

Total Office Of The Public Defender Funding by Source of Authority 2015 Biennium Budget						
Funds	HB 2	Non-Budgeted Proprietary	Statutory Appropriation	Total All Sources	% Total All Funds	
General Fund	\$52,984,731	\$0	\$0	\$52,984,731	99.0%	
State Special Total	\$555,193	\$0	\$0	\$555,193	1.0%	
02250 Court Ordered Sentencing Costs	\$555,193	\$0	\$0	\$555,193	1.0%	
Total All Funds	\$53,539,924	\$0	\$0	\$53,539,924	100.0%	
Percent - Total All Sources	100.0%	0.0%	0.0%			

5% Base Budget Reduction Form
[17-7-111-3\(f\)](#)

AGENCY CODE & NAME: 61080/Office of the State Public Defender

		Minimum Requirement	
		General Fund	State Special Revenue Fund
TARGETED REDUCTION TO EQUAL 5% OF CURRENT BASE BUDGET		\$ 1,127,342	\$ 5,000
Priority	SERVICE(S) TO BE ELIMINATED OR REDUCED	General Fund Annual Savings	State Special Revenue Annual Savings
1	Reduce Contract Attorney Services	\$ 563,671	
2	Eliminate FTE	\$ 563,671	
3	Reduce Records Management		\$ 5,000
4			
5			
6			
7			
8			
9			
10			
11			
	TOTAL SAVINGS	\$ 1,127,342	\$ 5,000
	DIFFERENCE	0	0

5% Base Budget Reduction Form

AGENCY CODE & NAME: 61080/Office of the State Public Defender

#1

BRIEF DESCRIPTION OF SERVICE TO BE CONSIDERED FOR ELIMINATION OR REDUCTION: Reduce contract attorney costs by \$563,671. The agency would move contract attorney cases into its offices to be served by existing FTE.

#2

THE SAVINGS THAT ARE EXPECTED: \$563,671

#3

THE CONSEQUENCES OR IMPACTS OF THE PROPOSED ELIMINATION OR REDUCTION: Agency FTE are already feeling the stress of the growth rate in caseloads per year and this action would compound that stress by bringing more cases into offices. The agency may see hired attorneys exit the system as a result of unreasonable caseload requirements. The agency may see law suits to limit caseloads to a level prescribed by the agency's standards of legal practices and the American Bar Association.

#4 HOW THE IMPACT TO CONSTITUENTS AND STAFF MIGHT BE MITIGATED:

#5 WHETHER THE SERVICE IS SPECIFICALLY REQUIRED BY STATE & /OR FEDERAL STATUTE - YES OR NO: Yes Title 47

5% Base Budget Reduction Form

AGENCY CODE & NAME: 61080/Office of the State Public Defender

#1

BRIEF DESCRIPTION OF SERVICE TO BE CONSIDERED FOR ELIMINATION OR REDUCTION: The Agency would reduce approximately 4% of its previously approved FTE. This would be approximately 8.5 FTE.

#2 THE SAVINGS THAT ARE EXPECTED: \$563,671

#3

THE CONSEQUENCES OR IMPACTS OF THE PROPOSED ELIMINATION OR REDUCTION: To meet the requirements of this reduction by program, the Agency's internal attorneys' caseloads would increase. Once the capacity of the internal attorneys has reached its limit, the Agency would delay future intake of new cases. This would result in longer stays in jail or juvenile detention. It also may impact the right to a speedy trial. There would be greater county costs for people being held at Warm Springs or in hospitals in mental health commitments.

#4 HOW THE IMPACT TO CONSTITUENTS AND STAFF MIGHT BE MITIGATED: The Legislature could consider removing the jail time as a penalty from certain crimes. Otherwise, there is little the agency could do to mitigate impacts from the loss of this funding and FTE.

#5 WHETHER THE SERVICE IS SPECIFICALLY REQUIRED BY STATE & /OR FEDERAL STATUTE - YES OR NO: YES - Title 47

5% Base Budget Reduction Form

AGENCY CODE & NAME: 61080/Office of the State Public Defender

#1 BRIEF DESCRIPTION OF SERVICE TO BE CONSIDERED FOR ELIMINATION OR REDUCTION: Records Management

#2 THE SAVINGS THAT ARE EXPECTED: \$5,000

#3 THE CONSEQUENCES OR IMPACTS OF THE PROPOSED ELIMINATION OR REDUCTION: This reduction would impede the agency's ability to manage its records.

#4 HOW THE IMPACT TO CONSTITUENTS AND STAFF MIGHT BE MITIGATED:

#5 WHETHER THE SERVICE IS SPECIFICALLY REQUIRED BY STATE & /OR FEDERAL STATUTE - YES OR NO: Yes MCA 2-6-201 and MCA 2-6-213(6)

Office of the State Public Defender
PROGRAM 1
GOALS, OBJECTIVES, AND ACTION ITEMS

GOAL 1: Maintain and improve 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.

GOAL 2: Ensure that the system is free from undue political interference and conflicts of interest.

GOAL 3: Ensure that the public defender services are delivered by qualified and competent counsel in a manner that is fair and consistent throughout the state.

GOAL 4: Ensure that the system utilizes state employees, contracted services, or other methods of providing services in a manner that is responsive to and respectful of regional and community needs and interests.

GOAL 5: Advocate for adequate funding of the statewide public defender system.

GOAL 6: Ensure that clients of the statewide public defender system pay reasonable costs for services provided by the system based on the clients' financial ability to pay.

GOAL 7: Advocate for parity in pay and resources with the prosecution.

GOAL 8: Ensure uniformity and consistency in the administration of the statewide system and the case management program.

GOAL 1: Maintain and improve 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.

OBJECTIVE: Monitor the existing public defender system to assure that it provides high quality services at a reasonable cost.

ACTION ITEM: Periodically adjust the balance of state employees and contract services to achieve the best result.

ACTION ITEM: Periodically update the agency strategic plans (system and regional) for providing public defender services, including a review of the agency's statutory provisions.

ACTION ITEM: Develop, monitor and adjust information systems, processes, and policies and procedures as necessary to assure accurate and verifiable information is available to manage the agency, including but not limited to caseloads, case dispositions, attorney workload, and other operational information.

ACTION ITEM: Develop measures that allow for the periodic review of operations to verify that agency personnel are accurately implementing standards, policies, and procedures.

ACTION ITEM: Develop a plan to deal with case overloads that may include refusing cases from entering the system to assure high quality of services.

GOAL 2: Ensure that the system is free from undue political interference and conflicts of interest.

OBJECTIVE: Guarantee the integrity of the relationship between attorney and client. Take all necessary steps to ensure that the public defender system is not subject to unwarranted judicial supervision.

ACTION ITEM: Identify and address interference issues through the Judicial Systems Committee.

GOAL 3: Ensure that public defender services are delivered by qualified and competent counsel in a manner that is fair and consistent throughout the state.

OBJECTIVE: Staff and support the agency's training function.

ACTION ITEM: The training coordinator will design annual training programs that best achieve the goals of the agency in consultation with the Chief Public Defender, the Chief Appellate Defender, the Public Defender Commission, and by survey of agency staff and contractors.

ACTION ITEM: The training coordinator will provide training to all members of the system including state employees and contract service providers. The training coordinator will solicit feedback and evaluations from attendees to assure that the training provided was effective.

ACTION ITEM: The training coordinator will provide training for attorneys representing those with physical or mental disabilities.

OBJECTIVE: Develop and monitor FTE evaluations and contractor proficiency determinations.

GOAL 4: Ensure that the system utilizes state employees, contracted services, or other methods of providing services in a manner that is responsive to and respectful of regional and community needs and interests.

OBJECTIVE: Assure that the main focus of the agency is to provide the best client service. Assure that service is being provided by monitoring the performance of state employees and contracts with private attorneys.

ACTION ITEM: Continually identify attorneys willing to contract for public defender services.

ACTION ITEM: Agency management will evaluate attorney performance to assure quality of services.

GOAL 5: Advocate for adequate funding of the statewide public defender system.

OBJECTIVE: The agency will communicate information related to the caseloads and costs of the public defender system to the Commission, all branches of state government, and other interested parties. .

ACTION ITEM: Budget information will show the accomplishments of attorneys in serving the mission of the agency.

ACTION ITEM: The Commission and the agency will take actions to advocate the value of the agency to others.

GOAL 6: Ensure that clients of the statewide public defender system pay reasonable costs for services provided by the system based on the clients' financial ability to pay.

GOAL 7: Advocate for parity in pay and resources with the prosecution.

OBJECTIVE: The agency will communicate information related to disparity in pay and resources with prosecutors to the Commission, all branches of state government, and other interested parties.

ACTION ITEM: Continually identify the disparities and work to correct them.

GOAL 8: Ensure uniformity and consistency in the administration of the statewide system and the case management program.

Office of the State Public Defender
PROGRAM 2
GOALS, OBJECTIVES, AND ACTION ITEMS

GOAL 1: Maintain and improve a statewide Appellate Defender Office 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 during the appeals process at public expense.

GOAL 2: Ensure that the statewide Appellate Defender Office is free from undue political interference and conflicts of interest.

GOAL 3: Ensure that Appellate Defender Office services are delivered by qualified and competent appellate counsel.

GOAL 4: Ensure that the system utilizes state employees and contracted services to avoid conflicts of interest and to process appeals in a timely manner.

GOAL 5: Advocate for adequate funding for the statewide Appellate Defender Office.

GOAL 6: Ensure that clients of the statewide Appellate Defender Office pay reasonable costs for services based on the clients' financial ability to pay.

GOAL 7: Advocate for parity in pay and resources with the Attorney General's Office.

GOAL 8: Ensure uniformity and consistency in the administration of the statewide Appellate Defender Office and its case management program.

GOAL 1: Maintain and improve a statewide Appellate Defender Office 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 during the appeals process at public expense.

OBJECTIVE: Monitor the existing statewide Appellate Defender Office to ensure it provides high quality services at a reasonable cost.

ACTION ITEM: Periodically adjust the balance of state employees and contract services to achieve the best result.

ACTION ITEM: Periodically update the strategic plan for providing Appellate Defender Office services, including a review of the office's statutory provisions.

ACTION ITEM: Develop, monitor and adjust information systems, processes, and policies and procedures as necessary to ensure accurate and verifiable information is available to manage the agency, including but not limited to caseloads, case dispositions, attorney workload, and other operational information.

ACTION ITEM: Develop measures that allow for the periodic review of operations to verify that agency personnel are accurately implementing standards, policies, and procedures.

ACTION ITEM: Develop a plan to deal with case overloads that may include refusing cases from entering the system to assure high quality of services.

GOAL 2: Ensure that the statewide Appellate Defender Office is free from undue political interference and conflicts of interest.

OBJECTIVE: Guarantee the integrity of the relationship between attorney and client. Take all necessary steps to ensure that the Appellate Defender Office is not subject to unwarranted judicial supervision.

ACTION ITEM: Identify and address interference issues through the Judicial Systems Committee.

GOAL 3: Ensure that Appellate Defender Office services are delivered by qualified and competent appellate counsel.

OBJECTIVE: Support the agency's training function.

ACTION ITEM: The training coordinator will design annual training programs that best achieve the goals of the statewide Appellate Defender Office, in consultation with the Chief Appellate Defender, the Public Defender Commission, and by survey of agency staff.

ACTION ITEM: The training coordinator will include staff and contract appellate attorneys in training to further the understanding of appellate issues for all public defenders. The training coordinator will solicit feedback and evaluations from attendees to assure that the training provided was effective.

GOAL 4: Ensure that the system utilizes state employees and contracted services to avoid conflicts of interest and to process appeals in a timely manner.

OBJECTIVE: Ensure that the main focus of the statewide Appellate Defender Office is to provide the best client service. Ensure that services are being provided by monitoring the performance of state employees and contracts with private attorneys.

ACTION ITEM: Continually identify attorneys willing to contract with the statewide Appellate Defender Office.

ACTION ITEM: Agency management will evaluate full-time and contract attorney performance to assure quality of services.

GOAL 5: Advocate for adequate funding for the statewide Appellate Defender Office.

OBJECTIVE: The agency will communicate information related to the caseloads and costs of the statewide Appellate Defender Office to the Commission, all branches of state government, and other interested parties.

ACTION ITEM: Budget information will show the accomplishments of attorneys in serving the mission of the statewide Appellate Defender Office.

ACTION ITEM: The Commission and the statewide Appellate Defender Office will take actions to advocate its value to others.

GOAL 6: Ensure that clients of the statewide Appellate Defender Office pay reasonable costs for services based on the clients' financial ability to pay.

GOAL 7: Advocate for parity in pay and resources with the Attorney General's Office.

OBJECTIVE: The statewide Appellate Defender Office will communicate information related to disparity in pay and resources to the Commission, all branches of state government, and other interested parties.

ACTION ITEM: Continually identify the disparities and work to correct them.

GOAL 8: Ensure uniformity and consistency in the administration of the statewide Appellate Defender Office and its case management program.