

THE SUPREME COURT OF MONTANA

MIKE McGRATH  
CHIEF JUSTICE



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August 6, 2014

Dan Villa, Director  
Office of Budget and Program Planning  
State Capitol, Room 277  
Helena, MT 59620

*Re: Office of the Appellate Defender*

Dear Mr. Villa:

This letter is written because of my ongoing concern regarding the staff shortages in the Appellate Defender's office, and the concomitant impacts these shortages have on this Court's responsibility to process cases in a timely fashion.

Statistics kept by our Clerk of Court show that the average number of criminal appeals filed for the last several years has been around 200. In 2013, however, 265 criminal appeals were filed. Whereas, in the past, the Office of Appellate Defender obtained two or three extensions of time to file its opening brief in a criminal appeal, it now is not unusual for them to make a sixth or seventh request for an extension of time to file the opening brief on appeal.

The statistics for appeals of termination of parental rights are even more startling. In 2011, there were 38 such appeals. In 2012 and 2013, the numbers rose to 52 and 61, respectively. This year, as of August 5, we have already docketed 51 appeals of terminations of parental rights.

Clearly, the case load increases are dramatic and impose serious consequences for the entire justice system in Montana. The appeal numbers are up because the case filings in the district courts have similarly risen.


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Unfortunately, the Appellate Defender has additional problems. Not only is the office understaffed, but they experience a high vacancy rate because of turnover of existing staff. It is not unusual for an assistant appellate defender to take a new position in state government for a salary increase in excess of \$20,000. The staff is overworked and underpaid.

Please consider providing an increase in the budget for this important agency in your pending budget proposal for the next Legislature. I am satisfied these employees are hard-working, diligent employees, but they do not have adequate resources to conduct their duties in a timely fashion.

Thank you for your consideration.

Very Truly Yours,



Mike McGrath  
Chief Justice

MM:lkc

c: Wade Zolynski, Chief Appellate Defender  
Beth McLaughlin, Court Administrator  
William Hooks, Chief Public Defender