

Establish a statewide public defender system to provide effective assistance of counsel

Agency/Program #: 6108-01-G1
Division: Public Defender
Program: Public Defender

Agency Name:	Office of Public Defender	
Agency Contact:	Harry Freebourn	496-6084
LFC Contact:	Representative Hiner, Senators Bales and Schmidt	
LFD Liaison:	Pat Gervais	444-1795
OBPP Liaison:	Brent Doig	444-4118

Program or Project Description:

Public Defender -The Office of State Public Defender administers the statewide public defender system that delivers public defender services in all courts in Montana for criminal and certain civil cases for an individual who is determined to be financially unable to retain private counsel and who is accused of an offense that could result in the person's loss of life or liberty if convicted.

Fund Name:	Appropriation, Expenditure and Source				Approp & Expenditure numbers are as of August 31, 2008
	2008		2009		
	Approp.	Expended	Approp.	Expended	
General Fund					
State Special					
Federal Funds					
Total:	\$0	\$0	\$0	\$0	

Legislative Goal(s):

Establish a statewide public defender system to provide effective assistance of counsel to indigent criminal defendants and other persons in civil cases who are entitled by law to assistance of counsel at public expense

Legislative Performance Measur

- # of OPD cases by type compared to total cases filed by type (felonies)
- Requested/applications for services compared to number determined eligible for services
- # of cases in which denial of eligibility is overturned by a court
- # of cases for which costs of services is requested (payment from client)
- # of cost containment measures implemented with brief description of cost containment measure
- Results of client/stakeholder survey

2009 Biennium Significant Milestones:

		Completion Dates	
		Target	Actual
1	OPD expects to have an analysis of the count of the number of OPD cases by type compared to total cases filed in Montana by type (felonies) by	3/8/2008	COMPLETED
2	OPD expects to have an initial analysis of the number of applications for OPD services compared to number determined eligible for services by	03/08.	COMPLETED
3	OPD expects to have an initial analysis of the number of cases in which denial of eligibility by OPD is overturned by a court by	03/08.	COMPLETED
4	OPD expects to have an initial analysis of the number of cases for which costs of services is requested by	Mar-08	COMPLETED
5	OPD expects to have the initial results of a client/stakeholder survey by	Mar-08	IN PROCESS

--	--	--

Agency Performance Report:

1. OPD has been able to calculate that the agency provides indigent legal services for minimally 76% of all felonies filed in the State of Montana.
2. The number of applications for OPD services for the period of July, 07 through August, 2008 determined to be ineligible as per Title 47 were 829.
3. The number of cases that were first denied by OPD and later overturned by a court was 18 for the same time period as noted in number 2 above.
4. The number of cases for which costs of services was requested and the related costs was 336 and \$134,707 for the period of July 1, 2006 through Aug 31, 2008.
5. Cost containment measures:
 - o Detailed Budget with Extensive Expenditure Review
 - o Contractor (Non-Attorney) Expenditure Pre-Approval Process
 - o Mental Health Protocol process
6. The initial client/stakeholder survey went out approx the first of May 2008. The responses were so limited that the results would be statistically irrelevant., and it was determined not to work. The next step indicated would be telephone calls placed to randomly selected clients to obtain feedback. Presently we do not have the additional personnel resources.

LFD Narrative:

LFD Assessment: On track
 Data Relevance: Yes
 Appropriation Status: Not provided
 Comments/Issues: The workgroup may wish to ask for an update on the appropriation status related to this goal. The agency indicates they do not have adequate staff to complete a phone survey of former clients.
 Options:
 - Change LFD Assessment



Version	Date	Author
AW-1	12/4/07	Gervais
AO-1	5/19/08	Gervais
DO-2	9/23/08	Gervais

Change Description
1st Report
June 2008 update, not requested by workgroup
Sept 2008 update