

Provide that public defender services are delivered by qualified and competent counsel...

Agency/Program #: 6108-01-G2
 Division: Public Defender
 Program: Public Defender

Agency Name:	Office of Public Defender	
Agency Contact:	Harry Freebourn	496-6084
LFC Contact:	Senator Bales, Senator Gallus	
LFD Liaison:	Pat Gervais	444-1795
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Program or Project Description:

The Office of State Public Defender administers the statewide public defender system that delivers public defender services in all courts in Montana for criminal and certain civil cases for an individual who is determined to be financially unable to retain private counsel and who is accused of an offense that could result in the person's loss of life or liberty if convicted.

Appropriation, Expenditure and Source

Fund Name:	2008		2009		Approp & Expenditure numbers are as of June 30, 2009
	Approp.	Expended	Approp.	Expended	
General Fund					
State Special					
Federal Funds					
Total:	\$0	\$0	\$0	\$0	

Legislative Goal(s):

Provide that public defender services are delivered by qualified and competent counsel in a manner that is fair and consistent throughout the state

Legislative Performance Measures :

- # of attorney employee appraisals completed, number receiving satisfactory rating verses number receiving rating indicating improvement is needed
- # of proficiency evaluations of contract attorneys completed, number receiving satisfactory rating verses number receiving rating indicating improvement is needed
- # of training courses offered, attendees by type, and summary of post training survey on usefulness of training course
- # of complaints received

2009 Biennium Significant Milestones:

	Completion Dates	
	Target	Actual
OPD's target date to complete all attorney employee appraisals is	05/08	(IN PROCESS)
OPD's target date to complete all proficiency evaluations of contract attorney is	07/08	(IN PROCESS)
OPD's target date to provide a more detailed report identifying the number of complaints in the system is	Jan-08	(COMPLETED)

Agency Performance Report:**STAFF ATTORNEY PERFORMANCE EVALUATIONS**

The agency has fully completed evaluations on 40 of 114 staff attorneys or 35%. The agency estimates that 65% of the evaluations are substantially complete. There were 38 staff attorneys that received a satisfactory rating and two below satisfactory. The agency expects to have all required evaluations completed by mid-2010.

The agency's process is as follows: the Chief Public Defender evaluates all Regional Deputy Public Defenders. The Deputies evaluate their managing attorneys if they have one in their region, or the staff attorneys if there is no managing attorney. If a region has a managing attorney, then the manager evaluates the staff attorneys. This process is to be completed on an annual basis.

CONTRACT ATTORNEY PROFICIENCY EVALUATIONS

The agency has prepared a draft plan to evaluate the proficiency of the agency's contract attorneys. This plan also includes an estimated timeline for completion. The agency's plan is to have Regional Deputy Public Defenders evaluate the proficiency of each of the contract counsel that provides services within the region. Once the evaluation is complete, the agency's Contract Officer will review the results and assist the Deputy in addressing any issues.

The agency expects to begin this process in mid-2011 and complete it within a two year period. This two year period corresponds to the length of the agency's Memorandum of Understanding that is provided to each contract counsel.

LFD Narrative:

LFD Assessment: Progress report needed

Data Relevance: Data is relevant

Appropriation Status: None

Comments/Issues: Employee evaluations to be completed by mid-2010; contractor proficiency review within 2 years

Options:

--Change LFD assessment

--Release from reporting

--Determine date for future reporting

Version	Date	Author
AO-1	12/04/07	Gervais
AW-2	05/19/08	Gervais

Change Description
1st report
June 2008 update

LFD

AP-3	09/23/08	Gervais
D1	10/21/09	Gervais
D1	02/26/10	Gervais

Sept 2008 update
2011 biennium continuation
2011 biennium continuation