

Office of the State Public Defender Administrative Policies

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1.0 POLICY

The Public Defender Commission has established the following procedures to ensure that when a case that is assigned to the office presents a conflict of interest for a public defender, the conflict is identified and handled appropriately and ethically.

2.0 PROCEDURE

2.1 When a case is determined to be a conflict of interest, the Regional Deputy Public Defender shall refer the case to the Conflict Coordinator. The Conflict Coordinator shall assign the case to a contract attorney whose name is maintained on the conflict attorney list or to a public defender employed outside the region. The Conflict Coordinator shall assign the case based on the nature of the case and the appointed attorney's qualifications and caseload.

2.2 A contract conflict attorney shall submit bills for the payment of attorney time to the Conflict Coordinator as required by Policy 130, Contract Counsel.

2.3 Costs, other than attorney fees, expected to be incurred by a conflict attorney, which exceed \$200, will be pre-approved by the Conflict Coordinator in accordance with Policy 125, Pre-Approval of Client Costs.

2.3.1 In determining the disposition of the pre-approval request, the Conflict Coordinator will not disclose any information about the case to anyone outside of the conflict office.

2.3.2 For pre-approval of costs that are extraordinary or questionable, the Conflict Coordinator may ask the Public Defender Commission's Contracts Process and Approvals Committee for assistance.

2.4 The Conflict Coordinator may confer with others about the availability of experts or other options relating to costs in conflict cases without reference to the specifics of any case.

3.0 CLOSING

Questions about this policy should be directed to:

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