

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:	Representatives Sesso and Taylor	
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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.

Fund Name:	2008		2009		Approp & Expenditure numbers are as of April 15, 2008
	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
1	OPD's target date to complete all attorney employee appraisals is	05/08	(IN PROCESS)
2	OPD's target date to complete all proficiency evaluations of contract attorney is	07/08	(IN PROCESS)
3	OPD's target date to provide a more detailed report identifying the number of complaints in the system is	Jan-08	(COMPLETED)
4			
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Agency Performance Report:

1. The number of attorneys having been appraised to date is 20 out of a total number of 91 attorneys in program 1. Those receiving a rate of satisfactory were 19 vs those with less than satisfactory of 1.

2. The number of proficiency evaluations of contract attorneys complete to date is 30 vs a total number to complete of 209. Those receiving a rate of satisfactory were 29 vs those with less than satisfactory of 1 to date.

3. The number of training course offered during FY 2007 were 18.

The total attendance for the combined instruction of all courses FY 2007 is as follows:

552 FTE -Attorneys, 126 FTE -Non Attorney staff, 263 Non FTE contract attorneys, 49 Non FTE/non attorney professionals.

The number of training courses offered during FY 2008 to date have been 19. The total attendance for the combined instruction during FY 2008 is as follows: 375 FTE - Attorneys, 33 FTE - Non-Attorneys staff, 172 Non FTE Contract Attorneys, 20 Non FTE/Non Attorney professionals

Please see additional information regarding training provided by OPD.

4. The State Office of the Public Defender has developed a complaint log that is to be maintained at the regional level on a monthly basis. From the period of 7/1/07-4/30/08 we have received 120 written complaints. Attributes of these grievances have been generally captured as follows: Unresponsiveness 26% Failure to return phone calls 28% Failure to visit 17% Personality Clash 28% Ineffective assistance 50% Other 11% Each written complaint may list more than one grievance so these percentages do not equal 100%

Resolution to these complaints have been addressed as follows:

Mediation between Client & Counsel 46% Assignment of New Counsel 32% Other 34% Resolution may list more than one type of action so these percentages do not equal 100%

LFD Narrative:

LFD ASSESSMENT – Warning

DATA RELEVANCE - Agreed upon performance measures were reported

APPROPRIATION STATUS - not provided

COMMENTS/ISSUES - Given that less than 25 percent of the total performance appraisals and proficiency evaluations have been completed as of this report, it is unlikely that the goal to complete all of these by May (performance appraisals) and July (proficiency evaluations) will be achieved.

OPTIONS for Workgroup –

1. Accept and receive update in October
2. Accept and do not receive update in October



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

Change Description
1st report
June 2008 update