



STATE OF MONTANA Office of State Public Defender

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OPD Contractor Frequently Asked Questions

Please click on the question or issue you're interested in to be taken directly to the resources available.

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*Please note this document is a work in progress.
If you have suggestions for topics to address here, please let us know!*

What is the OPD Contracts Program?

Pursuant to [Montana Code Annotated § 47-1-121](#), the Office of State Public Defender contracts with private attorneys, investigators, mental health providers, and administrative support staff to provide services to OPD Clients. Contractors are involved at every stage of OPD cases, from representing clients at arraignment to performing mental health evaluations to tracking down witnesses to arguing in front of the Montana Supreme Court. Contractors are an important and vital part of OPD.

Contracts Program Staff

The Contracts Program is part of the Central Services Division of OPD. All inquiries should be directed to OPDOperations@mt.gov

Prospective Contractors

How can I become an OPD Contractor?

To be eligible to receive OPD case assignments, a contractor must have a Memorandum of Understanding (MOU) with OPD. To learn more about the MOU application process, including how to apply, please submit a request [here](#).

What kind of work do OPD contractors perform?

OPD represents clients at every level of the Montana state justice system, from local city courts to the Montana Supreme Court, in a variety of matters. OPD Attorneys, whether as employees or as contractors, generally provide direct representation in the following types of cases¹:

- Defendants in any criminal case where jail time is a possible sentence;
- Juvenile Defendants in Youth Court;
- Respondents in Guardianship or Involuntary Commitment proceedings;
- Parents and Children in Dependent Neglect cases; and,
- Appeals to the Montana Supreme Court for OPD clients.

¹ This list is not exhaustive. A complete list of the types of cases OPD may be appointed on can be found at [Montana Code Annotated § 47-1-104\(4\)](#).

In many cases, OPD attorneys require the aid, assistance, or expertise of outside professionals to best represent their clients.

OPD Contract Investigators provide a wide range of investigative services for OPD Attorneys, which may include discovery analysis, crime scene documentation, witness interviewing, and a wide variety of research tasks.

OPD Contract Mental Health Professionals provide a number of evaluations, recommendations, and opinions for OPD Attorneys and Clients, which may include competency evaluations, mental health evaluations, psycho-sexual evaluations, or chemical dependency evaluations.

How much does OPD pay its contractors?

By statute, all contractor rates are set by the Director of OPD and are subject to change. To find the current rates please see the [OPD Contractor Compensation Schedule](#).

Are there any other benefits to contracting with OPD?

We are always looking for new and better ways to support our contractors. Currently OPD offers the following benefits to its contract attorneys:

- The opportunity to work on challenging, unique, and diverse cases for indigent, disenfranchised clients that would otherwise be without legal representation or services;
- The ability to attend any OPD sponsored CLEs free of charge, as well as other training opportunities. Please note that while registration to OPD CLEs is free, OPD does not pay for travel costs related to attending CLEs, though we are usually able to offer lower hotel rates to our contractors through room block reservations;
- Weekly Case Summary emails summarizing all relevant United States and Montana State Supreme Court orders and decisions;
- Access to the OPD Brief Bank; and,
- Ability to receive a Lexis Advance license if certain criteria are met.

Am I required to have insurance to obtain an MOU?

Yes, all contractors, other than Administrative Support Staff working under an attorney, must have professional liability insurance coverage to apply for an MOU. The specific insurance requirements for each type of provider are as follows:

- **Attorneys**

Counsel has and shall maintain in force for all times and work done, pursuant to this MOU, a Lawyers' Professional Liability Insurance policy, occurrence coverage, with minimum coverage of \$250,000 per occurrence and \$500,000 aggregate per year. Counsel shall

provide proof of liability coverage upon request. If “occurrence” coverage is unavailable or cost prohibitive, Counsel may obtain “claims made” coverage provided the following conditions are met:

1. The commencement date of this MOU must not fall outside the effective date of insurance coverage and it will be the retroactive date for insurance coverage in future years; and,
2. The “claims made” policy must have a three-year tail for claims that are made (filed) after the cancellation or expiration date of the policy.

- **Investigators**

Investigator has and shall maintain in force for all times and work done, pursuant to this MOU, a Professional Liability Insurance policy, occurrence coverage, with minimum coverage of \$500,000 aggregate per year. Investigator shall provide proof of liability coverage upon request.

- **Mental Health Professionals**

Provider has and shall maintain in force for all times and work done, pursuant to this MOU, a Professional Liability Insurance policy. Provider shall provide proof of liability coverage upon request.

What should I know before deciding whether to apply for an MOU?

Working with OPD can be some of the most challenging and rewarding work of your career. Prior to choosing to serve indigent clients however, we ask that each contractor carefully consider their ability and willingness to work with the State of Montana and our clientele. Additionally, the following policies and procedures will inform you of OPD’s expectations for our contractors:

- [OPD Policies](#)
- [OPD Contractor Compensation Schedule](#)
- [OPD Pre-Approval and Claims Procedure](#)

Should you have any questions or concerns not addressed in these documents, please reach out to the Contracts Program staff listed above.

Current Contractors

How can I be approved to accept assignments in additional Practice Areas or Practice Regions?

Contract Attorneys and Mental Health Providers are limited to assignments within the regions and case/evaluation types for which they were initially approved.

Attorneys

- If you would like to be approved to accept assignment in additional regions or courts, please email the Contract Assistant, as listed above, with the additional courts or regions in which you would like to practice.
- If you would like to be approved to accept assignment of additional case types than you were initially approved for, please request an [Attorney MOU Amendment Form](#), complete it, and email it to the Contracts Assistant, as listed above.

Mental Health Providers

- If you would like to be approved to accept assignment of additional types of mental health services than you were initially approved for, please request a [Mental Health Professional MOU Amendment Form](#) and email that form, along with **REDACTED** copies of reports for *each type of additional evaluation* to the Contracts Assistant, as listed above.

Who do I talk to if I have a question about...?

- **Any issue(s) relating to a case assigned to me by OPD**
 - The attorney that assigned you the case
- **A potential mental health issue I've identified in a case assigned to me**
 - The attorney that assigned you the case; and/or,
 - OPD's Mental Health Consultant, Dr. Scolatti at mjs@sabersop.org
- **Any issue(s) related to my claims or the Claims Portal**
 - Please email the OPD Claims Box with your question or issue:
OPDOperations@mt.gov
- **My MOU with OPD**
 - Please contact OPDOperations@mt.gov
- **Updating my contact or payment information**
 - Please contact OPDOperations@mt.gov

I am having Claims Portal login issues:

The Claims Portal requires the use of Google Chrome browser, this can be downloaded for free here: <https://www.google.com/chrome/>

If you log in and do not see My Claims, My Case Status Updates, etc, please first clear your browser cache by following these instructions:

- **Log out of portal** and then, to open menus used to clear your cache, cookies, and history be sure your browser is open and use the keys below depending on your computer:
 - Windows: Press Ctrl-Shift-Delete
 - Mac: Command-Shift-Delete
- Use the browser specific instructions from the table below:

| Browser Type | Clear Browser Cache Instructions |
|---------------|--|
| Chrome | <ol style="list-style-type: none">1. At the top of the “Clear browsing data” window, click Advanced2. Select the following:<ul style="list-style-type: none">○ Download history○ Cookies and other site data○ Cached images and files3. From the “Time Range” drop-down menu, you can choose the period of time for which you want to clear cached information. To clear your entire cache, select All Time4. Click CLEAR DATA5. Exit/quit all browser windows and re-open the browser6. Log back into portal |

If you are still unable to access the portal, please email OPDOperations@mt.gov with your issues and your attempts to resolve it.

When I try to upload an attachment to the Claims Portal, I get an “internal server error” message

This is likely due to the attachment file size being larger than 4mb. As the system is unable to upload a file exceeding that size, you must compress or split the file you are attempting to upload. If the document is scanned, be sure it is scanned in black and white.

If you are confident the attachment does not exceed 4mb and are still expecting this error, please email OPDOperations@mt.gov with your issues and the attachment.