

OFFICE OF THE STATE PUBLIC DEFENDER



BRIAN SCHWEITZER
GOVERNOR

RANDI HOOD
CHIEF PUBLIC DEFENDER

STATE OF MONTANA

Phone: (406) 496-6080
Fax: (406) 496-6098
www.publicdefender.mt.gov

44 WEST PARK STREET
BUTTE, MONTANA 59701

February 23, 2011

To: Montana Public Defender Commission

From: Larry Murphy, Contract Manager

RE: Report to the Commission

1. Standards Compliance

During January and February, 2011, I completed nine Standards Compliance interviews in Glendive (four), Miles City (three) and Billings (two). I have an additional five scheduled for Great Falls this month, and I intend to travel to Lewistown and Bozeman in March.

2. Transparency in the Contracting Process

The Commission requested that I develop materials for the website to make the contracting process more transparent. An initial draft is attached as Exhibit 1.

Exhibit 1

HOW TO BECOME AN OPD CONTRACT ATTORNEY

Any attorney licensed to practice law in Montana should follow these steps to be placed in the Office of State Public Defender (OPD) pool of contract attorneys:

1. On the OPD website (www.publicdefender.mt.gov) click on the Contractor Corner green tab and then click on **Attorneys**
2. On the Attorneys page click on **Summary of Education and Experience**
3. Complete the Summary and forward a hard copy to the Contract Manager for review. He may contact you with questions. A Memorandum of Understanding (MOU) will be sent to the attorney, to be signed and returned to the Contract Manager
4. Upon receipt of a signed MOU, the Contract Manager or his designee will forward the Summary of Education and Experience to the Regional Deputy Public Defender (RDPD) in the region(s) in which the attorney has indicated he/she is available to accept cases
5. The RDPD has sole discretion in assigning cases to contract attorneys. Assignments are based upon the expertise and experience of the contract attorney, the types of cases they have agreed to accept, their current caseload and the needs of the region. Most RDPDs use a rotational system within this framework. However, OPD is not obligated to assign any specific number of cases to an attorney nor is any attorney obligated to accept any case offered by OPD for assignment. Attorneys with little experience in an area of practice must demonstrate the ability to handle increasingly complex or difficult cases (e.g., demonstrate ability in misdemeanor cases before being assigned felony cases)
6. The Contract Manager may determine that certain contract attorneys should not be assigned cases or be assigned specific types of cases, due to billing issues, lack of proficiency, substantiated complaints, etc. and will notify the RDPDs of the determination

NOTE: All potential contractors must read the OPD practice Standards, available on the OPD website, prior to signing the MOU. In addition, required forms, policies, training opportunities and Commission information are on the website.

Contact Larry Murphy, Contract Manager at 406-496-6088 if you have any questions.