



**Montana Department of Corrections  
FACT SHEET  
Outside legal service costs, supplemental,  
prevailing wage information**

***What are the rates paid for outside legal assistance?***

- Agency Legal Services
  - Attorney: \$93/hour
  - Paralegal: \$53/hour
- Private law firms
  - Attorney: \$150-\$175/hour
  - Associate attorney: \$125/hour
  - Paralegal: \$60-\$75/hour

***How much does the department spend on outside legal services?***

	*Spent in 62108 (Legal Fees Account)	Spent in Court Judgments
FY2010	\$165,752	\$21,189
FY2011	\$233,039	\$32,000
FY2012	\$133,424	\$185,213

\*Includes \$40,000 per year paid to the Powell County attorney's office for prosecution of cases arising at Montana State Prison and all escapes.

- The department believes the requested attorney position can be funded by reducing contracted services by \$66,124 for each fiscal year and reducing the court-ordered settlement costs for FY2014 by \$19,518 and by \$16,518 for FY2015.
- The balance of the funding for contracted legal services still would be needed for specialty attorneys in cases that require specific experience and skills, such as education-related lawsuits.

The chart below demonstrates the increased case load for attorneys in the department:

Last 2 Fiscal Years				
Case Type	2011	2012	Increase Load	Growth
Torts	23	25	2	8.70%
Civil	25	48	23	92.00%
Other	4	33	29	725.00%
HRB	23	24	1	4.35%
9th Circuit Appeals	2		(2)	-100.00%
Appeals	13	11	(2)	-15.38%
Prosecution	6	2	(4)	-66.67%
Habeas	77	106	29	37.66%
Employment	4	6	2	50.00%
Youth Cost of Care	38	37	(1)	-2.63%
Trials/Mediations	3	3	0	0.00%
On Going	27	33	6	22.22%
General Counsel	52	102	50	96.15%
General Counsel Advise	0	140	140	
Contracts	230	230	0	0.00%
Large Contracts	16	16	0	0.00%
Training	7	7	0	0.00%
Admin Rules	1	5	4	400.00%
ACLU		7	7	
Legislation			0	
Cases to ALS	4	1	(3)	-75.00%
Sent to RMTD	1	14	13	1300.00%
Outside Legal	5	1	(4)	-80.00%
<b>Totals</b>	<b>561</b>	<b>851</b>	<b>290</b>	<b>51.69%</b>

The chart above indicates that legal cases have increased by 290 or 52 percent over the past two years. This increased workload led to one attorney leaving. A new attorney position will assist with the current workload demands, but allow for a more equal workload allocation between all the legal staff.

**Supplemental Information**

The department’s initial request for a general fund supplemental appropriation was \$4.5 million dollars. Due to recent increased outside inmate hospitalizations and county jail contract increases that were larger than anticipated, the department will need to request an increase of \$2.2 million beyond the original request. The state special revenue increase was originally for \$500,000 and due to increased spending in inmate canteen items the department is requesting an additional \$250,000.

It is important to note that on Dec. 1, 2012 the department imposed an operating spending freeze for all non-essential items.

	<b>FY 2012</b>	<b>FY 2013</b>	<b>Biennial Total</b>
Outside Medical	\$2,270,000	\$2,230,000	\$4,500,000
Retirements/Payouts	\$863,000	\$524,000	\$1,387,000
MWP Medical	\$260,000	\$100,000	\$360,000
County Jail (per diem contract increases)	\$0	\$350,000	\$350,000
	\$3,393,000	\$3,204,000	\$6,597,000

Canteen Appropriation shortage \$750,000

### **Prevailing Wage Information**

**Question:** Which contracts require a prevailing wage provision?

**Answer:** All public works contracts must contain a provision requiring the contractor to pay the standard prevailing wages rates. (MCA 18-2-403) The prerelease, treatment and secure care contracts are public works contracts as they are over \$25,000 and the contractor employs persons in some of the occupations listed in MCA 18-2-401 (9).

### **Additional information:**

The Department of Labor and Industry web site <http://erd.dli.mt.gov/labor-standards/state-prevailing-wage-information.html> provides the guideline for prevailing wage requirements.