

## 5. Proficiency Determination for Contract Attorneys

- A. Each private attorney providing contract services to the Montana Office of the State Public Defender shall undergo a proficiency determination ~~bi~~annually (every two years).
- B. The proficiency determination will be conducted by the OPD Contract Manager and a combination of the following: ~~the Regional Deputy Public Defender from the region(s) in which the contract attorney renders services, and/or the OPD Training Coordinator, and/or the~~ Chief Public Defender, ~~and OPD Training Coordinator, and/or Regional Deputy Public Defender from the region in which the contract attorney renders services, and the OPD Contracts Manager.~~
- C. In conducting the determination, the contract attorney will be observed in court and information may be obtained and considered from internal and external sources such as ~~obtained from~~ clients, ~~the~~ Regional Deputy Public Defender(s) ~~in any region in which the contract attorney renders public defender services,~~ judicial personnel and faculty from training the contract attorney attends during the preceding contract year.
- D. The contract attorney will meet with OPD during the determination process.
- E. The contract attorney will ~~submit an “experience survey” and update it annually~~ provide OPD with a copy of the CLE affidavit filed annually with the State Bar. A new “experience survey” will be submitted if the contract attorney wishes to provide services in a new practice area.
- F. Upon the completion of the determination process, OPD shall certify the contract attorney’s proficiency within all applicable areas of public defense law.
- G. A proficiency certification will be signed by the contract attorney ~~, the Chief Public Defender,~~ and the Contracts Manager.
- H. If the contract attorney is determined to not be proficient in an area of public defense law, OPD will recommend remedial steps to obtain proficiency. The contract attorney may file an objection with the OPD and meet with the Chief Public Defender.