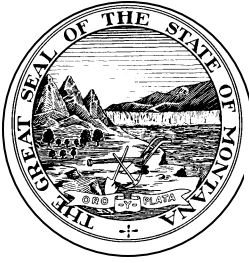


# OFFICE OF THE STATE PUBLIC DEFENDER



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June 28, 2016

To: Montana Public Defender Commission

From: Wendy Johnson, Contract Manager

RE: Second Quarter Report, 2016

### **State of the Contract Program**

Since my last report, there is a lot of information to provide to the Commission. There are 254 contract/conflict attorneys with a current MOU, 32 investigators with a current MOU, and 79 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*

I am in the process of trying to set up a Contract Steering Committee meeting to discuss a variety of topics including the language used in the MOUs for contract attorneys, investigators, and mental health professionals. I would also like to include a discussion related to the billing policy and procedures, case closing forms, and issues related to the substitution of counsel. Other items on the agenda include third party billing, and various agency contracts that are expiring soon.

#### *Proficiency Determinations*

As I have noted previously, I work closely with Chief Hooks, Chief Wright, Chief Neal and the various Regional Deputy Public Defenders to monitor contract attorney issues that run the gamut from billing issues to performance issues. In general, it is our practice to address these issues as they present themselves, not only when we are conducting an official evaluation. I have been dealing with several contractor performance issues, and because dealing with these issues is often time intensive, I feel that I have had even less time to devote to this task. That being said, proficiency determinations are ongoing.

### *Online Billing System*

Agency personnel met with the software developers on June 9, 2016 for our initial meeting to discuss the work that needs to be completed. As was noted in my earlier report, we have worked hard to prioritize the development of the enhancements to the online billing system. I have worked closely with the various program heads, Kyle Belcher, Kristina Neal, and Carleen Green to make sure that we are using the funds that were allocated to this project in the most fiscally responsible way that we possibly can. We are currently underway with development of a billing standard (soft cap) which will be implemented at a later date. We routinely talk to the developers, and get bi-weekly progress reports from the developer that help us to know where we are at with the project and how things are progressing. As was noted in my previous report, in addition to the billing standards, additional enhancements that will be developed include the following, to wit: adding our mental health providers, investigators, and other vendors to the voucher system, adding pre-approval request forms, adding conflict case referral forms, and adding requests for investigators and transcripts to the online system. Each feature will be rolled out upon completion.

### *Miscellaneous Information*

- Closing forms continue to be entered into our case management system for contract cases on a daily basis. As we are nearing fiscal year end, my assistant, Lynn MacMillan, and other central office staff, have worked diligently to close cases every day. Case audits continue to be 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 is accurate. I have also engaged in discussions with the program heads and other agency personnel to determine whether or not attorneys, both FTE and contract, are abiding by our case closing policy, and how we might ensure that they do so.
- I have engaged in conversations with Peter Ohman, Training Coordinator, Carleen Green, Accounting Supervisor, and Kyle Belcher, IT Supervisor, to brainstorm ways in which we can train staff and contractors with relation to the new online billing system enhancements. We will continue to work together to put together a training that is available as a manual, and also potentially some video tutorials.
- OPD continues to receive applications for additional attorneys, investigators, and mental health professionals to join our contract attorney work force. The quality of the applicants has overwhelmingly been really positive.
- As is noted above, we are quickly approaching fiscal year end. As such, claims are being processed and approved as quickly as possible. Kristina Neal and I have worked closely together to resolve any claims that may have issues.
- I will be sending out extensions to some of our contractors whose Memorandum of Understanding may be expiring in the upcoming months. We are working on updating some of the provisions currently included in the MOU and hope to have the new version ready to go within the next month.