

OFFICE OF THE STATE PUBLIC DEFENDER



BRIAN SCHWEITZER
GOVERNOR

WILLIAM F. HOOKS
CHIEF PUBLIC DEFENDER

STATE OF MONTANA

Phone: (406) 496-6080
Fax: (406) 496-6098
www.publicdefender.mt.gov

44 WEST PARK STREET
BUTTE, MONTANA 59701

August 9, 2012

TO: Montana Public Defender Commission

FROM: Larry Murphy, Contract Manager

RE: Report to Commission

1. Conflict Coordinator

Kristina Neal and I have been working together to accomplish tasks and resolve issues related to both Contract and Conflict Attorneys.

2. Standards Compliance

Since the last Commission meeting I have traveled to Billings, Missoula (twice), and Great Falls and completed another 26 Standards Compliance interviews. Kristina Neal has been able to join me on some of these trips. I have also been able to use Skype to conduct three of these interviews and will explore that option to reduce the cost of travel in the future.

I have completed 161 interviews out of 183 contract attorneys (78%) since October 2010.

OPD currently has 142 Contract/Conflict Attorneys with a signed MOU as of this date. Kristina and I are currently working with the Regional Deputies to obtain MOU's from the remaining 41 Contract/Conflict Attorneys and/or taking back their current cases which will have to be absorbed by our Regional offices.

There are currently 4 Attorneys Summary of Education and Experience in pending status at this time. Of those 4, 1 has been sent an MOU for review and consideration but the signed document has not been returned as of this date; 3 have been sent to Eric Olson for further review and assessment.

3. Proficiency Determinations

We continue to request the Regional Deputies to complete these determinations and sent them a reminder again on August 9, 2012. Since the last Commission Meeting I have not received any new Proficiency Determinations.

4. Mental Health Consultant

It appears that the Contract with Dr. Michael Scolatti is progressing well.

5. CLE Affidavit Requirements

I have asked each Contract/Conflict Attorney to submit their most recently filed CLE Affidavit with the new MOU. I now require that they do this to determine if they are in compliance with our current CLE requirements as set forth in our Standards. Please note that the PDC Standards Committee has a proposal before it to discuss modifying the CLE requirements contained in our Standards. Someone from that Committee will speak further on this topic.

6. Client Complaints

Kristina and I continue to monitor a number of contract attorneys due to client or judicial complaints and/or excessive billing practices.

7. Representation of Children in DN Cases

New proposed Standards were given to the PDC Standards Committee on August 8, 2012 and I believe someone from this Committee will be discussing the same at this meeting.