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OPD Central Office

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September 11, 2010

Montana State Council 9, AFL-CIO
AFSCME
PO Box 5356
Helena, MT 59604

Re: OPD Contract Attorney's Unionizing

Dear Timm Twardoski:

I am writing to you in response to your letter regarding OPD contract attorney's unionizing. I am a private attorney in Billings, Montana. I had worked at the Billings' office for the OPD and left October 2008. The majority of my work is OPD contract work.

If the contract attorneys decide to unionize I believe it is a conflict of interest for AFSCME to represent the contract attorneys as you represent OPD staff attorneys. My interest as a contract attorney is vastly different than the staff attorneys. A good example is that staff attorneys would want to keep more work in house so they could ask for more money while contract attorneys want more cases contracted out.

Another example is clients are already saying that as a contract attorney being paid by the OPD that it could be a conflict of interest as the OPD represents the co-defendant. In State v. St. Dennis, the defendant is appealing his case citing this exact issue. If the same union represents both contract and staff attorneys, then it links the attorneys as being a firm, which creates a conflict for the attorneys to represent co-defendants.

My liability insurance would also drop my coverage because then I am opening myself up to the liability of the entire OPD and each contract OPD attorney.

I appreciate you trying to serve inquires. I now ask you to step aside due to the conflict.

Sincerely,

Katie Barber

cc: OPD Commission