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TO: Public Defender Commissioners, Staff, and Attorneys

FROM: Kenneth R. Olson

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I have been on this Commission for about two years. I have reviewed with interest and some dismay, Jim Taylor's resignation letter. The dismay arises from the timing and the attendant negative article in the Helena newspaper. I have tremendous respect for Jim Taylor and all that he has contributed to this system, in its inception, creation and nurturing. He is owed great respect and gratitude for his vision, effort and devotion.

I don't presume to know Mr. Taylor's thoughts other than what he's expressed in his letter. Nor do I choose to debate with him nor attempt to change his mind. I do believe the American University study, which I know Mr. Taylor was instrumental in bringing about, has caused everyone in the system to focus on improving it. I have had the unique opportunity to observe its effect. Change does not occur overnight, nor does it occur without resistance and setbacks. But, I believe that significant change has occurred, and is occurring, particularly due to the system's reaction to the AU study. I hope that Jim Taylor can take some satisfaction in that fact.

Changes that I've seen and have been pleased with are these:

- 1) I have listened to Former Commission Chairman Mike Sherwood praise Randi Hood's effort in getting this program up and operating from scratch. Surely that was a most daunting task. I am not privy to all the machinations and relationships that were engendered in the early years. I have listened to complaints about Randi's leadership from different sources. I am not naive enough to believe that some of the complaints, including Mr. Taylor's, may have some basis in fact.

But I can only form opinions based on what I know. As a Commissioner, I have been pleased that, when an issue arises, it is promptly dealt with by the office. I agree with Mr. Taylor that we are lucky to have Harry Freebourne's services and echo his praise of Harry's contributions. But I have seen Randi Hood, Harry, Cathy Doyle, and their staff pull together to address constantly arising issues. I have not seen resistance nor complaints but, instead, compliance or good faith attempts at same.

The Commission has made consistent demands on Randi Hood and the main office. We have had prompt responses. I have seen a great effort to make things work. I don't know what happened before to cause Mr. Taylor to question Randi's leadership. But, speaking only for myself, over the last two years, I've seen nothing that would cause me to believe she needs to be replaced.

- 2) The efforts of Mike Sherwood caused the Commission to try to make the process and operation more open to everyone in the system. We've established liaisons. We've held meetings where "the troops" have had the opportunity to meet face-to-face with Commissioners. They are free to tell us their problems and complaints. Many of them have had the courage and the commitment to do so. That opportunity to communicate remains and is encouraged.

At Commission meetings, we now have most regional deputies, several FTEs, contract attorneys, staff members, and others in attendance. I believe we have had more feedback, accessibility, and discourse now than when I was first a Commissioner. As a Commission, we've addressed problems in Kalispell, Billings, and Missoula when we've become aware of them. Are there still problems? Sure. Do we still fall short at times? Certainly. But, my perception is that we have a much more open, cooperative, and engaged group of people - across the board - that we did when I became a part of the Commission.

The AU criticisms have all been addressed. It has caused us all to make many needed changes and they are occurring. Our information gathering system has been very greatly improved. Our attorneys, FTEs and contractors, are cooperating to input data relating to case openings and closings. Our case weighting system is in place and providing better and much needed information. All our personnel have been evaluated. I believe significant efforts are being made, by everyone, to improve the system.

- 3) I applaud the effort that has gone into addressing the AU criticisms which were identified. I don't believe the public appreciates the efforts that have been made. Recently, I attended the Legislative Committee meeting regarding our budget. I was pleased to see that it was well attended by staff, regional deputies, FTEs, contract attorneys, union reps, Commission members, and many others in support of our goals. As I recall, we had difficulty getting such a response at the legislative hearings at the last legislative session. People are more much engaged.

Mr. Taylor mentioned that "the Commission has failed thus far in its efforts to obtain a reasonable hourly rate of compensation for the contract attorneys ..." We haven't "failed" in the sense that we haven't tried. We are trying once again to convince the Legislature to increase the funding. It is woefully low. We all know that. But, in the end, we are at the mercy of the Legislature. We all share Jim's frustration in this regard.

I am proud of the effort Fritz Gillespie has made as our new chairman. He has provided effective leadership and dedicated a great deal of time and effort to the tasks at hand. He is to be commended.

- 4) Lastly, as a Commissioner, and a criminal defense lawyer, I realize that this system can only work effectively, through the efforts of those in the trenches. It is not easy work, especially with the pay that is available. I hope that our "troops" do not believe their efforts are not appreciated by our Commission members. They are appreciated very much.

It is very easy to become discouraged. But I would urge all to keep the faith, keep up the good work that you are doing, and keep striving to improve the system. I don't know that it is necessary to tear it down in order to improve it. I believe that, as a Commission, we certainly have the will to keep improving the system. Hopefully, the Legislature will listen to the strong case that has been made to fund the pay ladder, approve hiring new FTEs and increase the hourly rate for the many fine contract attorneys. If it does not happen, it will not be due to a lack of concern, effort or will of anyone in the system, including the members of the Public Defender Commission.

Best regards and thanks to all.

/s/

Kenneth R. Olson

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