



*Providing the most compassionate and expert defense of clients and
the Constitution*

THE OFFICE OF STATE PUBLIC DEFENDER

ANNUAL PLAN

FY 2024

Executive Summary

The Office of State Public Defender provides effective and timely assistance of counsel to indigent persons who by law are entitled to representation by an attorney for a variety of cases—not only those accused of crimes, but parents and children who are experiencing the child welfare system, elderly people losing autonomy over their affairs, and mentally ill people facing commitment. Public defenders have the same obligations toward the client and their case as do private attorneys.

OPD has four divisions with over 20 offices statewide dedicated to providing zealous and effective legal services with a focus on quality client-centered representation.

MISSION

Providing the most compassionate and expert defense of clients and the Constitution.

VISION

Creating expert teams of advocates for justice, bringing respect and dignity to our clients to achieve holistic and equitable outcomes.



Strategic Outcome

1

Provide Effective and Timely Constitutionally, Statutorily, and Court-Mandated Representation

- **Recruit and Retain Qualified Employees and Contractors – provide competitive pay for employees, and rates for private partners, increasing willingness and ability to accept employment with or assignments from OPD**

Key Measures

- Reduction in the “necessary attorney gap” (the difference in monthly volume of work, in the number of FTE attorneys, between the number of attorneys necessary to assign all work received and the number of FTEs available)
- Reduction in the “necessary attorney shortfall” (the monthly volume of work, in the number of FTE attorneys, unable to be assigned to either FTE or contract attorneys)
- Increase the number of qualified applicants for attorney positions
- Track voluntary turnover rate of attorney positions and the primary reason for departure
- Track prevailing private market rates and public sector wages for attorneys in Montana



Strategic
Outcome
2

**Provide Effective and Timely Constitutionally,
Statutorily, and Court-Mandated Representation**

- **Effectively Manage Employee Workload – update, improve, and enforce robust workforce management standards to ensure all individuals providing services to OPD clients are assigned an ethically reasonable volume of work**

**Key
Measures**

- Bring and hold the average and median monthly assignments to FTE trial attorneys to between 100 and 120% of OPD Ethical Case Management (ECM) standards
- Increase the number of individual FTE appellate attorneys completing between 100 and 120% of OPD Appellate ECM standards
- Develop and deploy updates to OPD’s ECM numbers or methodology with consideration to newly promulgated national workload standards for public defenders



Strategic Outcome

3

Provide Effective and Timely Constitutionally, Statutorily, and Court-Mandated Representation

- **Provide Effective, Timely Representation – provide qualified, competent, well-trained, and ethically managed counsel without unnecessary delay in all matters where an individual is entitled to OPD representation**

Key Measures

- Reduce and hold the average number of business days to first, non-conflict, FTE, attorney assignment to within 3 business days of OPD appointment
- Reduce and hold the average number of business days to first, conflict, FTE, attorney assignment to within 3 business days of a matter being referred to Conflict Division
- Reduce and hold the average number of business days to first, contract, attorney assignment to within 7 business days of a matter being referred to Contract Office
- Reduce the average time to first appellate attorney assignment to within 6 months of a matter becoming “record complete” (the time at which an appellate matter is ready to be briefed before the Supreme Court)
- Establish baseline number of agency offered training hours available to OPD employees and contractors
- Establish a baseline measure of client and other justice system stakeholders’ assessment of agency performance or satisfaction with Agency services
- Establish a baseline measure of substantiated client complaints against OPD assigned attorneys