

MONTANA PUBLIC DEFENDER COMMISSION
EVALUATION OF THE CHIEF APPELLATE DEFENDER

METHODOLOGY

OCTOBER 2014

The evaluation will be comprised of the following components:

1. Each Commission member will be sent an evaluation document based on the statutory requirements in 47-1-205 and asked to rate the Chief's performance and offer commentary. The performance rating will be on a five-point Likert scale, from 1-5: Very poor, poor, average, good, and very good.

2. The Chief's direct attorney reports will be asked to evaluate the Chief's performance and offer commentary. The performance rating will be on a five-point Likert scale, from 1-5: Very poor, poor, average, good, and very good.

3. The Chief will be asked to prepare a self-evaluation using both documents as a reference.

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 the Chief 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.

**EVALUATION BY THE MONTANA PUBLIC DEFENDER COMMISSION BASED ON
47-1-205, MCA**

Likert score 1-5: very poor, poor, average, good, and very good

47-1-205. Office of appellate defender -- chief appellate defender. (1) There is an office of appellate defender. The office of appellate defender must be located in Helena, Montana.

- (1) Direct, manage, and supervise all public defender services provided by the office of appellate defender, including budgeting, reporting, and related functions;

Score:

Comments:

- (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;

Score:

Comments:

- (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;

Score:

Comments:

- (4) Hire and supervise the work of office of appellate defender personnel as authorized by the appellate defender;

Score:

Comments:

- (5) 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;

Score:

Comments:

- (6) 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;

Score:

Comments:

(7) Implement standards and procedures established by the commission for the office of appellate defender;

Score:

Comments:

(8) Maintain a minimum client caseload as determined by the commission;

Score:

Comments:

(9) Confer with the chief public defender on budgetary issues and submit budgetary requests and the reports required by law or by the governor through the chief public defender; and

Score:

Comments:

(10) Perform all other duties assigned to the chief appellate defender by the commission.

Score:

Comments:

Dated this ____ day of _____, 2014.

Name

Montana Public Defender Commission

EVALUATION BY SUBORDINATE
CHIEF APPELLATE DEFENDER

October 2014

1. Briefly describe your working relationship with and interaction with Chief Appellate Defender Wade Zolynski. (Include time duration.)
2. Briefly provide your general assessment of the Chief Appellate Defender's overall performance of job duties including both strengths and weaknesses.
3. Please state what you believe to be the Chief Appellate Defender's greatest accomplishment during his tenure.
4. Please state in what areas you believe the Chief Appellate Defender needs the most improvement.
5. Have you observed any change, for better or worse, in the Chief Appellate Defender's overall management/performance over the past 12 months?
6. Please give your best assessment rating for the Chief Appellate Defender's overall management/performance over the past 12 months.

Very Good _____
Good _____
Average _____
Poor _____
Very Poor _____

7. Do you have any additional comments regarding the Chief Appellate Defender's performance?

Dated this ____ day of _____, 2014.

Name

Title