

Office of the State Public Defender Administrative Policies

Subject: Outside Employment	Policy No.: 120
Title:	Pages: 2
Section:	Last Review Date: 3-2-18
Effective Date: 8-17-10	Revision Date: Effective 4-16-18

1.0 POLICY

- 1.1 In conformance with the constitution and relevant case law, the Office of the State Public Defender (OPD) intends to limit outside employment by full-time employees to prevent conflict of interest situations or the clear appearance thereof.
- 1.2 Any employee engaged in outside employment must advise their regional deputy public defender or supervisor of the nature and details of their outside employment.
- 1.3 If an employee wishes to take leave to conduct business related to their outside employment, they must request prior management approval to ensure that it does not cause an undue burden for the operation of the office. Management will not approve overtime or compensatory time requested to complete OPD work because of the leave.
- 1.4 The use of any state property or resources by any OPD employee, except as provided for in the Pro Bono Policy (OPD Policy 525), is prohibited.

2.0 PUBLIC DEFENDERS

- 2.1 Full-time public defenders are restricted from the outside practice of law while utilizing state resources or when it would incur additional expense to the state.
- 2.2 Public defenders may not take cases in the outside practice of law that would place the public defender in a conflict of interest situation as defined by Rules 1.7 and 1.8 of the Montana Rules of Professional Conduct.
- 2.3 A public defender engaged in the outside practice of law shall not enter into any agreements for representation with persons who have qualified for public defender services.

3.0 NON-ATTORNEY STAFF

- 3.1 Other full-time OPD employees shall be restricted from outside employment while utilizing state resources, when it would incur additional expense to the state, or if the outside employment creates a conflict of interest situation or the clear appearance thereof.

4.0 CLOSING

Questions about this policy should be directed to:

Office of the State Public Defender
Central Services Division
44 West Park
Butte, MT 59701

Phone 406-496-6080