

Oregon Public Defense Commission

Introduction & Overview

Judiciary Committees

January 23, 2025

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Executive Director, OPDC



MISSION AND VISION

Justice for All

OUR MISSION

To continually enhance the statewide public defense system to deliver highly skilled, independent, timely, and client-focused representation to eligible person.

OUR VISION

OPDC is a guardian of the legal rights and interests of public defense clients and a champion for effective public defense.

Oregon Public Defense Commission

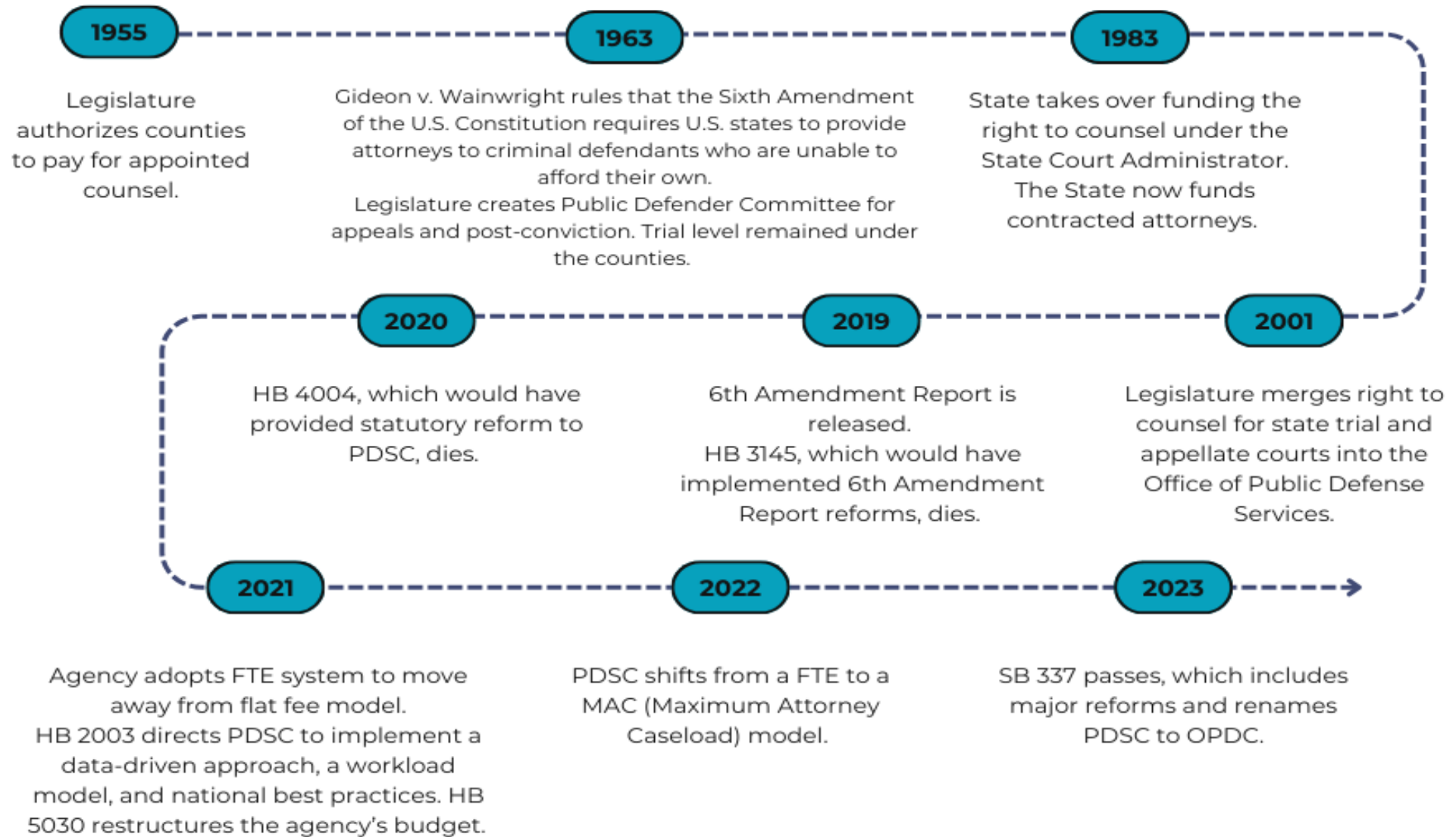


Presentation Overview:

- The History of Public Defense in Oregon
- SB 337
- Public Defense Delivery
- Unrepresented Persons
- The Future of Public Defense in Oregon

HISTORY OF PUBLIC DEFENSE IN OREGON

HISTORY OF PUBLIC DEFENSE IN OREGON



Legislature Calls for Caseload Study

HB 5201 (2018):

“(2) In addition to and not in lieu of any other appropriation, there is appropriated to the Public Defense Services Commission, for the biennium ending June 30, 2019, out of the General Fund, the amount of \$450,000 **for the purposes of an Oregon-specific caseload standards study and an assessment of Oregon public defense services.**”



6th Amendment Report (2019)



The State has created a complex contracting bureaucracy to deliver public defense services, which lacks sufficient oversight and financial accountability.



The fixed-fee case credit model is a conflict of interest, in that it pits the financial self-interest of the attorney against the due process rights of their clients.



The composition of the PDSC does not adhere to national public defense standards.



The State has no oversight of the right to counsel in municipal, county, and justice courts.

What is MAC?

Transitional oversight tool

- Initially created to end the fixed-fee case credit model.

300 misdemeanors/year weighted.

- Based on 2021 the Oregon Study + Washington's annual caseload limits.

Maximum Attorney Caseload (MAC) is an oversight tool that sets the maximum number of cases a public defender can take in one year.

Leadership Transitions since 2019

- 5 Executive Directors since 2019
- Commission dissolved and reconstituted – August 2022
- New Director appointed – November 2022
- Almost all new leadership, including Deputy Director, Chief Information Officer, Human Resources Manager, Government Relations, Facilities Manager, Trial Division Chief and Compliance Audit and Performance Manager - 2023 & 2024

SB 337 (2023)

SB 337 (2023)

SB 337 does three main things:

- Changes the makeup and appointment process for the Commission (January 2024);
- Moves the Commission to the Executive branch of government (January 2025);
- Changes the delivery model of public defense:
 - By July 1, 2027, public defenses in Oregon will be either:
 - A) State employees;
 - B) employed at a non-profit;
 - C) paid hourly as part of a panel of qualified counsel.

SB 337 Implementation

- Onboarded a new 13-member commission on January 1, 2024;
- Moved from Judicial to Executive branch of government on January 1, 2025.

SB 337 Implementation

- Conducted an economic analysis to determine hourly pay rates;
- Collaborated with Office of Economic Analysis to forecast caseloads;
- Opened 3 state public defender offices starting December 2023;
- Panel of hourly attorneys starting July 2025;
- Stop fixed fee contracting as of July 2025.

SIX YEAR PLAN

Road Map

The Commission adopted a 6-year plan to ensure the adequate representation to the public defense clients.



ADOPTED REPORT

Oregon Public Defense Commission
SIX-YEAR PLAN TO REDUCE REPRESENTATION DEFICIENCY

October 2024

Significant Growth, Significant Changes

Since 2019:

- The agency's biennial operating budget has increased by 60%
- The agency's FTE has grown by 74%
- The number of contracted attorneys has grown by 35%*
- There are now three regional state offices providing public defense services

* *Between 2021-2024*

Agency By the Numbers



^[1] As of November 11, 2024

^[2] As of November 20, 2024

^[3] As of the October 15, 2024 update released by the Office of Economic Analysis

^[4] Last reported in the November 2024 Comprehensive Public Defense Report.

Oversight



Annual maximum caseload prorated by month (MAC)



Attorney qualification standards



Data Collection



Timekeeping for state employees



Attorney caseload monthly reports

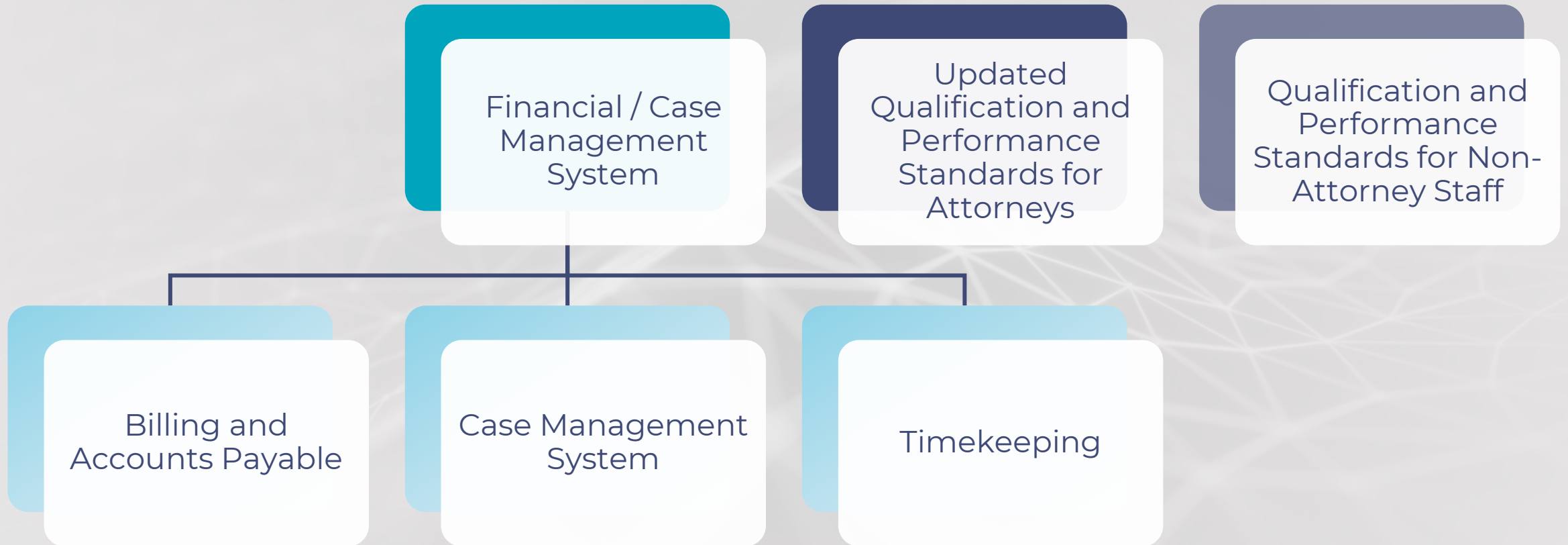


Hourly billing for hourly attorneys and non-attorneys



Collaboration with Oregon Judicial Department

Oversight: In Development



PUBLIC DEFENSE DELIVERY

Public Defense Delivery

State Defenders:

State employees providing direct representation for public defense clients.

Contracted Defenders:

OPDC contracts with 164 independent entities to provide representation for public defense clients.

Hourly Defenders:

269 attorneys who represent public defense clients through an hourly agreement and bill hourly.

Contracted Defenders

Criminal

Juvenile (delinquency & dependency)

Juvenile Parent Child Representation Program (PCRCP)

Civil Commitment

Guardianship

Habeas

Post Conviction Relief

OPDC Contracts with:

- Non-profit law firms;
- Consortia of attorneys;
- Law firms.

Contract Dashboard



Criminal Contract Providers: July 2023 - June 2025

Overview

Definitions

State Trial

Caseload reports are currently reflective of data from July 2023 - December 2024 as they are due on the 20th of the following month.

County

All

Contractor

All

Month

All

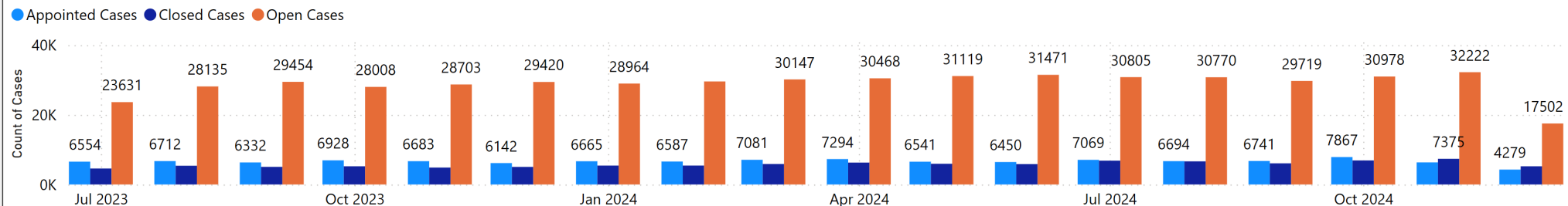


Clear all slicers

Criminal MAC Utilization & Monthly Appointments

Home County	Reported MAC	Prorated MAC	Utilization Rate	Appointed Cases	Murder	Measure 11	Jessica's Law	Major Felony	Minor Felony	Misdemeanors	Civil Commitment	PCR Agg	PCR/Habeas	PV	Spe Cou
Baker	1.090	1.884	57.8%	277		2		12	51	173	3			36	
Baker, Union	1.064	1.794	59.3%	300		4		5	41	163	8			79	
Benton	11.062	12.802	86.4%	2453	5	41	1	101	424	1,632	17			232	
Clackamas	42.686	42.154	101.3%	9785	17	99	20	298	1,800	5,220	522			1,526	
Clatsop	7.945	7.415	107.1%	1897		27	5	68	325	1,055	27			370	
Clatsop, Columbia	0.702	0.915	76.7%	234				2	27	106	15			84	
Clatsop, Tillamook	0.373	0.586	63.7%	115				8	21	42				43	
Columbia	5.921	6.760	87.6%	1444	1	28	2	53	264	688	28			374	
Coos	8.173	8.218	99.5%	1618	6	30	7	71	284	1,004	33		5	175	
Coos, Curry, Douglas, Jackson, Josephine, Klamath	0.028	0.227	12.5%	2		1			1						
Crook, Jefferson	11.305	12.404	91.1%	2806	1	64	2	60	408	1,620	96		1	553	
Curry	3.382	3.429	98.6%	1013		4		25	123	567	44			250	
Total	574.094	654.322	87.7%	118967	223	3,025	228	4,942	22,454	58,312	5,007	3	958	18,346	

Criminal Cases Reported by Month



DELIVERY OVERVIEW

State Defenders

OPDC has three divisions that provide direct representation to clients:

Appellate (since 1963)

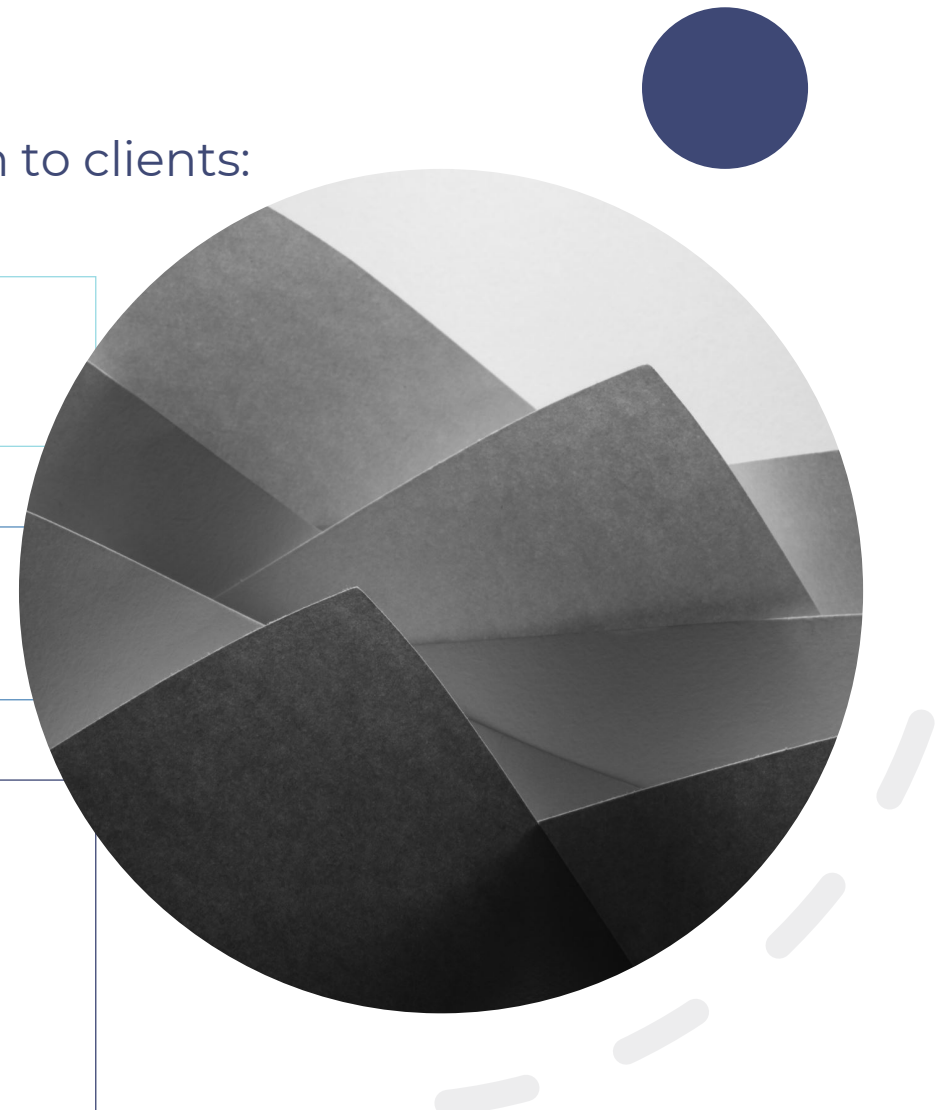
- Filed 1,227 notices of appeal in 2024.

Juvenile Appellate (since 2008)

- Filed 323 notices of appeal 2024.

Trial (since December 2023)

- New program established in 2023 and fully staffed in October 2024 with 3 offices (Metro region, Mid Willamette Valley, and Southern region)
- Appointed to 1,019 cases in 1st year.



State employees

- Required by SB 337;
- First office opened Dec. 2023;
- 20 attorneys;
- 1100+ cases.



Salem



Medford



Portland

Trial Division Dashboard

Oregon Public Defense Commission

State Trial Division

Overview

Definitions

Criminal Contracts

This data refreshes Mondays at 10am and the data is reflective of the previous Friday.

County

All

Office Location

All

Case Status

All

← Clear all slicers

State Trial Division Caseload

County	Homicide & Sex	High Level Felony	Mid Level Felony	Low Level Felony	Complex Misdemeanor	Low Level Misdemeanor	Probation Violation	Total Cases
Baker			1					1
Clackamas				1	1			2
Clatsop				1				1
Coos	1	3		4	3	11		22
Deschutes	1	1		2		3	1	8
Douglas	4	7	8	22	2	12	4	58
Grant				2	1	3	4	10
Harney			1	1				2
Jackson	5	34	111	65	49	125	43	430
Klamath	2	11	4	6	5	6		34
Lane								
Total	25	100	257	270	105	309	103	1166

State Trial Division Caseload

Excludes Chief Deputy Defenders

Contractor	Open Case Weight	Active Attorneys	Average Case Weight per Attorney	Case Weight Utilization
Central Valley Trial Division - OPDC Trial	9,689.91	6	1,614.98	77.64%
Northwest Trial Division - OPDC Trial	15,201.68	7	2,171.67	104.41%
Southern Trial Division - OPDC Trial	10,131.36	5	2,026.27	97.42%
Total	35,022.95	18	1,945.72	93.54%

State Trial Division Cases by Client's Highest Charge

● Case Count
● Client Count

Charge Category	Case Count	Client Count
Low Level Misdemeanor	309	108
Low Level Felony	270	160
Mid Level Felony	257	173
Complex Misdemeanor	105	60
Probation Violation	103	30
High Level Felony	100	91
Homicide and Sex Cases	25	23

Rolling Count of State Trial Division Attorneys

● Central Valley Trial Division - OP...
● Northwest Trial Division ...
● Southern Trial Divisi...

Month	Central Valley	Northwest	Southern	Total
Jan 2024	1	0	0	1
Feb 2024	1	0	0	1
Mar 2024	2	0	0	2
Apr 2024	3	2	4	9
May 2024	3	2	3	8
Jun 2024	3	2	5	10
Jul 2024	4	2	5	11
Aug 2024	4	3	4	11
Sep 2024	4	4	4	12
Oct 2024	6	7	5	18
Nov 2024	7	7	4	18
Dec 2024	7	7	6	20
Jan 2025	7	7	6	20

Source: OPDC Dashboard 1/21/25 - Oregon Public Defense Commission : Data & Reporting : General Information and Resources : State of Oregon

DELIVERY OVERVIEW

Hourly

OPDC received 48,792 invoices for attorney and non-attorney hourly bills in 2024.

Attorney

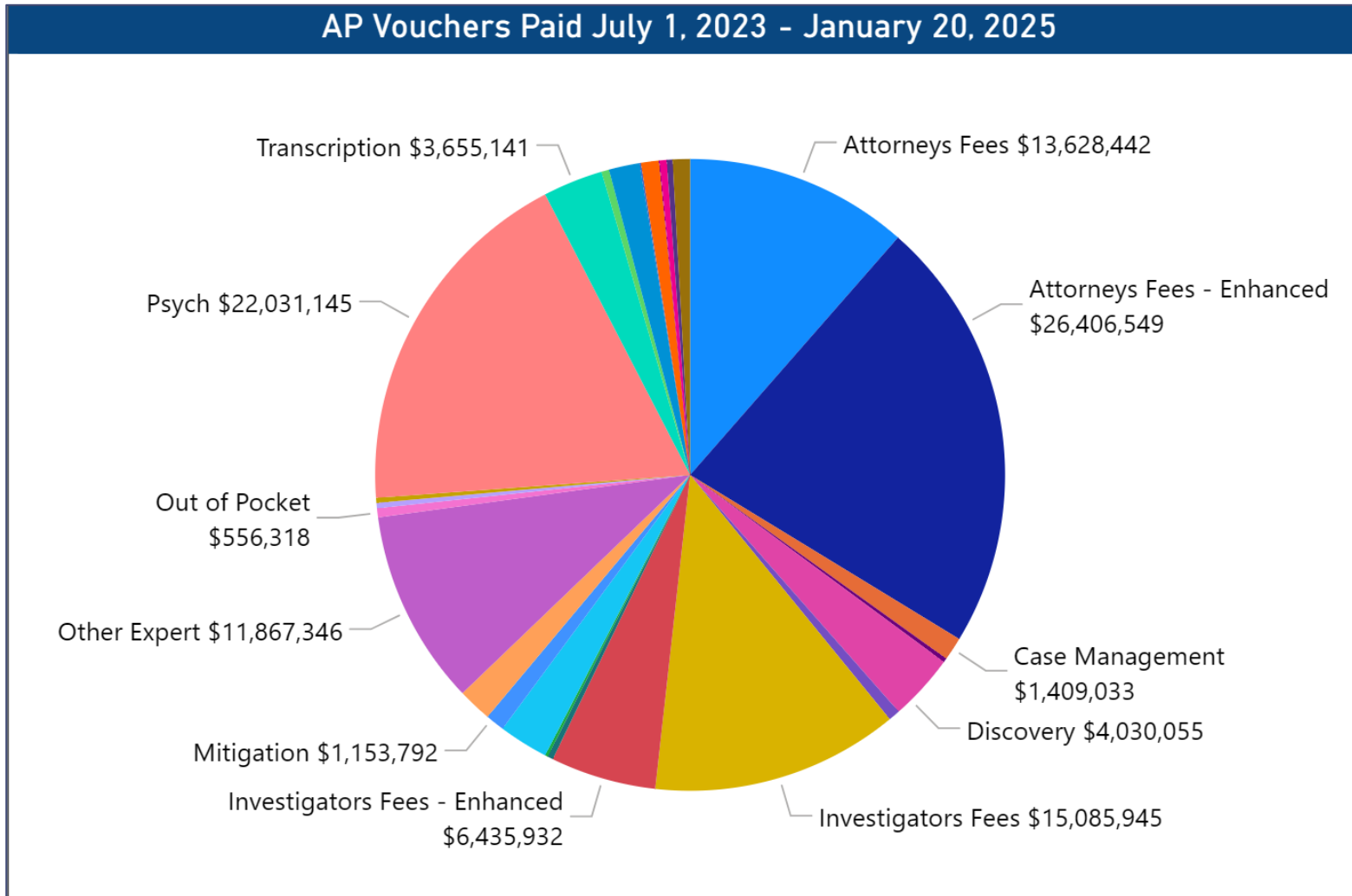
- Standard Hourly Rates: \$135/140 per hour;
- Temporary Hourly Increase Rate: \$164/175/200 per hour & \$75 per hour for investigators.

Non-Attorney (received 38,692 requests for non-attorney public defenders in 2024)

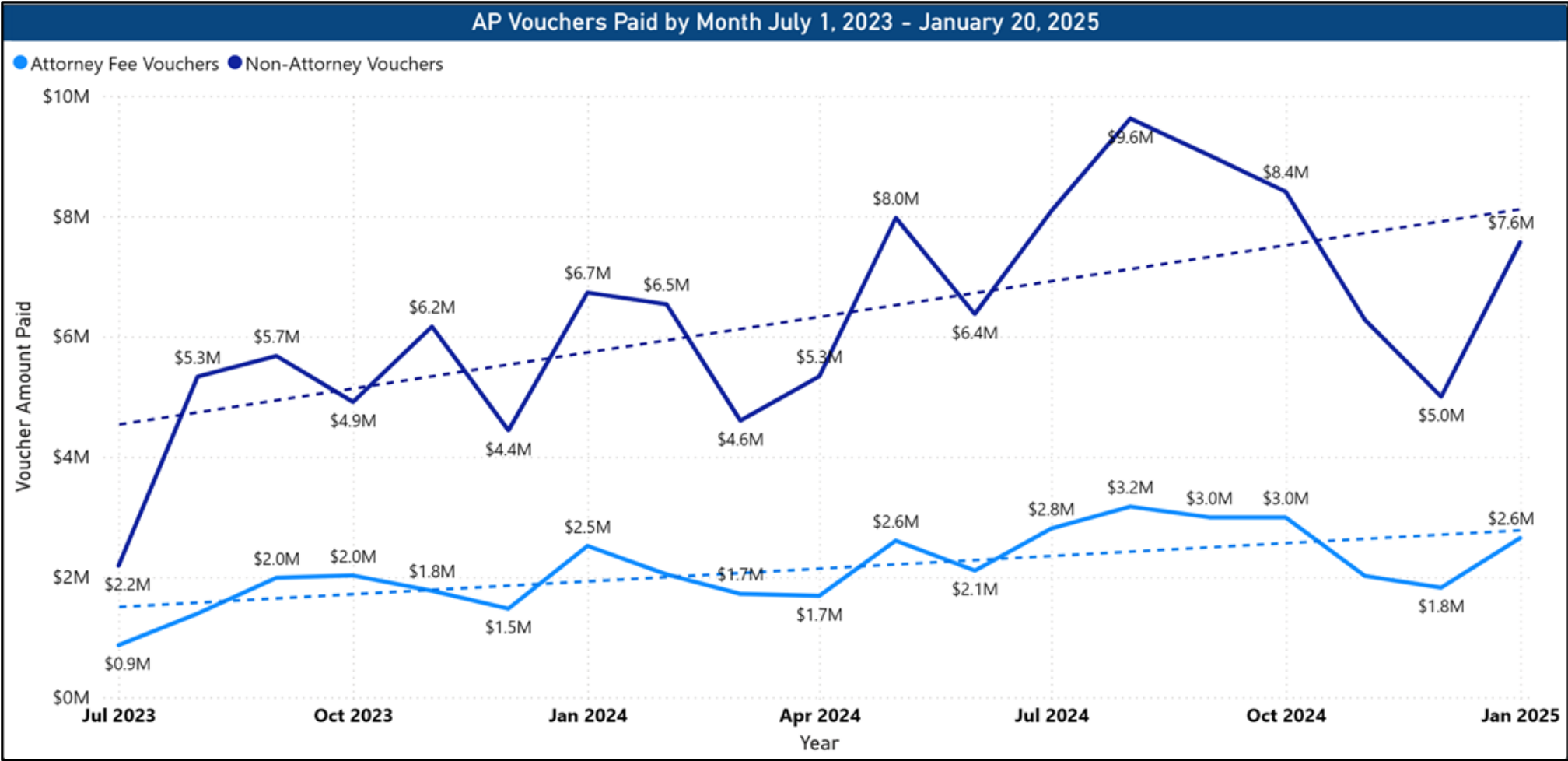
- Investigator
- Interpreter / Transcriptionist
- Mental Health
- Behavioral Health
- Forensic scientists
- Medical
- Social workers / case managers
- Legal assistants / Paralegals



Types of Services Purchased



Number of Payments Increasing



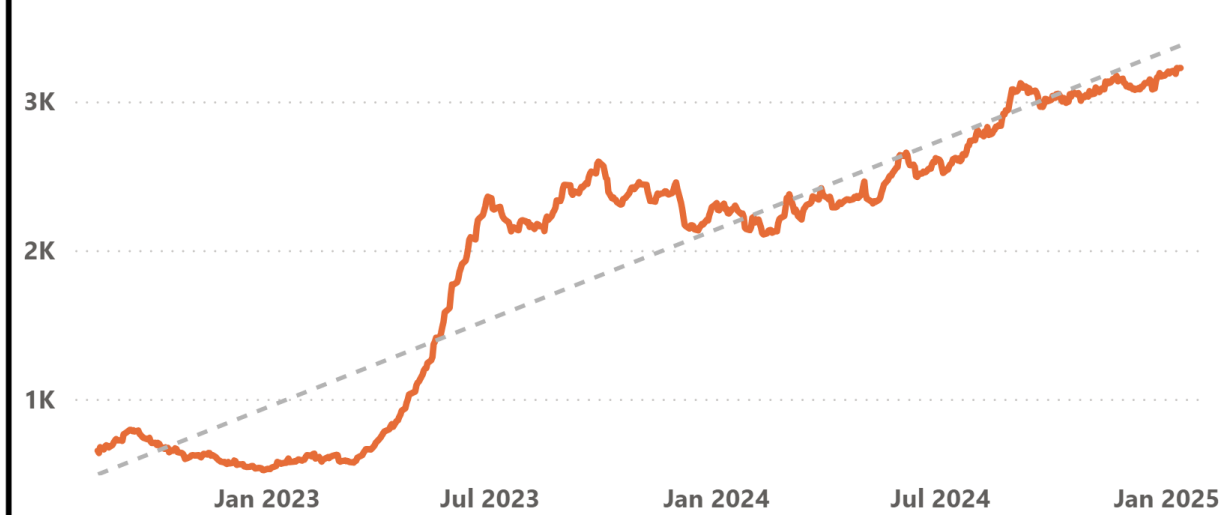
UNREPRESENTED PERSONS

Unrepresented Population Trends (8/1/22 – 1/13/25)

In Custody - Unrepresented Individuals



Out of Custody Pretrial - Unrepresented Individuals



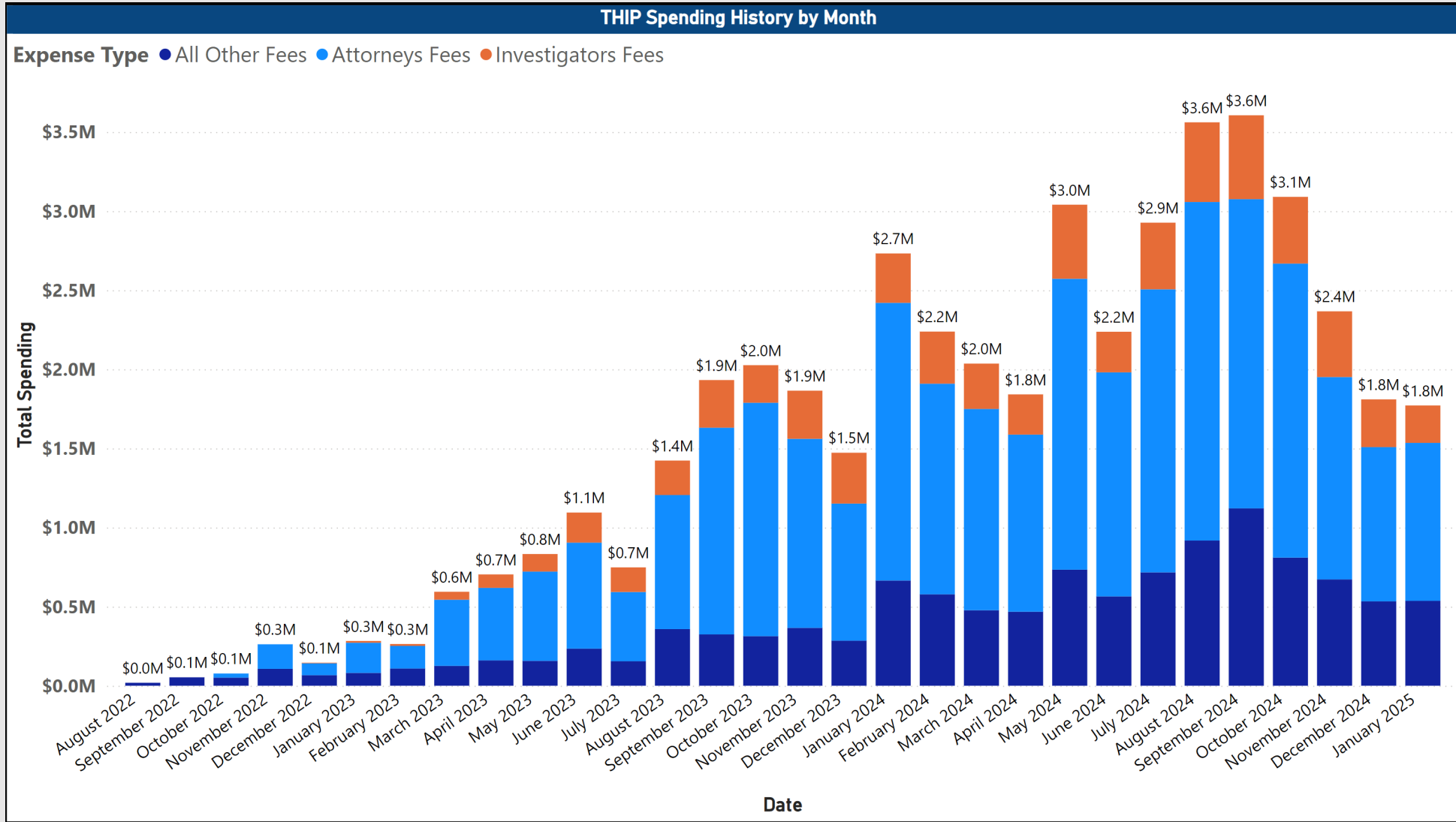
Out of Custody Probation Violation - Unrepresented Individuals



Non-Criminal Case Types - Unrepresented Individuals



THIP Program Overview (8/1/22 – 1/13/25)

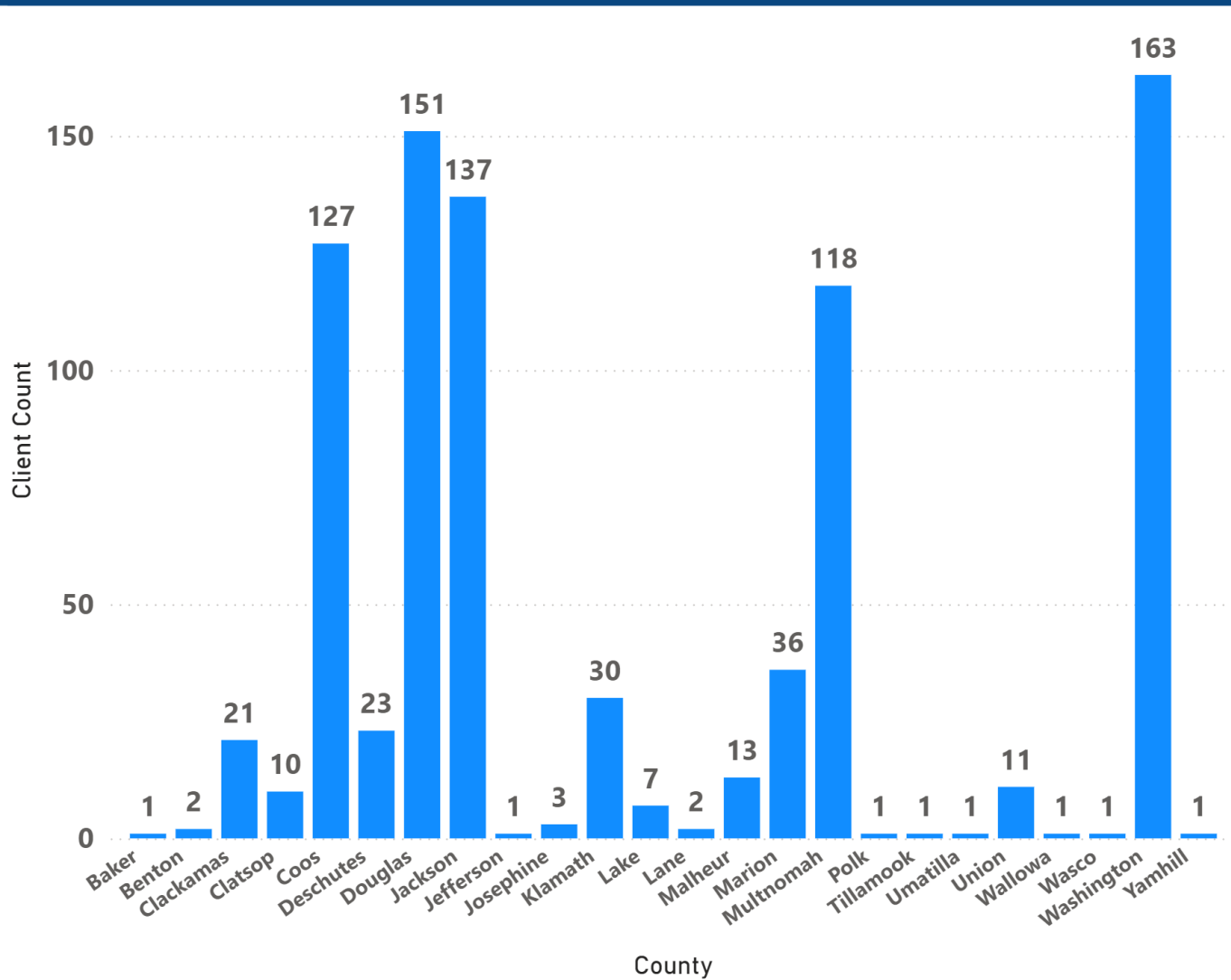


THIP Attorneys	Total THIP Cases
269	7,625
THIP Client Count	
Client's Highest Charge	Clients
Civil Commitment	82
Delinquency	111
Dependency/Termination	196
Jessica Law	67
Major Felony	460
Measure 11	574
Minor Felony	1,538
Misdemeanor	1,604
Murder	180
Other	2
PCR/Habeas	72
Probation Violations-Criminal	226
Total	5,112
Total THIP Spending	
Category	THIP \$\$ Paid
All Other Fees	\$12,894,877
Attorneys Fees	\$28,558,567
Investigators Fees	\$5,600,182
Total	\$47,053,626

* THIP Attorneys is a count of active Hourly Agreements as of 1/13/2025

Betschart Assignments Coordinated by OPDC Analysts

Betschart Client Count by Case County

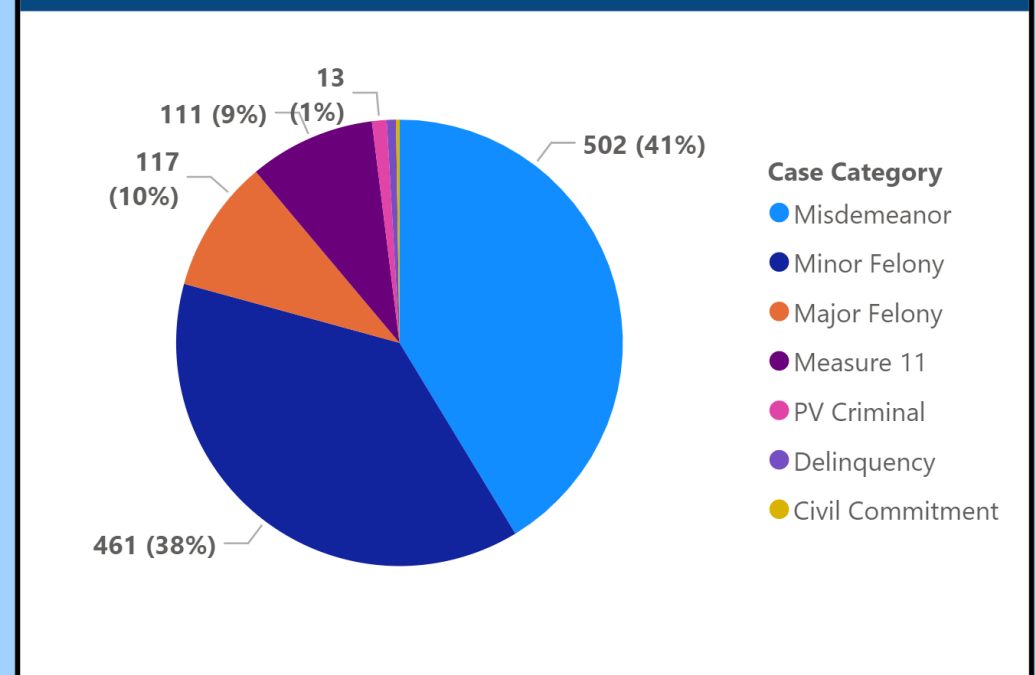


Betschart Assignments by Program

Assignment	Attorney Count	Client Count	Case Count
Contract	58	114	135
Hourly	126	604	857
Trial Division	17	146	222
Total	189	857	1214

Betschart Assignments

Client Count



THE FUTURE OF PUBLIC DEFENSE

Timeline established by SB 337 (2023)

July 1, 2025: Flat-fee contracting ends. Public defense provided by:

- OPDC;
- Nonprofits law firms;
- Consortia and private bar attorneys;
- Attorneys paid an hourly rate.

July 1, 2027: Consortia and Private bar transitions to hourly panel of qualified counsel.

January 1, 2031: 20% of public defenders must be OPDC employees.

January 1, 2035: 30% of public defenders must be OPDC employees.

Timekeeping provides oversight

By 2027 we expect all public defenders to be keeping time.

Attorneys will also:

- Be evaluated using qualification standards to determine which types of cases they can take;
- Be supervised by other attorneys;
- Have access to mentors;
- Contract with, and bill, OPDC using an hourly rate;
- Use OPDC's future software system for billing.



Questions

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