

Office of State Public Defender

Agency Introduction and Update



Law & Justice Interim Committee
July 16, 2025

Brett D. Schandelson
Director



Today's Agenda

- **Agency Overview**
 - Mission & Vision
 - Agency History & Scope
 - Agency Leadership
- **Agency Workloads**
 - FY 2021 - FY 2025*
- **FY 2025 Bien Updates**
 - Agency Budget
 - Agency Staffing
 - Agency Innovation
- **FY 2027 Bien Planning**
 - Budget
 - Challenges



* FY 2025 numbers draft until formal reporting is published



Agency Overview **Mission & Vision**

- **Mission**

- Providing the most compassionate and expert defense of clients and the Constitution.

- **Vision**

- Creating expert teams of advocates for justice, bringing respect and dignity to our clients to achieve holistic and equitable outcomes.



Agency Overview History & Scope

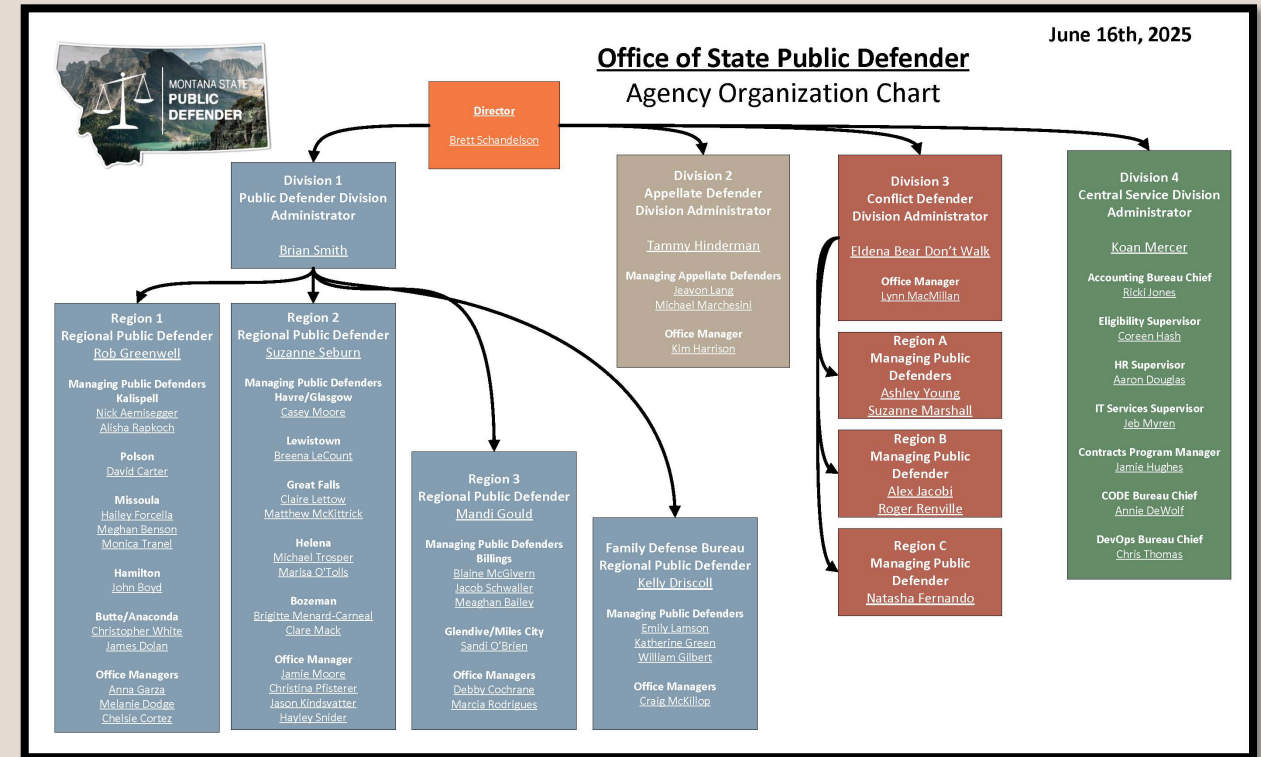
- **Montana Public Defender Act**

- Montana Code Annotated Title 47, Chapter 1
- Opened FY 2007
- Provide unified, consistent, and constitutionally mandated

- **Size and Scope**

- 340 PBs (FY 26)
- 20+ OPD Offices
- 200+ Contract Public Defenders
- Yearly:
 - ~20,000 clients
 - ~33k matters
 - ~180 courts

- **Sole remedy for publicly funded legal representation in state court**



Agency Overview **Agency Leadership**



Brett D. Schandelson
Director



Brian C. Smith
Public Defender Division Administrator



Tammy Hinderman
Appellate Defender Division Administrator



Eldena Bear Don't Walk
Conflict Defender Division Administrator



Koan Mercer
Central Services Division Administrator



Robin Beatty
Central Services Division Coordinator



Steffanie Jirsa
Executive Assistant



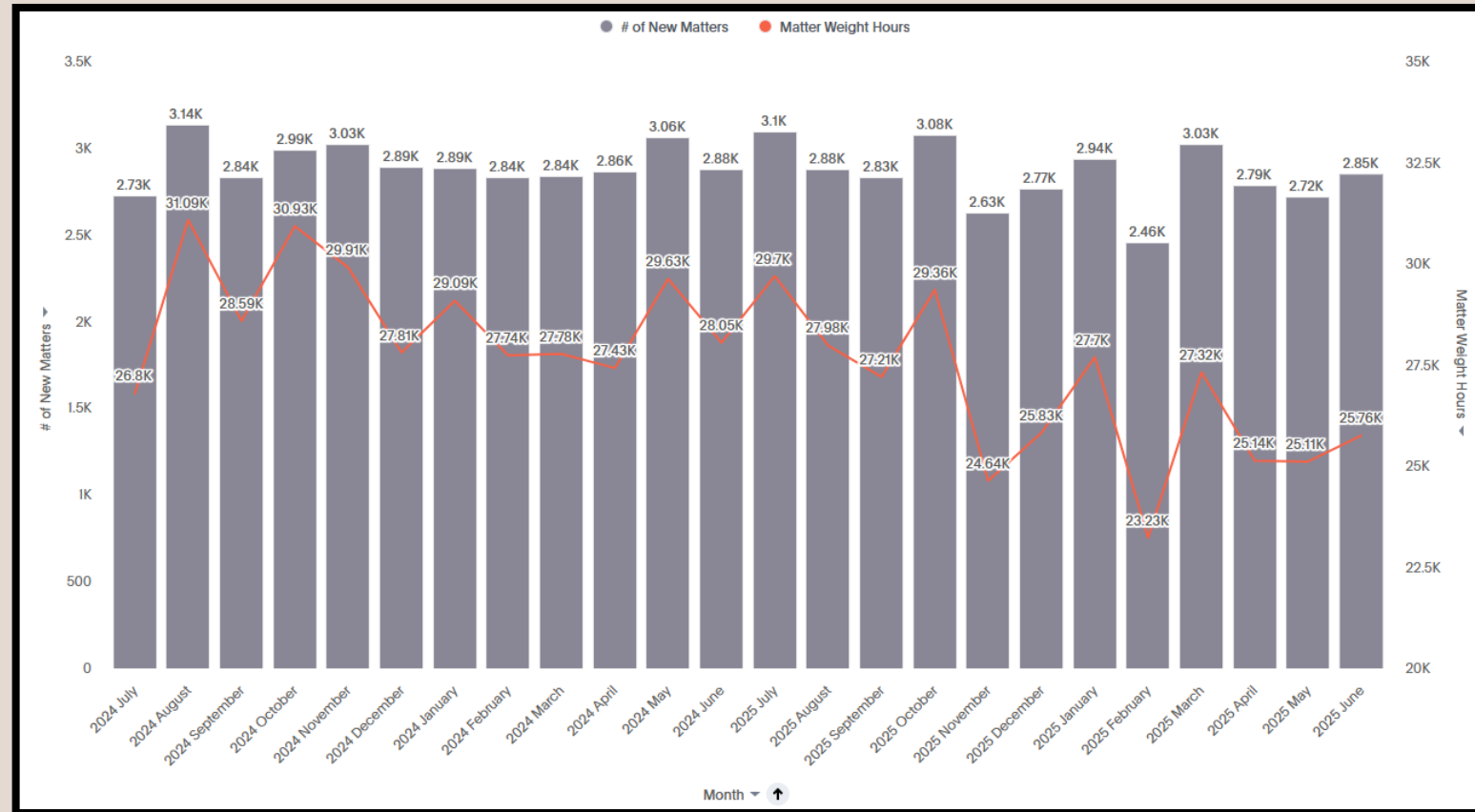
Agency Workloads FY 2021 – FY 2025

- **Newly Received Workload Metrics**

- # of New Matters
 - FY 24: ~ 35k
 - FY 25: ~ 34k
- Matter Weight Hours
 - FY 24: ~ 345k
 - FY 25: ~ 320k

- **New Appointments Only**

- Existing Workload Received in Prior FYs still being worked



Agency Workloads FY 2021 - FY 2025

• Top 5 Counties

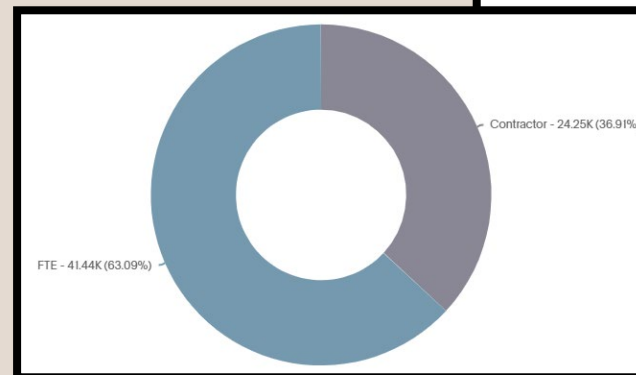
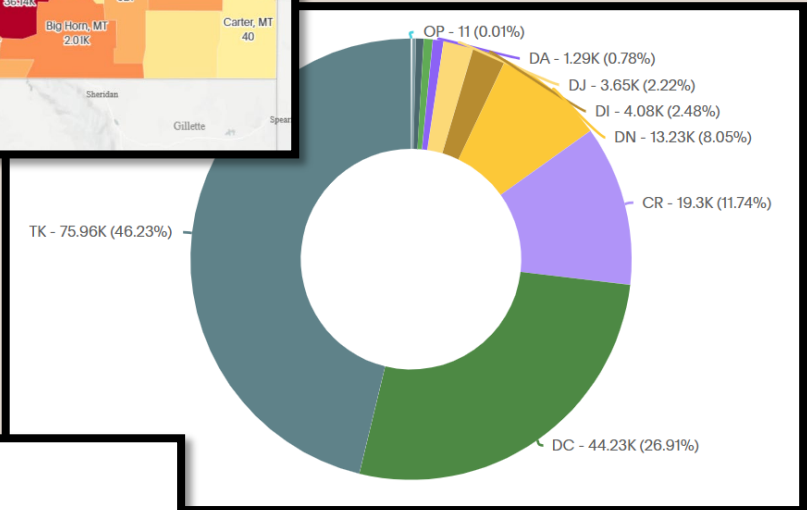
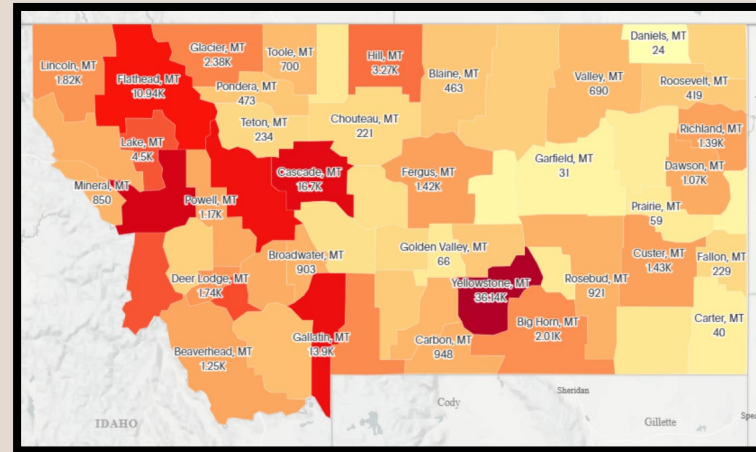
- Yellowstone 22%
- Missoula 13%
- Cascade 10%
- Gallatin 8.5%
- Lewis and Clark 8%

• Top Matter Types

- Misdemeanor 58%
- Felony 27%
- Abuse & Neglect 8%
- All Other Types 7%

• Assignment Type

- Employee 63%
- Contracted 37%



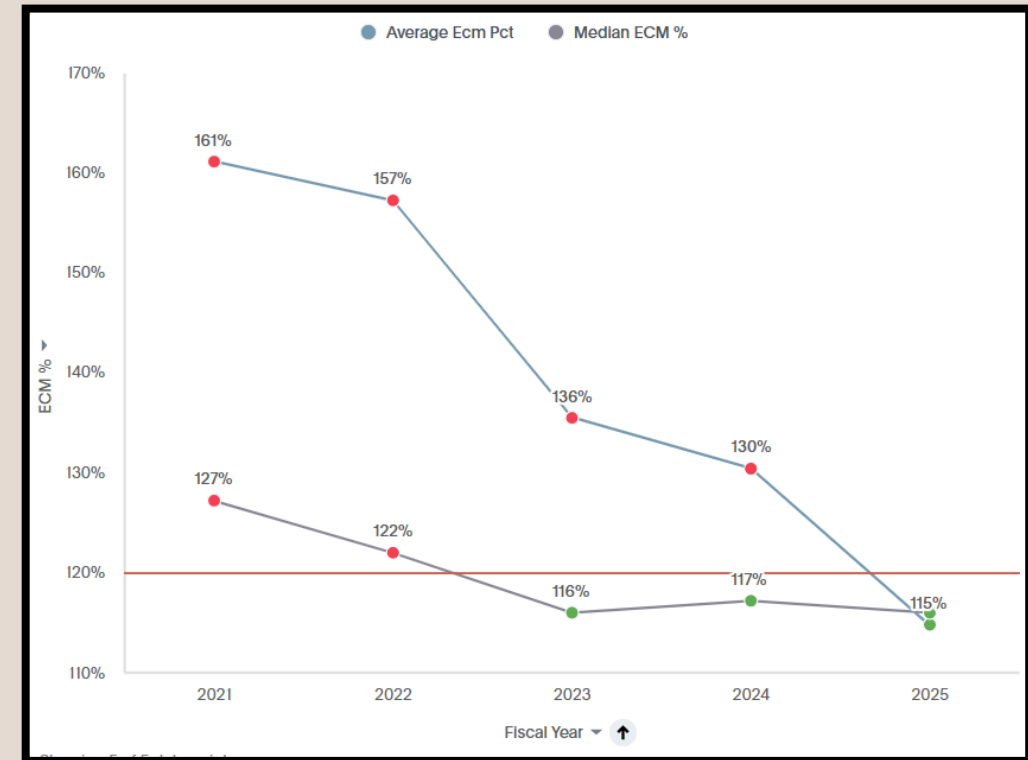
Agency Workloads FY 2021 - FY 2025

- **Ethical Case Management**

- OPD's per attorney workload management system

- **ECM Protocol**

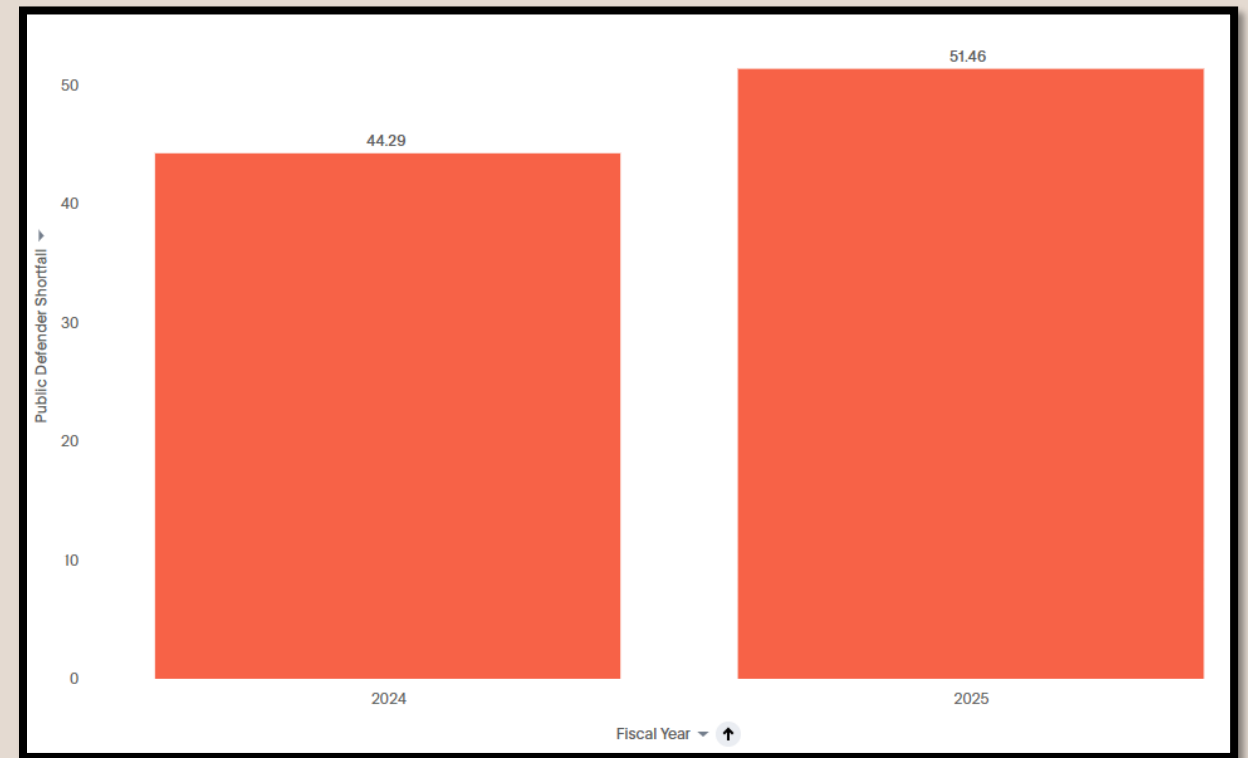
- Weighted workload management
- Assignments tracked and monitored
- Workload limits with narrow exceptions



Agency Workloads FY 2021 - FY 2025

- **Public Defender Shortfall**

- Attorney's worth of work unable to be assigned within 14 days of appointment
- **Direct measure** of existing gap between OPD's resources and OPD's workload



FY 25 Bien Updates **Agency Budget**

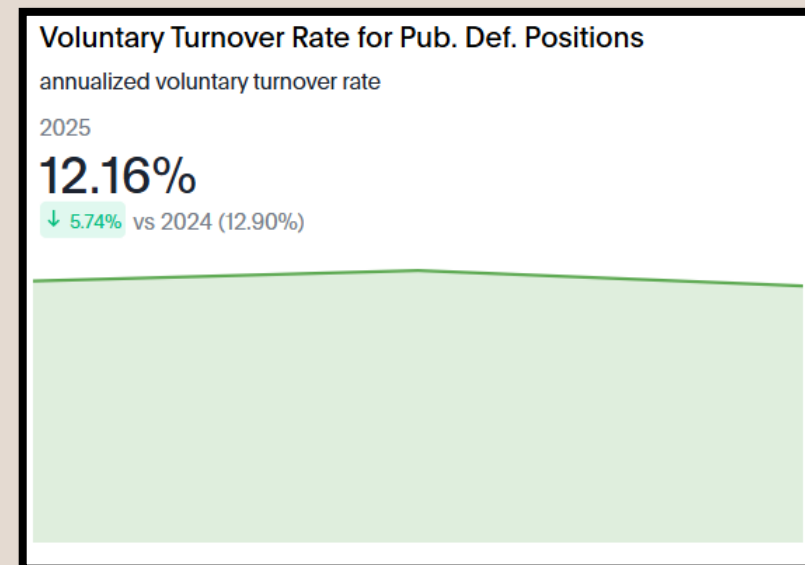
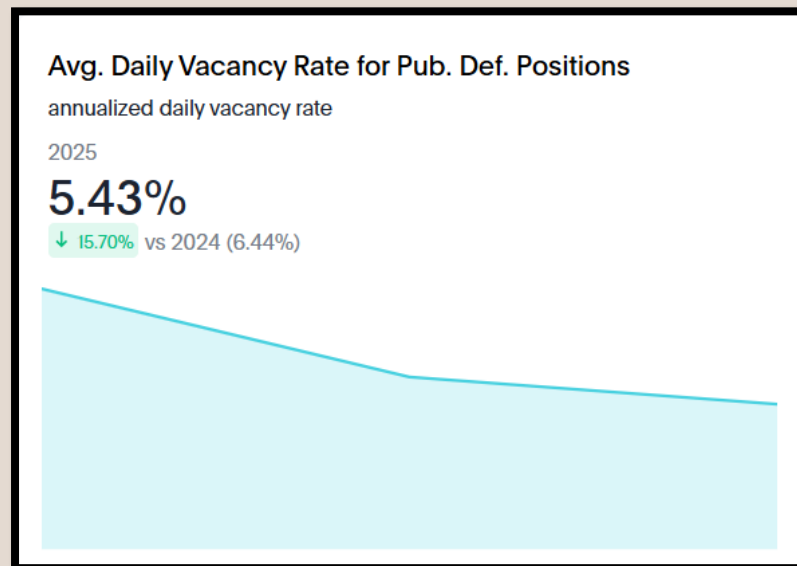
- **FY 2023-2025 Biennium Budget:**

- \$5m less per year in HB 2 than expended in FY 23
- Need for supplemental identified in first quarter of Biennium
- \$12.5m HB 3 (2025) Supplemental
 - Outperforming projections; will not fully expend



FY 2025 Updates Agency Staffing Goals

- Keep and hold average daily vacancy rate for public defender positions to 6% or below
- Keep and hold annualized voluntary turnover rate for public defender positions to 15% or below



FY 25 Bien Updates **Agency Innovations**

- **Operations**

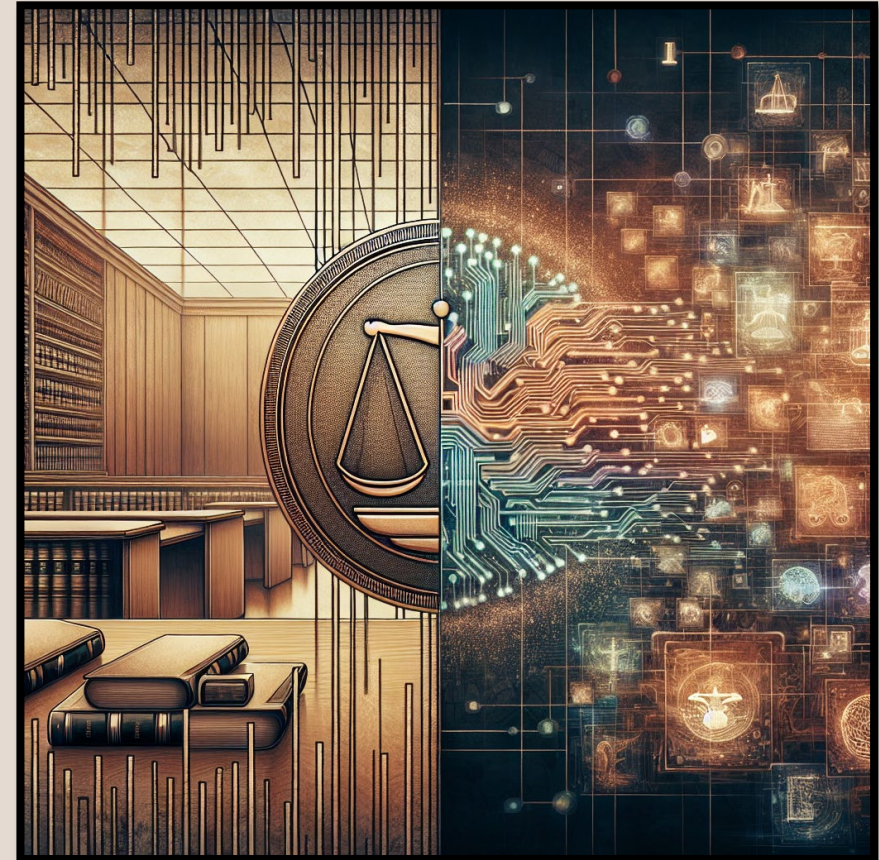
- Formally implemented Ethical Case Management System through Policy 201
- Overhaul of Agency budgeting and fiscal management
- Overhaul of external service provider management

- **JusticeText**

- Massive increase in audio/video evidence`
- Public Defense focused AI audio/video processing tool

- **Data & Technology**

- Best in Class Data and Analytics Structure
- Continued development of automations and new functionality in primary platform
- Implemented paradigm shifting AI tool to ease burden of managing legal cases
 - Development continues



FY 27 Bien Planning Budget

- **Executive Budget**
 - \$13.1m to avoid supplemental
- **2025 Legislative Session Budget**
 - \$6.5m
- **FY 2027 Projected Supplemental Need**
 - at least \$6.5m



FY 27 Bien Planning Challenges

- **Policy Changes**
 - OPD had only one fiscal note amended into budget
- **Attorney Pay**
 - Employee & Contract
 - OPD vs:
 - Private Sector
 - State Government
 - Local Government
- **Recruitment & Retention**
 - Not enough attorneys in MT
- **Public Defense Shortfall**
 - Gap in resources vs need
 - Increased ~ 13% YoY
 - 5 Year Plan to tackle

