

Provide that public defender services are delivered by qualified and competent counsel...

Agency/Program #: 6108-01-G2
 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	
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Program or Project Description:

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):

Provide that public defender services are delivered by qualified and competent counsel in a manner that is fair and consistent throughout the state

Legislative Performance Measures :

- # of attorney employee appraisals completed, number receiving satisfactory rating verses number receiving rating indicating improvement is needed
- # of proficiency evaluations of contract attorneys completed, number receiving satisfactory rating verses number receiving rating indicating improvement is needed
- # of training courses offered, attendees by type, and summary of post training survey on usefulness of training course
- # of complaints received

2009 Biennium Significant Milestones:

	Completion Dates	
	Target	Actual
1	OPD's target date to complete all attorney employee appraisals is	05/08 (IN PROCESS)
2	OPD's target date to complete all proficiency evaluations of contract attorney is	07/08 (IN PROCESS)
3	OPD's target date to provide a more detailed report identifying the number of complaints in the system is	Jan-08 (COMPLETED)
4		
5		

Agency Performance Report:

1. The number of attorneys having been appraised to date is 36 out of a total number of 91 attorneys in program 1. Those receiving a rate of satisfactory were 33 vs those with less than satisfactory of 1, and 2 others requiring a significant improvement.
2. The number of proficiency evaluations of contract attorneys complete to date is 52 vs a total number to complete of 217. Those receiving a rate of satisfactory were 47 vs those with less than satisfactory of 5 to date.
3. The number of training course offered during FY 2007 were 18.
The total attendance for the combined instruction of all courses FY 2007 is as follows:
552 FTE -Attorneys 126 FTE -Non Attorney staff 263 Non FTE contract attorneys 49 Non FTE/non attorney professionals.
The number of training courses offered during FY 2008 to date have been 21. The total attendance for the combined instruction during FY 2008 is as follows: 505 FTE - Attorneys 69 FTE - Non-Attorneys staff 225 Non FTE Contract Attorneys 51 Non FTE/Non Attorney professionals
4. The State Office of the Public Defender has developed a complaint log that is to be maintained at the regional level on a monthly basis. From the period of 7/1/07-8/31/08 we have received 162 written complaints.
Attributes of these grievances have been generally captured as follows:
Unresponsiveness 32% Failure to return phone calls 27% Failure to visit 19% Personality Clash 31%
Ineffective assistance 47% Other 10%
Each written complaint may list more than one grievance so these percentages do not equal 100%
Resolution to these complaints have been addressed as follows:
Mediation between Client & Counsel 49% Assignment of New Counsel 31%
Other 28% Resolution may list more than one type of action so these percentages do not equal 100%

LFD Narrative:

LFD Assessment: Progress report needed
 Data Relevance: Yes
 Appropriation Status: Not provided
 Comments/Issues: To date only 36 of 91 (about 40 percent) employee attorney have received an appraisal and only 52 of 217 (24 percent) of contract attorneys have received proficiency evaluations. Given this rate of completion it will take more than 2 years to complete appraisal of employee attorneys and more than 4 years to complete proficiency evaluations of contract attorneys. The workgroup may wish to discuss whether or not this progress is sufficient to assure that the goal is achieved.
 The workgroup may wish to request a report on the appropriation status of the funding related to this goal.
 Options:
 - Change LFD Assessment
 - Provide the agency with guidance on the frequency that employee attorney appraisals and contract attorney proficiency evaluations should be completed.

Version

Date

Author

Change Description



AO-1	12/04/07	Gervais
AW-2	05/19/08	Gervais
AP-3	09/23/08	Gervais

1st report
June 2008 update
Sept 2008 update