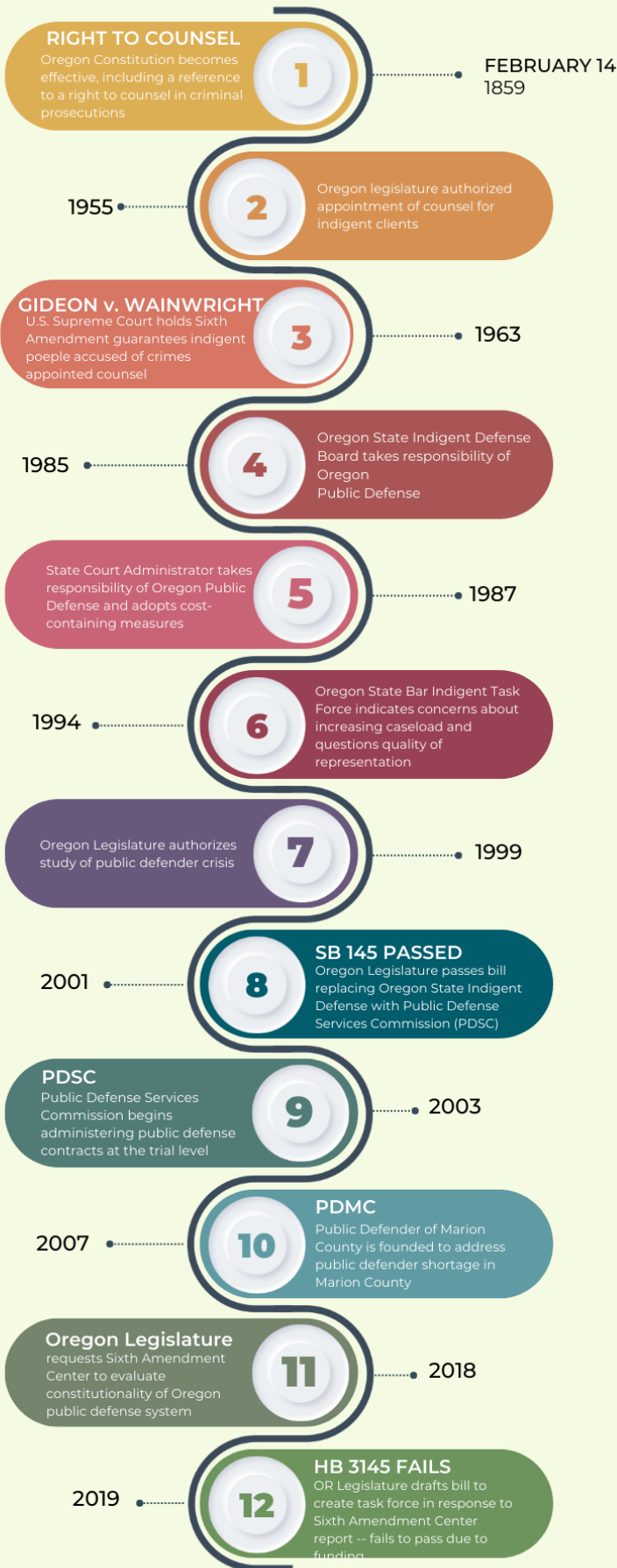


OREGON PUBLIC DEFENSE HISTORY



THE PDSC & OPDS SYSTEM OF PROVIDING STATEWIDE PUBLIC REPRESENTATION IN THE STATE COURTS

PDSC and OPDS are responsible for providing counsel to financially eligible adults and children in adult criminal, juvenile delinquency, dependency, and civil commitment proceedings in the state trial and appellate courts

The totality of this representation is provided through a combination of:

- non-profit law offices, and advocacy organizations
- contracts with individual attorneys
- consortia of attorneys
- for profit law offices
- and individual attorneys appointed case-by-case
- appellate state employed attorneys (no trial level attorneys in Oregon are state employed)

PDSC and OPDS provide all trial level representation through private attorneys, predominantly under contracts, and to a much smaller extent appointed on a case-by-case basis and paid hourly.

Commission policy states that "[c]ourts shall appoint contract attorneys, when available, prior to appointing private bar attorneys."

PDSC had annual contracts for 2018 and 2019 with 63 different contractors, each of which provides trial representation in one or more counties

10 public defender offices made up of attorneys employed by the public defender office and who do not take other cases outside of the PDSC contract

36 consortia made up of private attorneys working out of their individual offices

12 private for-profit law firms made up of attorneys employed by the law firm

1 non-profit law firm made up of attorneys employed by the law firm, and

4 individual attorneys

The types of cases and number of cases potentially handled under an annual contract varies from contractor to contractor, as does the compensation potentially paid. The details of these PDSC annual contracts are extremely complex.



**ABA
TEN PRINCIPLES OF A
PUBLIC DEFENSE DELIVERY SYSTEM**

The ABA Ten Principles of a Public Defense Delivery System were sponsored by the ABA Standing Committee on Legal and Indigent Defendants and approved by the ABA House of Delegates in February 2002. The Principles were created as a practical guide for governmental officials, policymakers, and other parties who are charged with creating and funding new, or improving existing, public defense delivery systems. The Principles constitute the fundamental criteria necessary to design a system that provides effective, efficient, high quality, ethical, conflict-free legal representation for criminal defendants who are unable to afford an attorney.

1 The public defense function, including the selection, funding, and payment of defense counsel, is independent	6 Defense counsel's ability, training, and experience match the complexity of the case
2 Where the caseload is sufficiently high, the public defense delivery system consists of both a defender office and the active participation of the private bar	7 The same attorney continuously represents the client until completion of the case
3 Clients are screened for eligibility, and defense counsel is assigned and notified of appointment, as soon as feasible after clients' arrest, detention, or request for counsel	8 There is parity between defense counsel and the prosecution with respect to resources and defense counsel is included as an equal partner in the justice system
4 Defense counsel is provided sufficient time and a confidential space within which to meet with the client	9 Defense counsel is provided with and required to attend continuing legal education
5 Defense counsel's workload is controlled to permit the rendering of quality representation	10 Defense counsel is supervised and systematically reviewed for quality and efficiency according to nationally and locally adopted standards

HB 2003 – Requires the State of Oregon to:

- 1) Ensure compensation, resources and caseloads are in accordance with national and regional best practices;
- 2) Promote policies for public defense provider compensation and resources that are comparable to prosecution compensation and resources;
- 3) Ensure funding and resources to support required data collection and training requirements;
- 4) Adopt a statewide workload plan, based on the caseload policies described in paragraph

The (PDSC) Commission's primary charge is to establish and maintain a public defense system that ensures the provision of public defense services consistent with the Oregon Constitution, the United States Constitution and Oregon and national standards of justice.

**Misdemeanor Attorney Thursday
Schedule**

(experience: less than six months)

7:00 am	Respond to emails Prepare to cover status conference w/judge Drive to Downtown Courthouse
8:15-9:15 am	Appear in status conference for 3 clients
9:30-11:00 am	Mandatory attorney training (CLE)
11:00-Noon	Initial client appointment
Noon-1:00 pm	Contact clients Communicate with client mental health provider Drive to Annex Courthouse
1:00-1:30 pm	Review plea petition with client and answer questions
1:30-2:30 pm	Appear in court with 7 clients
3:00-4:00 pm	Client appointment to review investigation results
4:00-5:00 pm	Client appointment trial preparation
7:00-9:30 pm	Discovery review for newly appointed cases & trial preparation

Items unable to complete from to-do list: motion to dismiss, demurrer, investigation requests for 5 clients, client to sign ROI for treatment provider, counter DA offer, staff case