

OFFICE OF THE STATE PUBLIC DEFENDER

STRATEGIC PLAN

DRAFT – REVISED AT APRIL 26 and MAY 2, 2016 COMMITTEE MEETING

Mission

We provide effective assistance of counsel and equal access to justice to financially qualified individuals.

Vision

Represent our clients with skilled legal teams to assure that justice is served in a fair and balanced manner at a reasonable cost. Work more closely with stakeholders, and enhance public understanding of the importance of preserving fundamental rights for all the citizens of Montana.

Public Defender Commission—Goals for the Entire Agency

GOAL 1: REALIGN THE AGENCY TO MAXIMIZE EFFICIENCIES

Objective 1: Create a position of Chief Administrator to oversee non-legal administrative, managerial and operational aspects of the three existing programs, including budget issues, and assume primary responsibility for representing the agency and the Commission in legislative matters.

Performance Measurement: Evaluate at six months and following the 2017 Legislative Session by surveying key stakeholders, including legislators and the governor's office.

Interview applicants: May-June, 2016

Selection: June-July, 2016

Start: August-September, 2016

GOAL 2: DEVELOP A FORMULA TO IDENTIFY THE MOST COST-EFFECTIVE COMBINATIONS OF FTE POSITIONS AND CONTRACT ATTORNEY RESOURCES

Objective 1: Utilize agency data and report on actual costs of services and provide a cost-benefit analysis of services by FTE positions and by contract attorneys.

Performance Measurement: Reports generated from online billing system

Timetable: One year

Status: Pending data accumulation

GOAL 3: DEVELOP A MECHANISM TO ASSESS AND EVALUATE SUPPORT STAFF AND INVESTIGATOR WORKLOADS

Objective 1: Retain the services of an independent expert to track and analyze attorney, support staff and investigator hours spent on specific tasks.

Performance Measurements:

1. Obtain funding for time and workload study
2. Develop a Request for Proposals (RFP)

Timetable: Part of 2019 biennium budget request

Status: Pending

Objective 2: Develop a transparent formula to identify staff resources by program and by region. Use the data to support requests for resources and funding, and to support management decisions regarding staff resources necessary to meet estimated caseloads.

Performance Measurement: Develop a Request for Proposals (RFP)

Timetable: Part of 2019 biennium budget request

Status: Pending

GOAL 4: BUILD AND DEVELOP STRATEGIC RELATIONSHIPS WITH STAKEHOLDERS

Objective 1: Increase OPD presence on commissions, committees and meetings with stakeholders and participate in conferences.

Performance Measurement:

1. Maintain participation on commissions and committees, including Montana Board of Crime Control; Commission on Courts of Limited Jurisdiction; Forensic Science Laboratory Advisory Board; Governor's Protect Montana's Kids DN Task Force; Interim Commission on Sentencing; Law and Justice Interim Committee

Timetable:

Status: Ongoing

Performance Measurement:

2. Seek new opportunities to participate in meetings and conferences with stakeholders, as funds permit, in order to add value and services to both clients and staff.

Timetable:

Status: Ongoing

Objective 2: Expand usage of technology to encourage regular communication among stakeholders.

Performance Measurement: Improve OPD website

Timetable: Three months

Status: Ongoing cooperation with state ITSD staff to make improvements

GOAL 5: CONTINUE TO DEVELOP RELATIONSHIPS WITH MONTANA'S COLLEGES AND UNIVERSITIES AND INTERNSHIP AND TRAINING PROGRAMS

Objective 1: Continue to develop internship and training programs in conjunction with colleges, universities and the law school for the entire agency

Performance Measurement: Include in quarterly staff reports

Timetable: Ongoing

Status: Ongoing

Program 1, Public Defender Program

GOAL 1: ENSURE THE SYSTEM FOR PROVISION OF PUBLIC DEFENSE IS ACCOUNTABLE TO TAXPAYERS

Objective 1: Continue to apply statutory eligibility criteria to ensure that the State provides counsel at public expense only to those persons who are eligible for services.

Performance Measurement:

1. Collect and report on the total number of cases OPD is ordered to assign counsel, by region and fiscal year.

Timetable: Ongoing

Status: Included in Annual Report to the Governor, Legislature and Supreme Court

Performance Measurement:

2. Collect and report on the number of applications in which the client was found eligible for services, by basis for eligibility: income based; presumptive eligibility; substantial hardship

Timetable: Ongoing

Status: Include in quarterly staff reports

Performance Measurement:

3. Collect and report on the number of applications in which information was verified, by type

Timetable: Ongoing

Status: Include in quarterly staff reports

Performance Measurement:

4. Collect and report on the number of motions to rescind orders of appointment filed, by region and by basis for motion: applicant found ineligible based on information provided; applicant failed to provide sufficient information within the time periods set by OPD policy

Timetable:

Status: Will work with the Supreme Court Administrator

Performance Measurement:

5. Collect and report on the number of motions to rescind granted or denied, by region

Timetable:

Status: Will work with the Supreme Court Administrator

Performance Measurement:

6. Collect and report on the number of cases in which the court reappoints OPD to represent a person following motions to rescind, by region

Timetable:

Status: Will work with the Supreme Court Administrator

Performance Measurement:

7. Develop greater guidelines for use by Regional Deputy Public Defenders and eligibility specialists in the offices, in making “hardship” determinations using data from the online billing system.

Timetable:

Status:

Objective 2: Pursue efforts to address support staff turnover, which in turn creates difficulties in consistently and uniformly conducting the eligibility screening process.

Performance Measurement: Monitor turnover, continue to conduct exit interviews

Timetable: Ongoing

Status:

GOAL 2: DEVELOP AND MAINTAIN A CLIENT-CENTERED PRACTICE THAT PROMOTES EXCELLENCE

Objective 1: Maintain confidential intranet resources to enhance communication regarding current developments in law affecting our clients.

Performance Measurement: We are working on the web redesign and implementation of intranet resources

Timetable: Ongoing

Status:

Objective 2: Establish regular strategic planning meetings with managers and supervisors.

Performance Measurement: Conference calls, conferences/meetings

Timetable: Quarterly conference calls, biannual in-person meetings

Status:

Objective 3: Monitor and address issues relating to attorney workloads.

Performance measurement:

1. Continue to collect and report on attorney time-keeping in the case management system

Timetable: Ongoing

Status: Summarize in quarterly staff reports

Performance measurement:

2. Assess the case-weighting system, making changes where appropriate as determined by the joint Labor-Management Committee.

Timetable: Ongoing

Status: Ongoing

Objective 4: Take appropriate steps to limit OPD involvement in DN cases involving parents.

Performance measurement:

1. File motions to stay orders to assign counsel for parents who cannot be identified

Timetable:

Status: Legislation being proposed by OPD and by the Protect Montana Kids Commission

Performance measurement:

2. Pursue legislative amendments to DN statutes, to provide that putative parents whose identity is unknown will not be assigned a public defender.

Timetable:

Status: Legislation being proposed by OPD and by the Protect Montana Kids Commission

Objective 5: Assess whether, and under what circumstances/factors, OPD will continue to be involved in providing representation in treatment courts.

Performance measurement:

1. Develop practice standards for representation in treatment courts, if OPD remains involved.

Timetable: Create agenda item to determine policy for a future Commission meeting

Status: We have a draft of proposed Standards for Committee review.

Performance measurement:

2. Develop a “fixed fee” contract for representation by contract attorneys in treatment courts.

Timetable: Create agenda item to determine policy for a future Commission meeting

Status:

Objective 6: Assess OPD’s current standards and policy provisions relating to cases in which the client presents or files a complaint or grievance regarding the representation provided by counsel assigned to the case.

Performance measurement: We have a pilot project underway; need to have the change committee ratify

Timetable: Ongoing

Status: Prepare committee development report

GOAL 3: ENSURE THAT OUR CLIENTS’ RIGHTS TO EFFECTIVE REPRESENTATION ARE PRESERVED.

Objective 1: Ensure that our attorneys utilize an appropriate motions practice. Filing motions is often necessary to protect the constitutional rights of the criminally accused. An appropriate motions practice is indicative that a client is receiving quality representation. The absence of motions practice may be indicative that the attorneys have excessive workloads.

Performance measurement:

1. Collect data and report, by region, on the number of dispositive motions filed, by type: motion to suppress; motion to dismiss; or “other”

Timetable:

Status: Include in quarterly staff reports

Performance measurement:

2. Collect data and report, by region, on rulings on dispositive motions, by disposition: granted; denied.

Timetable:

Status: Include in quarterly staff reports

Objective 2: Take steps to ensure that cases are resolved in a timeframe most advantageous to our client. Prolonged litigation and repeated court appearances can negatively impact the client, especially when they are incarcerated. The timely resolution of a case clears docket space for indigent defense, the prosecution, and the judiciary.

Performance Measurement: Collect and report on the number of open cases, and the number of inactive cases.

Timetable:

Status: Include in quarterly staff reports

Objective 3: Monitor the dispositions and direct consequences to clients to measure case outcomes. Case outcome/disposition data is the foundation for evaluating all aspects of our delivery system. Caseload standards, motions practices, standards for representation and financial eligibility review processes all depend on the outcomes they produce.

Performance Measurements:

1. Collect and report on case outcomes, by region (in felony cases):
 - total number of criminal cases resolved in District Courts
 - nature of the disposition (plea agreement, open plea, jury trial, bench trial)
 - resolution (guilty, not guilty, dismissed)
 - whether PD fees were ordered and if so, the amount.

Timetable:

Status: Include in quarterly staff reports

Performance Measurements:

2. Collect and report on case outcomes, by region (in civil cases):
 - total number of civil cases resolved in District Courts
 - nature of the disposition (stipulation, contested case, relinquishment, open adoption)
 - resolution (termination, commitment, conservatorship, long term legal custody, guardianship, adoption, dismissal)

Timetable:

Status: Include in quarterly staff reports

Program 4, Commission/Chief Administrator Program

GOAL 1: CONTINUE TO ENSURE THE SYSTEM FOR THE PROVISION OF LEGAL SERVICES IS ACCOUNTABLE TO TAXPAYERS

Objective 1: Maintain Financial Transparency. The taxpayer has the right to know how tax dollars are being spent.

Performance Measurements:

1. Continue regular audits by Legislative Audit Division every two years
2. Continue audits of contract attorney claims

Timetable: Ongoing

Status: Ongoing

Objective 2: Continue to ensure that clients of the statewide public defender system pay reasonable costs for services provided by the system **based on the clients' financial ability to pay**. Courts will collect and report on assessments.

Performance Measurements: Collect and report on data available to OPD

Timetable: Ongoing

Status: Ongoing

Objective 3: Develop a communication plan to illustrate and explain the need to utilize both FTE positions and contract services.

Performance Measurement: Hire a communications position

Timetable: 18 months based on funding

Status:

Objective 4: Continue to ensure that the system uses taxpayer funds in a way that compensates service providers on a timely basis. Employees and contractors deserve to be paid on time for the work they do. Timely payment of private appointed counsel positively affects the retention and recruitment of quality indigent defense lawyers.

Performance Measurements: Percentage of claims paid within 30 days (17-8-242, MCA)

Timetable: Ongoing

Status: Ongoing

Objective 5: The development of the online billing system is underway. Once complete, analyze the data to develop a proposal to identify and implement case compensation limits, by case type and based on regional considerations.

Performance Measurements:

1. Invite contract attorneys and other stakeholders to provide input into the plan.

Timetable: Report to Commission after one year, or after 12/31/16

Status: Gather data to determine time spent by crime

Performance Measurements:

2. Identify specific criteria by which OPD management could approve requests for excess compensation payments to counsel when in management's judgment the case involves extended or complex representation and the amount certified is necessary to provide fair compensation and effective representation.

Timetable: To be effective after compensation limits by case type are developed and approved by Commission

Status:

Performance Measurements:

3. The plan will include a provision by which counsel will submit with the voucher a detailed memorandum supporting and justifying counsel's claim for compensation in excess of the case limit authorized in that region.

Timetable:

Status:

GOAL 2: ENHANCE LEADERSHIP AND MANAGEMENT SKILLS

Objective 1: Continue to enhance leadership and management skills by developing training programs and utilizing resources to support management skills development.

Performance Measurement: Provide opportunities to attorney and non-attorney managers to participate in management training

Timetable: Continue with twice per year in-person management trainings; quarterly management calls; incorporate leadership training into breakouts at annual conference; utilize relevant trainings available through the State Professional Development Center

Status: Ongoing

Objective 2: Enhance the ability of the Human Resources unit to provide management consultation and support, and enhance OPD's ability to identify and recruit to meet the needs of the agency and the people we serve.

Performance Measurement:

Timetable: Part of 2019 biennium budget request

Status: Pending

Objective 3: Identify sufficient Information Technology (IT) resources to meet agency technical priorities, and empower the full use of technical resources.

Performance Measurement: Review our IT resources to determine equipment and IT priorities: tablets, mobile apps for case management system

Timetable: Part of 2019 biennium budget request

Status: Pending

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