



OFFICE OF THE STATE PUBLIC DEFENDER STATE OF MONTANA



DRAFT

ESTIMATED COST SAVINGS FOR MITIGATION PLAN PROPOSALS

1. HIRING FREEZE

Not hiring five modified positions – will save OPD approximately \$360,000 by the end of the Fiscal year.

If the commission were to increase this to not replacing any vacancies which arose, we would save approximately 57,600 per employee over the nine-month period left in the Fiscal Year (based average attorney salary of \$40 per hour which includes salary and benefits at \$6,400 per month.

Entry to Max rate for an attorney with 5 years (based upon the successful candidate's relevant years of experience defined under the union contract) – (\$26.26 - \$35.39) per hour. Benefits 17.7% per hour (\$4.65 – \$6.35 per hour). Insurance per hour (\$6.10 – \$6.59 per hour). Total \$37.01 – \$48.33 per hour

2. OVERTIME RESTRICTIONS

Analysis indicated that most employees take comp time, so overtime would only save an estimated \$20,000 over the next nine months.

With Comp-time we are also adding liability that the agency will need to pay at a later time, but this is preferable to overtime for the short term. Comp Time would need prior supervisor approval to control long-term liabilities.

3. **DISCRETIONARY FUNDS - \$209,000** Revert back to pay down the shortfall.

4. **POST CONVICTON DRUG TREATMENT COURTS – OPD does not break out data for drug courts from the underlying cases, so estimates are not available.**

5. CONTRACT INVESTIGATORS

Stop using Contract Investigators for both program 1 and 3 in Billings, Kalispell, and Missoula Regions and hire 2 modified FT Investigators and place them in Program 3 to work in Missoula and Billings to perform investigations for both programs (Only Billings had Contract Investigator expenses for Program 1). OPD in both programs spent \$216,651 to hire Contract Investigators in all three regions last year. We pay \$46 per hour for contract investigators and approximately \$30 per hour for FTE Investigators. We can hire two Modified FT investigators for approximately \$115,000, which is a savings of \$100,000 over the course of a year. For the remainder of the Fiscal year, our savings is estimated to be approximately \$75,000 by implementing this practice.

6. SOFT-CAPS –

Wendy will provide update on soft-cap initiative.

7. DN CASES and PUTATIVE FATHERS –

The data in the case management system does not segregate cases that involve putative fathers, but if we assume that 25% of the cases have putative fathers, then the estimated savings would be \$1,200,000.00 by the end of the Fiscal Year.

8. DN CASES and representing only one person (You decide who that is)

Not every case is the same, so our projections are rough estimates and are based on there being an average of 4 attorneys per case (attorney for mother, two fathers, and one for the children), which in FY

2016 cost OPD \$6,400,000.00 per year. If representation were limited to one attorney per case for the next nine months, it is estimated that OPD would save \$3,600,000.00

9. LOWER COURT CASES:

In Fiscal Year 2016 OPD provided contract representation in 5601 cases at the cost of approximately \$2,600,000.00. The FTE Attorney's working Misdemeanor cases for the same period cost OPD approximately \$3,900,000.00 for the same period and they were assigned 15,942 cases. If you add those two together, OPD spent approximately \$6,500,000.00 for a year. With overhead costs, this goes up to 9 million.

10. DISCONTINUANCE OF CONTRACT ATTORNEYS in LOWER COURT CASES and adding Modified part-time ATTORNEYS TO REPLACE THEM is believed to be more cost efficient.

5600 cases x 7 hours (Using the high end of case weighting system) = 39,200 hours. 39,200 hours x \$62 (cost of Contract Attorney) = approximately \$2,400,000.00. By discontinuing the use of Contract ATTORNEYS in lower court cases and replacing with Modified FTE's on a part basis. 39,200 hours x \$40 (Middle of the road figure for OPD attorney with benefits) = \$1,568,000.00. \$2,400,000 (Contractor Costs) - \$1,568,000.00 (FTE Costs) = \$832,000 per year. **Savings for the rest of the Fiscal year would be \$624,000.**

11. DISCONTINUE USING CONTRACT ATTORNEYS FOR DISTRICT COURT CASES IN REGIONS 1,2,3,4, AND NINE AND REPLACE THEM WITH MODIFIED PART-TIME ATTORNEYS.

Region	FTE	FTE Cost	FTE Cost/Case	Contract Att.	Contract Cost	Contract Cost/Case
1	1,305	\$1,183,072	\$907	840	\$957,062	\$1,139
2	1,568	\$1,317,868	\$840	671	\$1,386,755	\$2,067
3	1,263	\$1,046,296	\$828	816	\$843,692	\$1034
4	826	\$939,010	\$1,137	408	\$763,399	\$1,871
9	1,571	\$1,390,751	\$885	\$1,780	\$1,645,845	\$925

SAVINGS - Assuming no growth in the number of cases, 4515 (number of contract cases) / 12 months = 376 (cases per month performed by CAs). Then 376 x 9 (months until the end of the FY) = 3400 (contract cases until the end of the FY) x \$487 (savings per case for using an FTE) = **\$1,600,000.00 saved by the end of the FY.** (is a very rough estimate since this analysis did not consider case complexity or costs.)

12. FURLOUGH OPTION

OPD MONTHLY PAYROLL – 1.6 million per month

OPD DAILY PAYROLL - \$80,000 per day

Total required to significantly impact shortfall – 44 days

Rolling Furlough would require – If we had each employee take off 4 days per month (1 day per week), starting now, **OPD would save \$2,880,000.00** by the end of the Fiscal Year in June.

If we chose to go with only the highlighted areas, we could exceed the shortfall with an estimated savings of 4.1 million