

Office of the State Public Defender

Administrative Policies

Subject: Pre-Approval of Client Costs	Policy No.: 125
Title:	Pages: 2
Section:	Last Review Date: 2-14-18
Effective Date: 5-1-07	Revision Date: 2-14-18

1.0 POLICY

- 1.1 The Office of the State Public Defender (OPD) requires pre-approval of all non-attorney client costs in all cases. Costs expected to exceed \$200 per task require management approval.
- 1.2 All cases involving any OPD employee or contractor in any division are subject to this policy.

2.0 DEFINITIONS

- 2.1 Client costs, hereinafter called costs, shall be defined as all monies to be expended in the preparation, investigation and litigation of public defender cases.
- 2.2 A task shall be defined as work performed by a non-attorney in the preparation, investigation and litigation of a public defender case.

3.0 PROCEDURE

3.1 Non-attorney Client Costs

- 3.1.1 The pre-approval process for all non-attorney client costs begins with the attorney submitting a request for pre-approved costs through the online claims system. Paper pre-approvals are only accepted in capital (death penalty) cases.
- 3.1.2 Requests for out of state travel expenses (i.e., airfare) must be included in the total amount of the pre-approval request.
- 3.1.3 Pre-approval requests exceeding \$200 will be automatically routed through the online system for approval by one of the following persons:
 - 3.1.3.1 Public Defender Division requests will be submitted to the Regional Deputy Public Defender (RDPD) assigning the case. The RDPD may approve all requests within their expenditure authority through the online portal. For requests exceeding the RDPD's expenditure authority, the Public Defender Division Administrator will review FTE requests and the Contract Manager will review contract attorney requests.
 - 3.1.3.2 Conflict Defender Division requests will be submitted to the Managing Attorney assigning the case, or if none, the Conflict Defender Division Administrator. The Managing Attorney may approve all requests within their expenditure authority through the online portal. Requests exceeding the Managing Attorney's expenditure authority will be reviewed by the Conflict Defender Division Administrator.
 - 3.1.3.3 For appellate cases, the request will be submitted to the Appellate Defender Division Administrator. Appellate transcript requests are exempt from this policy.
- 3.1.4 Alternative, fiscally responsible options will be explored with the attorney before approving or denying the request.

3.2 Pre-approval of Costs for Mental Health Services

3.2.1 The requesting attorney will consult with the OPD Mental Health Consultant regarding any proposed mental health service regardless of cost prior to initiating the pre-approval request.

3.2.2 If the Mental Health Consultant concurs, the attorney will submit the request via OPD's online system.

3.3 Pre-approval of Costs for Investigative Services

3.3.1 The requesting attorney will consult with the OPD Investigative Services Coordinator regarding the proposed service prior to initiating the pre-approval request.

3.3.2 If the Investigative Services Coordinator concurs, the attorney will submit a request through OPD's online system

3.4 The requesting attorney is responsible for keeping the pre-approved costs within the pre-approved amount. He or she must be familiar with the task being provided and the cost of the task as funds are being expended. If costs are anticipated to exceed the pre-approved amount, the task must be resubmitted for supplemental approval of the new amount **prior to incurring any costs** via the online system.

3.5 Post-approval of costs will not be granted except in extraordinary circumstances.

3.6 OPD's online system will track the pre-approved costs, and prevent payment of costs exceeding the pre-approved amount.

3.7 Costs incurred without pre-approval will not be paid.

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