

## MONTANA PUBLIC DEFENDER COMMISSION

### EVALUATION METHODOLOGY

OCTOBER 2015

The Public Defender Commission supervises the Chief Public Defender, the Chief Appellate Defender (currently vacant), the Conflict Coordinator, and the Administrative Director. The annual performance evaluation is comprised of the following components:

1. Each Commission member will be sent an evaluation document and asked to rate the employee's performance and offer commentary.
2. Using the same evaluation tool, the employee's direct reports and peers will be asked to evaluate the employee's performance and offer commentary.
3. The employee will be asked to prepare a self-evaluation.
4. The Commission's Personnel Committee will gather this information and hold a public meeting to explain the process, take public comment, and conduct a closed session with each employee to do the actual performance evaluation.
5. The Committee will brief the full Commission on the process and take public comment in an open meeting. They will then make a recommendation to the full Commission in closed session for final Commission action.

MONTANA PUBLIC DEFENDER COMMISSION

**OCTOBER, 2015 EVALUATION OF THE DIRECT REPORTS**

Using the following definitions of levels of performance that range from 1 being excellent to 5 being unacceptable, indicate your evaluation of the manager's work performance. Mark only those categories in which you feel able to evaluate his/her performance. If you have not observed this skill or activity mark it N/A.

1. Excellent
  - Performance is clearly outstanding.
  - Performance is superior – it far exceeds standards or expectations.
  - Performance is exceptional on a continuous basis.
  
2. Good
  - Performance generally meets or exceeds standards or expectations.
  - Attains all or nearly all of position objectives.
  
3. Satisfactory
  - Performance is adequate – it meets standards or expectations and is developing within the position.
  
4. Needs Improvement
  - Fails to meet one or a few job expectations.
  
5. Unacceptable
  - Performance is below accepted levels.
  - Fails to meet most job expectations.

N/A – Have not observed this skill or activity.

## **Section I Leadership and Managerial Qualities**

1. Functions as a self-starter setting high personal standards when developing goals and plans, and pursues each with a high level of personal drive, energy and commitment.  
 1    2    3    4    5    N/A
2. Performs functions within the scope of responsibility and refers unrelated matters appropriately.  
 1    2    3    4    5    N/A
3. Demonstrates the leadership, initiative and persistence needed to accomplish goals, objectives, and management plans.  
 1    2    3    4    5    N/A
4. Assigns tasks to personnel capable of carrying them out and tracks progress.  
 1    2    3    4    5    N/A
5. Shows a willingness to try new approaches or methods.  
 1    2    3    4    5    N/A
6. Establishes clear vision and direction for the agency and communicates this in an effective and timely manner to those striving to accomplish the mission.  
 1    2    3    4    5    N/A
7. Monitors and reports on current budget and operational data to assure success of the mission.  
 1    2    3    4    5    N/A
8. Communicates appropriately matters of importance to staff in an effective and timely manner.  
 1    2    3    4    5    N/A
9. The manager is a person of integrity.  
 1    2    3    4    5    N/A
10. Other comments

## **Section II Judgment and Sensitivity**

1. Challenges and motivates staff to achieve goals, objectives, and plans, and monitors results.  
 1    2    3    4    5    N/A
2. Values staff members and shows genuine concern for their well-being.  
 1    2    3    4    5    N/A

3. Makes sound and timely decisions.  
 1    2    3    4    5    N/A
4. Handles personnel problems in a professional manner.  
 1    2    3    4    5    N/A
5. Other comments

### **Section III    Knowledge and Skills**

1. Demonstrates knowledge and understanding of the agency's mission and sets operating and financial plans to attain the mission.  
 1    2    3    4    5    N/A
2. Is a prudent steward of physical and financial resources.  
 1    2    3    4    5    N/A
3. Assures the agency is in accordance with applicable state and federal standards, codes, laws, and regulations.  
 1    2    3    4    5    N/A
4. Other comments

### **Section IV    Relations with the Public Defender Commission**

1. Works closely with the Commission in developing the mission and long-and short-range strategic, operational and financial plans.  
 1    2    3    4    5    N/A
2. Communicates well with the Commission and its committees, providing appropriate information at and between meetings.  
 1    2    3    4    5    N/A
3. Is readily available to individual Commission and committee members.  
 1    2    3    4    5    N/A
4. Develops, with the Commission, goals and objectives consistent with the agency's mission.  
 1    2    3    4    5    N/A
5. Appraises the results of programs and services and reports findings on a regular basis to the Commission.  
 1    2    3    4    5    N/A

6. Supports the policies, procedures and philosophy of the Commission.

1    2    3    4    5    N/A

7. Creates a sense of trustworthiness in Commission/manager relations.

1    2    3    4    5    N/A

8. Other Comments

### **Section V    Staff Relations**

1. Has a good rapport with the staff.

1    2    3    4    5    N/A

2. Communicates with and works closely with staff members on matters of mutual concern.

1    2    3    4    5    N/A

3. Consistently and properly applies state personnel policies.

1    2    3    4    5    N/A

4. Is an effective liaison between the Commission and staff.

1    2    3    4    5    N/A

5. Other comments

### **Section VI    Stakeholder Relations and Effectiveness (Governor's Office, Union, Legislative Branch, and Other Interested Parties)**

1. Promotes a positive image of the agency, its mission and services to the public.

1    2    3    4    5    N/A

2. Represents the agency in relevant stakeholder activities.

1    2    3    4    5    N/A

3. Has the respect of peers in local, state and national organizations, and is responsive to all stakeholders.

1    2    3    4    5    N/A

4. Is willing to listen to diverse views.

1    2    3    4    5    N/A

5. Other comments

**Section VII What are the manager's major strengths? (List 2 or 3)**

- 1.
- 2.
- 3.

**Section VIII What areas need further development? (List 2 or 3)**

- 1.
- 2.
- 3.

**Section IX What assistance or resources are needed to address developmental needs? (List 2 or 3)**

- 1.
- 2.
- 3.

## **Section X Evaluation on the statutory duties of the manager**

### **Chief Public Defender**

1. Direct, manage, and supervise all public defender services provided by the office of public defender, including budgeting, reporting, and related functions;  
 1    2    3    4    5    N/A
2. Assist the commission in monitoring the state system and establishing the standards, policies, and procedures required pursuant to Title 47;  
 1    2    3    4    5    N/A
3. Develop and present for the commission's approval a regional strategic plan for the delivery of public defender services;  
 1    2    3    4    5    N/A
4. Monitor and report on the processes and procedures to ensure that when a case that is assigned to the office presents a conflict of interest for a public defender, the conflict is identified and handled appropriately and ethically;  
 1    2    3    4    5    N/A
5. Monitor and report on the processes and procedures to ensure that office and contract personnel use information technology and caseload management systems so that detailed expenditure and caseload data is accurately collected, recorded, and reported;  
 1    2    3    4    5    N/A
6. Establish and monitor administrative management procedures for regional offices;  
 1    2    3    4    5    N/A
7. Monitor and report on the procedures for managing caseloads and assigning cases in a manner that ensures that public defenders are assigned cases according to experience, training, and manageable caseloads and taking into account case complexity, the severity of charges and potential punishments, and the legal skills required to provide effective assistance of counsel;  
 1    2    3    4    5    N/A
8. Monitor and report on a training and performance evaluation program for attorneys and non-attorney staff members and contractors;  
 1    2    3    4    5    N/A
9. Monitor and report on procedures to handle complaints about public defender performance and to ensure that public defenders, office personnel, and clients are aware of avenues available for bringing a complaint, and that office procedures do not conflict with the disciplinary jurisdiction of the supreme court and the rules promulgated pursuant to Article VII, section 2, of the Montana constitution and the applicable provisions of Title 37, chapter 61.  
 1    2    3    4    5    N/A

## Chief Appellate Defender

1. Direct, manage, and supervise all public defender services provided by the office of appellate defender, including budgeting, reporting, and related functions;  
 1    2    3    4    5    N/A
2. Ensure that when a court orders the office of appellate defender to assign an appellate lawyer or when a defendant or petitioner is otherwise entitled to an appellate public defender, the assignment is made promptly to a qualified and appropriate appellate defender who is immediately available to the defendant or petitioner when necessary;  
 1    2    3    4    5    N/A
3. Ensure that appellate defender assignments comply with the provisions of [47-1-202\(1\)\(f\)](#) and standards for counsel for indigent persons in capital cases issued by the Montana supreme court;  
 1    2    3    4    5    N/A
4. Contract for services as provided in [47-1-216](#) and as authorized by the commission according to the strategic plan for the delivery of public defender services;  
 1    2    3    4    5    N/A
5. Keep a record of appellate defender services and expenses of the office of appellate defender and submit records and reports to the commission as requested through the office of state public defender;  
 1    2    3    4    5    N/A
6. Implement standards and procedures established by the commission for the office of appellate defender;  
 1    2    3    4    5    N/A
7. Maintain a minimum client caseload as determined by the commission.  
 1    2    3    4    5    N/A

## Conflict Coordinator

1. Direct, manage, and supervise all public defender services provided by the conflict office, including budgeting, reporting, and related functions;  
 1    2    3    4    5    N/A
2. Assure that attorneys assigned conflict cases have the qualifications necessary to provide effective assistance of counsel that meets the standards established by the Commission  
 1    2    3    4    5    N/A
3. Monitor attorney caseloads to assure that they have the time and resources to properly work a case;  
 1    2    3    4    5    N/A
4. Supervise and evaluate the performance of conflict attorneys;  
 1    2    3    4    5    N/A
5. Provide training to regional staff to identify conflicts;  
 1    2    3    4    5    N/A
6. Assist the Commission in the development and implementation of operational policies, procedures and programs pertaining to conflict cases;  
 1    2    3    4    5    N/A
7. Appropriately brief the Commission both in writing and in person.  
 1    2    3    4    5    N/A

**Administrative Director**

1. Provide assistance to and advise the Commission and agency personnel in all aspects of business management;  
 1    2    3    4    5    N/A
  
2. Assist the commission and its committees and program managers in the development and implementation of the agency's strategic plan and any supporting short-term plans;  
 1    2    3    4    5    N/A
  
3. Coordinate with the Commission, agency programs, Governor's Budget Office and legislative staff to develop information for the executive planning process (budgets, goals and objectives, and legislation) and prepare responses to any questions that may arise as part of this process;  
 1    2    3    4    5    N/A
  
4. Manage and report on the agency's non-legal services (administration, budgeting, accounting, information technology and communications, facility and lease management, etc.) that support the Commission, its committees, all agency programs, regions and departments;  
 1    2    3    4    5    N/A
  
5. Assist the Commission and the agency in the development and implementation of policies, procedures and programs.  
 1    2    3    4    5    N/A

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
Name