



Task Force on State Public Defender Operations

64th Montana Legislature

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Tentative Agenda

8:30 a.m., May 16, 2016 Room 137, State Capitol

Time Appx.

- 8:30 a.m. I. Call meeting to order - roll call: Rep. Dudik, Chairwoman
- 8:35 II. Status check regarding study plan: Dave Bohyer, LSD Research Director
- 8:40 III. Provide overview of what needs to be accomplished in remaining meetings: Chairwoman Dudik
- 8:45 IV. Committee Discussion: Member thoughts on information received to date and plans to finish work: Task Force members
- 9:00 V. Issue Review and Task Force Member Questions

This portion of the meeting will be devoted to brief presentations of new information recently provided to the Task Force and to questions from Task Force members.

Responses to Task Force requests for information from December 10 meeting: Dave Bohyer, LSD

Presentation and Discussion

1. Option for professional administration and management of OPD, OAPD, Conflict Coordination, Contract Management (LC6271)
2. Option to revise PD Commission duties as advisory only (LC6272)
3. Option for adding prosecutor to Public Defender Commission (LC6273)

Committee Questions Regarding:

4. Summary of Survey Responses
5. Options for Reorganizing Public Defender Commission (in process)
6. Comparisons of Public Defender Salary and Benefits (Done)
7. National guidelines for appointment of public defender for an absentee parent in Dependent Neglect (DN) cases (Done)
8. Applications for "hardship" determination and number of prosecutions for false swearing to income, assets, and expenses.
9. Options to improve "training". (pending)
10. Options to improve "retention". (pending)
11. Options to improve "caseloads". (pending)
12. Options to improve "accountability". (pending)
13. Reactions to PDC DRAFT Strategic Plan from: ACLU, courts, prosecutors, private bar, et al. (Memo sent to stakeholders)

Note: Staff will respond to Task Force members' questions regarding items 4 through 13 but will not present the information. The documents related to items 1 through 13 are posted on the Task Force's webpage at the "Meetings and Materials" tab.

10:00 BREAK

(over)

Time Appx.

- 10:15 VI. New Issues Presentations and Task Force Member Questions
- Ann Sherwood, Public Defender, Confederated Salish and Kootenai Tribes, on Holistic Public Defense
14. Ms. Sherwood will brief the Task Force members about her and the CSKT's experiences with holistic defense
- 10:35 VII. Legal Analyses of Various Issues: Julie Johnson, LSD
- Presentation and Discussion
15. Option of Administrative Filing Fee and DOJ Letter
16. Open Adoptions
17. Indigency Determination
- Committee Questions Regarding:
18. Statutory Separation of PDC, OPD, OAPD, and CCO
19. Appointment of Counsel on Contempt Charge
20. Minimum Legal Requirements for Appointment of Counsel in DN Cases
21. Legal Guidelines for Treatment Courts
22. Soft Caps
23. Pretrial Diversion
- Note: Staff will respond to Task Force members' questions regarding items 18 through 23 but will not present the information. The documents related to items 15 through 23 are posted on the Task Force's webpage at the "Meetings and Materials" tab.*
- 12:00 WORKING LUNCH: Committee Conversation
- 1:00 p.m. VIII. Public Defender Commission -- Draft Strategic Plan
24. Bonnie Olson, Public Defender Council
25. Public comment on the PDC Draft Strategic Plan
a. Jim Taylor, ACLU Montana
- 2:00 IX. OPD Responses and Issues
26. OPD Flowchart: Eligibility Determination and Fees
27. OPD Options for collection of section 46-8-113, MCA, fees
28. OPD: Historical actions for OPD funding requests; supplementals; SB 410
29. OPD Agency Reorganization - Complement to the Strategic Plan
30. Other issues
- 3:00 X. Public Comment: The Task Force will entertain public comment on any topic within the Task Force's purview and within guidelines established by the Presiding Officer.
- BREAK
- 3:30 XI. Task Force Work Session
This portion of the meeting will be devoted to Task Force members discussing findings on and recommendations for improving OPD operations.
- 5:30 XII. Adjourn