

OPD.MT.GOV



OPD FY 2024

Annual Performance Report

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.

This page left blank intentionally.

Annual Performance Report Contents

About this Report	5
FY 2024 Annual Plan	6
FY 2024 Overview	7
FY 2024 Annual Performance Report: Provide Effective and Timely Constitutionally, Statutorily, and Court-Mandated Representation	9
Recruit and Retain Qualified Employees and Contractors	9
Reduce the Necessary Public Defender Gap	11
Reduce the Public Defender Shortfall	12
Increase in Qualified Applicants for Public Defender Positions	14
Track Voluntary Turnover of Public Defender Positions	15
Track Prevailing Private Market Attorney Rates	16
Effectively Manage Employee Workload	17
Trial Divisions' ECM Workload Standard	17
Appellate Division's Workload Standard	19
Manage ECM Protocol	19
Provide Effective, Timely Representation	20
Non-Conflict FTE Trial Public Defender Assignment Timeline	20
Conflict FTE Public Defender Assignment Timeline	21
Contract Public Defender Assignment Timeline	21
Appellate Assignment Timeline	22
Baseline Measure of Agency-Offered Training Hours	22
Baseline Measure of Stakeholder Satisfaction	23
Baseline Measure of Substantiated Client Complaints	23
Notices	25




This page left blank intentionally.

About this Report

This FY 2024 Annual Performance Report is prepared and provided pursuant to Montana Code Annotated § 2-12-105 and reports on the Office of State Public Defender’s (OPD’s) progress on its FY 2024 Annual Plan.

Objective and Measure Statuses

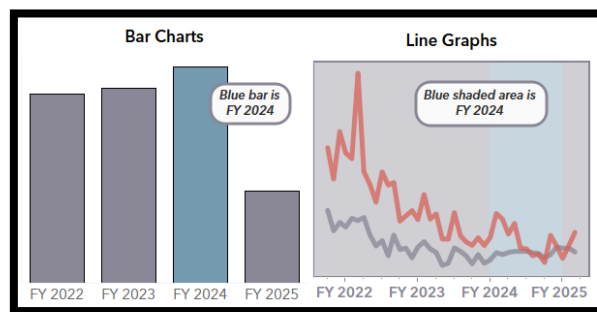
Each reported objective or measure has a visual indicator and short narrative detailing OPD’s progress toward completion. Additional information or context may follow.

	Complete <i>The objective or measure has been met.</i>
	In Progress <i>There has been progress toward completing the objective or measure, but it has not yet been met.</i>
	Incomplete <i>There has not been progress toward completing the objective or measure.</i>

Note that an objective may be marked as complete based on the overall progress even if individual measures related to that outcome are still in progress or incomplete.

Data Visualizations

When data is compared across fiscal years or time periods, there will be a visual indicator as to which data is for FY 2024. As shown in the examples to the right, FY 2024 will always be indicated by a blue bar or area, while other time periods will be grey.



FY 2025 Data

Please note that any FY 2025 data included in this report reflects draft figures only through Q1 of FY 2025. These figures are presented solely to provide context for FY 2024 metrics and should be considered preliminary until OPD publishes its formal FY 2025 reports.

FY 2024 Annual Plan

Pursuant to Montana Code Annotated § 2-12-104, OPD prepared its FY 2024 Annual Plan, which is reproduced below.

Provide Effective and Timely Constitutionally, Statutorily, and Court-Mandated Representation

Recruit and Retain Qualified Employees and Contractors

- Reduce the Necessary Public Defender Gap
- Reduce the Public Defender Shortfall
- Increase the number of qualified applicants for public defender positions
- Track voluntary turnover rate and the primary reason for departure for public defender positions
- Track prevailing public and private attorney rates

Effectively Manage Employee Workload

- Bring and hold average and median Ethical Case Management percent (ECM %) to between 100% and 120% for agency employed (FTE) trial public defenders
- Increase the number of FTE appellate defenders completing between 100% and 120% of Appellate Workload Standards
- Develop and deploy updates to ECM process and protocols

Provide Effective, Timely Representation

- Reduce and hold the average number of days to first, non-conflict, FTE, public defender assignment to within 3 days
- Reduce and hold the average number of days to first, conflict, FTE, public defender assignment to within 3 days
- Reduce and hold the average number of days to first, contract public defender assignment to within 7 days
- Reduce the average time to first appellate attorney assignment to within 6 months of a matter becoming “record complete”
- Establish a baseline number of agency offered training hours available to OPD employees and contractors
- Establish a baseline measure of client and other justice system stakeholders’ assessment of agency performance or satisfaction with Agency services
- Establish a baseline measure of substantiated client complaints against OPD-assigned attorneys

FY 2024 Overview

Ethical Case Management

In FY 2024, OPD formalized its ECM process through OPD Policy 201, establishing a clear framework for managing workloads and ensuring ethical, effective representation.

ECM is designed to maintain high-quality representation by setting reasonable workload limits and standardized assignment protocols. It assigns weighted hours to different case types based on estimated time requirements, which are validated and adjusted using actual time-tracking data, employee feedback, common sense, and national standards. Additional activities, such as travel time and time devoted to unassigned initial appearances, are automatically calculated monthly based on real-time data.

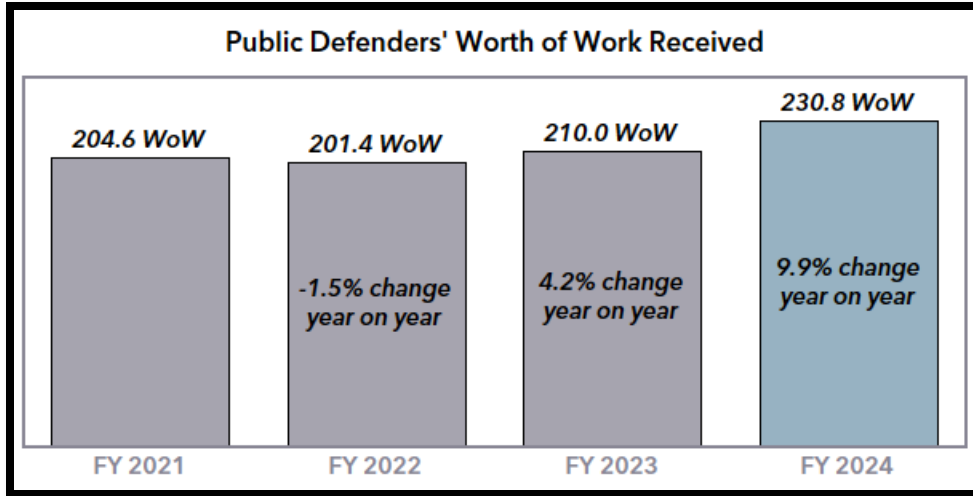
The ECM framework sets a monthly workload standard of 125 ECM weighted hours for full-time public defenders, with a maximum threshold of 150 hours. Following ECM implementation in April 2021, attorney workloads have normalized around OPD's goal of between 100% and 120% of ECM standards, a significant reduction from prior levels.

Before ECM, public defenders faced unlimited caseloads that routinely exceeded sustainable limits. Without objective standards, these excessive workloads obscured the true scope of OPD's resource crisis. Now, ECM provides clear metrics that quantify how many public defenders are needed to ethically handle constitutionally mandated work.

OPD's approach aligns with the American Bar Association and RAND Corporation's [National Public Defense Workload Study \(NPDWS\)](#) published in July 2023, which similarly emphasizes the importance of ethical workload limits in public defense and the need to translate caseloads to workloads using an hours-based approach.

Matters and FTE Public Defender's Worth of Work Received

In FY 2024, OPD received 34,999 new matters, equating to 346,000 weighted hours of work—requiring the equivalent of more than 230 full-time public defenders. This represents a 9.9% increase in workload compared to FY 2023, which itself saw a 4% increase from FY 2022.



This increased workload has impacted many areas of OPD's operations, including its ability to meet several measures within OPD's FY 2024 Goals and Objectives.

FY 2024 Annual Performance Report: Provide Effective and Timely Constitutionally, Statutorily, and Court-Mandated Representation

The Office of State Public Defender exists solely to provide effective assistance of counsel, by qualified and competent attorneys, to individuals in criminal and civil cases who are entitled to assistance of counsel at public expense. *Mont. Code Ann. § 47-1-102*. To fulfill this purpose, OPD has adopted a single overarching goal: to provide this representation in an effective and timely manner. To reach this goal in FY 2024, OPD chose three strategic outcomes, each with specific strategies and measures. Each strategic outcome and associated measures are reported below.

Recruit and Retain Qualified Employees and Contractors



In FY 2024, OPD successfully recruited and retained qualified employees and contractors as evidenced by:

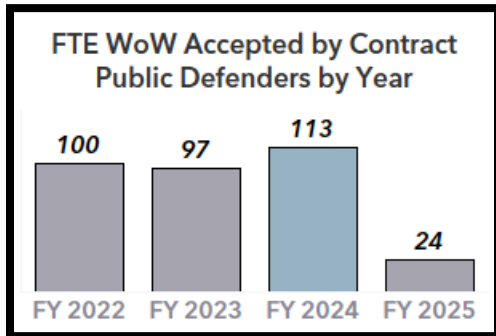
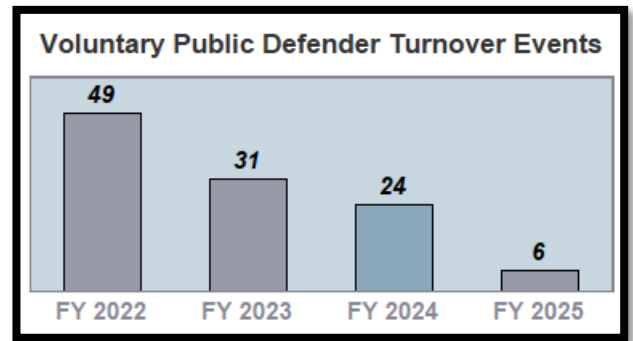
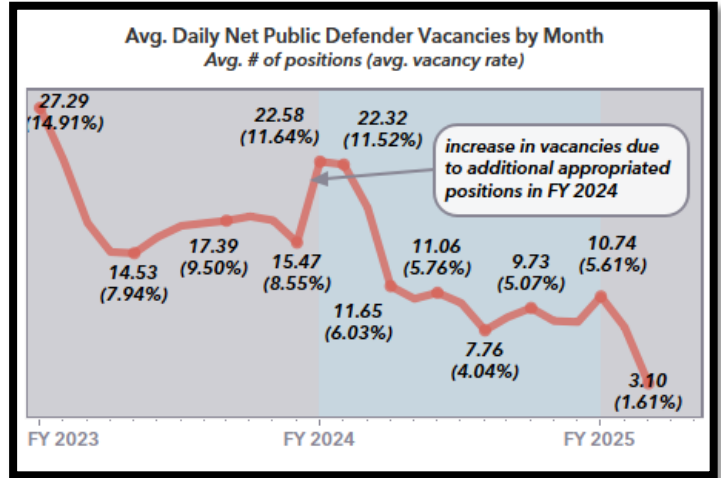
- 50% reduction in the average net vacancy rate, from 11% down to 5%;
- 25% reduction in the annualized turnover rate;
- nearly 20% increase in the percentage of qualified applicants for public defender positions; and,
- 16.5% increase in the volume of work accepted by contract public defenders accepting OPD assignments.

For FY 2025, OPD has adopted this same strategic outcome as a priority, though several of the measures have changed.

In FY 2024, OPD made substantial progress in addressing long-standing challenges related to recruiting and retaining qualified employees and contractors, as evidenced by several key measures. Beyond the specific measures outlined in OPD's FY 2024 Annual Plan, which will be addressed below, there are several additional indicators that highlight the strides OPD has made toward this strategic outcome.

For instance, both voluntary turnover and the average daily vacancy rate show clear downward trends compared to FY 2022 and FY 2023. OPD attributes these improvements to its strategic focus on enhancing compensation for full-time public defenders and the successful implementation of formal ECM workload standards. These initiatives have not only bolstered retention but also instilled greater confidence among current and prospective public defenders by promoting a sustainable work-life balance and demonstrating OPD's commitment to managing workloads effectively.

Additionally, OPD increased the volume of work accepted by contract public defenders in FY 2024 by more than 16%. In May 2022, just before FY 2023 began, OPD raised the contract public defender hourly rate to \$71, a \$15 increase from the previous rate of \$56, which had been in place since April 2018.



While this rate remains well below prevailing private market attorney rates and will require future adjustments, it has played a crucial role in supporting OPD's contractor recruitment and retention efforts. Further progress in this area will necessitate an adjustment to the contract public defender rates.

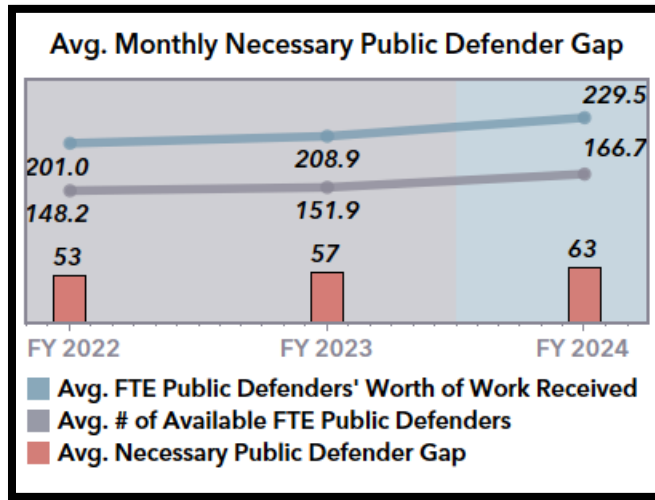
Reduce the Necessary Public Defender Gap



During FY 2024, the Necessary Public Defender Gap increased slightly, from 57 to 63, which reflects the increased workload OPD received in FY 2024 without a similar increase in resources.

For FY 2025, OPD is focusing its strategies on eliminating the Public Defender Shortfall.

The Necessary Public Defender Gap quantifies the monthly discrepancy between required and available FTE public defenders within OPD. It represents the number of additional FTE public defenders needed to handle newly received cases within OPD's ECM standards. This measure incorporates the current FTE public defender vacancy rate but excludes factors that may reduce expected workload capacity, such as part-time status, leaves, vacations, or managerial duties.



While it serves as an indicator of OPD's overall workload versus available FTE resources, the Necessary Public Defender Gap is now complemented by the Public Defender Shortfall metric. The latter more accurately reflects OPD's current capacity by also including cases assigned to the private, contract market. Both metrics support OPD's strategic goal of maintaining appropriate staffing levels to meet constitutional and statutory obligations for effective representation.

January 2024 provides a clear example of how OPD calculates and utilizes public defender workload capacity. During that month, OPD received 2,900 trial-level matters, representing 29,000 weighted hours of work. To meet ECM standards—125 weighted hours per attorney—OPD would have required over 232 full-

Public Defender's Worth of Work Received	232.5
# of Available Trial Public Defenders	170
Necessary Public Defender Gap	62.5

time equivalent (FTE) public defenders. However, with only 170 FTE trial attorneys employed at the time—and many unable to accept full caseloads due to management

responsibilities, part-time status, or leave—the gap between available resources and demand becomes evident. Even if every available FTE public defender had taken on a full caseload, there would still have been a shortfall equivalent to more than 60 FTE public defenders for that month alone. This illustrates the ongoing disparity between the resources OPD has and those required to fulfill its mission effectively.

However, despite OPD’s new workload increasing by more than 20 FTEs worth of work in FY 2024, OPD successfully limited the growth of the average Necessary Public Defender Gap per month to six (6) FTE’s worth of work. While more work remains, the manageable increase in this metric supports the efficacy of OPD’s overall approach.

Reduce the Public Defender Shortfall

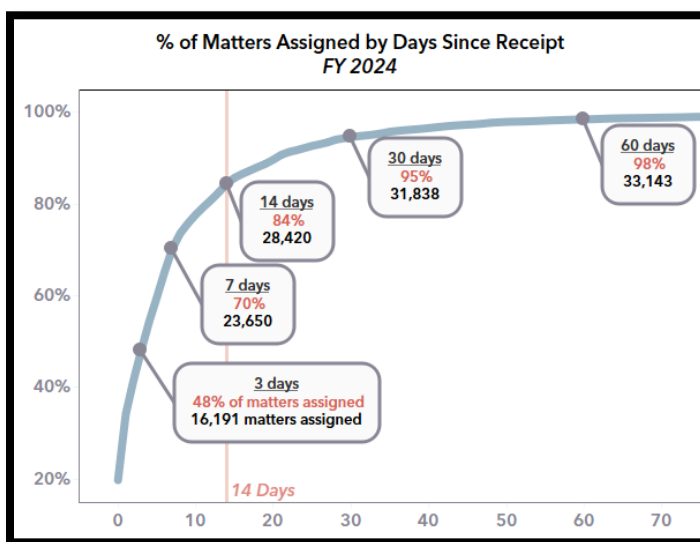


In FY 2024, due to an increase in new workload as well as resource limitations, OPD was unable to reduce the Public Defender Shortfall, though OPD has implemented new protocols aimed at managing the shortfall effectively.

For FY 2025, OPD has adopted a substantially similar strategy.

The Public Defender Shortfall metric quantifies the volume of newly received matters not assigned within 14 days of OPD's appointment, expressed as the number of FTE public defenders needed to handle this unassigned workload. This metric captures the actual, realized gap between OPD's intake volume and its current capacity, including both cases assigned to FTEs and those assigned to private contract public defenders. It provides a direct measure of the additional public defender resources required to ensure timely case assignments and maintain ethical standards of representation.

The chart to the right shows the percentage of matters received in FY 2024 by the number of days to assignment. For all matters received in FY 2024, OPD was able to assign about 28,400 matters within 14 days of appointment, which represents about 84% of all matters received. The remaining 16% were unable to be assigned within 14 days and represent OPD’s Public Defender Shortfall for FY 2024.

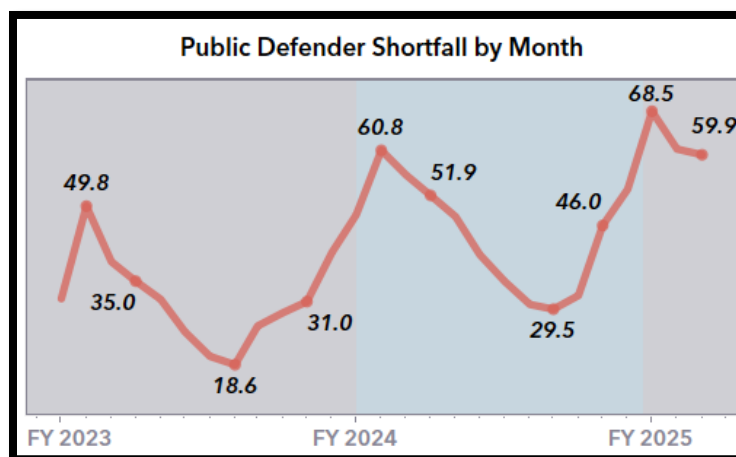


Each month in FY 2024, the new workload received exceeded OPD’s capacity by an average of 44 FTE public defender’s worth of work. This shortfall resulted in delayed assignments for more than 5,600 cases representing over 4,600 clients. The average and median days to assign for these shortfall matters were 33 and 24 days respectively.

	FY 2024 Totals	July 2023	August 2023	September 2023	October 2023	November 2023	December 2023	January 2024	February 2024	March 2024	April 2024	May 2024	June 2024
Avg. Shortfall/month	44	48	61	56	52	48	40	35	30	30	32	46	53
# of Matters	5,654	536	755	604	518	500	440	332	254	310	326	505	574
Avg. # of Matters/month	471	536	755	604	518	500	440	332	254	310	326	505	574
# of Clients	4,638	485	665	538	443	430	402	296	230	290	300	456	510
Avg. # of Clients/Month	420	485	665	538	443	430	402	296	230	290	300	456	510
Avg. Time to First Assign.	33	38	36	33	32	27	31	27	29	35	33	34	40
Median Time to First Assign.	24	24	28	26	22	22	24	20	21	25	21	26	28

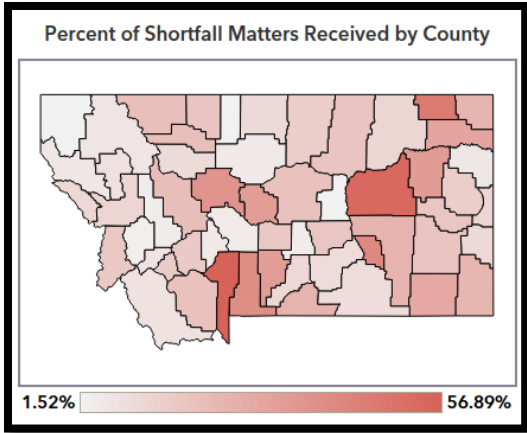
The monthly Public Defender Shortfall has increased over recent years, reflecting a widening gap between OPD's growing responsibilities and available resources. This capacity crisis stems from three key factors:

- insufficient FTE public defender positions;
- below-market contract attorney rates; and
- an overall increase in OPD appointments.



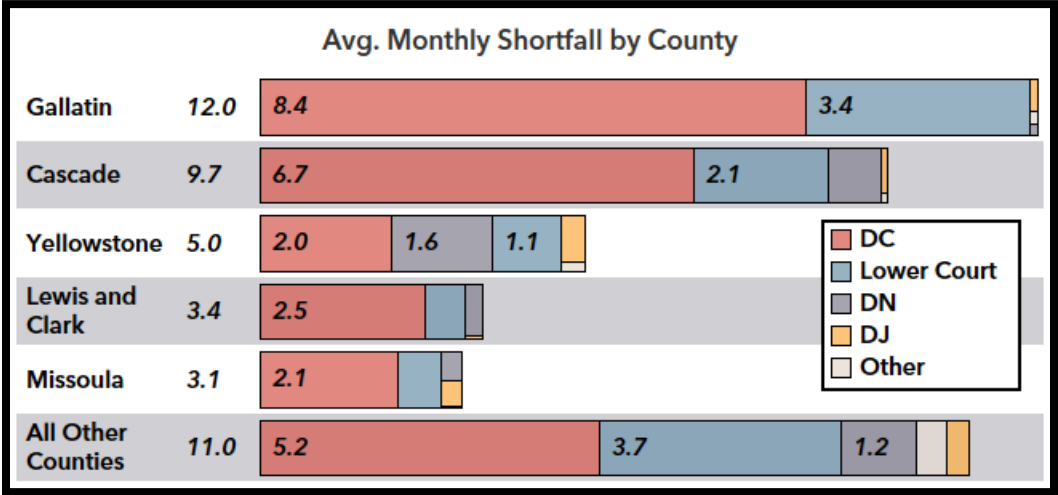
The growing shortfall directly impacts OPD's ability to meet its constitutional obligation of timely representation.

OPD’s ability to assign public defenders within 14 days depends on a number of factors, including how many FTE or contract public defenders OPD has available in each jurisdiction.



The map to the left shows the percentage of all new matters by county that were unable to be assigned within 14 days. Counties with fewer FTE and contract public defenders, such as those in central and eastern Montana, have a higher rate of shortfall matters than counties in other parts of the state that have more robust FTE or contract public defender pools.

However, in terms of overall volume of shortfall matters, these five counties accounted for 75% of OPD’s overall shortfall experienced in FY 2024: Gallatin, Cascade, Yellowstone, Lewis and Clark, and Missoula. The following graph shows these counties by average monthly shortfall in FY 2024 versus the other 51 counties combined.



Increase in Qualified Applicants for Public Defender Positions



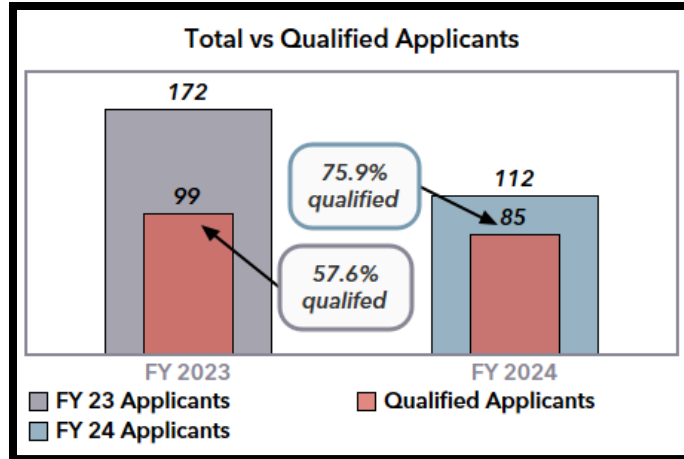
During FY 2024, OPD increased the percentage of qualified applicants for public defender positions from 57.6% in FY 2023 to 75.9% in FY 2024.

For FY 2025, OPD has shifted its measurement focus to retention of existing employees.

The Percentage of Qualified Applicants measures the proportion of job applicants meeting or exceeding the minimum screening criteria for public defender roles. This metric is calculated by dividing the number of qualified individual applicants by the total number of applicants, expressed as a percentage. It serves as an indicator of the

applicant pool's quality and the effectiveness of OPD's recruitment efforts in attracting suitable candidates.

In FY 2024, although fewer individuals applied for public defender positions compared to FY 2023, through 20% fewer job postings, the percentage of qualified applicants was significantly higher. This increase has provided OPD with more qualified applicants in its candidate pools, providing more options for hiring managers.



Track Voluntary Turnover of Public Defender Positions



During FY 2024, OPD experienced a significant reduction in voluntary turnover events and rates as evidenced by:

- over a 20% reduction in voluntary turnover events from FY 2023 and more than a 50% reduction since FY 2022; and,
- 50% reduction in the voluntary turnover rate, which fell from over 30% in FY 2022 to under 14% in FY 2024; and,

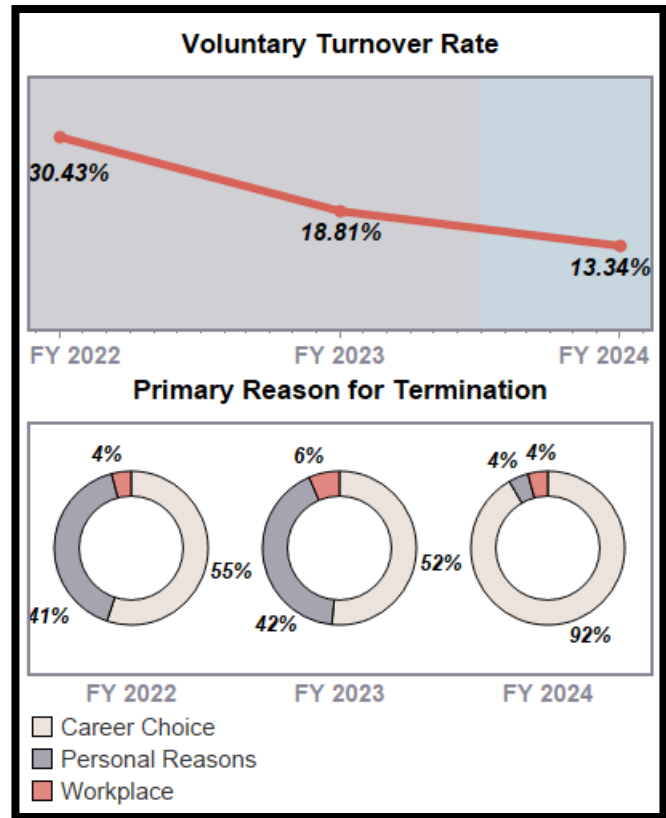
OPD also maintained the percent of workplace-caused voluntary terminations to between 4% and 6%.

For FY 2025, OPD has set explicit measures for both the vacancy and turnover rates for public defender positions.

The Voluntary Turnover Rate measures the proportion of public defenders who voluntarily leave employment with OPD within a fiscal year. This metric is calculated by dividing the number of public defenders who voluntarily terminated their employment by the daily average number of employed public defenders during the fiscal year, expressed as a percentage. Also included is the total count of departing public defenders, categorized by their primary reason for leaving OPD: career, personal, or workplace.

While OPD’s FY 2024 goal was only to track the voluntary turnover rate for public defender positions, the dramatic reduction in voluntary turnover rate provides strong evidence that OPD’s overall recruitment and retention efforts are succeeding.

For example, since the start of FY 2022, OPD has targeted its recruitment of third-year law students, often called 3Ls, providing job offers well before graduation for positions starting the following fall. This effort has led to more than 40 new public defenders joining OPD since the start of FY 2022.



Track Prevailing Private Market Attorney Rates



In FY 2024, OPD was able to track various relevant private market rates as well as several public defense rates from other states.

Since its inception in FY 2006, OPD has generally struggled to implement effective rates for contract public defenders. During FY 2024, OPD paid an hourly contractor public defender rate of \$71/hour, a rate adjusted up from \$56/hour in late FY 2022. However, inadequate appropriations for contracted services, combined with an increased need for contractors-driven by inflation and OPD’s pandemic-era vacancy crisis-have prevented OPD from achieving effective on-going contracted services rates.

OPD’s FY 2024 Annual Plan set a strategy of tracking private and public attorney rates, which is used to inform OPD’s budget requests and operational decision making. Below is a table of relevant rates identified during FY 2024:

State/Jurisdiction	Rate	Type	Cite
Montana, LawPay Survey	\$213/hour (average)	Private	link
Montana, Clio Survey	\$234/hour (average)	Private	link
Montana, Agency Legal Services	\$121/hour (FY 24-25)	Public	
Montana, Agency Legal Services	\$160-\$200/hour (FY 26-27)	Public	
Idaho PD	\$100/hour	Public	link
South Dakota PD	\$92/hour	Public	link
Colorado PD	\$95-\$105/hour	Public	link
Kansas PD	\$120-\$140/hour	Public	link
Maricopa Co., AZ PD	\$100/hour	Public	link
CJA Panel (Federal PD)	\$172/hour	Public	link

Effectively Manage Employee Workload



In FY 2024, OPD formalized and effectively managed its ECM processes and protocols, as evidenced by the clear downward trend of average and median ECM % assigned to FTE trial public defenders since FY 2021, normalizing around OPD’s ECM standard.

For FY 2025, OPD has adopted this same strategic outcome as a priority, though several of the measures have changed.

OPD’s implementation of Ethical Case Management (ECM) standards in FY 2024 represents a strategic and data-driven approach to managing attorney workloads, ensuring both quality representation and sustainable working conditions through clear workload protocols and limits.

ECM’s rigorous workload controls have transformed how OPD manages its workforce, providing a transparent framework that balances operational demands with ethical practice. This approach not only safeguards against attorney overload but also equips OPD with actionable data to guide future staffing and policy decisions.

Trial Divisions’ ECM Workload Standard



In FY 2024, OPD effectively managed FTE public defenders’ workloads, continuing the decline of the average ECM % assigned to FTE trial public defenders toward OPD’s measure goal of 120%, while holding the median ECM % within this limit.

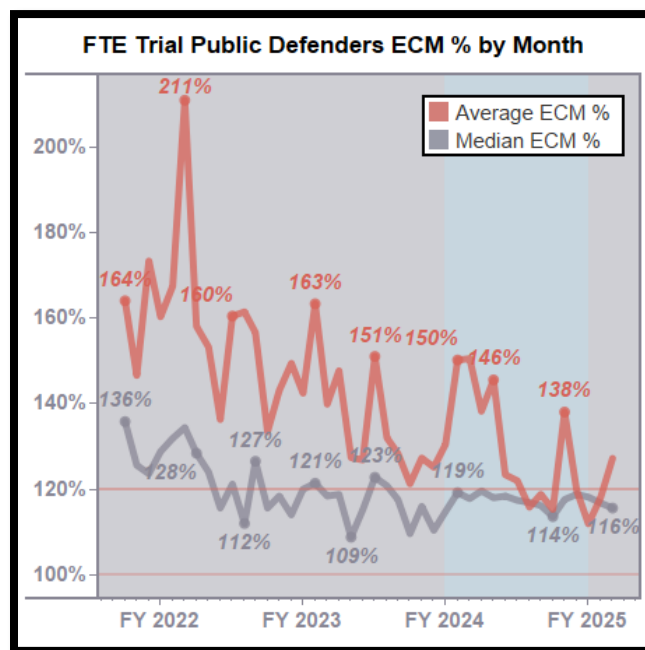
For FY 2025, OPD has adopted the same metric for this strategy.

The Trial Divisions' ECM Workload metric measures the percentage of an individual public defender's assigned workload relative to OPD's Ethical Case Management (ECM) workload standards for a given calendar month. This metric is calculated by dividing the total case weight assigned to a public defender

	FY 2021	FY 2022	FY 2023	FY 2024
Average ECM %	161.3%	157.9%	135.6%	130.3%
Median ECM %	127.2%	122.4%	116.0%	117.6%

in a calendar month by their expected ECM workload. The ECM % helps assess whether a public defender's caseload is within expected limits, ensuring that workloads are manageable and aligned with ethical representation standards. The average and median for each month or year is then derived from these individual, monthly numbers.

Since OPD began enforcing ECM in April 2021, the average and median monthly ECM percentages have steadily moved toward OPD's target range of 100% to 120%. Although the average FY 2024 ECM % remains above this measure's goal, OPD considers the measure substantially met. Notably, the median ECM percentage—a more accurate reflection of workloads as it is much less affected by case reassignments due to leave, turnover, or other specific factors—remained within the target range throughout FY 2024.



Effectively managing FTE public defenders' workloads is one of OPD's core strategies across multiple objectives and supports OPD's efforts to both improve the quality of client representation and limit workloads to an ethically reasonable and sustainable level.

Appellate Division's Workload Standard

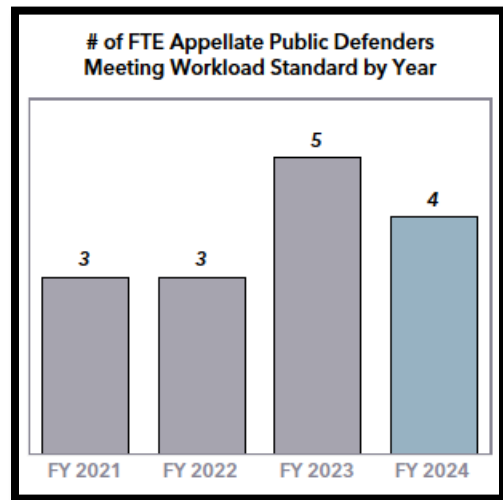


In FY 2024, OPD has been unable to make substantive progress on this measure, though OPD has identified the need to overhaul its existing Appellate workload standard.

For FY 2025, OPD has set the same measure for this strategy, though OPD is in the process of overhauling the Appellate workload standard.

The Appellate Division Workload Standard measures the number of individual appellate defenders who completed between 100% and 120% of the Appellate Division's workload standards within a fiscal year.

While OPD did not make substantive progress toward this strategic measure, it has identified a series of improvements to the Appellate workload standards process. OPD will work to develop and implement an overhauled Appellate ECM process throughout FY 2025.



Manage ECM Protocol



In FY 2024, OPD formalized its Ethical Case Management system into agency Policy 201–Ethical Case Management and made several adjustments to the ECM protocol, including:

- revising the weights assigned to involuntary commitments and to criminal revocations, bringing them more in line with expectations and observations; and
- implementing standardized and automated weighting for travel, treatment courts, and unassigned initial appearances, replacing the previous discretionary system for these weights.

For FY 2025, OPD has adopted a substantially similar strategy.

Provide Effective, Timely Representation



In FY 2024, OPD was able to meet its measure goals on four of eight measures of timely assignment. OPD was also able to set baseline measures for agency-offered training hours and substantiated client complaints.

For FY 2025, OPD has adopted a substantially similar strategy.

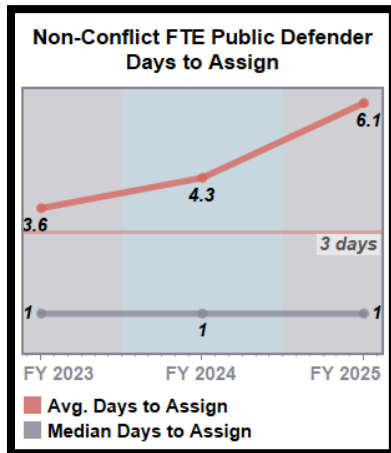
As discussed above, in FY 2024, OPD formally adopted Policy 201–Ethical Case Management, which in addition to establishing workload management protocols, also set agency standards for case assignment timelines. Those assignment timelines mirror the measures set in OPD’s FY 2024 Annual Plan for trial division assignments.

Non-Conflict FTE Trial Public Defender Assignment Timeline



During FY 2024, OPD experienced a slight increase in the average time to first assignment to a non-conflict FTE trial public defender to 4.3 days, though the median remained stable at 1 day.

For FY 2025, OPD has set the same 3-day measure.



The Time to First Assignment of Non-Conflict FTE Matters measures the days from the date OPD receives a matter, or the date a matter enters a non-conflict FTE assignment queue, to the date of the first assignment for matters assigned to non-conflict FTE trial public defenders.

Note that the increase experienced during FY 2024 and through the first quarter of FY 2025 is largely due to OPD’s increased efforts to assign cases passed over by the contract public defender pool to FTE public defenders, shortening the overall time to first assignment for these clients. However, prior to FY 2024, these cases would typically have stayed in the contract public defender pool until a contract public defender was assigned.

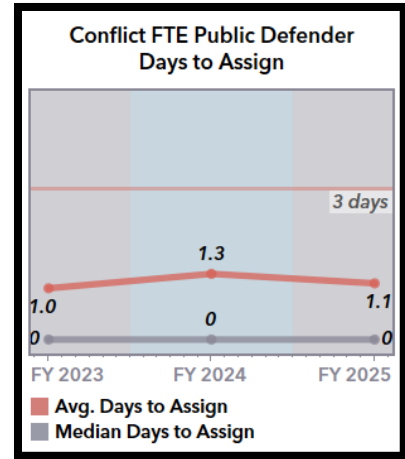
Conflict FTE Public Defender Assignment Timeline



During FY 2024, OPD maintained both average and median times to first assignment to conflict FTE trial public defenders of 1.3 and 0 days respectively, both under the measure goal of 3 days.

For FY 2025, OPD has set the same 3-day measure.

The Time to First Assignment of Conflict FTE Matters measures the days from the date the Conflict Defender Division receives the matter to the first assignment for matters assigned to conflict FTE trial public defenders.

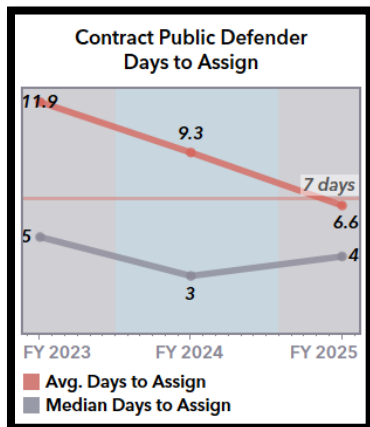


Contract Public Defender Assignment Timeline



During FY 2024, OPD made progress in reducing the average time to first assignment for a contract public defender matter to 9.3 days, though it did not meet the measure goal of 7 days. However, the median time to first assignment for a contract public defender in FY 2024 is 3 days, well under the measure goal of 7 days.

For FY 2025, OPD has set the same 7-day measure.



The Time to First Assignment of Contract Matters measures the days from the date the Contracted Services Program receives the matter to the date of the first assignment for matters assigned to a contract public defender.

Appellate Assignment Timeline

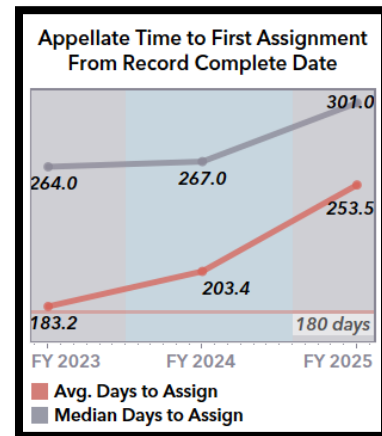


During FY 2024, OPD experienced an increase in both the median and average time to first assignment of appellate matters, to 203.4 and 267.0 days respectively, both over OPD’s measure goal of 180 days.

For FY 2025, OPD has shifted its strategy to reducing the backlog of appellate cases pending assignment.

The Time to First Assignment of Appellate Matters measures the days from the date the matter is “record complete” and ready for briefing to the date of the first assignment to an appellate public defender.

As discussed above, OPD has identified the lack of an effective workload standard for appellate assignments as a barrier to effectively managing appellate public defenders’ assignments and workloads. OPD is in the process of developing an effective appellate ECM assignment and workload standard.



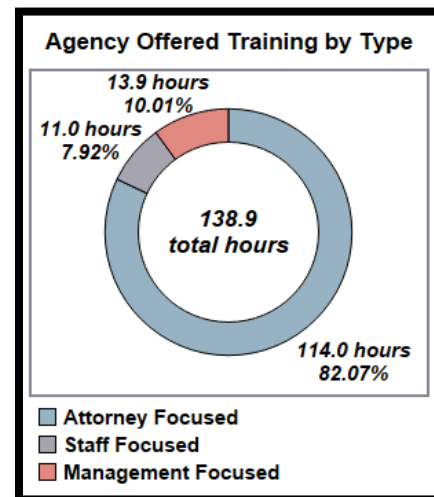
Baseline Measure of Agency-Offered Training Hours



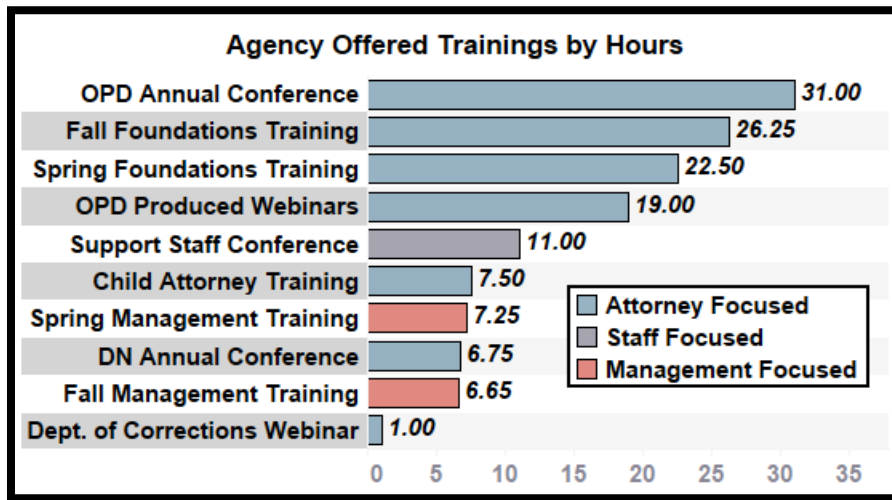
In FY 2024, OPD was able to provide nearly 140 hours of training to its employees and contractors.

For FY 2025, OPD has set an explicit measure for the hours of agency-provided training to be offered.

The Baseline of Agency-Offered Training Hours marks OPD’s initial effort to quantify the total volume of training provided across the agency. This includes training for full-time public defenders, staff, investigators, and managers, as well as contract public defenders and investigators. Establishing this baseline allows OPD to better assess and plan future training initiatives to enhance professional development and service quality.



Additionally, tracking the kinds of training offered by OPD will help set training priorities and allocate training resources.



Baseline Measure of Stakeholder Satisfaction



In FY 2024, OPD did not establish a baseline measure of stakeholder satisfaction with OPD services.

Although developing and implementing a stakeholder satisfaction process was originally part of OPD’s FY 2024 Annual Plan, OPD determined that it lacked the necessary resources to effectively implement such a process. As a result, OPD focused its FY 2024 efforts on more immediately impactful priorities. However, OPD remains committed to gathering and considering feedback from all justice system stakeholders through formal and informal channels alike and may revisit the concept of stakeholder satisfaction in the future.

Baseline Measure of Substantiated Client Complaints



In FY 2024, OPD established a baseline measure of substantiated client complaints at just under 10%.

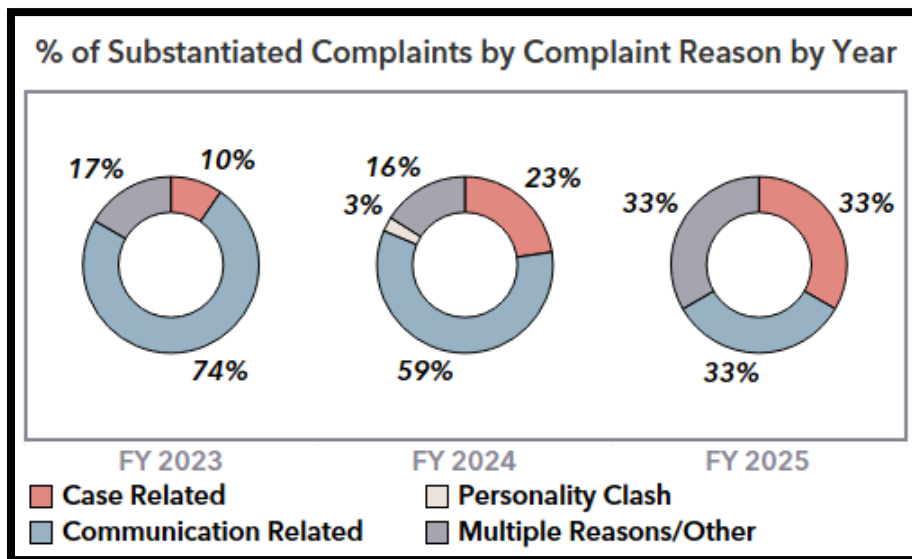
For FY 2025, OPD has set explicit measures for substantiated client complaints.

The Substantiated Client Complaints metric measures the percent of all received client complaints substantiated by a managing public defender or the Contracts Program.

Complaints by Year			
	FY 2023	FY 2024	FY 2025
Total Number of Complaints	896	806	198
# of Substantiated Complaints	84	75	14
% of Substantiated Client Complaints	9.38%	9.31%	7.07%

In FY 2024, OPD experienced an overall substantiated client complaint rate of 9.31%, which is nearly identical to FY 2023. Client complaints are available to all OPD clients on all matters and provide an avenue for a client to submit a grievance against their assigned public defender and have it reviewed by a managing public defender or, in the case of a contract public defender, by the Contracts Program. Typical issues leading to complaints are lack of effective communication, serious strategic disagreements between the client and the attorney, and sometimes, insurmountable personality issues. Complaints are resolved with two determinations: 1) is the client’s complaint valid, and 2) is it in the client’s best interest to have a new public defender assigned.

The charts below show the breakdown of substantiated client complaints by the primary reason for the complaint. Note, however, that a number of complaints received each year do not easily fit into a single category and are grouped as “Multiple Reasons/Other” for this analysis.



Notices

Contact Information

This report was prepared by the Office of the Director, Brett D. Schandelson. Any questions, comments, or concerns regarding this report should be sent to opdoperations@mt.gov with a subject of "Annual Plan Report Inquiry" to ensure proper routing.

ADA Compliance

The Office of State Public Defender is committed to providing equal access to information to individuals with disabilities. If you require this report in an alternative format, please contact opdoperations@mt.gov with a subject of "Annual Plan Report Inquiry" to ensure proper routing.

Use of Generative AI

This report was drafted with the assistance of generative artificial intelligence (AI) tools to enhance efficiency, clarity, and effectiveness in content creation. All content generated by AI has been reviewed and edited by human contributors to ensure accuracy, relevance, and compliance with State of Montana standards.