

HOW TO BECOME AN OPD CONTRACT ATTORNEY

The Office of the State Public Defender contracts with qualified attorneys to provide effective assistance of counsel to indigent people facing the following types of cases throughout the state of Montana: appellate cases, felony criminal cases, misdemeanor criminal cases, juvenile delinquency proceedings, dependency/neglect proceedings, guardianship proceedings, post-conviction relief proceedings, sentence review proceedings, and involuntary commitment proceedings. Any attorney licensed to practice law in Montana should follow the steps below to be considered for placement in the Office of State Public Defender pool of contract attorneys:

1. Complete the Attorney Education and Experience Questionnaire.
2. Forward the completed Attorney Education and Experience Questionnaire, a copy of your resume and a writing sample to the Contract Manager for review.
3. Upon receipt of your resume, writing sample and a completed Attorney Education and Experience Questionnaire, the Contract Manager will review your materials and contact your references to determine if you meet our requirements for placement in the OPD pool of contract attorneys. During the review process, the Contract Manager or another representative from OPD may contact you to ask you questions or gain clarification on the materials that were submitted.
4. Upon completion of the review process, one of the following will occur:
 - a. If upon completion of the review process it is determined that you meet our qualifications and that there is a need for your services in the areas in which you would like to practice, a Memorandum of Understanding (MOU) will be sent to you to be signed and returned to the Contract Manager.
 - b. If upon completion of the review process it is determined that you may meet our basic criteria for placement contingent on completion of additional requirements (for example - an inexperienced attorney may be required to shadow an experienced attorney, or meet with our training coordinator to address any concerns prior to being issued an MOU), you will be notified of this determination either by telephone, email or letter. Once the Contract Manager receives confirmation that the conditions have been met, the Contract Manager will either send you a standard two-year Memorandum of Understanding, or may offer you the option to sign a shorter Probationary Memorandum of Understanding to be signed and returned to the Contract Manager.
 - c. If upon completion of the review process it is determined that you will not be issued a Memorandum of Understanding either because it was determined that you do not meet OPD's requirements or standards, or because the pool of contract attorneys in the regions in which you would like to practice is at maximum capacity, you will be notified of such determination in writing.
5. Prior to signing the MOU, all potential contractors must read the OPD practice standards, and successfully complete the Computer-based Training/Standards Verification.

6. Upon receipt of a signed MOU, the Contract Manager will approve the MOU and forward all relevant information to the Conflict Coordinator, Chief Appellate Defender or the Regional Deputy Public Defender (RDPD) in the region(s) in which the attorney has indicated he/she is available to accept cases.
7. The RDPD/Chief Appellate Defender has sole discretion in assigning non-conflict cases to contract attorneys, and the Conflict Coordinator has sole discretion in assigning all conflict cases. Assignments are based upon the expertise and experience of the contract attorney, the types of cases they have agreed to accept, their current caseload and the needs of the region. OPD is not obligated to assign any specific number of cases to an attorney nor is any attorney obligated to accept any case offered by OPD for assignment. Attorneys with little experience in an area of practice must demonstrate the ability to handle increasingly complex or difficult cases (e.g., demonstrate ability in misdemeanor cases before being assigned felony cases).
8. If, after an MOU has been signed and returned, it is determined that a contract attorney's MOU should be terminated or suspended due to ethical concerns, billing issues, lack of proficiency, substantiated complaints, etc., the Contract Manager will notify the contract attorney, the RDPDs, the Chief Appellate Defender, and the Conflict Coordinator of that determination.

NOTE: All potential contractors should be familiar with the required forms, policies, training opportunities and Commission information available on the OPD website.

Questions may be directed to the Contract Manager at 406-496-6080.