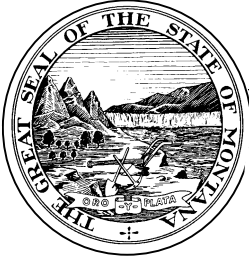


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April 7, 2016

To: Montana Public Defender Commission

From: Wendy Johnson, Contract Manager

RE: Quarterly Report, March 2016

State of the Contract Program

Since my last report, there is a lot of information to provide to the Commission. There are 241 contract/conflict attorneys with a current MOU, 31 investigators with a current MOU, and 66 mental health providers with a current MOU. The current rate of pay for contract attorneys is \$62/hour.

Contract Manager Activity

The following is a brief explanation of all that has taken place over the past few months.

New Forms and Policy/Procedure

Over the next couple of months, I will be working with Kristina Neal, Conflict Coordinator, Dr. Michael Scolatti, Mental Health Coordinator, and Mori Woods, Investigator Supervisor to update the MOUs for contract attorneys, mental health providers, and investigators. There are several provisions that we anticipate changing, including our billing policy/provision, provisions related to closed and inactive cases, as well as the provisions related to substitution of counsel. These forms will then be brought to the Contract Steering Committee for approval before they are issued to those contractors whose MOUs will be expiring in the upcoming months.

As the Contract Manager, I am continuously reviewing not only the forms that our office utilizes, but I frequently look at our internal policies and procedures. I work closely with staff throughout the agency to develop and brainstorm ways to improve our practices and make them more efficient.

Proficiency Determinations

Proficiency Determinations are ongoing. This process continues to evolve as I conduct each evaluation. We previously had some pushback from individuals that we solicited feedback from, and as a result are working on a solution that will hopefully satisfy all that are involved. I will be working with a member of OPD's IT department to develop a survey that can be

distributed to stakeholders. I am also working directly with several stakeholders to develop the survey questions so that the information we gather is relevant and readily available.

Additionally, I would note that while our office does not conduct proficiency determinations every month for every contract attorney, we are routinely looking at the performance of our contract attorneys throughout the state. Kristina Neal and I work together closely to discuss contract attorney issues that run the gamut from billing issues to performance issues, and address these issues as they present themselves, not only when we are conducting an official evaluation.

CRM

Earlier this year, the Public Defender Commission approved the allocation of resources for OPD to develop and implement enhancements for the current online billing system. Chief Hooks, Ms. Neal, Dr. Scolatti, IT Supervisor Kyle Belcher, Accounting Supervisor Carleen Green, and I have spent the past few months discussing exactly what those enhancements will look like and how to best spend those funds.

We have several ideas about how we would like to see the system enhanced. Many of the changes will give the regional and program managers more information about how much individual cases are costing, how many hours attorneys are spending on the cases, and a real time view of where they are with their contract budgets. Some of the other enhancements will improve the contractor's experience, and still others will hopefully increase efficiencies. Ideally, we will be adding our mental health providers, investigators, and other vendors to the system as well. We will also be able to fill out some of the other forms online, including pre-approval requests, conflict referrals, and investigation requests.

An important feature that we are spending a lot of time discussing and analyzing is the ability to implement a soft cap, and how we might use this program to do so. Although we are not to a place where we are ready to do this yet, we are brainstorming the best way that this might work. We are reviewing many factors, and a lot of data that we currently have available to us. We are also determining what data we still need to collect to be able to feel confident in any sort of cap. This is a work in progress, and we will be putting together a working group that includes contract attorneys and other stakeholders in the near future to talk about what we are proposing or might be interested in implementing. I am very pleased with the information that our IT Department, in particular, Kyle Belcher, has been able to show us. I think we are at a great starting point, and he has a great grasp of what we are trying to accomplish.

In addition to the work we are doing internally to develop the soft caps, we are currently working with the software developers to prioritize each of the tasks described above, and to determine whether or not all of the things we would like to do are realistic given our budget. We would like to see work begin on these enhancements within the next few weeks.

Miscellaneous Information

- Closing forms continue to be entered into our case management system for contract cases on a daily basis. My assistant, Lynn MacMillan, closes approximately 400 cases every

month. Case audits are also routinely conducted on a region-by-region basis every month, which is helping us to ensure that case counts and the information for each contract attorney are accurate. We are working hard to clean up the case lists of all current and former contract attorneys.

- I will be working with Peter Ohman, Training Coordinator, to brainstorm ways in which we can increase the training opportunities for our contractor workforce.
- In the past couple of weeks we have received several applications for additional attorneys to join our contract attorney work force. I routinely contact references that are listed and discuss with our Regional Deputy Public Defenders and Conflict Coordinator the needs of the agency and whether or not we should approve additional attorneys in specific regions. We will be adding attorneys in several areas where we need help in the very near future. Additionally, I am working with Kristina Neal on a solicitation letter that we will distribute in those high-need areas.
- There are several proposals that I am working on that I will be bringing to the Commission or the Contract Steering Committee in the near future. One proposal is related to billing for our contract attorneys and will more clearly delineate some tasks that they are able to bill for. Another proposal is related to third party billing and the way that this is done.

As I noted above, there is a lot happening, and I am excited about all the changes that we have already made, and will continue to make in the Contractor area of this agency.