as seriously as it does prosecution and law enforcement agencies. OPD offices around the State are reaching caseload levels equal to those which prompted the ACLU lawsuit. I as an OPD attorney feel terrible that I cannot give individual clients the attention they deserve because I have 149 other cases to tend to. □

Thank you for considering my comments.

95 Hire more attorneys & investigators. Better pay equals higher employee retention.

96 The EQ person needs to get her job done timely so that any rescission of an appointment occurs timely so that the PDs are NOT representing people at Omnis and Trials when the appointment should have been rescinded earlier in the process in the first place.

97 clients should not have a free ride just because they are indigent. they have no expectation to obey the laws when they know it won't cost them anything when they break the law. they should come in knowing that the court is going to charge them a public defenders fee for representing them. this fee will also help pay costs in the public defenders office. □

our office is filling up with old cases that are boxed up and filling up our hallways. there should be some sort of storage facility that all regions can use to store their old cases awaiting destruction.

98 Put your mission above your budget; you expect us to.

99 I think that it functions very well given the enormity of the caseload and practical difficulties inherent in providing services with budget limitations.

100 The Billings office needs more help. The defendants who rely on the public defenders office deserve quality representation from counsel who can spend the necessary time to adequately represent their clients.

I think OPD should go back to letting the courts have input to the person's financial situation or sending a questioner to inquire to eliminate waste of tax payer dollars. We raise our eyebrows when we see people get assigned counsel when they can afford to employ an attorney-often too, these people are druggies who are career criminals who automatically plea Not Guilty knowing they will get a plea deal with the help of PD. The average citizen who makes a mistake and needs help is not the average client whom OPD helps these days. □

MCA states if a case goes to trial the actual attorney costs should be assessed to the defendant in addition to the \$250, in whole or part. I have asked for the actual costs so I can assess them to the client at case resolve and the PD(s) give me a blank look. I think OPD should have a worksheet that logs all the time and effort put on a case so when the Court inquires, the figures are there. We have Defendants who insist on a trial and then not even show up. They need to be assessed properly!□

101 Also, if you want honest information from Judges, make sure it can be done anonymously....we do not want to fight with your attorneys and need to be protected if we turn someone in. A few years ago I wrote a letter to the regional PD office requesting a specific attorney NOT be assigned cases from my court due to his lack of being prepared for court, not submitting paperwork and overall not properly representing the defendant. This attorney was given the information I sent and he came to me demanding a meeting with me. I told my prosecutor to attend and witness since I did not trust this man to not get violent. He marched in my courtroom and started ranting. It was not pleasant but he could not deny any of the facts I presented to him. He was so out of control in his personal life that I was not surprised to learn he was sanctioned by the Bar and could not practice law for a time period to go to treatment(s) and prove himself worthy of practicing law. He resumed his practice a few years later and is still working with PD. Fortunately, he is assigned other courts and not mine.

Even though the Court is its own part of the government, Courts of Limited Jurisdiction Judges are by and far very observant, fair and concerned with upholding people's rights but they should also be asked to give input when OPD and legislators are wondering about the abuse and loop holes that exist in the system and the law.

102 criteria based appeals protocol.

I am not sure what the database looks like to sort out the conflict situation. It seems like the front desk folks at my local OPD are generally aware and able to tell me when another attorney is on a case. Maybe a better system for checking conflict cases against existing client profiles would help. I imagine that the conflict coordinator and staff will be in a better position to say what might help with this problem.□

103 Continued investment by the legislature in public defense is critical. The legislature must create an incentive for young lawyers to be public defenders. That means that the pay for starting lawyers as well as the income ladders must be competitive with at least other governmental jobs if not private sector jobs for younger attorneys. Hopefully you will study the income trends as well as service trends to see whether it is likely that there will be more or fewer clients in the future and invest accordingly. Dissatisfaction from OPD clients can likely only be solved by better workloads for individual defenders to give them the room to attend to each case better.

1. I think that it would be a great idea for there to be a Chief, an Executive Director and a Accountant position. Making smart positions that can help the Agency succeed.□

2. Real training for the support staff, not a yearly get together!□

104 3. Accountability for the Regional Managers. After all, they are supposed to be managing their Regions and holding people accountable to fulfill their duties and responsibilities, which they are not. □

4. If the Agency is going to be filling positions with people that are not qualified, then they need to provide adequate training for them. Such as, Manager training, Supervisor training etc...□

5. Holding people accountable for their budgets, pre-approval processes and the money that is spent.

105 Eliminate contracted defense attorney (s) and add to permanent staff.

106 Case loads at the OPD are extremely high here and occasionally it takes time to contact counsel, an additional attorney would be beneficial in the Havre OPD Office.

107 Either a reduction in cases or an increase in attorneys.

Training, training, training! Implement Standard Operating Procedures and make them mandatory in twelve months. Bring back the Support Staff training conference and don't give us pens, coffee cups, and cute notepads, but TRAIN us to use the SOP's. Have our training department get down to business and provide training that all can come away from feeling like they actually learned things they can use in their own office right away. Do not gear our training to just new employees. Have as many offices as possible quit using paper files. Everything they need in a file should be in JustWare. The paper files are old-school, allow our attorneys to be less efficient, and are a waste of time and resources to create them and maintain them by a support staff member. Paper files should be done, mandatory, by January 2017. Management is going to have to push everyone to get on the JustWare bandwagon, and it might as well be now. For management to
108 really know what will work among our offices, they are going to have to communicate with the people doing the day to day operations in our regions. □

□
Also, both Billings and Missoula should have full-time Eligibility Specialists, Bozeman and other regions should have part-time ones. □

□
Start implementing social workers to work with our attorneys to provide a whole-person improvement for our clients. I won't reinvent the wheel, I know ... tried to get this started in the last few years, so there should be a plan that has already been designed. A holistic approach to many of our clients is the only solution to stopping the revolving-door aspect of so many.

109 We should have a Chief Public Defender that is engaged and cares about what goes on in the Regions.

110 Open a few satellite offices in the rural areas (such as Dillon, MT) to cut down on travel time and costs.

111 adequate staffing

112 The line attorney does not understand why OPD needs a Chief Public Defender, a Chief Appellate Defender, a Conflicts Manager, a Contracts Manager, a Training Coordinator, and a requested position for a Deputy Chief. Where it seems OPD needs growth in staff is on the front lines, yet it seems new positions are always added at the top.

113 More staff to assist in odd circumstances (see above, #2); regular work groups to discuss successful arguments.

114 The Office of the State Public Defender is in need of more funding to support the increasing needs of the public through hiring more staff and attorneys. The indigent deserve the same diligent, competent representation as the rich. Otherwise, we are giving them lip service, and merely posing as an agency that is effectively representing them. The poor are the ones that suffer, as they will be the ones punished for lacking the resources to obtain adequate counsel.

115 enough about how to get what is needed from the legislature to achieve any of what the agency needed. 2nd, 3rd, 4th, etc, OPD must have MORE MONEY. Also, attorneys are not the best managers of people. If you are going to hire attorneys to manage, shouldn't they have management experience? Finally, if you really want to see that agency take root and get what they need, hire ... to run the agency. She knows what she's doing.

116 We need more flex time in terms of having a better life balance. We need to be allowed to work hours that work for us so that we can be healthy physically and mentally. Because, otherwise this job can be very unhealthy since we sit glued to a chair for 8 or 9 hours straight.

- (1) Fund an independent time and workload study. Provide adequate funding and resource allocation based on the independent time study. □
- (2) Evaluate the Montana Supreme Court's pilot project for early intervention and mediation in certain DN cases. Expand if positive results are achieved. The definition of "positive results" should include reunification. □
- 117 (3) Track and fund DN cases separately. The rise in DN cases consumes more and more time and resources with each passing session. Include the resources available to DPHHS Child and Family Services when comparing prosecution resources with OPD resources. □
- (4) Pass OPD's proposed legislation to remove jail time from certain misdemeanors. □
- (5) Increase opportunities for diversion programs, especially where treatment for mental illness and substance abuse is needed. Recognize the unique needs of veterans. Prosecution and punishment is not a substitute for appropriate treatment. □
- (6) Expand and appropriately fund treatment courts. □
- (7) Pass legislation to allow the expungement of misdemeanors after a certain number of years without further offending behavior. Give people a chance to get their lives back on track, rather than being haunted by a mistake forever.

118 1. In DN cases, having an attorney available to parents when the investigation reaches intervention stage, instead of after the Petition is filed. Could help CFSD also, as much of the animosity and confusion is generated then. Even access to an advocate could help. 2. In cases involving CD and Mental Health issues, access to case managers to ride herd on clients could divert many from more serious consequences. More social workers in-house and contract.

Start by offering support staff salaries competitive with the best law and IT staff; hire with the intent of keeping people around; and hire enough people so that they're not just struggling to keep their heads above water but have breathing room to master skills and to develop and maintain systems that function smoothly, accurately and fast--and free up lawyers to do legal work. □

□

119 Also, train more. When I came on, I could not complete the competency assessment--not any of it--because I couldn't open the assessment tool. I reported this on some form and spoke to someone about it, but there was some urgency about getting me up and going, based maybe on some other indicia of preparedness in my resume, so I was waved through. But I was not at all prepared. I was saved from disaster--and so were my clients--by the generosity of the OPD lawyers and other contract attorneys, all the way up to the director, plus the many patient support staff and court staff. But I wish I'd been given some toolkits, gotten to shadow an OPD attorney for a week, had someone look at what I was doing as I worked my way through my first half dozen cases, or had the opportunity to attend live training on "how to defend DWS 1st through 50th" and "how to spot a motion to suppress." I'm thinking those could be evening seminars, taught by OPD attorneys who were paid for their time with a fee charged for the classes. I would gladly have paid \$25 for a couple of hours of instruction and an outline, and then paid for the beer afterwards. If I'd gotten all this training--evening seminars, case reviews with a mentor, toolkits, belt-looping another defender for a week--I'd still have had to figure out most things on my own, but I would have had a foundation.

120 More attorneys, staff and investigators.

The legislature should allow the current Public Defender Commission to continue to provide oversight, listen to their recommendations, and then appropriately fund the agency. Attorneys cannot adequately do their jobs when the agency is consistently and deliberately underfunded. The Commission is a bipartisan group that includes attorneys, legislative representatives, organization members representing the indigent, racial minorities, people with mental illness and other groups. □

- 121 The finding of the 2015 Task Force on State Public Defender Operation should be that the current OPD system works well and only needs to be appropriately funded, like any other government agency. □
For a comparison, however, the attorneys and staff of the Attorney General's Office should be given identical caseloads and oversight and determine if the two have budgets that are analogous. The scales of justice are supposed to be blind and equal in the eyes of the law and OPD should be treated the same as the Department of Justice. □
Additionally, in dependent neglect cases, all children need an attorney, regardless of age, and staff and conflict attorneys must be appointed in ALL dependent neglect cases. The Task Force should NOT change the DN system.

- 122 Proper funding, hiring quality employees at competitive compensation, and teaming together to give the attorneys and staff the passion to do the right thing for their clients.

123 More funding.

- More staff, more support, more pay for leaders, more spotlight on the great job opd and k attorneys do.
124 perhaps a P. R. staff person whose job it is to illuminate the public defender. Make her/him a constitutional hero, not the bottom feeder some think he/she is.

125 increase salaries and per hour fees

The labor-management committee was a good idea but the meetings have been less frequent. There should be meetings on a regular basis, perhaps that could help with communication issues. □

□
Billings office needs at least one more supervisor. □

- 126 □
There should be a priority placed on improving supervision and management. □

□
There should be an official mentoring system. In the bigger offices, assign a brand new attorney a mentor, in the form of an experienced attorney in the office.

- 127 More attorneys and more support staff; those have always been troublesome issues because they require more funding.

- As a contract attorney, I would appreciate knowing more about the application procedure. I will automatically get assigned to a case. In some cases, I will receive notice that the client has not completed the application. Sometimes, OPD will move to rescind my appointment. This process repeats seems inevitable for homeless clients. I would love to know what the deadlines are for clients to complete their applications. If an application is missing for a client, could one be sent to me with the opening paperwork? I would forward it to my client and try to get it completed.

- 129 I think there needs to be a uniform practice for obtaining discovery state-wide. That would require the cooperation of the prosecutors. It is frustrating that some prosecutors provide all discovery, and some make the PDs get it from law enforcement. Some of the forms that we have to fill out take time that cannot be billed.

130 See above.

- 131 Opd's time allowances for cases is extreme. The time allotted to the OPD for a defense is substantially more than prosecutors have available. The OPD has padded their stats to make it appear they represent many more cases than they actually do.

Review the policies and procedures then enforce them, in all offices. □

Reevaluate the current positions and rearrange as needed or respectfully request more positions. □

IQs should be contracted out to someone that focuses on only IQs or even have one position in Central Office that does the IQs for the whole agency, make it a mobile app or one that can be emailed in with the

132 documentation. □

JustWare see whom is using it correctly or more efficiently and have those members focus on going out and training the other OPD workers - But the Supervisors have to enforce the changes. □

Every office should have a manual on the ins and outs of the job duties and they should be enforced and new members should be trained adequately.

Mentioned above. Overall, OPD does a good job. But in a smaller county, a lot of continuances get requested because of clients not living up to their end of their bargain with the PDs. This causes

133 unnecessary delays, more \$ expended and the system bogs down. The prosecution/LE end sees this and hopes that the PDs do also. Given the client base, it may be very difficult but riding the client to do what their supposed to do may have a benefit in the long run. Thanks for the work you do.

Holding the Chiefs and Regional Deputies more accountable for implementing the requirements set forth by the legislator. The next Administrative Directory should not be promoted line attorney but someone with budgetary, fiduciary and lobbying experience.

135 I think that a strong leader willing to manage the RDPD's of this Agency, who will then be able to manage the Attorneys under them with following the policies and procedures of this Agency would be a great start. We are not 11 law offices scattered throughout the state, we are a State Agency and need to act as one. We are not the bad guys and that could start with the Legislatures themselves understanding our part in the legal system.

Better training, more mentoring. We need more investigators. In our Region, we are outnumbered by the prosecution team by an astronomical amount. We have over 200 law enforcement officers, and 10

136 Vic/Witness Advocates but only 3 staff investigators. It is fundamentally unfair to expect that we can effectively put on a defense and preserve the constitutional right to effective assistance of counsel, when we are constantly scrambling.

137 New contract manager. New, qualified accounting supervisor.

138 Less reliance on contract attorneys, addition of more full time attorneys

139 Better management and oversight, especially of contract attorneys.

140 I'm not sure how you keep these attorneys from going to other offices, but if you could figure that out it would lessen the amount of turnover. I'm sure salaries play a big part in the turnover, as it is a very difficult job, for not a lot of pay. I know raising their salaries is easier said than done, but if you pay people enough, they will not leave.

141 The method of determining qualification for services seems to be cumbersome and ineffective. Perhaps more personnel would help. Often defendants are dumped just at or before a critical stage in the proceedings. This results in defendants waiving the right to a speedy trial when the defendant really doesn't know what that means or why they have to waive.

142 A higher standard be met before appeals and IAC claims be pursued.

143 Better supervision and perhaps training on time management, etc.

144 Having worked at OPD their case weights are flawed because they are entered twice, one for in justice court and one for when it is transferred to district court. Even though they do no real work in Justice Court it appears as though it is a full case. Adding representation for deferred prosecution agreements at times would be beneficial as some are fairly sophisticated agreements for a person who would otherwise qualify for services, i.e., sex offenses. The deferred prosecution agreements should be considered part of the OPD system to avoid having to file formal charges to qualify them for OPD then dismiss for deferred prosecution when the whole point was to avoid prosecution. I do think changes have been made for the OPD attorneys to be more productive internally rather than relying heavily on contract attorneys unless necessary. BUT, there are significant delays coming from the conflict coordinators that are causing continuances, especially in DN hearings and sometimes multiple continuances.

145 There needs to be more people doing the work.

146 Better and faster screening for eligibility- my impression is that far too many people qualify. More cases ought to be vetted in the courts of limited jurisdiction before being filed in district court only to later be dramatically reduced. The entire system needs adequate funding-courts, prosecution and defense. It is not a business and should not be treated as such. Economics and efficiency are important but OPD represents a significant part of the best criminal justice system in the world!

147 Stop following a "playbook" of motions and properly exercise discretion in what motions ought to be filed in a given case. Recognize the State is going to be able to prove probation violations and focus on the sentencing outcome - that would save the time of the Court and the State.

148 There are a lot, and I hope to submit them in a separate letter soon.

149 Restructuring to have some better and longer mentoring of the newbies. Giving them more money creates more problems for us as we have trouble keeping pace financially. With explosion of meth, both sides are overwhelmed with case loads at this time. More bodies.

150 Revision of processes. Point people in the offices. It is a waste to have six attorneys all sitting in court for preliminary events. Communication with the Court for scheduling purposes. Ask for a true setting once it is really needed. The waste of court staff time contacting atty's to determine the status of trials and cases is highly inappropriate and disrespectful especially in light of the volume of cases. □

□

The new attorneys need training and a mentor.

151 Allow Skype and telephone appearances in the 20th Judicial District. VisionNet is crap and never works, and causes clients additional costs they cannot afford.

152 Cant think of any.

153 More attorneys to work with

154 More cross-training, or cross-experience even, between trial lawyers and appellate lawyers. Training of the trial lawyers on preserving claims for appeal, and training of the appellate lawyers to have a better understanding of trial processes and strategy. More consistent staffing levels in the appellate defender's office so that cases are timely briefed.

155 A lot of problems could be minimized if there were better clerical help to file, produce simple motions and reduce "busy work."

156 reduce regions to only one for the 5th district; avoid/prohibit clients changing attys except when there is a total breakdown of communication in which atty has a voice rather than client dissatisfaction resulting in change/delay/repeat..

Increase the salaries of the attorneys at OPD.□

157 Hire more attorneys to lessen the individual caseload, thereby alleviating burn-out on the good attorneys employed by OPD.

158 Hire more. Pay them more and hire a manager who is an administrator not another attorney working the trenches.

Answer Options

Response Count -- 159

answered question -- 158

skipped question -- 26