

OFFICE OF THE STATE PUBLIC DEFENDER



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To: Montana Public Defender Commission
From: Larry Murphy, Contract Manager
RE: Report to the Commission

1. Conflict Coordinator Selection Committee

During the months of April, May, June and July, I coordinated with Barb Kain and the other members of the selection committee to create a position announcement, evaluate applications, develop an interview process, conduct interviews and give input in the selection of the new Conflict Coordinator.

Since the selection of Kristina Neal as the Conflict Coordinator, I have had three meetings with Kristina and foresee many more in the upcoming months. I expect that she might travel with me when I do my Standards Compliance interviews and thereby familiarize herself with contract attorneys.

2. Standards Compliance

Since the last Commission meeting I have traveled to Kalispell (twice), Missoula (three times), Butte, Helena, Lewistown, Bozeman and Billings, and completed 54 standards compliance interviews. I intend to travel to Great Falls and Bozeman in September.

I have completed 88 interviews out of 196 contract attorneys (44.9%) since October, 2010. A spreadsheet containing the dates, locations and number of interviews is attached hereto as Attachment A.

3. Proficiency Determinations

On November 24, 2010 all the Regional Deputies were sent the standard proficiency determination checklist for contract attorneys. They were asked to complete the same for each contract attorney assigned cases in their respective regions by May 15, 2011. Reminders were sent on February 16, May 2 and August 19, 2011. As of the date of this writing (August 19), my office has received a total of 66 completed checklists (33.7%). Three regions have not returned any and one region has completed all. In some instances, I have received a checklist but have not completed the standards compliance interview.

4. Regional Audits

As part of OPD's internal audit process, I traveled to Butte and Bozeman in July to separately audit the operation of those regional offices. The following topics were the subject of the audit:

- Assigning cases
- Indigency determinations
- Case weighting
- Client grievances
- Witness fees
- Conflict cases
- Pre-approvals
- Closing cases

A report of the initial findings for each region was completed and sent to each office in July. A follow up audit was done by a regional deputy thereafter.

5. (a) Temporary Replacement for Dr. Laura

OPD was notified in July of the resignation of Dr. Laura Wendlandt. She was an integral part of OPD's preapproval process for mental health services. Eric Olson contacted Dr. Michael Scolatti, a mental health provider with a current MOU with OPD, who provided a proposal to provide those services previously provided by Dr. Laura on a contract basis. Eric and I interviewed Dr. Scolatti and negotiated a contract wherein he will act as a temporary replacement for Dr. Laura while OPD solicits proposals for a permanent solution.

(b) Permanent Replacement for Dr. Laura

Harry Freebourn and I are working on a Request for Proposals which will be forthcoming in the near future.

6. Client Complaints

Due to numerous client complaints and verified ineffectiveness as counsel, one contract attorney has been notified that OPD will no longer be assigning cases to him. He returned all cases to OPD, except for those which OPD determined needed immediate action. The cases of a number of other contract attorneys are being monitored due to client or judicial complaints, or excessive billing practices.

Attachment A
STANDARDS COMPLIANCE INTERVIEWS

| <i>Region</i> | <i>Total # Attorneys</i> | <i>Month/year</i> | <i>Number Complete</i> |
|----------------------|---------------------------------|---|-------------------------------|
| 1 | 21 | November, 2010 May, 2011 August, 2011 | 6 1 6 |
| 2 | 44 | October, 2010 April, 2011 May, 2011 June, 2011 | 3 3 4 7 |
| 3 | 24 | February, 2011 | 4 |
| 4 | 11 | October, 2010 May, 2011 | 1 6 |
| 5 | 7 | April, 2011 | 6 |
| 6 | 10 | December, 2010 | 6 |
| 7 | 7 | March, 2011 | 4 |
| 8 | 25 | March, 2011 April, 2011 | 8 1 |
| 9 | 37 | December, 2010 January, 2011 August, 2011 | 7 2 5 |
| 10 | 6 | September, 2010 January, 2011 | 2 3 |
| 11 | 4 | January, 2011 | 3 |
| TOTALS | 196 | | 88 |