

Justice Bulletin

Montana Board of Crime Control

*A Publication of the Montana Board of Crime Control 5 South Last Chance Gulch, PO Box 201408 Helena, MT 59620-1408
(406) 444-3604 FAX (406) 444-4722 TTY 444-7099*

Request for Proposals (RFP)
#11-05 (JR) John R Justice (JRJ)
Proposal Deadline: January 31, 2011

I. Overview

The Montana Board of Crime Control (MBCC) is soliciting applications from prosecutors and public defenders under the John R. Justice Prosecutors and Defenders Incentive Act (JRJ). One of the challenges facing the criminal justice system today is the recruitment and retention of qualified prosecutors and public defenders. Prosecutor and public defender offices consistently find it difficult to attract and retain talented attorneys. Attorney shortages in these offices can result in overworked attorneys handling unmanageable caseloads, potentially affecting public safety, the administration of justice, and ultimately the public's confidence in our justice system.

JRJ was enacted to encourage qualified attorneys to choose careers as prosecutors and public defenders and to continue in that service. JRJ provides loan repayment assistance for eligible public defenders and state prosecutors who commit to continued employment as public defenders and prosecutors for at least three (3) years. Approximately \$85,000 will be available.

II. Eligibility

- A. Except as provided in subsection (B) below, the following individuals are eligible to apply for loan repayment assistance under this solicitation:
- a. **Prosecutors:** licensed attorneys employed at least 30 or more hours per week by the Montana Department of Justice, a Montana county or city government, or a tribal government located within the State of Montana who:
 - i. Prosecute criminal or juvenile delinquency cases; or
 - ii. Supervise or provide training to licensed attorneys who prosecute criminal or juvenile delinquency cases.
 - b. **Public Defenders:** licensed attorneys who are employees of the State of Montana and work at least 30 or more hours per week for the Office of the State Public Defender and who:
 - i. Provide legal representation to indigent persons in criminal or juvenile delinquency cases; or
 - ii. Supervise or provide training to licensed attorneys who provide legal representation to indigent persons in criminal or juvenile delinquency cases.

- B. The following individuals are ineligible to apply for loan repayment assistance under this solicitation:
- a. Elected officials;
 - b. Regional chief deputy public defenders employed by the Office of the State Public Defender;
 - c. Contract attorneys hired under memorandums of understanding by the Office of the State Public Defender;
 - d. Federal employees; and
 - e. Individuals with an annual gross income of \$60,000 or more.

III. Application Deadline

Applications for RFP #11-05 (JR) John R. Justice Grant Program must be submitted electronically on or before January 31, 2011, at 5 pm.

IV. How to Apply

Applicants are required to complete the Application Form, Financial Form, and Service Agreement (Appendix A) electronically and email them to sdorrington@mt.gov. The email subject line should read "JRJ Application". All forms are available on the MBCC website at <http://mbcc.mt.gov/>. Applicants are also required to submit NSLDS and IBR documentation (see Section VI of RFP) via mail.

Assistance

If you need assistance with the application, please call our office at 406-444-3604. If you have questions regarding the application content, please contact the following staff:

<u>Fiscal Staff</u>	<u>Phone</u>	<u>Program Staff</u>	<u>Phone</u>
Connie Young	444-7361	Stacye Dorrington	444-4763
cyoung@mt.gov		sdorrington@mt.gov	

Receipt Verification

All applicants will receive email verification that their application has been received.

Late Applications

Applications received past the due date will not be considered.

V. Program-Specific Information

Equal Allocation Requirement

JRJ requires funding for loan repayment to be allocated equally between prosecutors and public defenders. This equal allocation requirement applies only to the total amounts repaid. States are not required to make an equal number of awards to eligible beneficiaries of each category. The minimum amount an eligible beneficiary will receive is \$3,000.

Geographic Distribution

MBCC will utilize the 11 Office of the State Public Defender regions to ensure fair geographic distribution of JRJ funds. The intent is to make at least one award in each region to a prosecutor and a public defender, if possible.

“Least Ability to Pay” Formula Requirement

Priority must be given to those eligible beneficiaries who have the least ability to repay their loans. To assist in determining least ability to repay, complete an Income Based Repayment (IBR) calculation. This tool helps determine how much an individual can currently afford to repay on student loans. Access IBR at: <http://www.ibrinfo.org/calculator.php>.

Loan Eligibility

Loans eligible for repayment are defined as, and limited to the following:

Student Loan:

1. A loan made, insured, or guaranteed under part B of subchapter IV of chapter 28 of Title 20 (Federal Family Education Loan Program);
2. A loan made under part C or D of subchapter IV of chapter 28 of Title 20 (William D. Ford Federal Direct Loan and Federal Perkins Loans);
3. A loan made under section 1078-3 or 1087 e (g) of Title 20 (Federal consolidation loans and Federal Direct Consolidation loans, respectively).

Ineligible Loans

The term student loan does not include any of the following loans:

1. A loan made to the parents of a dependent student under section 428B of the Higher Education Act of 1965 (20 U.S.C. 1078-2);
2. A Federal Direct PLUS Loan made to the parents of a dependent student;
3. A loan made under section 428C or 455 (g) of the Higher Education Act of 1965 (20 U.S.C. 1078-3 {Federal consolidation loans} and 1087 e(g) (Federal Direct Consolidation loans) to the extent that such loan was used to repay a loan described in clause (1) or (2).

Disqualifying Conditions

An attorney must not be in default on repayment of any federal student loans.

Payment Information

Grant funds can only be paid to the institution holding the qualifying loan. In accordance with 42 U.S.C. 3797cc-21(c), no funds may be paid directly to the beneficiary. Payments made on behalf of approved beneficiaries cannot exceed the total qualifying loan balance. The beneficiary remains responsible for any remaining payments or balances. MBCC will make one payment to the lending institution during the contract period. Neither the U. S. Department of Justice nor MBCC will be held responsible for any late fees assessed by the lending institution. The amount paid shall not exceed \$10,000 for any individual in any calendar year or an aggregate total of \$60,000 in the case of any individual.

Service Agreement (Appendix A)

As a condition precedent to the repayment of any loan obligation under this program, all eligible recipients must sign an agreement (Appendix A) to remain employed as a prosecutor or public defender for a period of service of not less than three (3) years unless involuntarily separated from employment (i.e. laid off). Termination as a result of misconduct or unacceptable performance would not qualify as involuntary separation. The period of service begins on the date that the beneficiary signs the Service Agreement.

If a recipient voluntarily leaves a position as an eligible beneficiary, or is involuntarily separated for misconduct or unacceptable performance before completing the agreed upon period of service, the recipient will be indebted to the Federal government and must reimburse MBCC for the full amount of any student loan repayments made under this solicitation. The return of funds will not be determined on a pro-rata calculation. Recipients must notify MBCC, in writing, within five (5) calendar days of voluntary separation or involuntary separation for misconduct or unacceptable performance.

Proof of Employment Form (Appendix B)

Recipients will receive a Proof of Employment Form (Appendix B) from MBCC every six (6) months during the three-year service agreement period. This form must be completed and returned to MBCC within ten (10) calendar days. If the recipient does not complete and return Appendix B in the mandated time frame, the recipient will be responsible for reimbursing MBCC for the full amount of any student loan repayments made under this solicitation.

Contract Period

Once approved for loan repayment, there is a rebuttable presumption that a beneficiary will be given priority consideration to receive funding during the second and third years of the three-year service agreement, depending on the availability of funds. Renewal is not automatic and nothing shall obligate MBCC to renew a benefit or to renew such benefit in the same (or greater) amount previously received by a beneficiary.

VI. Application Requirements

Applicant must submit the following documents to be considered for JRJ funding. All forms are available on the MBCC website at <http://mbcc.mt.gov/>.

Application Form, Financial Form, and Service Agreement (Appendix A) – email to sdorrington@mt.gov on or before January 31, 2011 at 5 p.m.

National Student Loan Data System (NSLDS) Document – Applicants must obtain a NSLDS document for each student loan the applicant has with a lending institution, including the qualifying student loan in which assistance is being requested. NSLDS is the U.S. Department of Education's (ED's) central database for student aid. NSLDS receives data from schools, guaranty agencies, the Direct Loan program, and other Department of ED programs. Applicants can access this document at www.nsls.ed.gov. This site displays information on loan and/or grant amounts, outstanding balances, loan statuses, and disbursements.

Income Based Repayment (IBR) – Applicants must complete an IBR calculation to assist in determining least ability to repay. Access IBR at: <http://www.ibrinfo.org/calculator.php>.

Be sure all documents include applicant's name. Mail NSLDS and IBR documents to the following address:

Montana Board of Crime Control
Attn. Stacye Dorrington
5 South Last Chance Gulch
PO Box 201408
Helena, MT 59620-1408

VII. Selection Criteria

Awards

MBCC staff will conduct an initial screening of applications to check for completeness and determine least ability to pay. Staff will summarize their recommendations to the JRJ Committee of the MBCC.

The JRJ Committee will review proposals and staff recommendations during its February 2011 meeting. Immediately following the review of the applications, a notice will be sent to the applicant with the recommendation that will be presented to the MBCC.

The MBCC will review the committee's recommendations during its March 2011 meeting and make final recommendations. Applicants are strongly advised to adhere closely to all deadlines and requirements.

Appeals

If an application is recommended for denial by the JRJ Committee, the applicant may appeal the recommendation to the MBCC if there are substantive reasons. Notice of appeal must be made in writing to the Executive Director at least 10 days prior to the MBCC meeting.