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To: Montana Public Defender Commission

From: Larry Murphy, Contract Manager

RE: Report to the Commission

1. Proficiency Determinations

In May 2010, the new Memorandum of Understanding (MOU) was sent to all contract attorneys together with a self-evaluation form and a list of questions soliciting their thoughts, suggestions, and/or observations about OPD. We have received signed MOUs from all contract attorneys who have been assigned cases since July 2010 (total of 190). A few contract attorneys have elected not to sign the new MOU and have not been assigned new cases. However, they have been allowed to complete previously assigned cases.

We have received a total of 188 self-evaluation forms and these will be used in the proficiency determination process. A compilation of the contract attorney thoughts, suggestions, and/or observations is available by request for the Commission's review.

In November 2010, a memo was sent to all of the regional deputies requesting that they observe each contract attorney providing legal services in their region in a substantive hearing in each area in which they provide service (i.e. DN, DC, DJ, etc.), and complete the proficiency determination form (Exhibit 1). The regional deputies were also asked to note any communications received from various sources, either pro or con. I requested they complete these duties by May 15, 2011. To date, my office has received a response from one region.

2. Standards Compliance

In September 2010, the regional deputy in Region 10 (Glendive) was asked to do a combined proficiency determination and standards compliance interview for contract attorneys in that region. The Commission may recall that this combination was suggested by me at a prior Commission meeting. I have since decided to conduct these two procedures separately. Olivia Norlin, the regional deputy for Region 10 at that time, completed 8 interviews.

During the months of November and December, 2010, I completed 18 standards compliance interviews in Kalispell (6), Havre (5), and Billings (7). I have an additional 12 scheduled for Glendive, Miles City, and Billings during the month of January 2011. The Standards checklists have been revised and are attached as Exhibit 2.