

McFarland Molloy & Duerk

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August 19, 2024

Sent Via Email to atolzien@yellowstonecountymt.gov

Amy Tolzien
Yellowstone County Attorney's Office
217 N. 27th St., Rm 701
Billings, MT 59101

Re: Potential Special Prosecutor Services Agreement

Dear Ms. Tolzien,

Thank you for engaging McFarland, Molloy & Duerk (the "Firm") to perform legal services on behalf of the Yellowstone County Attorney's Office as a Special Prosecutor in a conflict case. The purpose of this letter is to confirm the engagement and describe how the Firm will generally handle any assignment. We ask that you review this correspondence carefully and retain copies for your records. If you have any questions, please do not hesitate to contact me.

The Firm will provide legal services to the Yellowstone County Attorney's Office as a Special Deputy Yellowstone County Attorney in a felony criminal matter. We anticipate completing an initial review of this matter upon receipt of files from your office. After this initial case review, we will determine whether further investigation is necessary and provide an estimate of the costs and attorney fees involved in prosecuting this case before going forward. To minimize costs to Yellowstone County, we intend to work with PSB Chief Dan Guzynski to engage a Prosecution Services Bureau attorney to work with us on this case.

My hourly rate as a Special Prosecutor is **\$225 per hour**. In addition to providing legal services, we may incur costs on your behalf. Costs may include charges such as photocopying, travel, legal research, filing fees, court reporter fees, deposition fees, witness fees, and other such expenses incurred on your behalf. Monthly invoices will be sent to you (or through other arrangements you indicate) once the engagement is signed.

I understand that if I do take this case, your office will prepare the County Commissioner's resolutions and other necessary documents allowing a prosecution to commence outside of your office. Further, after the initial review is completed, I anticipate we will finalize a more detailed Agreement going forward. A sample of an Agreement I have used for these services in the past is attached as Exhibit 1.

We are grateful for the opportunity to work with you, and it is a privilege to have the opportunity to be of service.

Sincerely,

MCFARLAND, MOLLOY & DUERK



W. Adam Duerk

Please indicate your receipt of this Engagement Agreement and your approval of its terms by signing below and returning the executed document to the Firm at the address noted on the letterhead.

Signed:



Date:

8-20-24