OFFICE OF THE STATE PUBLIC DEFENDER

Presentation to

THE SECTION D APPROPRIATIONS SUBCOMMITTEE

JANUARY 2013

Office of the State Public Defender

EXHIBIT 2
DATE 01/16/2013
HB Joint Approps Sub Judicial

What is the public purpose being addressed and what makes it important?

Mission: The mission of the Office of the State Public Defender (OPD) is to provide effective assistance of counsel to indigent persons accused of crimes and other persons in civil cases who are entitled to the assistance of counsel at public expense.

The agency helps clients understand their legal rights in a very complex legal environment.

Footnote: see a detailed mission statement in the appendix

Office of the State Public Defender

What is the public purpose being addressed and what makes it important?

The agency began providing services to clients on July 1, 2006 (FY 2007), so it has been in operation about 6 ½ years. Prior to that date services were provided by counties and cities.

The statewide system was formed to address certain legal issues brought forth by the American Civil Liberties Union (ACLU).

OPD is an integral part of the criminal justice system.

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What is authorized and how?

The agency operates under Title 47, the Montana Public Defender Act.

The constitutions of the United States and the State of Montana guarantee the right to counsel where fundamental liberty interests are at stake.

In Montana, minors have the same right to counsel as adults.

Footnote: refer to the MCA for the complete rendition of Title 47

Office of the State Public Defender

Supervision of the Agency

The agency is supervised by the Montana Public Defender Commission, an 11-member committee nominated by various groups and appointed by the Governor.

Daily operations are managed by the Chief Public Defender, the Chief Appellate Defender, and the Conflict Coordinator.

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System Challenges

- Growing caseloads creating excess workloads
  - Historic case growth during FY 2012:
  - 12% or 3,200 new cases in public defense
  - 17% increase or 32 new direct appeals
  - Over 800 case increase in dependent and neglect cases
  - Most attorneys are at or over the maximum recommended caseloads as indicated by the Case Weighting System
  - Expanding number of courts to serve
  - Currently handling two capital cases in eastern Montana
  - Developing a plan to halt the intake of certain cases
  - Growth in eastern Montana

- Recruitment and retention of qualified attorneys and support staff
  - 27% attorney turnover in public defense and 44% turnover in appellate defense
  - 36% turnover in support staff in public defense
  - Most departing employees cite low pay and excess workloads
  - Inadequate pool of contract attorneys
  - Contract attorney hourly rate has not increased in many years and is not competitive which impacts the ability to recruit contract attorneys

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Pay Challenges

What difficulty is the agency experiencing in following the agency pay rules?

The agency is not able to fully comply with its rules under Policy 540, Broadband Pay Plan, especially section 3 of the policy that outlines the agency's objectives in administering pay. This section states that "[the objective is to be] . . . externally competitive and sufficiently motivating to more closely reflect an employee's true value to the organization . . ."

Non-compliance is mainly due to two facts:

(1) OPD is using 2006 markets in its pay plan and union contracts to set employee pay levels, making it difficult to recruit and retain a skilled and stable workforce since competitors pay more; and

(2) the agency is unable to make wage adjustments in special pay categories to reward employees, which frustrates the workforce.

Low pay on top of excess workload is the main contributing factor to the agency's extremely high turnover in attorney, administrative, and investigator positions. Excessive turnover places burdens on management and the retained workforce and diverts attention from serving clients.

- In FY 2012 the agency lost over one fourth of its public defender attorney, administrative, and investigative workforce. *(See graphs on pages 30 and 31.)*
- It also lost nearly half of its appellate defender workforce. *(See graph on page 36.)*

It will be a challenge for the agency to continue to serve its mission of providing effective assistance of counsel with this level of turnover.

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Pay Challenges

What was the agency's pay philosophy when it implemented the 2013 biennium pay adjustments?

The agency is authorized 208.50 positions for the 2013 biennium.

- Collective bargaining is key in setting the agency's pay philosophy. During the 2013 biennium the agency will follow the pay ladders in the collective bargaining agreements.
- 165 positions or 75% are represented by two collective bargaining agreements, one for staff attorneys and the other for the administrative and investigative workforce.
- Under the current attorney agreement the agency can place individuals into a pay range based upon relevant experience levels and/or complexity of work.
- Under the support staff and investigator agreement individuals are placed into a pay range based upon years of experience with the agency.
- In both bargaining units pay ranges were developed using 2006 market data.

The appellate program is not unionized but follows the union pay ladders.

Certain nonunion employees received a pay adjustment for FY 2012.

Managers have seen the difference between their pay vs. those they supervise decrease during the 2013 biennium. Exempt employees did not receive a pay adjustment.

Pay for the Chief Public Defender position was decreased from $94,000 to $87,000 during FY 2012.

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Pay Challenges

What will be the agency's pay philosophy for the 2015 biennium and beyond?

The agency intends to make its pay competitive within the labor market in which it operates. This will attract the right level of employee skill sets to meet its mission and retain employees once hired.

To prepare for the 2015 biennium budget, agency management worked with the leadership of the American Federation of State County and Municipal Employees (AFSCME) to conduct an attorney salary survey including government attorneys in cities and counties where there are public defender offices as well as attorneys in certain other state agencies. The salary survey was the basis for a decision package for the 2015 biennium to create pay parity between the public defender workforce and their counterparts doing similar work.

Attorney pay per the survey will not address pay disparities with other state agencies (see the important note below).

The agency will assess its ability to adopt more current market rates of pay within the administrative and investigative bargaining unit as well.

Contract negotiations with both bargaining units are expected during the 2013 biennium, which may have financial effects for the 2015 biennium.

The agency is also undergoing an independent work classification study. The financial effect, if any, is not yet known.

- **An important note:** The 2012 market data provided by the State Human Resource Division for Lawyers indicates that Lawyers classified in pay band 7 would have a competitive minimum pay zone of $71,016 to the maximum pay zone of $110,843 with the market mid-point rate of $90,930. Since the inception of the statewide public defender system the agency has not been funded adequately to adopt the State of Montana market information used by other state agencies when setting pay for Lawyers. OPD Lawyers are at only 60% compared to the market mid-point. Overall the agency is at 67% of market with the next lowest agency average at 78%.
- The public defender pay ladder is based on a previous salary survey of county, city, and other state agency lawyers that averages pay. A mid-point attorney now makes a base salary of $58,762. The 2012 pay study would adjust this amount to $67,792. This is still much lower than the $90,930 attorney pay mid-point as noted above.

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Pay Challenges

Describe the agency's experience in effectively competing for qualified applicants to fill vacant positions.

The agency recruits on an on-going basis to establish an attorney applicant pool for use as openings occur statewide.

- There has been an increased need for entry level applicants in the last year, lowering the overall experience level of the agency and straining its ability to effectively serve clients.
- Over the last biennium the agency replaced 42 attorney positions or 39.6% of the total staff attorneys. Of these, 38 were new hires to the agency, with 33 hired at the entry salary because they met the minimum qualifications but had no experience as attorneys.
- Factors contributing to attorney turnover include salaries that are not competitive and high stress and caseloads. In addition, many attorneys view public defender positions as temporary jobs on their career path and some find working with indigent clients difficult.

There has also been an increase in support staff turnover (legal assistants, investigators, and other administrative staff).

- Over the last biennium the agency filled approximately 31 support positions or 39.5% of the total support staff.
- Factors contributing to staff turnover for this workforce are similar to those noted above. In some locations a number of qualified applicants have rejected job offers due to the salary and benefits provided by the state in comparison to other job opportunities offered by cities, counties, and the private sector.
- Recruiting is conducted as a vacancy occurs, resulting in a delay in filling positions up to 6 – 8 weeks from start to finish.
- During the past two fiscal years, the number of qualified applicants for any posted job has decreased significantly from that experienced in prior years.

Recruiting and retaining a workforce in eastern Montana has been especially difficult, partly due to the availability of housing and other services.

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Pay Challenges

Are there any occupations with high turnover rates or high rates of vacancies because of factors other than keeping positions open to manage applied vacancy savings?

- Over one-fourth of the agency's public defender attorneys, investigators, and administrative staff departed during FY 2012.
- Nearly one-half of the appellate attorney workforce departed during the same period.
- Most departing cited low pay and excessive workload as the reason for departure.

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Pay Challenges

What actions have been taken to address the factors that are causing turnover or frequent vacancies?

- The agency developed a budget request for the 2013 legislative session to create pay parity for attorneys.
- The agency also anticipates that non-attorney positions will receive pay adjustments that will put them in line with prevailing labor markets.
- These actions will hopefully decrease turnover and help the agency recruit the right skill sets to serve its mission.

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Pay Challenges

How did these vacancies affect agency operations?

When an attorney leaves the agency, their caseload must be either distributed to the remaining workforce or given to a contractor until the vacancy is filled.

- This increases workload for remaining staff and affects the time that can be spent on any one case.
- There is also an increase in contract attorney costs as the full time workforce becomes saturated with work.

Vacancies result in increased expenditures.

- Departing employees receive payouts of unused leave balances.
- Vacancies result in increased overtime for the staff employees trying to service additional clients under strict judicial time limits.
- Any vacancy savings in payroll is offset by an increase in contract dollars.

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Pay Challenges

What portion of the agency workforce is eligible for early or regular retirement in the 2015 biennium?

As of now, 21% percent of the current workforce will be eligible for early or regular retirements at some point during the 2015 biennium.

Does the agency anticipate retirements between now and the end of the 2015 biennium that could impact operations?

Some key staff and/or some with specialized skill sets are part of the above calculation for early or regular retirement during the 2015 biennium.

The agency will conduct succession planning before the end of the current biennium to cover possible retirements in these positions.

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Programs

The agency has two programs:

Program 1: The Public Defender Program

Program 2: The Appellate Defender Program

The Conflict Office serves both programs

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Program 1:
The Public Defender Program

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Program 1 Services

The public defender program provides assistance of counsel to individuals that qualify under Title 47 including:

- Persons determined to be indigent in criminal cases and parents or children involved in dependent/neglect cases
- Respondents in proceedings for involuntary commitment
- Persons who are the subject of a petition for the appointment of a guardian
- Youths in youth court
- Clients served by specialty courts

- **What kind of cases do we do?**
- **What is the cost of not doing our function or not doing it right?**

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Program 1 Serves the Entire State

To serve its clients the public defender program has 14 offices in 11 regions throughout the state.

These offices serve clients in all 56 district courts, 151 courts of limited jurisdiction, and about 20 specialty courts (DUI, family, drug, mental health).

The system received 30,912 new cases during FY 2012. The five-year average is over 28,000 new cases per year.

The five-year average case growth rate is 3.9% which is an increase of over 1,200 cases per year.

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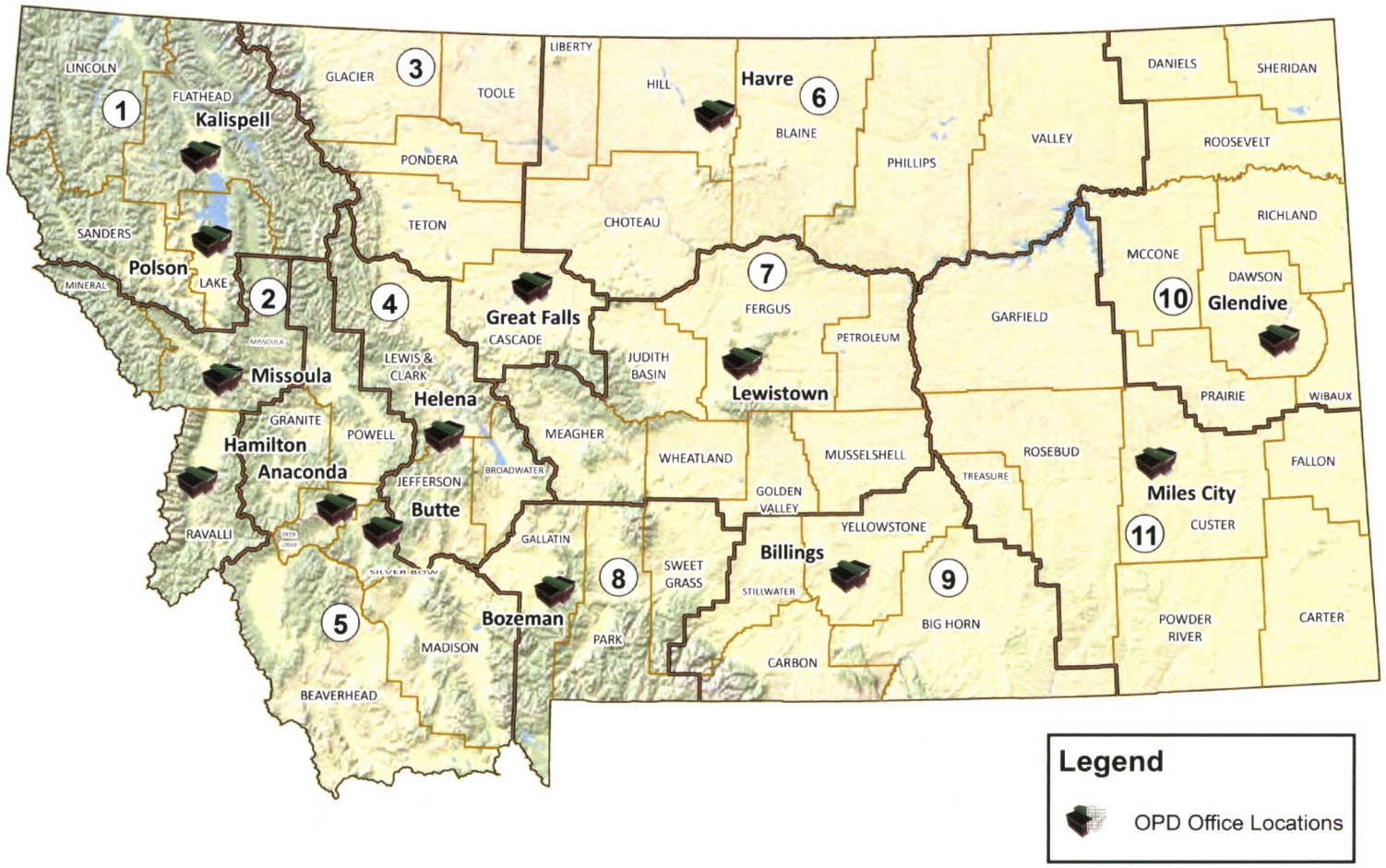
MAP OF REGIONS – SEE THE APPENDIX FOR MORE DETAILS ON EACH REGION



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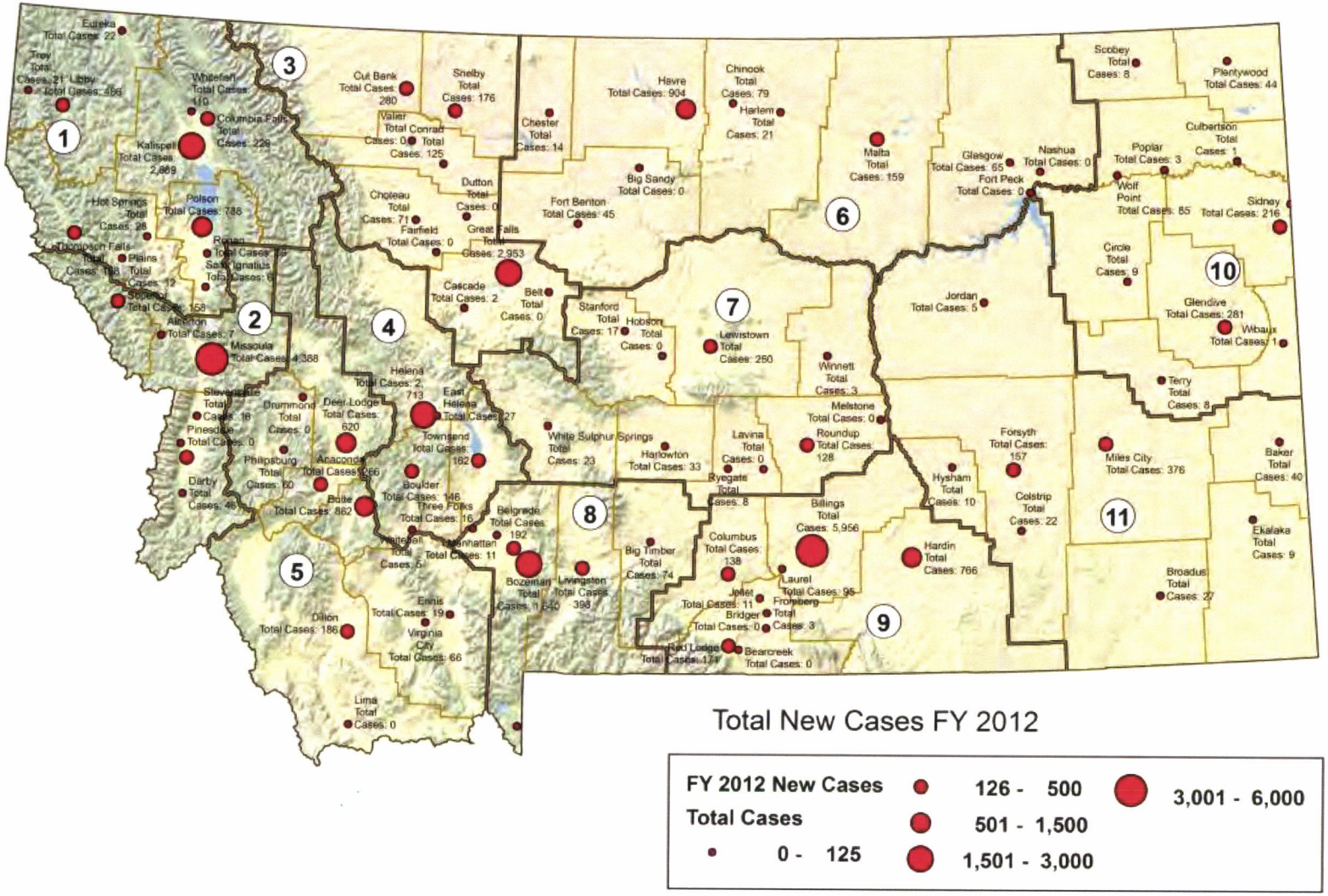
TOTAL NEW CASES BY CITY – FY 2012



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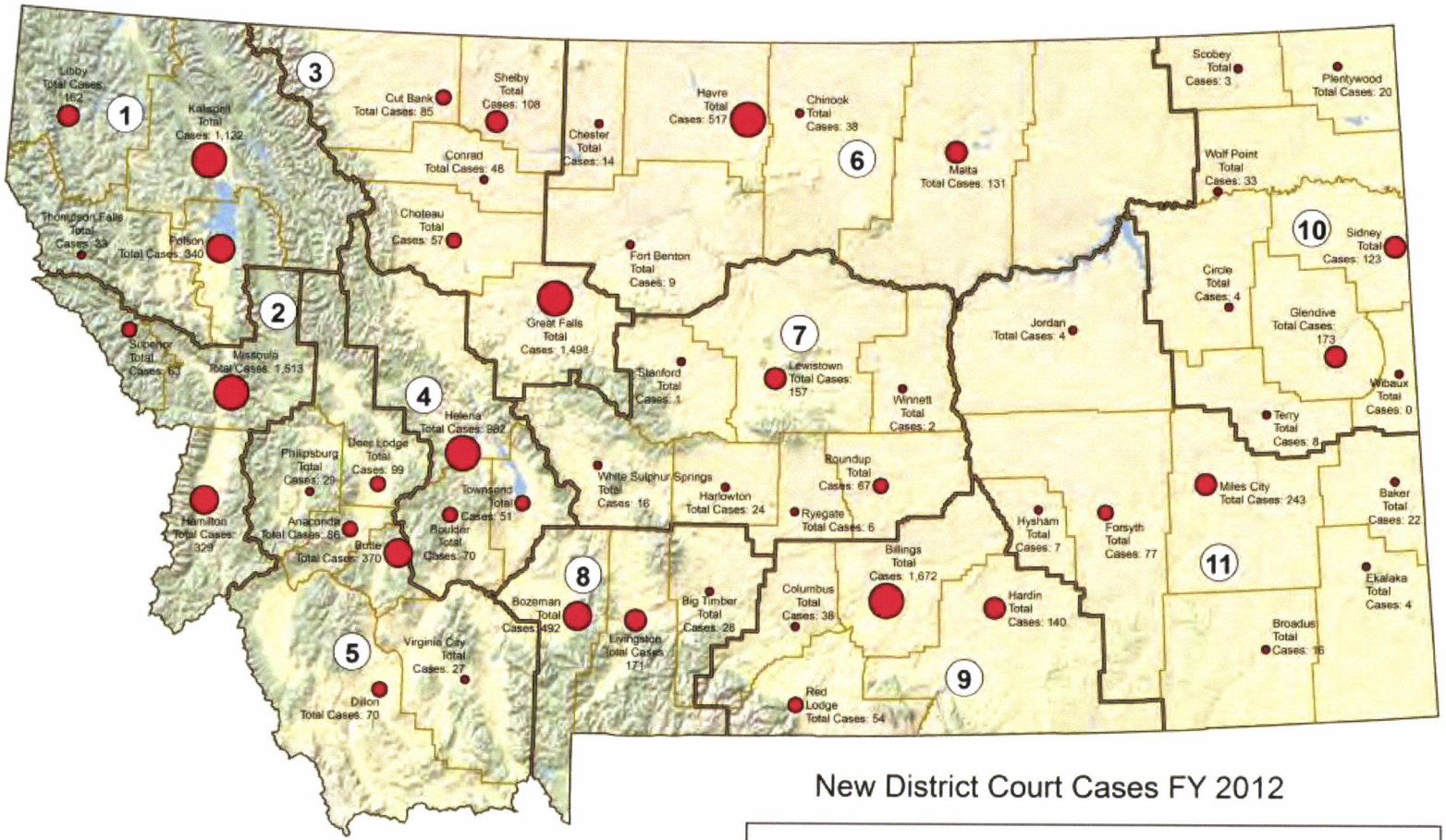
NEW DISTRICT COURT CASES BY CITY – FY 2012



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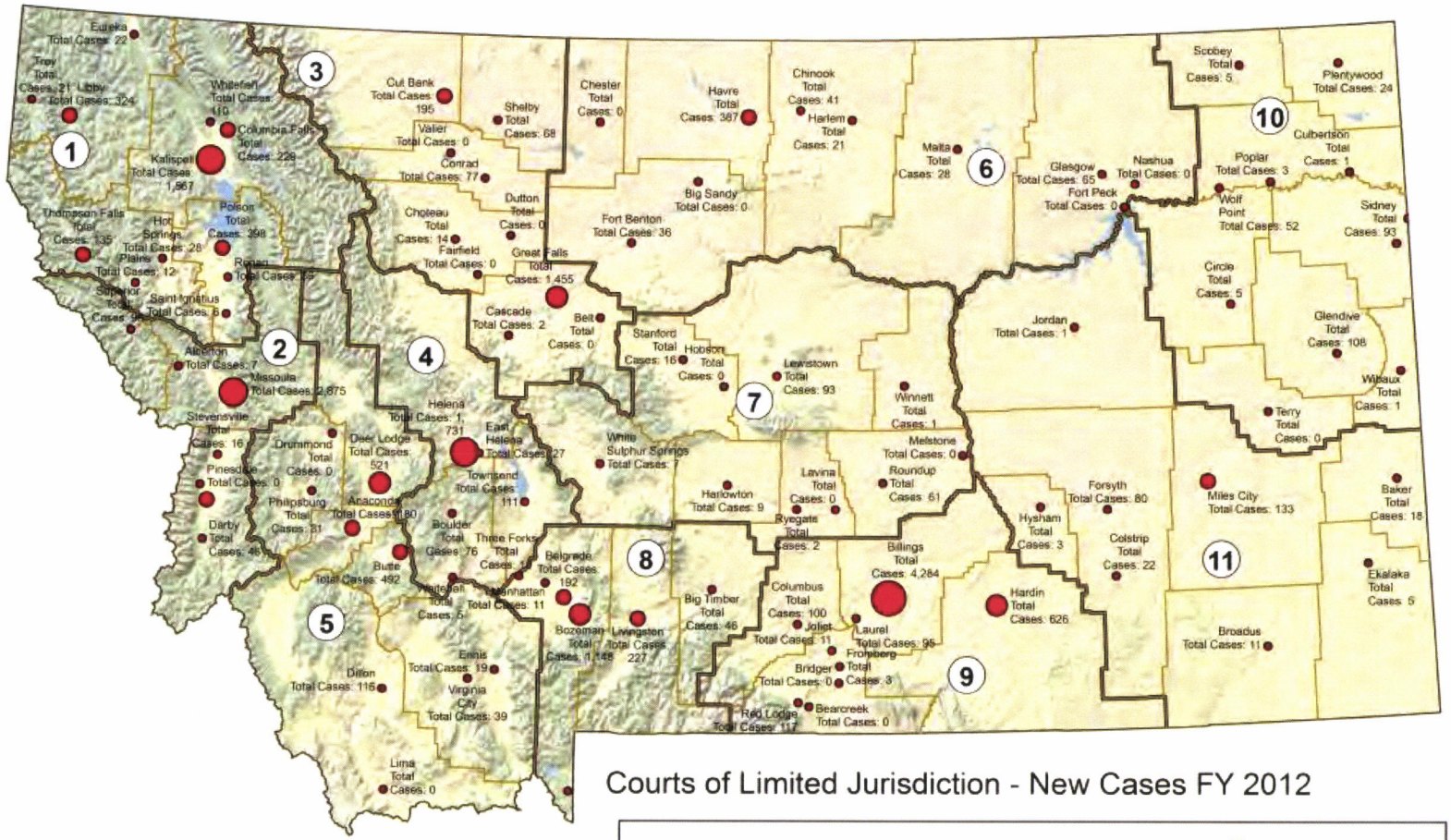
NEW CASES FOR COURTS OF LIMITED JURISDICTION BY CITY – FY 2012



Courts of Limited Jurisdiction - New Cases FY 2012

FY 2012 New Cases Courts of Limited Jurisdiction		
0 - 125	126 - 500	3,001 - 6,000
	501 - 1,500	
	1,501 - 3,000	

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Program 1 Staffing

To serve its clients the public defender program has 180.25 authorized FTE and uses over 220 contract attorneys, investigators, and mental health consultants.

The program also contains a central services function with 18.25 authorized FTE. Central Services also serves the Appellate Program and the Conflict Office.

Central Services include commission support, executive management, accounting, payroll, human resources, training, contract management, budgeting, and information technology support.

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Program 1 – Case Types

The public defender program serves both civil and criminal cases in all 56 District Courts and the 151 Courts of Limited Jurisdiction. It also serves about 20 specialty courts.

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Program 1– Criminal Practice

These are the criminal cases served by the public defender program in the 56 District Courts:

	FY 08	FY09	FY10	FY 11	FY12
Criminal Case Costs	$ 7,977,946	$ 7,644,937	$ 8,093,664	$ 8,844,433	$ 9,202,367
Criminal Cases	5,523	6,124	5,708	5,660	5,988
Juvenile Case Costs	$ 780,783	$ 902,133	$ 724,877	$ 732,199	$ 884,832
Juvenile Cases	959	1,060	917	971	1,081

These are the criminal cases served by the public defender program in the 151 Courts of Limited Jurisdiction:

	FY 08	FY09	FY10	FY 11	FY12
Ltd. Courts Case Costs	$ 5,635,112	$ 6,272,573	$ 5,646,675	$ 5,506,968	$ 6,212,564
Ltd. Courts Cases	16,910	18,109	17,721	17,677	19,456

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Program 1 – Civil Practice

These are the civil cases served by the public defender program in the 56 District Courts:

		FY 08	FY09	FY10	FY 11	FY12
Guardianship Costs	$	127,313	$ 149,643	$ 130,219	$ 141,809	$ 187,912
Guardianship Cases		248	244	212	222	268
Involuntary Commit. Costs	$	428,640	$ 468,789	$ 350,286	$ 338,180	$ 273,614
Involuntary Commit. Cases		735	807	844	915	1,058
Dependent & Neglect Costs	$	1,991,178	$ 2,321,566	$ 2,608,949	$ 2,803,717	$ 3,117,383
Dependent & Neglect Cases		2,181	2,073	2,258	2,219	3,061

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Program 1 Challenges

- Growing caseloads creating excess workloads
  - 5-year average 3.9% increase – average increase of 1,200 cases per year
  - Historic growth during FY 2012 of 12% or 3,200 cases more than previous year
  - Over 800 case increase in dependent and neglect cases
  - Most attorneys are at or over the maximum recommended caseloads as indicated by the Case Weighting System
  - Expanding number of courts to serve
  - Currently handling two capital cases in eastern Montana
  - Developing a plan to halt the intake of certain cases
  - Growth in eastern Montana

- Recruitment and retention of qualified attorneys and support staff
  - 27% attorney turnover
  - 36% turnover in support staff
  - Most departing employees cite low pay and excess workloads
  - Inadequate pool of contract attorneys
  - Contract attorney hourly rate has not increased in many years and is not competitive which impacts the ability to recruit contract attorneys

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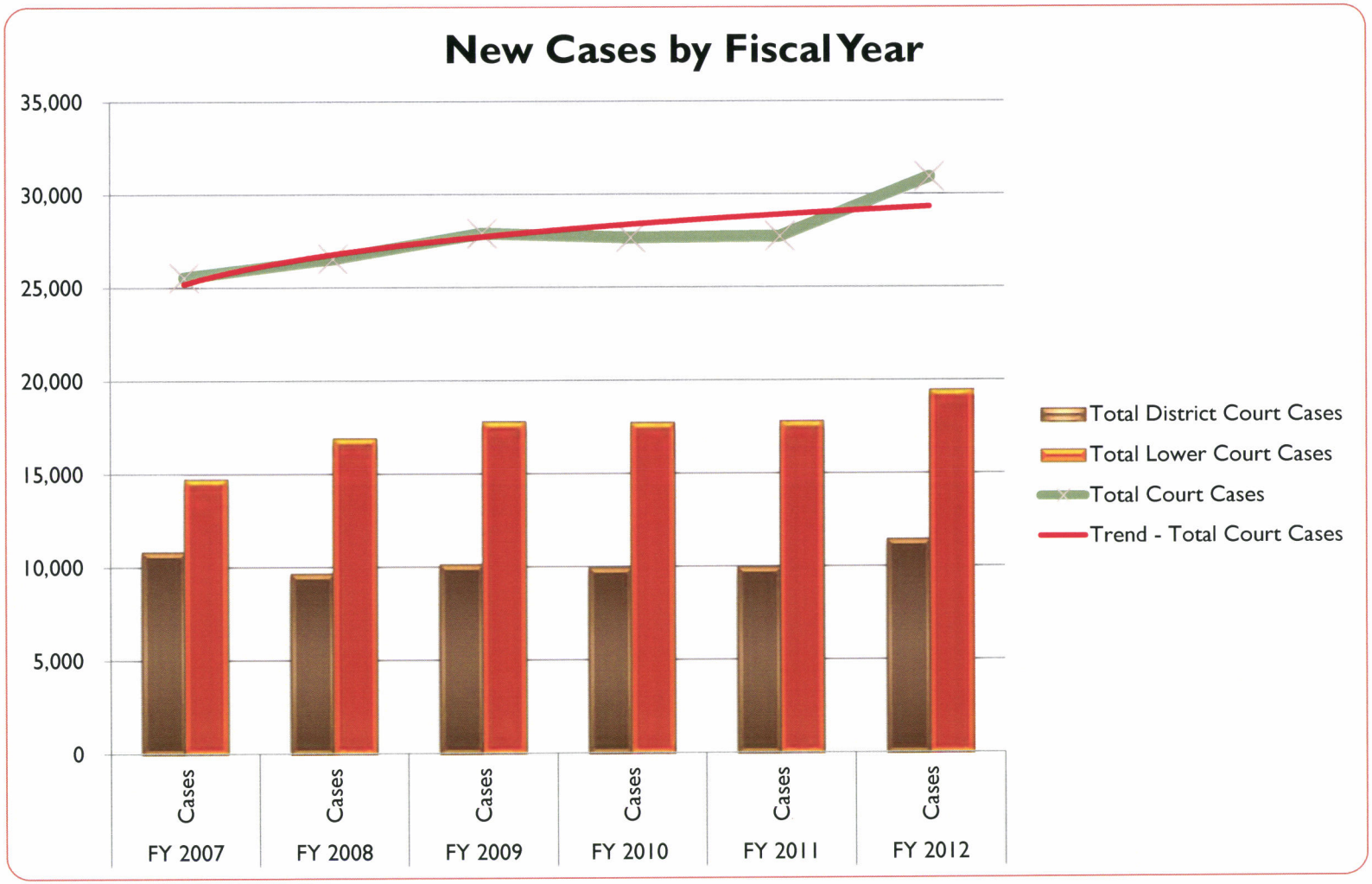
Program 1: New Cases by Court by Fiscal Year



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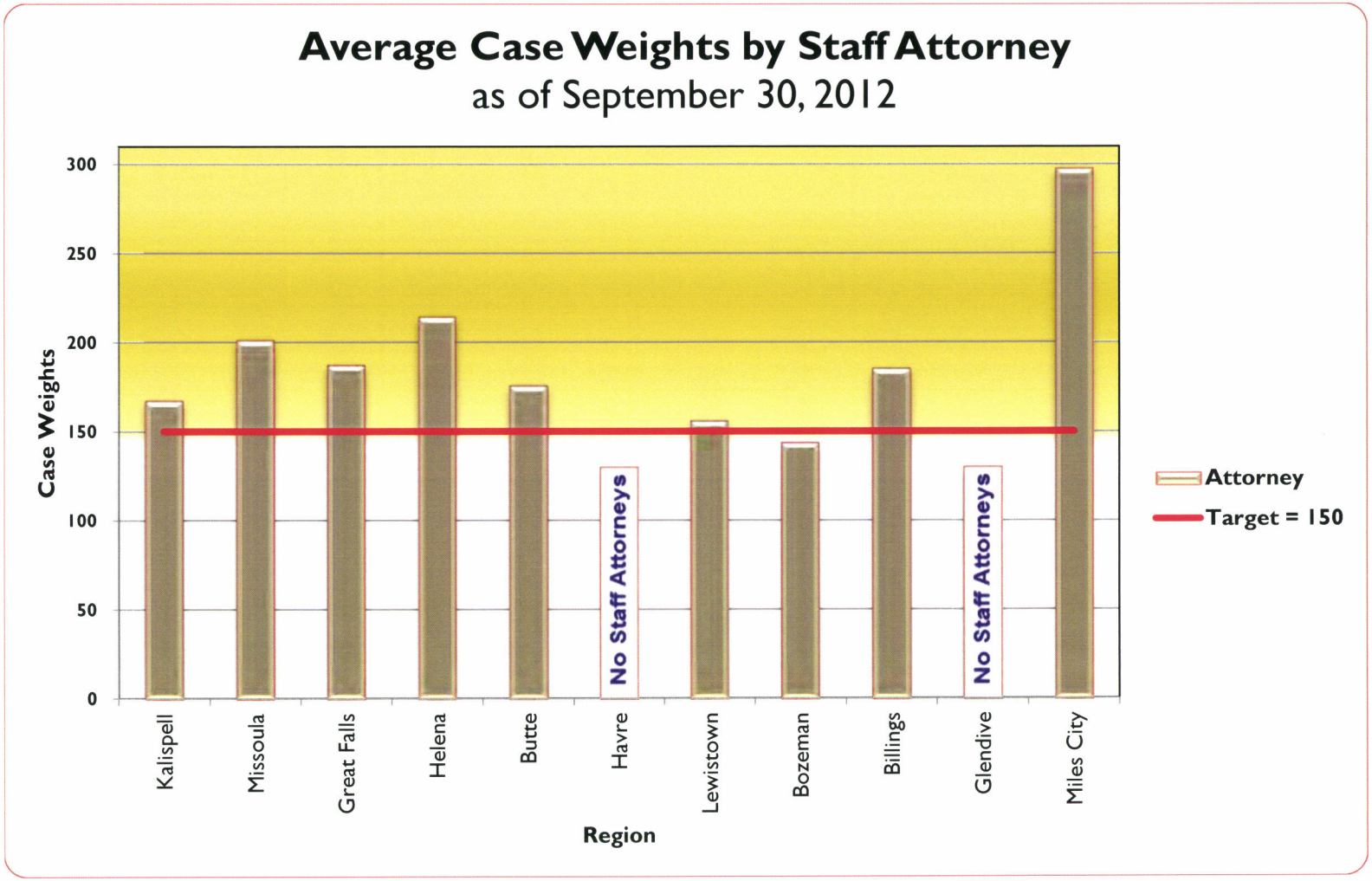
Program 1: Case Weighting System



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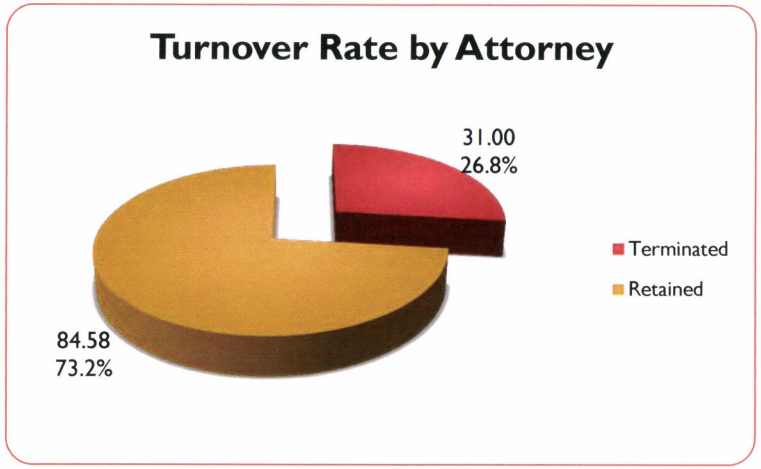
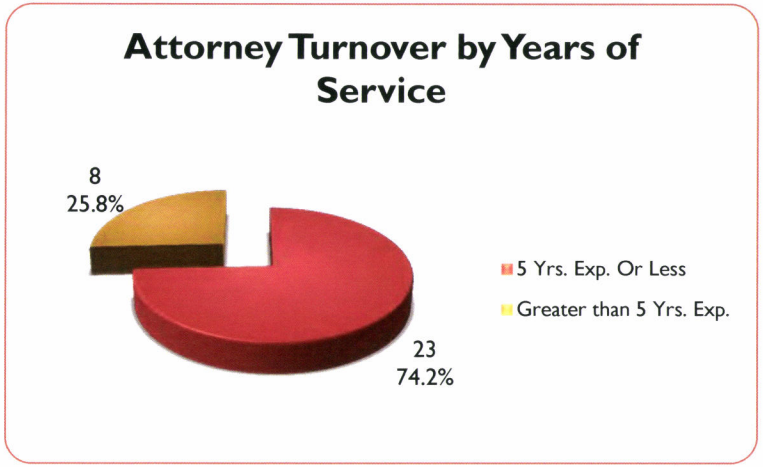
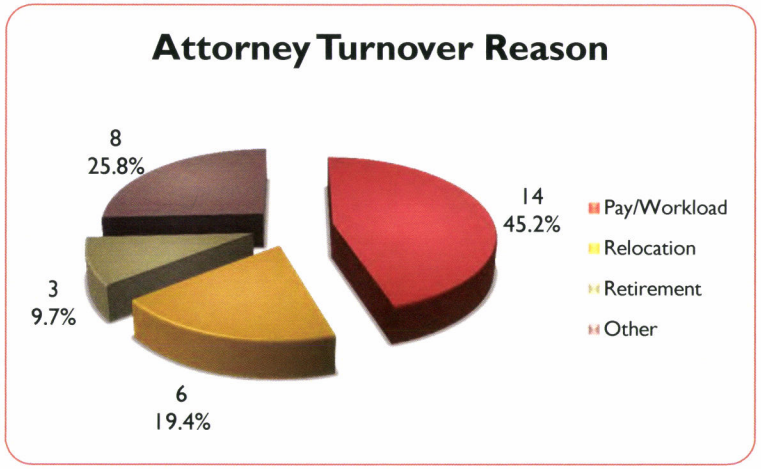
Program 1: Attorney Turnover Analysis

for the Period 7/1/2011- 6/30/2012







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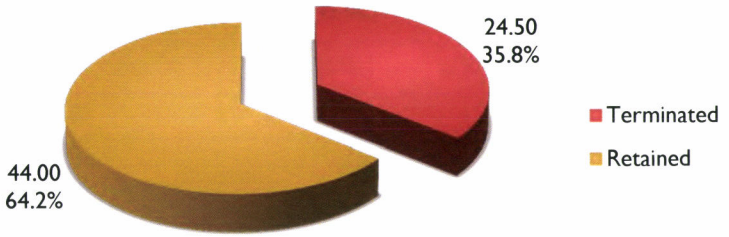
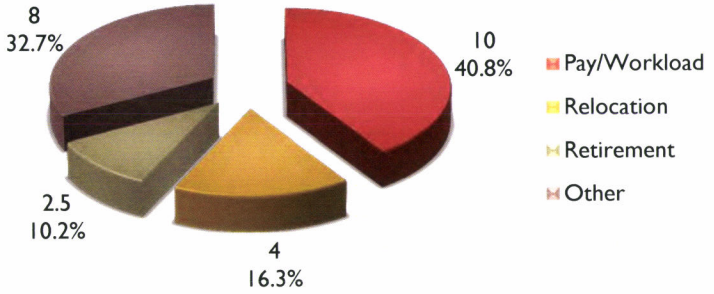
Program 1: Support Staff Turnover Analysis

for the Period 7/1/2011- 6/30/2012

Turnover Rate by Admin. Staff



Admin. Support Turnover Reason



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Program 2:
Appellate Defender Office

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Program 2 Services

The appellate defender program provides appellate services to individuals in criminal, dependent and neglect, involuntary commitment and juvenile matters. Services are rendered pursuant to Title 47 and the post conviction relief (PCR) statutes. The program serves the Supreme Court. The main office is located in Helena with a branch office in Missoula. The Appellate Defender Program has 11.0 FTE (9.0 attorney and 2.0 support staff)

During FY 2012 the program opened 1 writ, 6 PCRs, and 218 direct appeals.

The program has 9.0 authorized FTE attorneys and approximately 10 contract attorneys.

- **What kind of cases do we do?**
- **What is the cost of not doing our function or not doing it right?**

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Program 2 Challenges

- Growing caseloads creating excess workloads
  - 17% increase in direct appeals – 32 more appeals year over year in FY 2012
  - Most attorneys are at or over the maximum recommended caseloads

- Recruitment and retention of qualified attorneys and support staff
  - 44% attorney turnover
  - Most departing cite low pay and excess workloads
  - Inadequate pool of contract attorneys
  - Contract attorney hourly rate has not increased in many years and is not competitive which impacts the ability to recruit contract attorneys

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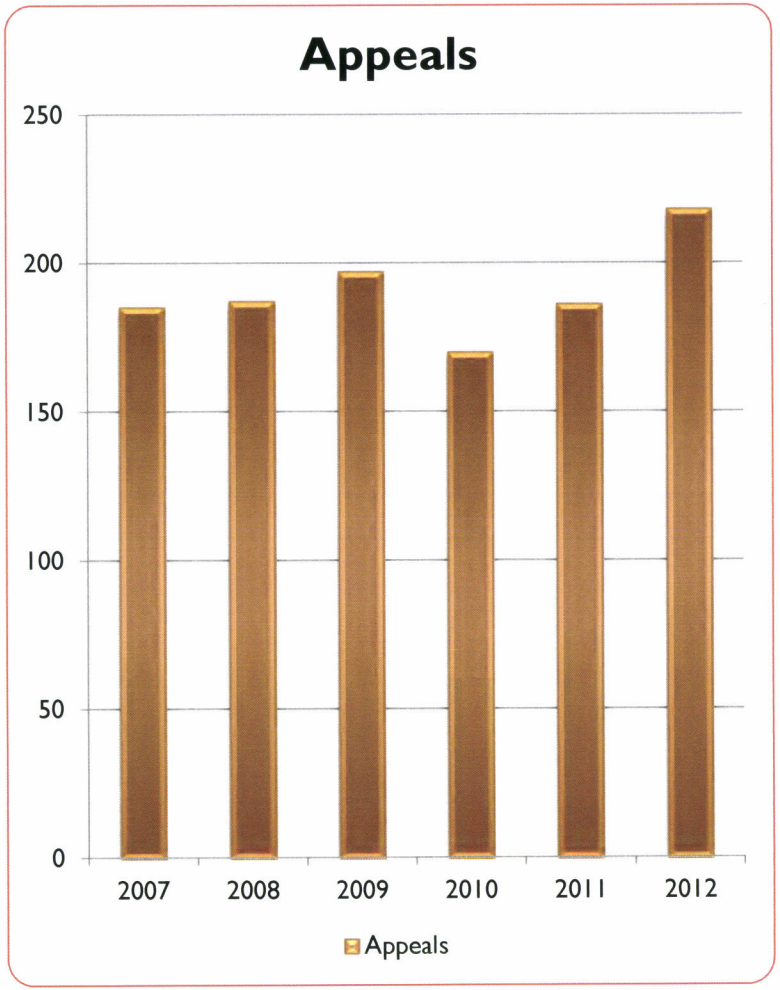
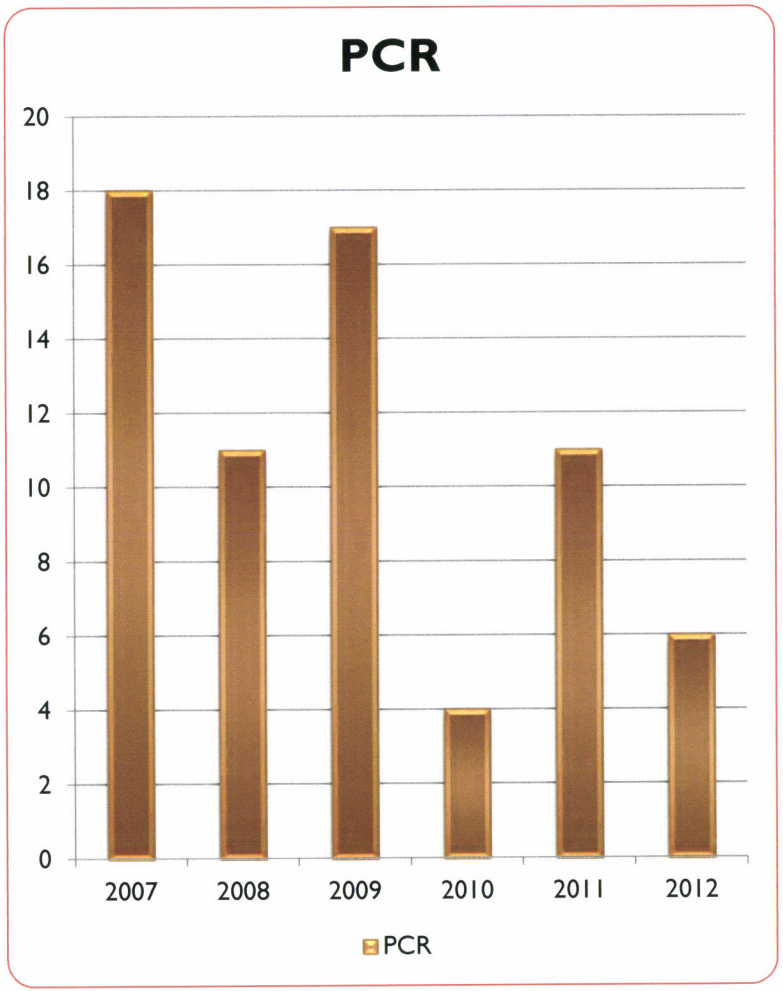
Appellate Cases





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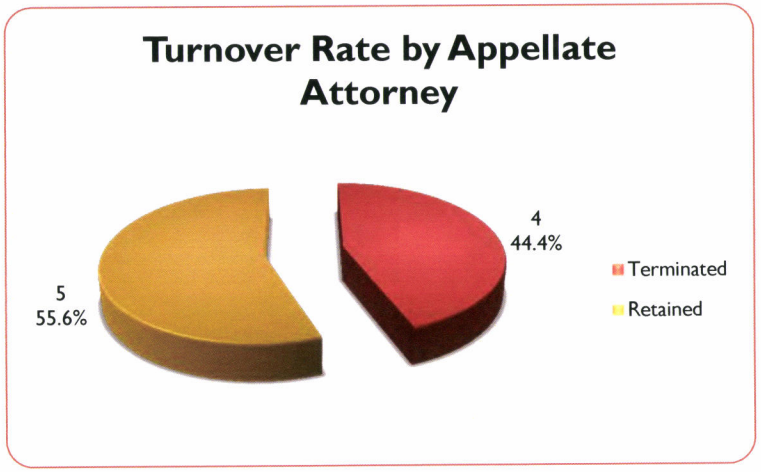
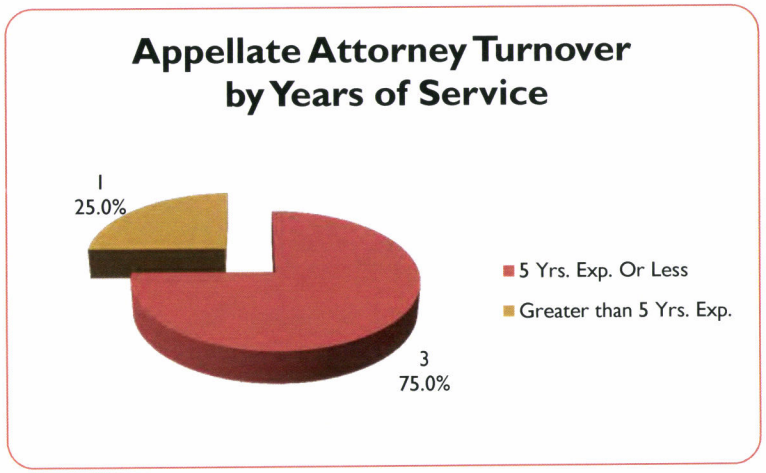
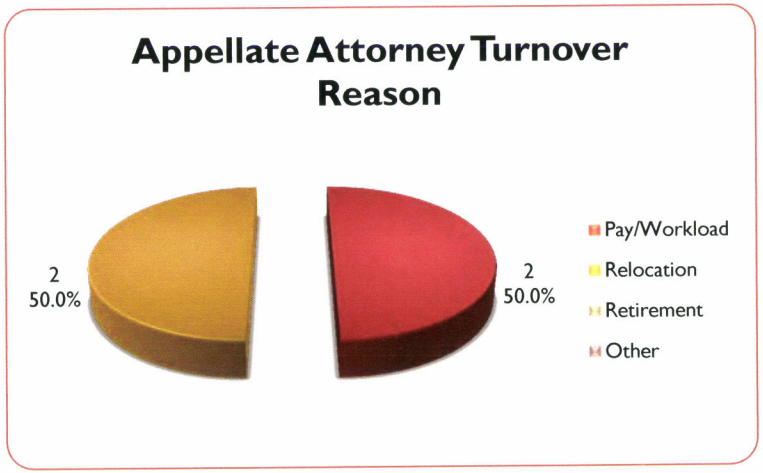
Program 2: Attorney Turnover Analysis

for the Period 7/1/2011- 6/30/2012







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Conflict Office

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Conflict Office Mission

The Conflict Office serves both Program 1 and Program 2.

- The Conflict Office was created in the 2011 legislative session (47-1-118 MCA).
- The Conflict Coordinator is independent of the Chief Public Defender and the Chief Appellate Defender and reports directly to the Commission. It currently is staffed by a .50 FTE attorney.
- The duty of loyalty to our clients is paramount, and conflicts of interest must be avoided.
- The Conflict Office must provide timely and efficient delivery of services to clients through prompt assignment of counsel and authorization of needed services.

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Conflict Office: What Constitutes a Conflict?

- Co-defendants charged with the same crime
- Simultaneous representation of a defendant and a potential prosecution witness or alleged victim
- A former client is a potential prosecution witness or alleged victim
- Investigation reveals that a former client may have committed the charged crime
- Cases in which the state intervenes in a parent-child relationship

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Conflict Office Services

- Determines conflicts from information submitted by regional offices
- Assigns conflict counsel (averaged 15-20 appointments per day last quarter)
- Acts as a resource for conflict counsel in case strategy
- Manages and approves all billing from contract counsel and other experts
- Reviews approximately 200 to 250 bills per month
- Handles pre-approvals for conflict cases
- Handles and resolves conflict client complaints
- Assists the contract manager with completion of standards compliance interviews
- Assists with policy issues facing the public defender system

- **What kind of cases do we do?**
- **What is the cost of not doing our function or not doing it right?**

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Conflict Office Challenges

- Growing caseloads creating excess workload
  - Limitations of a one-person office
    - Maintaining separation from Program 1 and Program 2 without independent backup
  - Ensuring timely appointments with increasing caseloads

- Inadequate pool of contract attorneys
  - Contract attorney hourly rate has not increased in many years and is not competitive which impacts the ability to recruit contract attorneys

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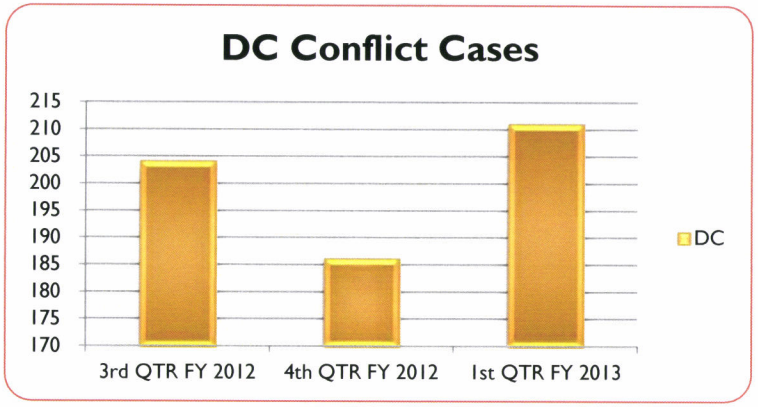
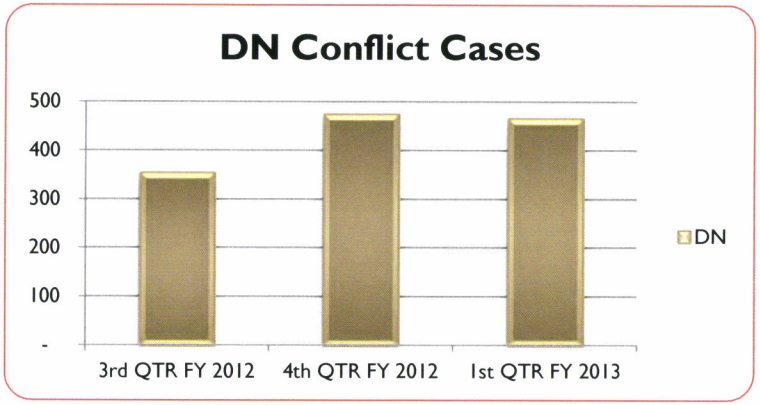
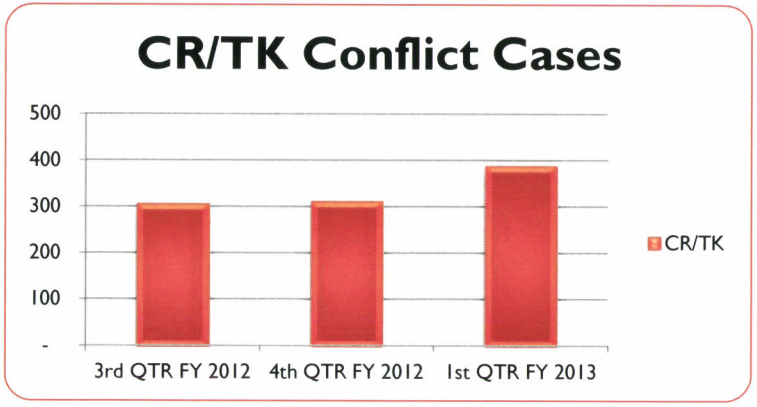
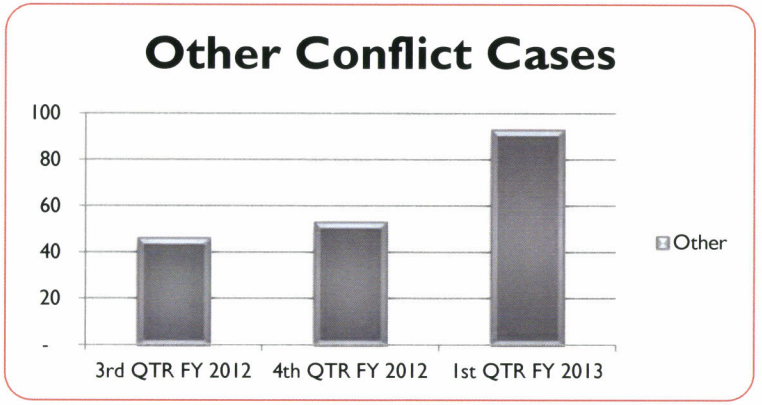
Conflict Cases by Type

for the Period 1/1/2012 - 9/30/2012









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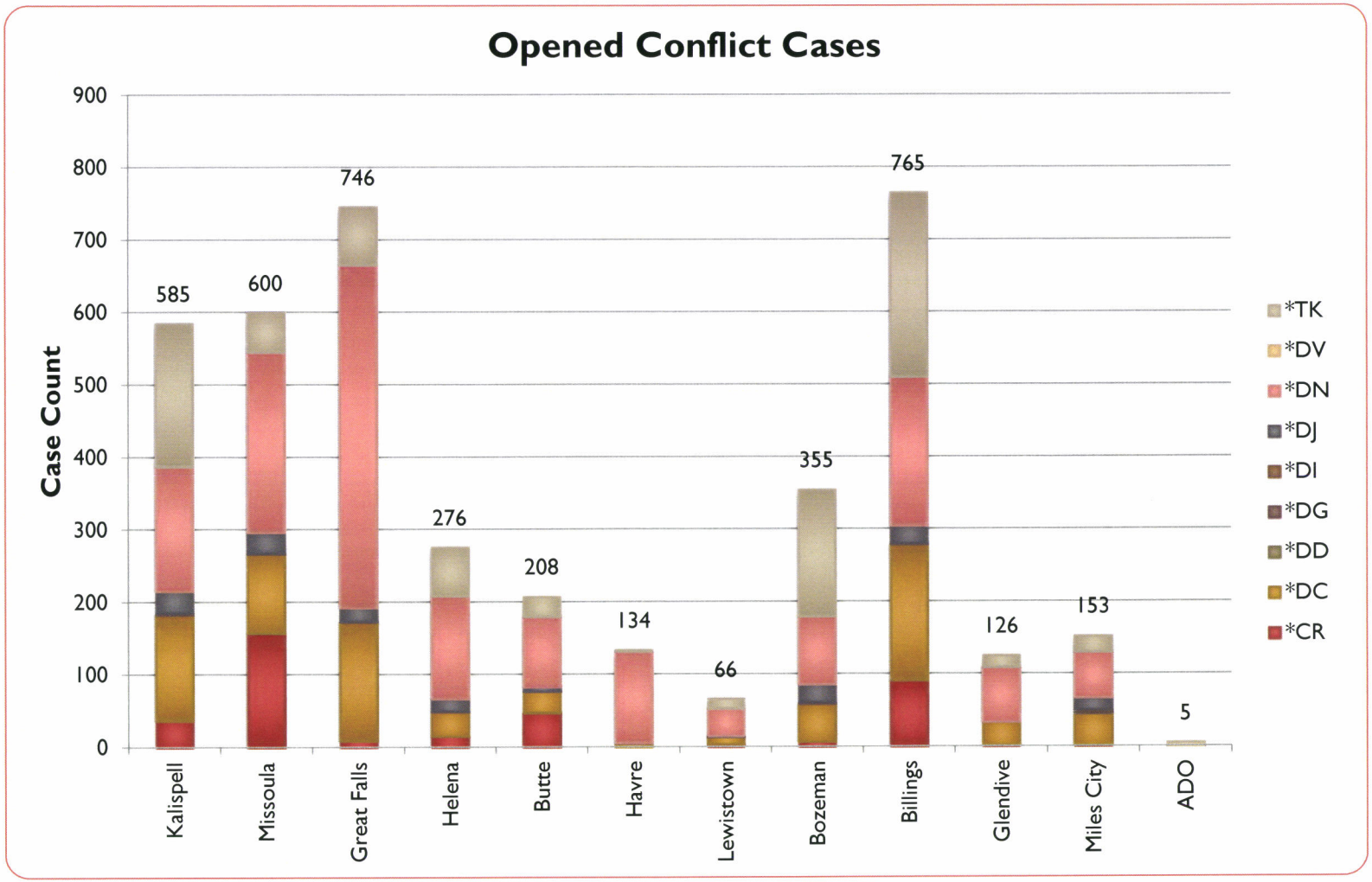
Opened Conflict Cases by Type

for the Period 7/1/2011- 6/30/2012



Office of the State Public Defender

Financial

Office of the State
Public Defender

Outcomes:
Historical Financial and Operating Trends

The agency has expended between $19.8 and $23.4 million for each fiscal year over the past five years.

During the past six years the state's courts have assessed over $1.7 million in public defender fees to over 5,300 clients. The agency has collected over $450,000 during the same time period.

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Original Program Estimates Compared to Actual Expenditures

	Original Program Estimates			Actual Expenditures				
Expenditures Category	Aug. 9, 2004	Sept. 8, 2004	Fiscal Note	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Central Services	$1,814,542	$1,826,534	$1,826,534	$1,995,046	$1,863,938	$1,861,704	$1,901,265	$1,991,579
District Court	9,619,170	8,557,041	8,688,728	9,314,682	9,165,502	9,299,046	10,056,621	10,548,725
DN cases	515,019	515,019	724,527	1,991,178	2,321,566	2,608,949	2,803,717	3,117,383
Courts of Limited Jurisdiction	8,000,000	1,777,546	1,777,546	5,635,112	6,272,573	5,646,675	5,506,968	6,212,564
Capital Defense Cases	-	-	-	-	-	-	149,787	397,963
Appellate	192,290	769,160	769,160	833,125	897,724	976,196	1,022,225	1,141,249
Totals	$20,141,021	$13,445,300	$13,786,495	$19,769,143	$20,521,303	$20,392,570	$21,440,583	$23,409,463
Funding								
General Fund	$20,141,021	$13,445,300	$13,786,495	$19,739,143	$20,486,828	$20,322,967	$21,362,646	$23,309,505
State Special Revenue	-	-	-	30,000	30,000	43,418	41,762	99,958
Federal	-	-	-	-	4,475	26,185	36,175	0
Totals	$20,141,021	$13,445,300	$13,786,495	$19,769,143	$20,521,303	$20,392,570	$21,440,583	$23,409,463

Office of the State Public Defender

Funding – Program 1, Public Defender Program

	FY08	FY09	FY10	FY11	FY12
Payroll	$ 10.6	$ 11.1	$ 11.7	$ 12.3	$ 13.2
Op. Exp.	$ 8.4	$ 8.5	$ 7.7	$ 8.1	$ 9.1
TOTAL	**$ 19.0**	**$ 19.6**	**$ 19.4**	**$ 20.4**	**$ 22.3**
FTE	184.50	184.50	191.50	191.50	208.50

Office of the State Public Defender

Dollar amounts in millions. Dollars and FTE include Central Services functions.

Funding – Program 2, Appellate Defender Program

	FY08	FY09	FY10	FY11	FY12
Payroll	$ 0.5	$ 0.6	$ 0.6	$ 0.6	$ 0.7
Op. Exp.	$ 0.3	$ 0.3	$ 0.4	$ 0.4	$ 0.4
TOTAL	**$ 0.8**	**$ 0.9**	**$ 1.0**	**$ 1.0**	**$ 1.1**
FTE	8.00	8.00	9.00	9.00	11.00

Dollar amounts in millions.

Office of the State Public Defender

Financial and FTE Trends

Top information combines both programs

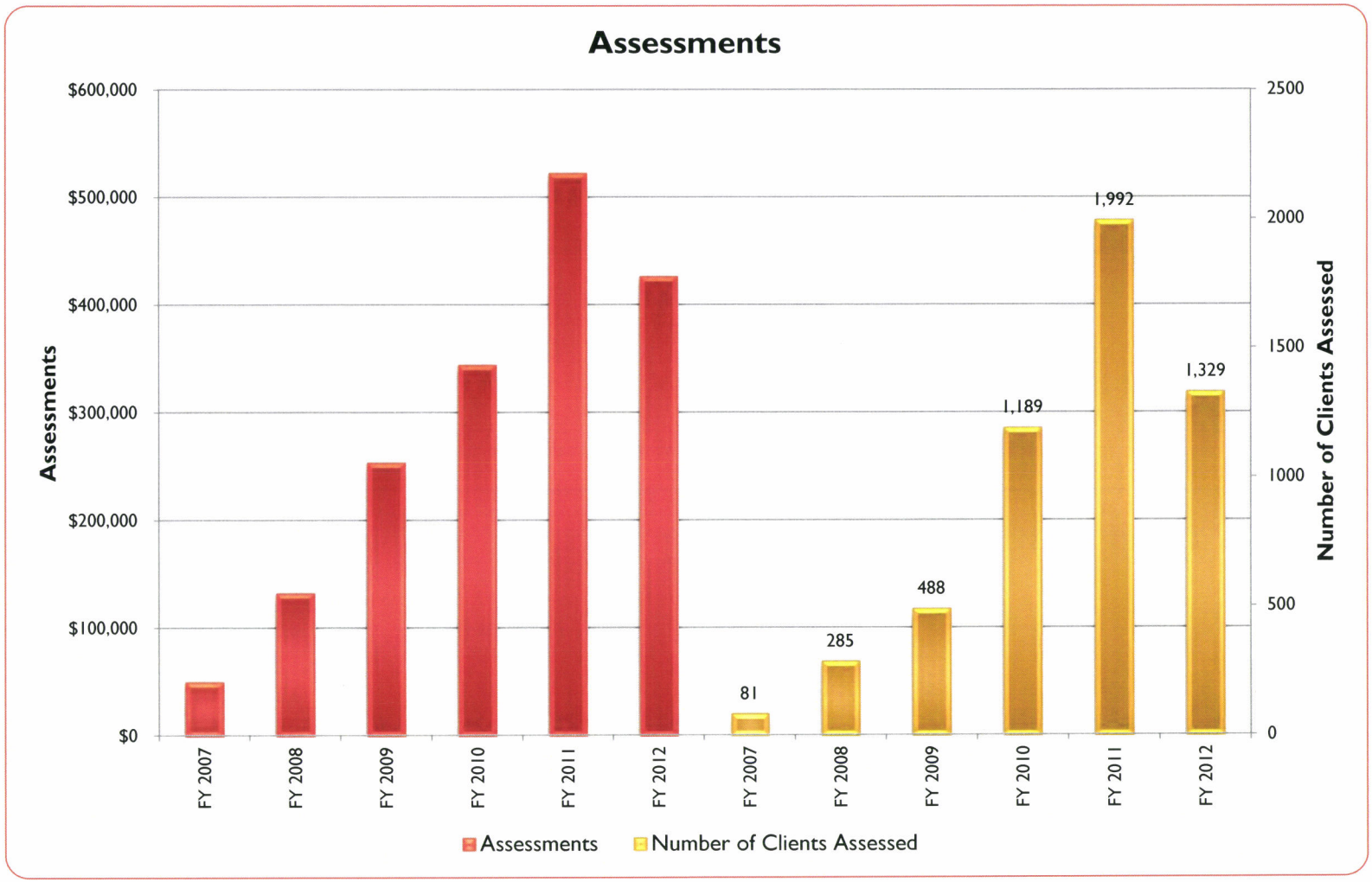
	FY08	FY09	FY10	FY11	FY12
Payroll	$11.1	$11.7	$12.3	$12.9	$13.9
Contract Attorney	5.6	5.7	4.9	5.3	5.8
Contract Other	0.9	0.9	0.8	0.8	1.0
Other	2.2	2.2	2.4	2.4	2.7
Totals	**$19.8**	**$20.5**	**$20.4**	**$21.4**	**$23.4**
Percent of Increase	2.1%	3.5%	0.0%	4.4%	9.9%
Central Office	$2.0	$1.9	$1.8	$1.9	$2.0
Regions	17.0	17.7	17.6	18.5	20.3
Appellate	0.8	0.9	1.0	1.0	1.1
FTE	**192.5**	**192.5**	**200.5**	**200.5**	**219.5**

Office of the State Public Defender

State Special Revenue
Less than 1% of funds

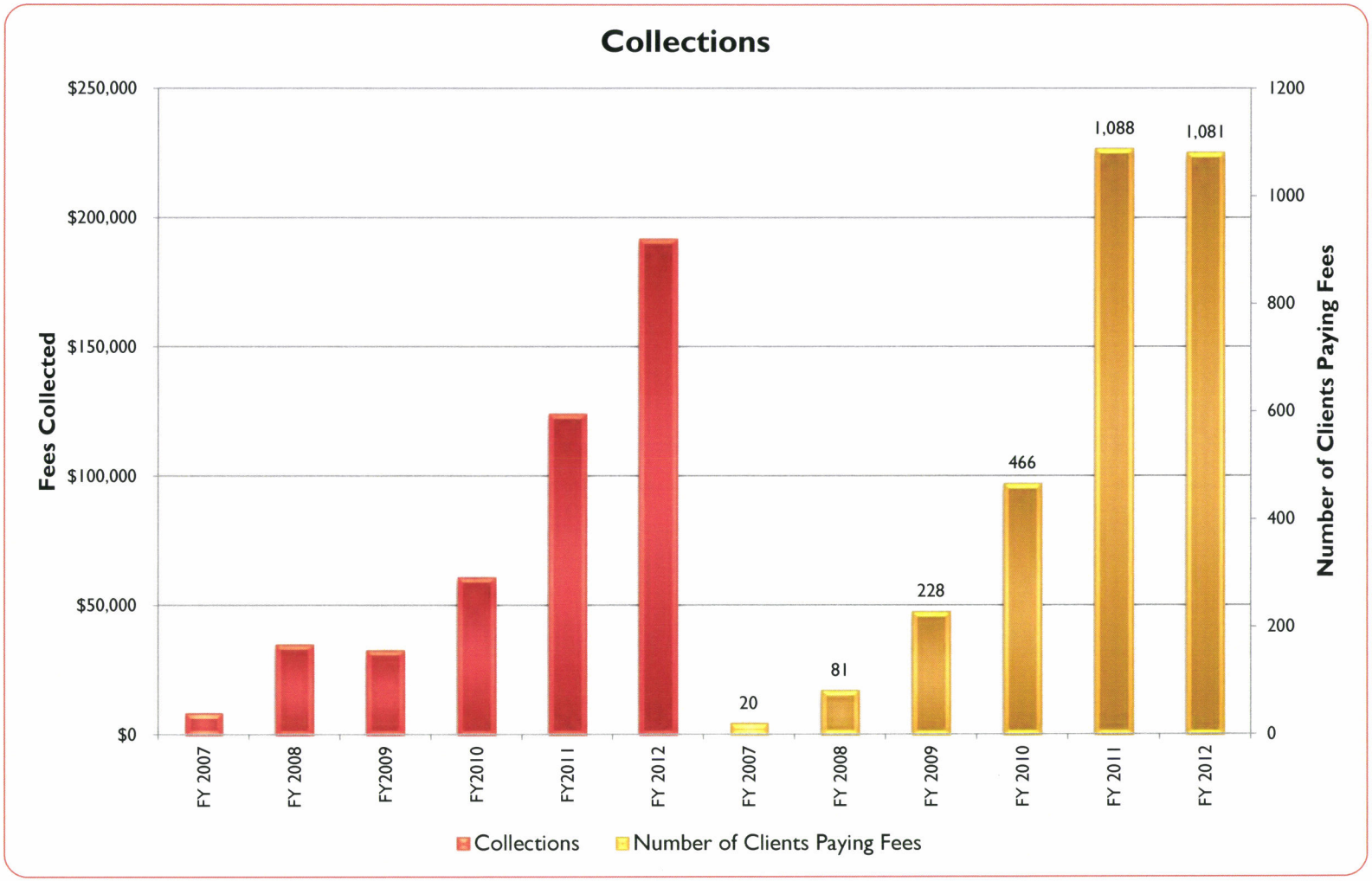
Office of the State Public Defender

Judgments and Assessments



Office of the State Public Defender

Collection of Assessments



Office of the State Public Defender

Outstanding Assessments

as of 6/30/2012

Total unpaid assessment balance as of 6/30/2012:

$1.2 million

The agency has collected over $450,000 through 6/30/2012 or 26% of the total.

Total number of clients with unpaid assessment balances as of 6/30/2012 is 4,100 (some are making payments)

Office of the State Public Defender

Agency Legislation – 2013 Session

HB 92: Remove public defender from certain court definitions

Sponsor: Representative Amanda Curtis

HB 93: Authorize fixed fee contracts in certain cases

Sponsor: Representative Edie McClafferty

HB 103: Authorize conflicts manager to hire attorney for postconviction cases

Sponsor: Representative Amanda Curtis

HB 107: Clarify laws related to legal counsel in abuse and neglect cases

Sponsor: Representative Ryan Lynch

SB 53: Revise penalties for certain misdemeanor offenses

Sponsor: Senator Robyn Driscoll

Office of the State Public Defender

2015 EPP

Office of the State Public Defender

Agency 2015 Budget Overview

The agency is requesting 37.00 new FTE and an increase of $4.7 million for FY 2014 and $5.0 million for FY 2015 over the base budget.

The agency's annual expenditures would increase from $23.4 million during FY 2013 to $27.0 million in FY 2014. This is an increase of $3.6 million.

<u>The new/modified FTE are as follows:</u>

Central Services: 2.00 (accounts receivable)

Public Defender Program: 26.00 (19 attorney, 5 support, 2 investigator)

Appellate Defender Program: 3.50 (2.50 attorney, 1 support)

Conflict Coordinator: 2.50 (1.50 attorney, 1 support)

Commission: 3.00

Office of the State Public Defender

2015 Biennium Decision Packages
Program 1, Public Defender

SUPPORT WORKLOAD

15.00 FTE (10.00 attorney and 5.00 support staff)

$1,117,846 for FY 2014 and $1,061,135 for FY 2015

- This funding will allow the program to address:

  (1) A recent 12% growth in cases

  (2) About 31,000 new cases/year which is over 3,000 more than in prior years

  (3) Aligning caseloads with expectations for providing effective assistance of counsel

  (4) Reducing the high turnover experienced during FY 2012 (27% in the attorney workforce and 36% in the support staff workforce)

Office of the State Public Defender

2015 Biennium Decision Packages
Program 1 – Public Defender

COMPUTERS/SERVERS/PRINTERS

$88,689 for FY 2014 and $84,713 for FY 2015.

Purchases made during the 2013 biennium were one time only and not included in the base funding.

	FY 2014		FY 2015	
	Qty.	Total	Qty.	Total
• Computers	47	$51,500	44	$47,900
• Servers	0	$0	1	$5,100
• Copiers	4	$37,189 *	3	$35,870*

*This is a 3-year lease cost. Nine copiers were leased in FY 2013 at a cost of $18, 235, which is included in the totals for FY 2014 and FY 2015 as well as the purchase of the requested copiers in FY 2014 and FY 2015.

Office of the State Public Defender

2015 Biennium Decision Packages
Program 1 – Public Defender

CONFLICT COORDINATOR

2.50 FTE (1.50 attorney and 1.00 support staff)

$210,826 for FY 2014 and $188,227 for FY 2015.

- The conflict coordinator position is currently funded at half-time. The demands of the job require that this position be made full-time. The program is also requesting a new FTE position to act as backup for the conflict coordinator and to do some of the conflict cases. The program is also asking for support staff to allow the attorneys to focus on legal work.

Office of the State Public Defender

2015 Biennium Decision Packages
Program 1 – Public Defender

MANAGERS' CASELOADS

3.00 FTE Attorneys

$272,373 for FY 2014 and $260,947 for FY 2015.

- The Chief Public Defender and the Commission have developed a policy that limits managers' caseloads by region size. This budget item will allow the larger regions to come into compliance with that policy. Managers of these regions will move cases to these new FTE and have more time to manage and mentor staff to ensure clients receive effective assistance of counsel.

Office of the State Public Defender

2015 Biennium Decision Packages
Program 1 – Public Defender

INVESTIGATIVE STAFF TO SUPPORT WORKLOAD

2.00 FTE

$141,948 for FY 2014 and $134,399 for FY 2015.

- The recent increase in new cases has created the need for additional investigative staff. Most of the funding for these positions is from fees received from clients.

Office of the State Public Defender

2015 Biennium Decision Packages
Program 1 – Public Defender

ACCOUNTS RECEIVABLE SUPPORT STAFF

1.00 FTE

$42,363 for FY 2014 and $38,138 for FY 2015.

- This position is funded by fees from clients. Its function is to provide accounting and reporting for fee assessments and collections.

Office of the State Public Defender

2015 Biennium Decision Packages
Program 1 – Public Defender

CAPITAL CASE DEFENSE

$500,000 for FY 2014 and $500,000 for FY 2015.

- This funding is for defense work for those clients facing the death penalty. The agency is currently engaged in multiple capital cases. A capital case can exceed $1 million during the trial and appellate stages.

- The agency expects to expend $1.2 million during FY 2013 to provide defense for the current capital cases.

Office of the State Public Defender

2015 Biennium Decision Packages
Program 1 – Public Defender

FUND CAREER LADDER

$1,230,951 for FY 2014 and $1,470,849 for FY 2015.

- The agency's staff attorneys, when hired, are placed in a pay ladder based on the attorney's past legal experience. As the attorney's length of service and experience increase they progress along the pay ladder. The current pay ladder is based on a 2007 survey with a mid-point at $58,762 for a 5-year attorney. The funding for this item will move the pay ladder in line with a 2012 survey to a mid-point of $67,792.
- Program 1 has seen 27% attorney turnover during FY 2012, mostly due to the fact that pay is not competitive.

Office of the State Public Defender

2015 Biennium Decision Packages
Program 1 – Public Defender

SUPPORT WORKLOAD – MODIFIED FTE

10.00 FTE (6.00 attorney and 4.00 support staff)

$684,180 for FY 2014 and $683,179 for FY 2015

- These positions are currently on board handling cases and providing support in response to the recent 12% case growth. However, the associated costs have been removed from base funding. One of the positions provides accounting and reporting support for fees received from clients and is paid for by these fees.

Office of the State Public Defender

2015 Biennium Decision Packages
Program 1 – Public Defender

INCREASE CONTRACT ATTORNEY RATES

$111,113 for FY 2014 and $222,226 for FY 2015

- Contract attorneys currently receive $60 per hour for non-capital case work. The program uses contract attorneys to do conflict work, to handle caseload overflow, and to serve clients in areas of the state where it is not practical to keep a staffed office.
- This DP increases the contractor hourly rate by 2% per fiscal year.

Office of the State Public Defender

2015 Biennium Decision Packages
Program 1 – Public Defender

PROFESSIONAL DEVELOPMENT CENTER FEE ALLOCATION

$6,767 for FY 2014 and $6,767 for FY 2015

- Fixed cost.

Office of the State Public Defender

2015 Biennium Decision Packages
Program 2 – Appellate Defender

SUPPORT WORKLOAD

2.00 FTE (1 attorney and 1 support staff)

$132,778 for FY 2014 and $125,246 for FY 2015

- This funding will allow the program to address:

  (1) The program received 218 direct appeals during FY 2012, which is a 17% increase or 32 more appeals than received in FY 2011.

  (2) Aligning caseloads with expectations for providing effective assistance of counsel. Current employees are over the recommended limit.

  (3) Reducing the high turnover experienced during FY 2012 of 44% in the attorney workforce.

  (4) Current support staff serve 9 internal and 10 external attorneys.

Office of the State Public Defender

2015 Biennium Decision Packages
Program 2 – Appellate Defender

MANAGERS' CASELOADS

.50 FTE

$56,005 for FY 2014 and $52,197 for FY 2015.

- The Chief Public Defender and the Commission have developed a policy regarding managers' caseloads. This budget item will allow the Chief Appellate Defender to move towards compliance with that policy. The part time FTE will reduce the Chief's case load and provide the Chief additional time to manage and mentor staff.

Office of the State Public Defender

2015 Biennium Decision Packages
Program 2 – Appellate Defender

FUND CAREER LADDER

$79,198 for FY 2014 and $100,268 for FY 2015.

- The agency's staff attorneys, when hired, are placed in a pay ladder based on the attorney's past legal experience. As the attorney's length of service and experience increase they progress along the pay ladder. The current pay ladder is based on a 2007 survey with a mid-point at $58,762 for a 5-year attorney. The funding for this item will move the pay ladder in line with a 2012 survey to a mid-point of $67,792.
- Program 2 had 44% turnover during FY 2012, mostly due to the fact that pay is not competitive.

Office of the State Public Defender

2015 Biennium Decision Packages
Program 2 – Appellate Defender

SUPPORT WORKLOAD – MODIFIED FTE

1.00 Attorney FTE

$87,116 for FY 2014 and $86,983 for FY 2015

- This position is currently on board handling cases, however, the associated costs have been removed from base funding. This position helps to address the recent 17% growth in appeals.

Office of the State Public Defender

2015 Biennium Decision Packages
Program 2 – Appellate Defender

INCREASE CONTRACT ATTORNEY RATES

$2,323 for FY 2014 and $4,646 for FY 2015

- Contract attorneys currently receive $60 per hour for non-capital case work. The program uses contract attorneys to do postconviction relief cases (conflict work) and to handle caseload overflow.
- This DP increases the contractor hourly rate by 2% per fiscal year.

Office of the State Public Defender

2013 Biennium Supplemental Funding Request

The agency has submitted a request for $2.5 million

Public Defender $1,600,000

Appellate Defender $200,000

Capital Defense $700,000

Reasons:

- 3,200 case increase in Public Defense (12% increase year over year)
- 32 case increase in direct appeals in Appellate Defense (17% increase year over year)
- Two new capital cases

Office of the State Public Defender

Appendix – more detailed information

Detailed Mission Statement – page 75

Detailed Regional Information – page 79

Office of the State Public Defender

Mission Statement

¶1 The primary mission of the statewide public defender system is to provide effective assistance of counsel to indigent persons accused of crime and other persons in civil cases who are entitled by law to the assistance of counsel at public expense. Mont. Code Ann. §47-1-102(1). This mission, arising out of fundamental principles on which our constitutions of the United States and the State of Montana are founded, was the obligation of the State of Montana long before the enactment of the Montana Public Defender Act in 2005.

¶2 "In all criminal prosecutions, the accused shall enjoy the right ... to have the Assistance of Counsel for his defense." The implementation of this Sixth Amendment right traveled an arduous course before reaching Gideon v. Wainwright, 372 U.S. 335, 343-45 (1963), where the United States Supreme Court unanimously held that state courts are required under the Sixth Amendment to provide counsel in felony cases for defendants who are financially unable to retain private attorneys. Argersinger v. Hamlin, 407 U.S. 25, 37 (1972), held that, without a knowing and intelligent waiver, no person may be imprisoned for any offense, whether petty, misdemeanor or felony, unless represented by counsel at trial.

¶3 The Sixth Amendment and the Due Process Clause of the Fourteenth Amendment require that in proceedings for determining delinquency which may result in commitment to an institution in which the juvenile's freedom is curtailed, the child and his parents must be notified of the child's right to be represented by counsel retained by them, or counsel will be appointed to represent the child if they cannot afford counsel. In re Gault, 387 U.S. 1, 41 (1967). In Montana, minors have the same right to counsel as adults. Mont. Const. Art. II, §15 (1972).

Office of the State Public Defender

Mission Statement (continued)

¶4 It is sufficient here to say that the right to counsel attaches at the "critical stages" of the criminal justice process. Rothgery v. Gillespie County, Texas, 554 U.S. 191, 212FN16 (2008), noted that "critical stages" are defined as "... proceedings between an individual and agents of the State (whether 'formal or informal, in court or out,' see United States v. Wade, 388 U.S. 218, 226, ... (1967)) that amount to 'trial-like confrontations,' at which counsel would help the accused 'in coping with legal problems or ... meeting his adversary,' United States v. Ash, 413 U.S. 300, 312-313 (1973) ...." Citing the "simple reality" that 97% of federal convictions and 94% of state convictions are the result of guilty pleas, there is no longer doubt that the plea bargaining process is a critical stage during which the accused is entitled to effective assistance of counsel. Missouri v. Frye, __ U.S. __, 132 S.Ct. 1399, 1406-07 (2012); Lafler v. Cooper, __ U.S. __, 132 S.Ct. 1376, 1384 (2012). As footnoted,[1] a critical stage may happen earlier in a case but without doubt a defendant's initial appearance before a judicial officer is a critical stage that triggers the Sixth Amendment right to counsel. Rothgery, 554 U.S. at 213.

¶5 A defendant is guaranteed the right to assistance of counsel in criminal cases by our Mont. Const. Art. II, §17 and §24 (1972). State v. Rardon, 305 Mont. 78, 78-79 (2001); State v. Colt, 255 Mont. 399, 403 (1992), citing State v. Enright, 233 Mont. 225, 228 (1988). Due process guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution and Art. II, §17, of the Montana Constitution requires the assistance of counsel in situations other than criminal cases where "fundamental liberty interests" are at stake. The Montana Supreme Court has cited U.S. Supreme Court cases in discussions about fundamental fairness calling for the assistance of an attorney so the individual can meaningfully participate and the procedure is fundamentally fair.[2]

[1] Other critical stages where the right to counsel attaches include post-arrest interrogation, *Brewer v. Williams*, 430 U.S. 387, 399-401 (1977); *Miranda v. Arizona*, 384 U.S. 436, 479-81 (1966); line-ups, *United States v. Wade*, 388 U.S. 218, 236-37 (1967); other identification procedures, *e.g.*, one person "showup," *Moore v. Illinois*, 434 U.S. 220, 231-32 (1977); initial appearance, *Michigan v. Jackson*, 475 U.S. 625, 629[FN3] (1986); arraignments, *Hamilton v. Alabama*, 368 U.S. 52, 53 (1961); preliminary hearing, *Coleman v. Alabama*, 399 U.S. 1, 9-10 (1970); plea negotiations, *Brady v. United States*, 397 U.S. 742, 748 (1970) and *McMann v. Richardson*, 397 U.S. 759, 769-70 (1970); and direct appeals, *Douglas v. California*, 372 U.S. 353, 356-57 (1963).

Mission Statement (continued)

¶6 Situations in which the right to the assistance of an attorney was deemed essential to fundamental fairness were codified before the statewide public defender system was created. Those situations are now catalogued in *Mont. Code Ann. §47-1-104(4)(b)*.

¶7 Reasonably effective assistance is the standard for performance any time counsel appears on behalf of an accused, *i.e.*, the representation must come within an objective standard of reasonableness. *Strickland v. Washington*, 466 U.S. 668, 688-89 (1984).[3] Montana follows the *Strickland* objective standard of reasonableness when evaluating ineffective assistance claims in criminal cases. *Whitlow v. State*, 343 Mont. 90, 93-94 (2008). For the "civil cases" listed in *Mont. Code Ann. §47-1-104(4)*, standards used to evaluate claims of legal malpractice and the *Strickland* test simply do not go far enough to protect the liberty interests of individuals who may or may not have broken any law but who may indefinitely bear a social stigma. *In re A.S.*, 320 Mont. 268, 273-75 (2004), quoting from *In re Mental Health of K.G.F.*, 306 Mont. 1, 7, ¶33 (2001).

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[2] For examples, see *In re A.F.-C.*, 307 Mont. 358, 368-70 (2001), citing *Lassiter v. Department of Social Services*, 452 U.S. 18, 24-25 & 32-33 (1981); *In re A.R.A.*, 277 Mont. 66, 70-71 (1996), citing *Stanley v. Illinois*, 405 U.S. 645, 651-52 (1972); *In re A.S.A.*, 258 Mont. 194, 198 (1993), and *Matter of R.B.*, 217 Mont. 99, 102-03 (1985), citing *Santosky v. Kramer*, 455 U.S. 745, 753-54 (1982) (a natural parent's right to the care and custody of his or her child is a "fundamental liberty interest" that must be protected by fundamentally fair procedures). Also see Professor Mary Helen McNeal's law review article, *Toward a "Civil Gideon" under the Montana Constitution: Parental Rights as the Starting Point*, 66 Mont. L. Rev. 81 (Winter 2005), for an extensive examination of *Mont. Const. Art. II, §16* (administration of justice), *Art. II, §4* (dignity and equal protection), *Art. II, §17* (due process), and *Art. II, §34* (unenumerated rights) clauses as cornerstones for the development of a "civil Gideon" in Montana.

Mission Statement (continued)

¶8 Providing effective assistance of counsel at critical stages in the types of cases delineated in *Mont. Code Ann. §47-1-104(4)* has not been optional or negotiable for a long time. The enactment of the Montana Public Defender Act in 2005 consolidated the delivery of the assistance of counsel in those cases through the statewide public defender system rather than through a hodgepodge of programs.

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[3] *Strickland*, 466 U.S. at 688-89: "... Representation of a criminal defendant entails certain basic duties. Counsel's function is to assist the defendant, and hence counsel owes the client a duty of loyalty, a duty to avoid conflicts of interest. See *Cuyler v. Sullivan*, *supra.*, 446 U.S. [335] at 346, 90 S.Ct. at 1717 [(1980)]. From counsel's function as assistant to the defendant derive the overarching duty to advocate the defendant's cause and the more particular duties to consult with the defendant on important decisions and to keep the defendant informed of important developments in the course of the prosecution. Counsel also has a duty to bring to bear such skill and knowledge as will render the trial a reliable adversarial testing process. See *Powell v. Alabama*, 287 U.S. [45] at 68-69, 53 S.Ct. at 63-64 [(1932)].

"These basic duties neither exhaustively define the obligations of counsel nor form a checklist for judicial evaluation of attorney performance. In any case presenting an ineffectiveness claim, the performance inquiry must be whether counsel's assistance was reasonable considering all the circumstances. Prevailing norms of practice as reflected in American Bar Association standards and the like, *e.g.*, ABA Standards for Criminal Justice 4-1.1 to 4-8.6 (2d ed. 1980) ("The Defense Function"), are guides to determining what is reasonable, but they are only guides. No particular set of detailed rules for counsel's conduct can satisfactorily take account of the variety of circumstances faced by defense counsel or the range of legitimate decisions regarding how best to represent a criminal defendant. Any such set of rules would interfere with the constitutionally protected independence of counsel and restrict the wide latitude counsel must have in making tactical decisions. (*Citation omitted*). Indeed, the existence of detailed guidelines for representation could distract counsel from the overriding mission of vigorous advocacy of the defendant's cause. ..."

Office of the State Public Defender

REGION 1- KALISPELL

Attorneys: 17.5

Support Staff: 8

Investigators: 2

Contract Attorneys: 26

FYE 2012 Cases Opened: 4,564

- District Court Cases: 1,657
- Cases in Courts of Limited Jurisdiction: 2,907

District Courts: 4

Lower Courts : 16

Sq. Miles: 13,365

Office of the State Public Defender

Region 1
FY 2012 New Cases
Total Cases

	0 - 125
	126 - 500
	501 - 1,500
	1,501 - 3,000
	3,001 - 6,000

REGION 2 – MISSOULA

Attorneys: 22.5

Support Staff: 10

Investigators: 3

Contract Attorneys: 51

FYE 2012 Cases Opened: 5,091

- District Court Cases: 1,905
- Cases in Courts of Limited Jurisdiction: 3,186

District Courts: 5

Lower Courts: 16

Sq. Miles: 6,235

Office of the State Public Defender

Region 2
FY 2012 New Cases
Total Cases

- 0 - 125
- 126 - 500
- 501 - 1,500
- 1,501 - 3,000
- 3,001 - 6,000

REGION 3 – GREAT FALLS

Attorneys: 12

Support Staff: 6

Investigators: 3

Contract Attorneys: 27

FYE 2012 Cases Opened: 3,607

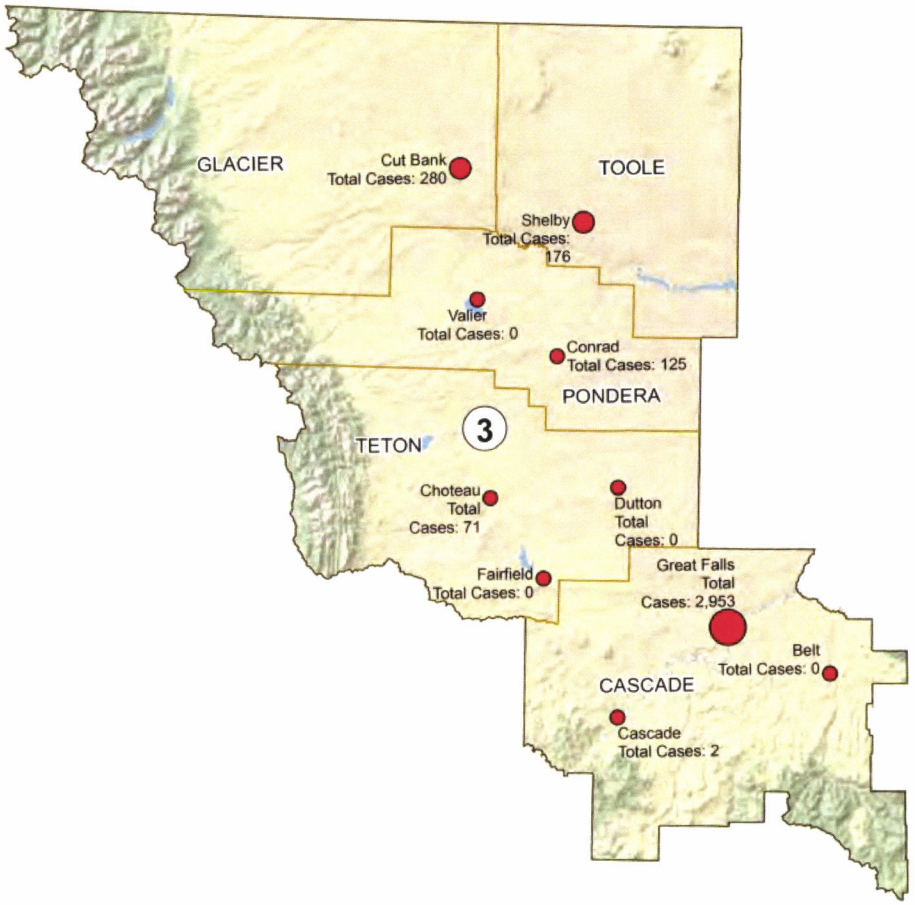
- District Court Cases: 1,796
- Cases in Courts of Limited Jurisdiction: 1,811

District Courts: 4

Lower Courts : 16

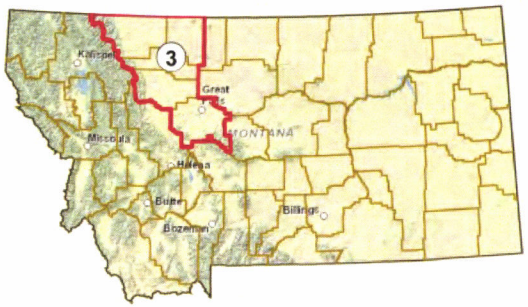
Sq. Miles: 11,618

Office of the State Public Defender



Region 3
FY 2012 New Cases
Total Cases

- 0 - 125
- 126 - 500
- 501 - 1,500
- 1,501 - 3,000
- 3,001 - 6,000



REGION 4 – HELENA

Attorneys: 11

Support Staff: 4

Investigators: 1

Contract Attorneys: 12

FYE 2012 Cases Opened: 3,053

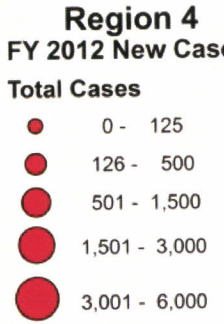
- District Court Cases: 1,103
- Cases in Courts of Limited Jurisdiction: 1,950

District Courts: 5

Lower Courts: 16

Sq. Miles: 6,388

Office of the State Public Defender



REGION 5 – BUTTE

Attorneys: 9

Support Staff: 4

Investigators: 1.5

Contract Attorneys: 11

FYE 2012 Cases Opened: 2,060

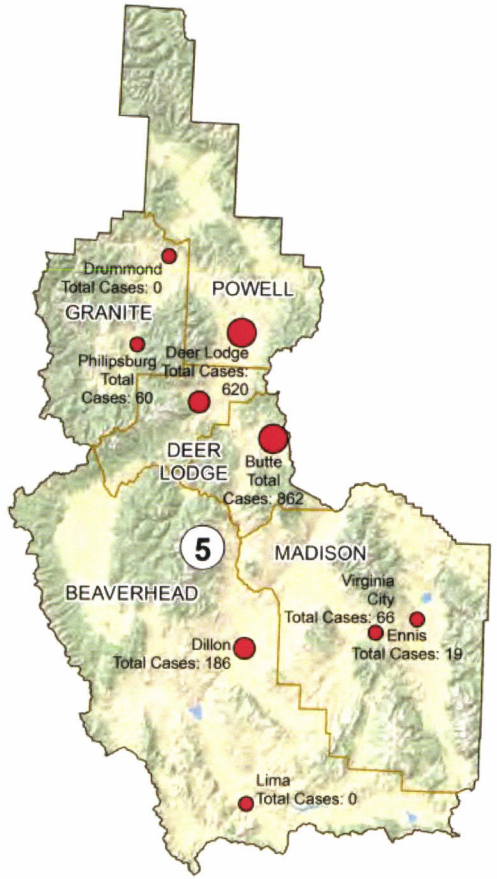
- District Court Cases: 681
- Cases in Courts of Limited Jurisdiction: 1,379

District Courts: 6

Lower Courts: 14

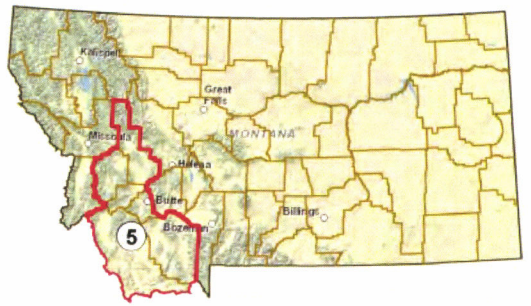
Sq. Miles: 14,693

Office of the State Public Defender



Region 5
FY 2012 New Cases
Total Cases

- 0 - 125
- 126 - 500
- 501 - 1,500
- 1,501 - 3,000
- 3,001 - 6,000



REGION 6 – HAVRE

Attorneys: 2

Support Staff: 1

Investigators: 1

Contract Attorneys: 11

FYE 2012 Cases Opened: 1,287

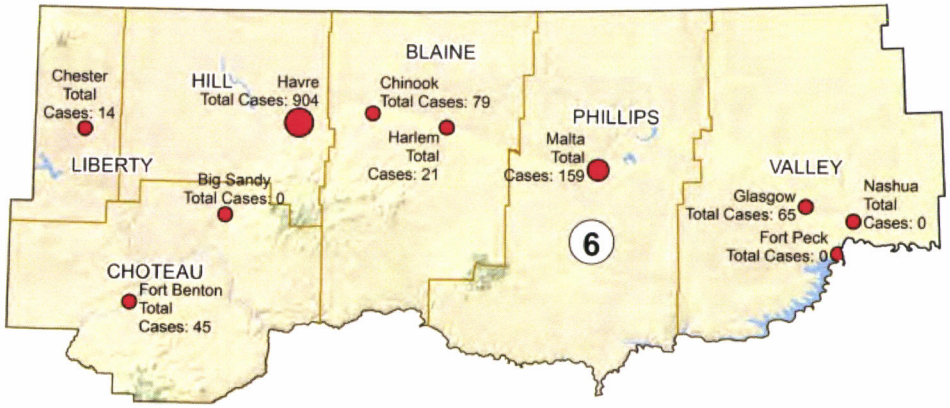
- District Court Cases: 709
- Cases in Courts of Lower Jurisdiction: 578

District Courts: 6

Lower Courts: 16

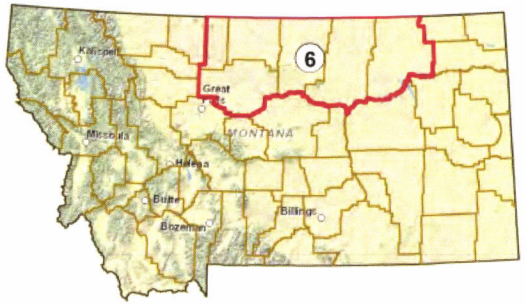
Sq. Miles: 22,857

Office of the State Public Defender



Region 6
FY 2012 New Cases
Total Cases

	0 - 125
	126 - 500
	501 - 1,500
	1,501 - 3,000
	3,001 - 6,000



REGION 7 – LEWISTOWN

Attorneys: 2

Support Staff: 1

Investigators: 0.5

Contract Attorneys: 14

FYE 2012 Cases Opened: 462

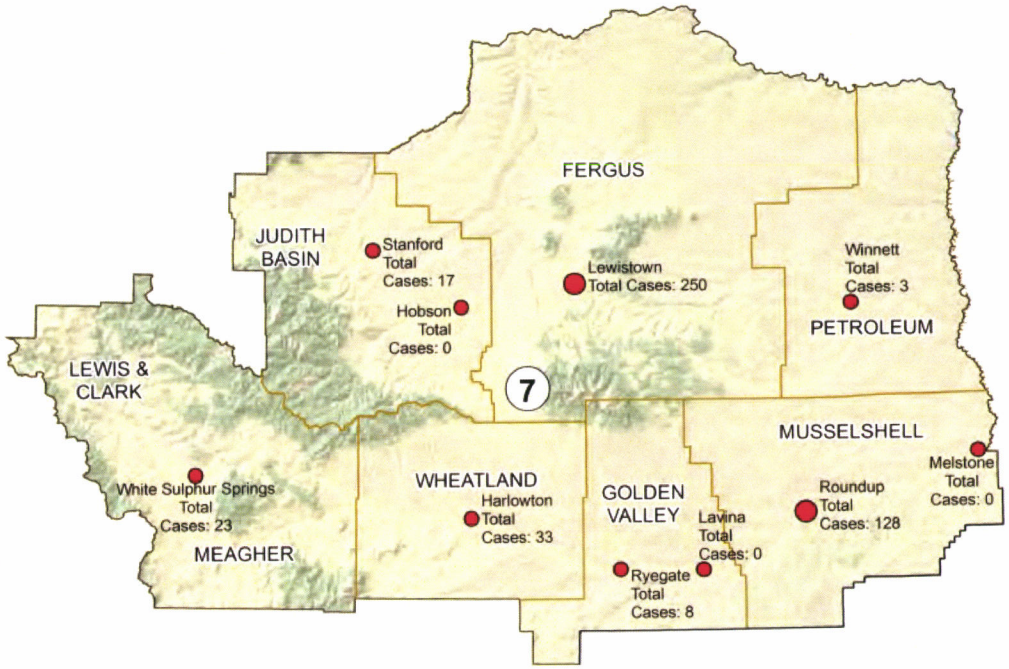
- District Court Cases: 273
- Cases in Courts of Limited Jurisdiction: 189

District Courts: 7

Lower Courts: 17

Sq. Miles: 14,748

Office of the State Public Defender



Region 7
FY 2012 New Cases
Total Cases

- 0 - 125
- 126 - 500
- 501 - 1,500
- 1,501 - 3,000
- 3,001 - 6,000

REGION 8 – BOZEMAN

Attorneys: 10

Support Staff: 6

Investigators: 2

Contract Attorneys: 21

FYE 2012 Cases Opened: 2,345

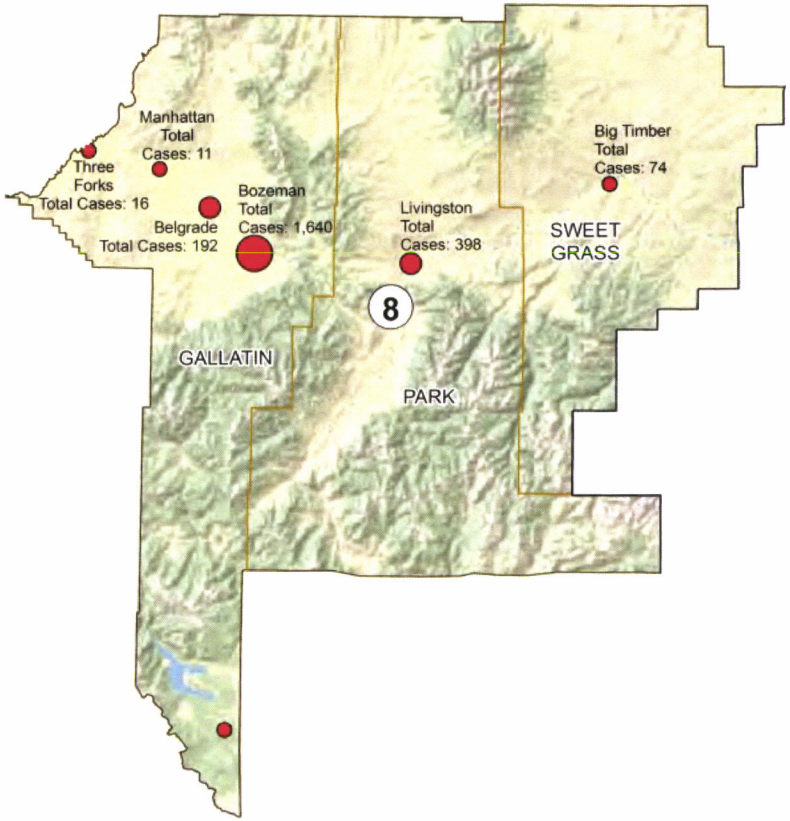
- District Court Cases: 691
- Cases in Courts of Limited Jurisdiction: 1,654

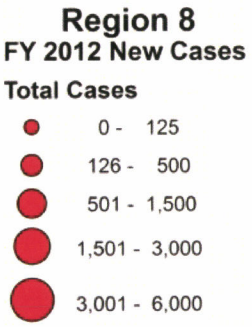
District Courts: 3

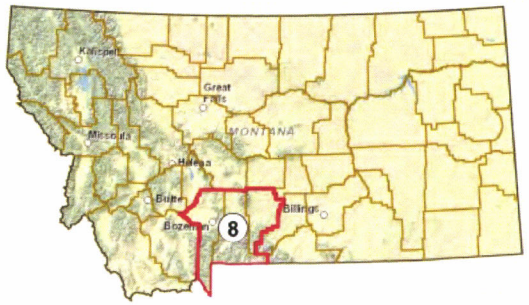
Lower Courts: 14

Sq. Miles: 7,303

Office of the State Public Defender







REGION 9 – BILLINGS

Attorneys: 19.75

Support Staff: 10

Investigators: 3

Contract Attorneys: 37

FYE 2012 Cases Opened: 7,140

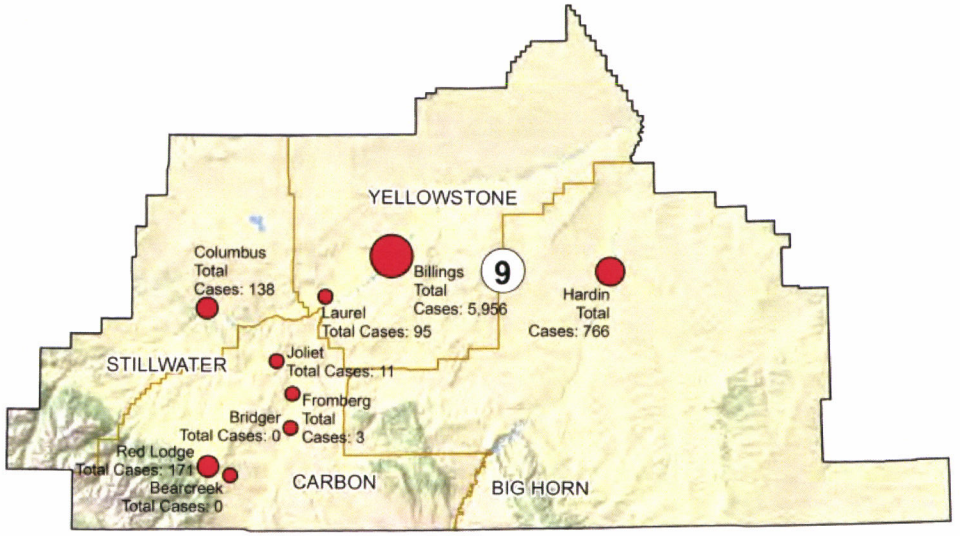
- District Court Cases: 1,904
- Cases in Courts of Limited Jurisdiction: 5,236

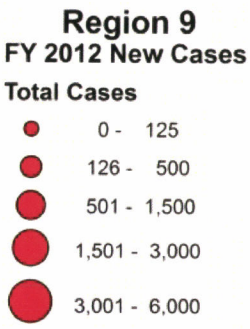
District Courts: 4

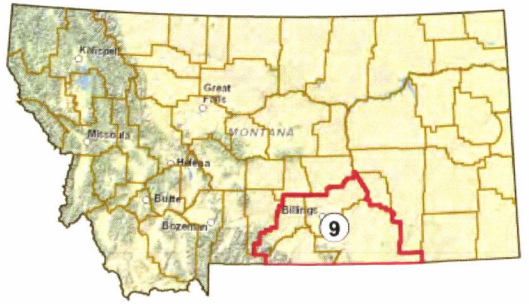
Lower Courts: 13

Sq. Miles: 11,524

Office of the State Public Defender







REGION 10 – GLENDIVE

Attorneys: 3

Support Staff: 1

Investigators: 1

Contract Attorneys: 9

FYE 2012 Cases Opened: 657

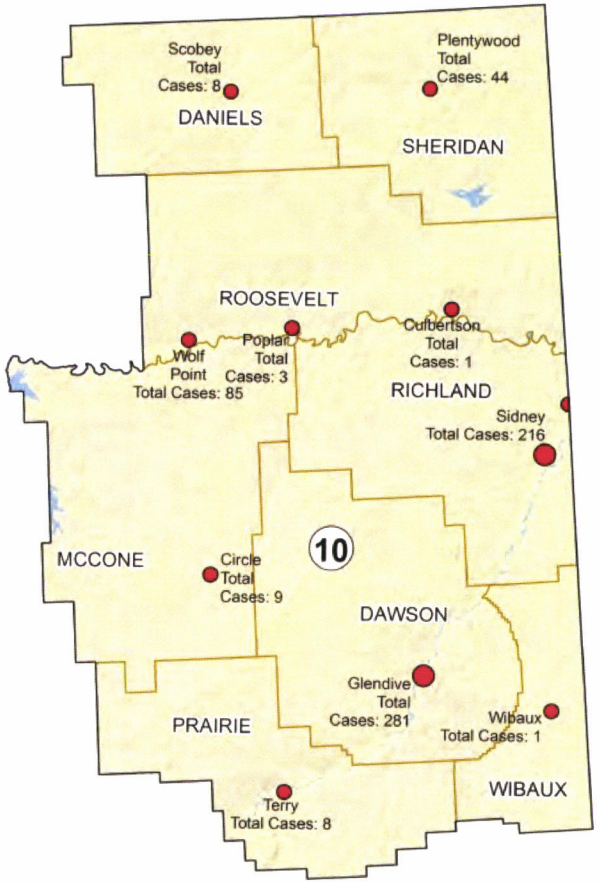
- District Court Cases: 364
- Cases in Courts of Limited Jurisdiction: 293

District Courts: 8

Lower Courts: 19

Sq. Miles: 15,290

Office of the State Public Defender



Region 10
FY 2012 New Cases
Total Cases

	0 - 125
	126 - 500
	501 - 1,500
	1,501 - 3,000
	3,001 - 6,000

REGION 11 – MILES CITY

Attorneys: 2

Support Staff: 1

Investigators: 1

Contract Attorneys: 15

FYE 2012 Cases Opened: 646

- District Court Cases: 373
- Cases in Courts of Limited Jurisdiction: 273

District Courts: 7

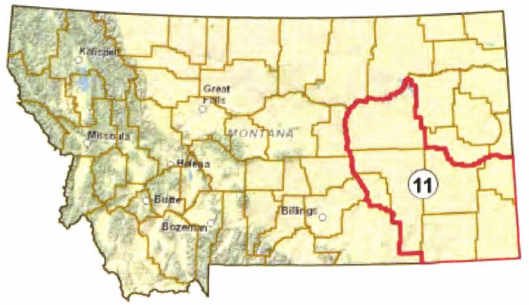
Lower Courts: 14

Sq. Miles: 22,900

Office of the State Public Defender

Region 11
FY 2012 New Cases
Total Cases

- 0 - 125
- 126 - 500
- 501 - 1,500
- 1,501 - 3,000
- 3,001 - 6,000



Central Services, Major Crimes, Conflict Coordinator and Appellate Defender

Central Services - Butte

Attorneys: 3.25 (Non Practicing)

Support Staff: 15

Investigators: 0.5

Major Crimes Unit – Helena

Attorneys: 4.5

Support Staff: 2

Conflict Coordinator

Attorneys: 0.5

Appellate - Helena

Attorneys: 9

Support Staff: 2

Contract Attorneys: 10

Serves the Montana Supreme Court

Office of the State Public Defender

Department of Corrections - FY 2012 Pay Changes (source Montana Pay Rate History Report on SABHRS)

Sal Plan	Pay Change Reason Desciption	Job Description	Grade	How Many?	Average Change Amount ($ per hour)	FY2012 Amount	Full Year Equivalent	SWPLA Amount	Average Salary plus Longevity Before (hourly)	Average Salary plus Longevity After (hourly)	Average Change %	AvgEffDate	FirstEffDate	LastEffDate
Broadband Pay Plan														
	Career Ladder	Accounting Technician	04	4	$0.67	$853	$5,568	$4,715	$13.81	$14.48	4.8%	5/5/2012	5/5/2012	5/5/2012
		Administrative Assistant	04	8	$0.59	$959	$9,887	$8,928	$13.64	$14.23	4.3%	5/26/2012	5/5/2012	6/30/2012
		Administrative Services Mgr	06	1	$0.11	$34	$223	$189	$29.34	$29.44	0.4%	5/5/2012	5/5/2012	5/5/2012
		Administrative Services Mgr	07	1	$1.02	$246	$2,140	$1,894	$33.17	$34.20	3.1%	5/19/2012	5/19/2012	5/19/2012
		Administrative Specialist	05	5	$0.58	$711	$6,090	$5,379	$16.09	$16.67	3.6%	5/16/2012	5/5/2012	6/30/2012
		Administrative Specialist	06	1	$0.83	$266	$1,737	$1,471	$16.66	$17.49	5.0%	5/5/2012	5/5/2012	5/5/2012
		Budget Analyst	05	1	$0.49	$0	$1,015	$1,015	$19.75	$20.24	2.5%	6/30/2012	6/30/2012	6/30/2012
		Child Family Social Worker	06	2	$0.49	$313	$2,039	$1,727	$16.96	$17.45	2.9%	5/5/2012	5/5/2012	5/5/2012
		Collections Technician	04	3	$0.75	$534	$4,685	$4,151	$13.18	$13.93	5.7%	5/23/2012	5/5/2012	6/30/2012
		Compliance Specialist	06	3	$0.95	$644	$5,965	$5,321	$18.64	$19.59	5.1%	5/23/2012	5/5/2012	6/30/2012
		Computer Programmer	06	1	$1.02	$326	$2,128	$1,802	$24.44	$25.46	4.2%	5/5/2012	5/5/2012	5/5/2012
		Computer Systems Analyst	06	10	$1.23	$2,485	$25,594	$23,108	$25.21	$26.43	4.9%	5/27/2012	5/5/2012	6/30/2012
		Correctional Officer	03	149	$0.61	$27,628	$190,899	$163,271	$13.63	$14.24	4.5%	5/7/2012	7/30/2011	6/30/2012
		Correctional Officer	04	18	$0.68	$3,214	$25,704	$22,490	$14.84	$15.53	4.6%	5/15/2012	5/5/2012	6/30/2012
		Correctional Officer Sgt	04	37	$0.66	$4,908	$50,781	$45,872	$17.20	$17.86	3.8%	5/28/2012	5/5/2012	6/30/2012
		Correctional Officer SupMgr	05	8	$0.80	$1,948	$13,312	$11,365	$21.60	$22.40	3.7%	5/10/2012	5/5/2012	6/16/2012
		Correctional Officer SupMgr	06	6	$0.73	$619	$9,109	$8,490	$22.53	$23.26	3.2%	6/9/2012	5/5/2012	6/30/2012
		Correctional Treatment Spc	05	10	$0.65	$1,864	$13,572	$11,708	$15.72	$16.37	4.1%	5/10/2012	5/5/2012	6/30/2012
		Correctional Treatment Spc	06	4	$0.94	$259	$7,834	$7,574	$19.23	$20.17	4.9%	6/16/2012	5/5/2012	6/30/2012
		Corrections&Social Svc Sup/Mgr	06	27	$0.84	$3,858	$47,343	$43,484	$23.36	$24.20	3.6%	5/31/2012	5/5/2012	6/30/2012
		Crime Investigator	06	3	$0.93	$587	$5,805	$5,218	$21.91	$22.84	4.2%	5/23/2012	5/5/2012	6/30/2012
		Database Analyst	07	1	$0.80	$257	$1,676	$1,419	$32.65	$33.45	2.5%	5/5/2012	5/5/2012	5/5/2012
		Dental Assistant	03	1	$0.56	$178	$1,163	$985	$13.92	$14.48	4.0%	5/5/2012	5/5/2012	5/5/2012
		Drill Instructor	04	11	$0.67	$1,741	$15,495	$13,753	$13.65	$14.32	4.9%	5/21/2012	5/5/2012	6/30/2012
		Drill Instructor	05	1	$0.71	$228	$1,486	$1,258	$18.92	$19.63	3.8%	5/5/2012	5/5/2012	5/5/2012
		Equipment Mechanic	04	1	$1.56	$499	$3,254	$2,755	$17.60	$19.16	8.9%	5/5/2012	5/5/2012	5/5/2012
		Food Service SupMgr	04	7	$0.56	$1,134	$8,227	$7,093	$13.15	$13.72	4.3%	5/11/2012	5/5/2012	6/2/2012
		Human Resource Assistant	03	2	$0.64	$235	$2,678	$2,443	$12.79	$13.43	5.0%	6/2/2012	5/5/2012	6/30/2012
		Human Resource Specialist	06	4	$0.81	$518	$6,759	$6,241	$17.81	$18.62	4.5%	6/2/2012	5/5/2012	6/30/2012
		Librarian	05	3	$0.64	$309	$3,992	$3,683	$14.59	$15.23	4.4%	6/2/2012	5/5/2012	6/30/2012
		Maintenance Worker	04	1	$0.55	$175	$1,144	$969	$12.54	$13.09	4.4%	5/5/2012	5/5/2012	5/5/2012
		Mechanic Maintenance SupMgr	04	7	$0.59	$872	$8,558	$7,686	$14.37	$14.95	4.1%	5/23/2012	5/5/2012	6/30/2012
		Mechanic Maintenance SupMgr	06	1	$0.86	$276	$1,802	$1,526	$17.35	$18.21	5.0%	5/5/2012	5/5/2012	5/5/2012
		Medical Health Services Mgr	08	1	$2.43	$776	$5,065	$4,289	$33.77	$36.19	7.2%	5/5/2012	5/5/2012	5/5/2012
		Mental Health Counselor	06	2	$0.75	$241	$3,142	$2,902	$16.18	$16.94	4.6%	6/2/2012	5/5/2012	6/30/2012
		Network Systems Analyst	06	10	$1.10	$1,724	$22,877	$21,154	$22.89	$23.99	4.8%	6/3/2012	5/5/2012	6/30/2012
		Nursing Aide	03	3	$0.52	$439	$3,245	$2,807	$10.47	$10.99	4.9%	5/14/2012	4/7/2012	6/30/2012
		Operations Manager	08	1	$1.45	$463	$3,023	$2,560	$34.62	$36.07	4.2%	5/5/2012	5/5/2012	5/5/2012
		Probation Parole Officer	06	72	$0.83	$20,065	$124,983	$104,918	$18.62	$19.45	4.5%	5/3/2012	2/11/2012	6/30/2012
		Production Services SupMgr	05	2	$0.90	$332	$3,769	$3,436	$17.88	$18.78	5.0%	6/2/2012	5/5/2012	6/30/2012
		Production Services SupMgr	06	2	$0.96	$308	$3,999	$3,691	$22.47	$23.43	4.3%	6/2/2012	5/5/2012	6/30/2012
		Program Manager	06	2	$1.03	$328	$4,281	$3,953	$21.03	$22.05	4.9%	6/2/2012	5/5/2012	6/30/2012
		Program Specialist	06	1	$1.09	$348	$2,272	$1,924	$18.75	$19.84	5.8%	5/5/2012	5/5/2012	5/5/2012
		Purchasing Technician	03	1	$0.54	$172	$1,121	$949	$12.36	$12.89	4.3%	5/5/2012	5/5/2012	5/5/2012
		Recreational Technician	04	1	$0.65	$208	$1,357	$1,149	$14.97	$15.62	4.3%	5/5/2012	5/5/2012	5/5/2012
		Registered Nurse	06	8	$1.02	$2,037	$17,005	$14,968	$21.63	$22.64	4.7%	5/17/2012	5/5/2012	6/30/2012
		Registered Nurse	07	2	$1.49	$555	$6,212	$5,656	$26.40	$27.89	5.6%	6/2/2012	5/5/2012	6/30/2012
		Secretary	03	29	$0.52	$6,426	$31,725	$25,300	$11.67	$12.19	4.5%	4/14/2012	7/2/2011	6/30/2012
		Social Community Svc Mgr	07	8	$0.89	$1,504	$14,882	$13,379	$27.45	$28.34	3.2%	5/24/2012	5/5/2012	6/30/2012

Department of Corrections - FY 2012 Pay Changes (source Montana Pay Rate History Report on SABHRS)

Sal Plan	Pay Change Reason Desciption	Job Description	Grade	How Many?	Average Change Amount ($ per hour)	FY2012 Amount	Full Year Equivalent	SWPLA Amount	Average Salary plus Longevity Before (hourly)	Average Salary plus Longevity After (hourly)	Average Change %	AvgEffDate	FirstEffDate	LastEffDate
		STG Staff Sergeant	04	1	$0.83	$132	$1,725	$1,593	$18.94	$19.76	4.4%	6/2/2012	6/2/2012	6/2/2012
		Teacher Secondary	06	6	$0.76	$1,088	$9,483	$8,395	$16.77	$17.53	4.5%	5/19/2012	5/5/2012	6/30/2012
	Career Ladder Total	Training Development Spc	06	3	$0.84	$561	$5,240	$4,679	$16.91	$17.75	4.9%	5/23/2012	5/5/2012	6/30/2012
				497	$0.73	$96,387	$753,073	$656,685	$16.79	$17.51	4.3%			
	Competency Adjustment	Clinical Psychologist	06	4	$3.62	$2,315	$30,205	$27,890	$22.82	$26.44	15.8%	6/2/2012	6/2/2012	6/2/2012
		Clinical Psychology Specialist	06	2	$2.27	$725	$9,459	$8,734	$20.00	$22.26	11.3%	6/2/2012	6/2/2012	6/2/2012
		Probation Parole Officer	06	2	$0.62	$0	$2,607	$2,607	$21.88	$22.51	2.9%	6/30/2012	6/30/2012	6/30/2012
	Competency Adjustment Total			8	$2.53	$3,039	$42,270	$39,231	$21.88	$24.41	11.6%			
	Correct inaccurate pay	Correctional Officer	03	8	$0.37	$3,324	$6,255	$2,931	$14.95	$15.32	2.5%	10/30/2011	7/2/2011	6/2/2012
		Correctional Officer Sgt	04	3	$0.60	$2,805	$3,746	$940	$14.77	$15.37	4.0%	9/24/2011	7/2/2011	2/11/2012
		Correctional Officer SupMgr	04	3	$1.93	$7,641	$12,063	$4,422	$15.45	$17.38	12.5%	10/3/2011	7/30/2011	1/14/2012
		Secretary	05	1	$0.28	$500	$593	$93	$20.61	$20.90	1.4%	8/27/2011	8/27/2011	8/27/2011
		Teacher Secondary	03	2	$0.76	$2,662	$3,190	$528	$10.53	$11.29	7.3%	8/27/2011	8/13/2011	9/10/2011
	Correct inaccurate pay Total		06	1	$0.32	$474	$674	$200	$16.99	$17.31	1.9%	10/17/2011	10/17/2011	10/17/2011
				18	$0.71	$17,407	$26,522	$9,115	$14.94	$15.65	4.7%			
	Longevity	Accountant	05	1	$0.25	$0	$522	$522	$17.92	$18.17	1.4%	6/30/2012	6/30/2012	6/30/2012
		Accounting Technician	04	1	$0.31	$554	$657	$103	$16.29	$16.61	1.9%	8/27/2011	8/27/2011	8/27/2011
		Administrative Assistant	04	2	$0.26	$755	$1,092	$337	$14.98	$15.24	1.7%	10/15/2011	9/10/2011	11/19/2011
		Administrative Specialist	05	1	$0.38	$725	$789	$63	$19.54	$19.92	1.9%	7/30/2011	7/30/2011	7/30/2011
		Budget Analyst	06	2	$0.37	$1,314	$1,545	$232	$21.56	$21.93	1.7%	8/20/2011	7/16/2011	9/24/2011
		Budget Analyst	05	1	$0.29	$140	$609	$469	$19.46	$19.75	1.5%	4/7/2012	4/7/2012	4/7/2012
		Collections Technician	06	1	$0.30	$241	$629	$388	$20.10	$20.40	1.5%	2/11/2012	2/11/2012	2/11/2012
		Correctional Officer	04	1	$0.27	$382	$554	$172	$13.48	$13.74	2.0%	10/22/2011	10/22/2011	10/22/2011
		Correctional Officer	03	37	$0.28	$9,690	$21,583	$11,892	$16.66	$16.94	1.7%	1/20/2012	7/2/2011	6/30/2012
		Correctional Officer Sgt	04	10	$0.29	$2,980	$6,118	$3,138	$17.02	$17.31	1.7%	12/26/2011	7/16/2011	6/30/2012
		Correctional Officer SupMgr	04	6	$0.31	$1,781	$3,913	$2,132	$17.94	$18.25	1.7%	1/30/2012	7/2/2011	6/30/2012
		Correctional Officer SupMgr	05	4	$0.44	$2,109	$3,671	$1,562	$22.75	$23.19	1.9%	12/3/2011	7/30/2011	4/7/2012
		Correctional Treatment Spc	06	2	$0.40	$438	$1,651	$1,213	$24.42	$24.82	1.6%	3/31/2012	1/28/2012	6/2/2012
		Correctional Treatment Spc	05	1	$0.35	$473	$726	$253	$17.65	$17.99	2.0%	11/5/2011	11/5/2011	11/5/2011
		Corrections&Social Svc Sup/Mgr	06	2	$0.30	$767	$1,266	$499	$21.04	$21.34	1.4%	11/12/2011	7/30/2011	2/25/2012
		Crime Investigator	06	6	$0.40	$2,408	$5,042	$2,634	$25.03	$25.43	1.6%	1/4/2012	10/22/2011	6/2/2012
		Dentist	09	1	$0.46	$740	$966	$226	$23.48	$23.94	2.0%	9/24/2011	9/24/2011	9/24/2011
		Drill Instructor	06	1	$1.31	$105	$2,746	$2,640	$87.66	$88.98	1.5%	6/16/2012	6/16/2012	6/16/2012
		Equipment Mechanic	04	1	$0.36	$58	$752	$694	$25.80	$26.16	1.4%	6/2/2012	6/2/2012	6/2/2012
		Financial Manager	07	1	$0.37	$148	$771	$623	$18.74	$19.11	2.0%	4/21/2012	4/21/2012	4/21/2012
		Financial Manager	08	1	$0.64	$927	$1,345	$417	$33.32	$33.97	1.9%	10/22/2011	10/22/2011	10/22/2011
		Food Service SupMgr	04	1	$0.78	$808	$1,623	$814	$41.00	$41.77	1.9%	12/31/2011	12/31/2011	12/31/2011
		Human Resource Assistant	03	2	$0.25	$565	$1,033	$469	$14.26	$14.51	1.7%	12/22/2011	10/18/2011	2/25/2012
		LPN	04	2	$0.18	$720	$766	$47	$12.24	$12.42	1.5%	7/23/2011	7/16/2011	7/30/2011
		Mediator	06	1	$0.34	$109	$712	$602	$25.44	$25.78	1.3%	5/5/2012	5/5/2012	5/5/2012
		Medical Health Services Mgr	07	2	$0.40	$1,075	$1,673	$598	$24.56	$24.96	1.6%	11/19/2011	8/27/2011	2/11/2012
		Medical Secretary	03	1	$0.67	$538	$1,403	$866	$34.11	$34.78	2.0%	2/11/2012	2/11/2012	2/11/2012
		Operations Manager	07	1	$0.30	$291	$632	$342	$15.67	$15.98	1.9%	1/14/2012	1/14/2012	1/14/2012
		Paralegal Legal Assistant	04	1	$0.54	$1,127	$1,132	$4	$39.93	$40.47	1.4%	7/2/2011	7/2/2011	7/2/2011
		Physician Primary Care	09	1	$0.35	$666	$724	$58	$17.95	$18.29	1.9%	7/30/2011	7/30/2011	7/30/2011
		Probation Parole Officer	06	1	$1.09	$2,100	$2,284	$184	$72.93	$74.02	1.5%	7/30/2011	7/30/2011	7/30/2011
				29	$0.35	$10,952	$21,277	$10,325	$21.57	$21.93	1.6%	12/23/2011	7/2/2011	6/16/2012

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Sal Plan	Pay Change Reason Desciption	Job Description	Grade	How Many?	Average Change Amount ($ per hour)	FY2012 Amount	Full Year Equivalent	SWPLA Amount	Average Salary plus Longevity Before (hourly)	Average Salary plus Longevity After (hourly)	Average Change %	AvgEffDate	FirstEffDate	LastEffDate
		Production Services SupMgr	04	1	$0.33	$481	$698	$217	$16.96	$17.29	2.0%	10/22/2011	10/22/2011	10/22/2011
		Production Services SupMgr	06	2	$0.46	$1,372	$1,928	$555	$23.89	$24.35	1.9%	10/22/2011	7/30/2011	1/14/2012
		Program Manager	07	3	$0.50	$1,106	$3,150	$2,044	$36.38	$36.89	1.4%	2/20/2012	12/3/2011	4/7/2012
		Program Specialist	06	1	$0.34	$465	$714	$249	$22.79	$23.13	1.5%	11/5/2011	11/5/2011	11/5/2011
		Public Relations Specialist	06	1	$0.41	$359	$851	$492	$20.68	$21.09	2.0%	1/28/2012	1/28/2012	1/28/2012
		Registered Nurse	06	1	$0.53	$679	$1,107	$429	$27.45	$27.98	1.9%	11/19/2011	11/19/2011	11/19/2011
		Registered Nurse	07	1	$0.65	$628	$1,365	$738	$33.19	$33.84	2.0%	1/14/2012	1/14/2012	1/14/2012
		Secretary	03	12	$0.23	$2,750	$5,791	$3,041	$13.34	$13.57	1.7%	12/26/2011	7/2/2011	6/30/2012
		Social Community Svc Mgr	07	1	$0.55	$1,014	$1,151	$137	$27.97	$28.52	2.0%	8/13/2011	8/13/2011	8/13/2011
		STG Staff Sergeant	04	1	$0.39	$0	$813	$813	$19.76	$20.15	2.0%	6/30/2012	6/30/2012	6/30/2012
		Teacher Secondary	06	2	$0.27	$602	$1,142	$540	$19.52	$19.79	1.4%	12/24/2011	12/3/2011	1/14/2012
		Training Manager	07	1	$0.44	$106	$920	$815	$31.59	$32.04	1.4%	5/19/2012	5/19/2012	5/19/2012
		Warehouse Worker	03	1	$0.36	$314	$745	$431	$18.47	$18.83	1.9%	1/28/2012	1/28/2012	1/28/2012
	Longevity Total			153	$0.35	$55,563	$110,582	$55,019	$20.67	$21.02	1.7%			
	Performance Adjustment	Administrative Specialist	06	1	$1.00	$1,874	$2,088	$214	$20.82	$21.82	4.8%	8/7/2011	8/7/2011	8/7/2011
		Budget Analyst	06	1	$0.96	$760	$1,998	$1,238	$19.14	$20.10	5.0%	2/12/2012	2/12/2012	2/12/2012
		Correctional Treatment Spc	06	2	$0.75	$231	$3,132	$2,901	$17.75	$18.50	4.2%	6/3/2012	6/2/2012	6/5/2012
		Program Manager	07	1	$3.17	$3,255	$6,609	$3,353	$33.76	$36.93	9.4%	1/2/2012	1/2/2012	1/2/2012
	Performance Adjustment Total			5	$1.32	$6,121	$13,827	$7,705	$21.84	$23.17	6.1%			
	Reclassification	Administrative Specialist	06	2	$3.15	$8,053	$13,136	$5,083	$16.30	$19.45	19.3%	11/19/2011	11/19/2011	11/19/2011
		Collections Technician	04	1	$0.50	$560	$1,044	$484	$12.04	$12.54	4.2%	12/17/2011	12/17/2011	12/17/2011
		Crime Investigator	06	2	$1.38	$991	$5,746	$4,756	$18.60	$19.97	7.4%	4/28/2012	4/28/2012	4/28/2012
	Reclassification Total			5	$1.91	$9,603	$19,926	$10,323	$16.37	$18.28	11.7%			
	Situational Adjustment	Operations Manager	08	1	$7.18	$12,429	$14,989	$2,560	$43.70	$50.87	16.4%	9/1/2011	9/1/2011	9/1/2011
		Probation Parole Officer	06	42	$1.01	$6,631	$88,820	$82,189	$20.07	$21.09	5.0%	6/2/2012	6/2/2012	6/7/2012
		Program Manager	07	1	$3.27	$1,794	$6,828	$5,034	$34.87	$38.14	9.4%	3/26/2012	3/26/2012	3/26/2012
	Situational Adjustment Total			44	$1.20	$20,854	$110,637	$89,783	$20.95	$22.15	5.7%			
	Situational Pay End	Administrative Specialist	06	1	($3.01)	($6,267)	($6,291)	($24)	$30.11	$27.10	-10.0%	7/2/2011	7/2/2011	7/2/2011
		Mail Clerk	02	1	($5.34)	($6,411)	($11,155)	($4,744)	$17.85	$12.50	-29.9%	12/3/2011	12/3/2011	12/3/2011
		Operations Manager	08	1	($7.18)	($8,696)	($14,989)	($6,293)	$50.87	$43.70	-14.1%	12/1/2011	12/1/2011	12/1/2011
	Situational Pay End Total			3	($5.18)	($21,374)	($32,435)	($11,061)	$32.94	$27.77	-15.7%			
	Strategic Pay Adjustment	Collections Technician	04	1	$2.29	$184	$4,790	$4,606	$12.04	$14.34	19.0%	6/16/2012	6/16/2012	6/16/2012
		Dentist	09	1	$7.51	$12,617	$15,681	$3,064	$52.89	$60.40	14.2%	9/10/2011	9/10/2011	9/10/2011
	Strategic Pay Adjustment Total			2	$4.90	$12,800	$20,471	$7,670	$32.47	$37.37	15.1%			
	TrainingAssignment Progression	Drill Instructor	04	1	$1.00	$320	$2,088	$1,768	$13.77	$14.77	7.3%	5/5/2012	5/5/2012	5/5/2012
		Human Resource Specialist	06	1	$1.23	$98	$2,558	$2,460	$13.50	$14.73	9.1%	6/16/2012	6/16/2012	6/16/2012
	TrainingAssignment Progression Total			2	$1.11	$418	$4,646	$4,228	$13.64	$14.75	8.2%			
Exempt Employee Pay Plan														
	Correct inaccurate pay	OTHER/PROF-PROF	01	1	$4.58	$2,198	$9,563	$7,365	$8.75	$13.33	52.3%	4/7/2012	4/7/2012	4/7/2012
	Market Adjustment	OTHER/PROF-PROF	01	9	$3.89	$50,357	$73,017	$22,661	$9.44	$13.33	41.1%	10/22/2011	10/22/2011	10/22/2011

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Blue Collar Pay Plan														
	Correct inaccurate pay	PLUMBER	13	1	$0.46	$259	$965	$706	$19.69	$20.15	2.3%	3/24/2012	3/24/2012	3/24/2012
	Longevity	ELECTRICIAN	12	1	$0.30	$520	$617	$97	$19.69	$19.99	1.5%	8/27/2011	8/27/2011	8/27/2011
		PAINTER	10	1	$0.28	$51	$588	$536	$18.77	$19.05	1.5%	5/29/2012	5/29/2012	5/29/2012
		TRACTOR/TRAILOR TRNSPRT DRIVER	9	1	$0.37	$703	$764	$62	$18.95	$19.31	1.9%	7/30/2011	7/30/2011	7/30/2011
	Longevity Total			3	$0.31	$1,274	$1,969	$695	$19.14	$19.45	1.6%			
Department of Corrections Total				751	$0.74	$254,907	$1,155,032	$900,125	$17.87	$18.61	4.1%			