



Task Force on State Public Defender Operations

64th Montana Legislature

PO BOX 201706
HELENA, MONTANA 59620-1706
(406) 444-3064

HOUSE MEMBERS

RANDY BRODEHL
KIMBERLY DUDIK
KENNETH HOLMLUND

SENATE MEMBERS

DAVID HOWARD
JIM KEANE
CYNTHIA WOLKEN

PUBLIC MEMBERS

HON. JAMES HAYNES
MIKE EAKIN
JASON TRINITY HOLDEN
WENDY HOLTON
JULI PIERCE

COMMITTEE STAFF

DAVE BOHYER, RESEARCH DIRECTOR
JULIE JOHNSON, ATTORNEY
FONG HOM, SECRETARY

Tentative Agenda

September 17, 2015

Room 102, Capitol Building

Helena, Montana

- 8:00 Call meeting to order -- roll call -- Senator Jim Keane, senior senator
- 8:05 Member introductions
- 8:20 Overview of HB 627 -- Dave Bohyer, LSD Research Director
- 8:30 Legal Overviews
- ▶ Constitutional duties of OPD--Ms. Julie Johnson, Staff Attorney
 - ▶ Statutory duties of OPD -- Overview, Julie Johnson
 - ✓ Public Defender Commission--Mr. Fritz Gillespie, Commission Chairman
 - ✓ Office of Public Defender--Mr. Bill Hooks, Chief Public Defender
 - ✓ Office of Appellate Public Defender--Mr. Wade Zolynski, Chief Appellate Defender
 - ✓ Office of Conflict Coordination--Ms. Kristina Neal, Conflict Coordinator
- Break**
- 10:45 Professional and ethical responsibilities of OPD attorneys--Julie Johnson,
- 11:15 Historical background on the creation of Montana OPD
- ▶ Ms. Niki Zupanic -- Legal action by ACLU underpinning the establishment of the Montana state Office of Public Defender
- Lunch**
- 1:00 Historical background on the evolution of indigent defense. Mr. James Park Taylor, UM Law School and Montana ACLU
- 1:30 Views from the Trenches
- ▶ Public Defender Commission -- Mr. Terry Jesse, Member of the Public Defender Commission
 - ▶ Public Defender -- Mr. Chris Abbott
 - ▶ Contract Public Defender -- Mr. Fred Snodgrass (by telephone)
 - ▶ Prosecutor -- Mr. Mark Murphy, Montana County Attorneys Association
 - ▶ Lower Court Judge -- Honorable Perry Miller, Justice of the Peace, Blaine Co.
 - ▶ District Court Judge -- Honorable John Larson, 4th District, Missoula
 - ▶ Public Appellate Defender -- Eileen Larkin, Staff Attorney, OAPD
 - ▶ Supreme Court Justice -- Honorable Mike McGrath, Chief Justice, Montana Supreme Court

Tentative Agenda (continued) September 17, 2015

3:30 Public Comment on the constitutional, statutory, professional, or ethical requirements relevant to the Office of Public Defender operations

Break

4:15 Proposed Study Plan, Dave Bohyer, LSD Research Director

- ▶ Committee discussion, revision, and adoption of Work Plan and Meeting Schedule

The Committee should identify which other states to examine to determine how the states provide assistance of counsel to those who qualify for assistance, including how those states structure and fund their offices or programs and any litigation on the structure and funding of those offices and programs. The states selected by the Task Force should have specific relevance to the members in the context of the HB 627 study, rather than be a random selection of states that may or may not be relevant or of interest.

4:45 Administrative Matters

- ▶ The Task Force should discuss and decide the use of proxy voting by members who are unable to attend a meeting.
 - ▶ The Task Force should adopt regular operating procedures. Most legislative interim committees follow the "Rules, Procedures, and Guidelines for Interim Committees" established by the Legislative Council. The Task Force can also follow the "Rules, Procedures and Guidelines" or can decide its own rules and procedures.
 - ▶ HB 627 requires that the presiding officer and vice presiding officer are legislators. Tradition suggests that the officers be from different political parties, but not necessarily from the different houses. The members should also decide whether to accept proxies when voting.
- ✓ Action Item: Decide whether to accept proxies when voting
 - ✓ Action Item: Decide whether to adopt "Rules, Procedures, and Guidelines for Interim Committees"
 - ✓ Action Item: Election of Presiding Officer and Vice Presiding Officer

5:00 Adjourn

The Office of the State Appellate Public Defender has invited any Task Force member who is interested in seeing the OAPD offices to come to 555 Fuller Avenue immediately after the meeting adjourns.