

Unrepresented Persons

House Judiciary

March 5, 2025

Jessica Kampfe
Executive Director



01  **Unrepresented By County**

02  **OPDC Unrepresented Process**

03  **Increasing Capacity**

**Presentation
Overview**

**UNREPRESENTED BY
COUNTY**

County Specific

Six counties make up 95% of unrepresented cases and 85% of all in-custody unrepresented cases.

Unrepresented Distribution by County 2/28/25

County	Out of Custody Pretrial		In-Custody		Overall Population of State (Millions)	
	Count	Percentage	Count	Percentage	Count	Percentage
Multnomah	1115	31.7%	71	41.3%	0.78	18.3%
Jackson	668	19.0%	15	8.7%	0.22	5.2%
Marion	640	18.2%	14	8.1%	0.35	8.2%
Washington	568	16.1%	30	17.4%	0.6	14.1%
Douglas	252	7.2%	9	5.2%	0.11	2.6%
Coos	101	2.9%	8	4.7%	0.06	1.4%
All Other Counties	177	5.0%	25	14.5%	2.15	50.4%
Total	3521	100.0%	172	100.0%	4.27	100.0%

COUNTY SPECIFIC

Multnomah

Drivers:

Criminal case filings increased;

Challenges accessing clients;

High turnover.

Criminal MAC Utilization: July 2023 - January 2025		
Home County	Utilization Rate	Appointed Cases
⊖ Multnomah	89.20%	19,760
⊕ Consortium	100.85%	2,952
⊕ Firm	80.14%	31
⊕ PD	86.91%	16,777
Total	89.20%	19,760



Mitigators:

Regular Bench/Bar meetings;

Online unrepresented form;

Data-informed contracting;

THIP (842 cases);

North West Regional Trial Office (197 cases).

Criminal Contract Attorney Retention Since July 1, 2023					
Counties	Active Attorneys	Hired after 7/1/23	Departed Attorneys	Now Hourly	Left Public Defense
⊖ Multnomah	95	33	34	7	23
⊕ Consortium	17	2	1		1
⊕ Firm			1	1	0
⊕ PD	78	31	33	7	22
Total	95	33	34	7	23



COUNTY SPECIFIC

Jackson

Drivers:

Lawyer desert.

Criminal MAC Utilization: July 2023 - January 2025		
Home County	Utilization Rate	Appointed Cases
⊖ Jackson	91.17%	5,254
⊕ Consortium	90.58%	2,448
⊕ Firm	94.86%	69
⊕ PD	91.75%	2,737
Total	91.17%	5,254

Criminal Contract Attorney Retention Since July 1, 2023					
Counties	Active Attorneys	Hired after 7/1/23	Departed Attorneys	Now Hourly	Left Public Defense
⊖ Jackson	26	8	9		4
⊕ PD	11	4	6		2
⊕ Consortium	14	3	4		2
⊕ Firm	1	1			
Total	26	8	9		4



Mitigators:

OPDC site visit in October;

DUII specialty docket and an early resolution docket are in the works;

Southern Regional Trial Office (442 cases);

THIP (223 cases).



COUNTY SPECIFIC

Marion

Drivers:

High turnover;

MAC utilization is low across provider types.

Home County	Utilization Rate	Appointed Cases
⊖ Marion	69.27%	7,933
⊕ Consortium	77.67%	4,710
⊕ Firm	70.26%	48
⊕ PD	59.46%	3,175
Total	69.27%	7,933

Counties	Active Attorneys	Hired after 7/1/23	Departed Attorneys	Now Hourly	Left Public Defense
⊖ Marion	51	20	25	6	15
⊕ Consortium	28	4	9	4	5
⊕ Firm	1				
⊕ PD	22	16	16	2	10
Total	51	20	25	6	15



Mitigators:

Good relationship with court staff;

New diversion docket;

OPDC and court meetings resulted in a parole violation docket (starting with 200 cases);

Central Regional Trial Office (202 cases);

THIP (411 cases).



COUNTY SPECIFIC

Washington

Drivers:

High turnover;

Challenges accessing clients;

Under contracted for higher case types;

New court process for diversion and deflection.

Criminal MAC Utilization: July 2023 - January 2025		
Home County	Utilization Rate	Appointed Cases
⊖ Washington	100.77%	18,348
⊕ Consortium	115.49%	3,330
⊕ Firm	97.56%	7,202
⊕ PD	99.58%	7,816
Total	100.77%	18,348



Mitigators:

Turnover is improving;

Regular Bench/Bar meetings;

Diversion specialty court;

Good working relationship with court;

North West Regional Trial Office (188 cases);

THIP (657 cases).

Criminal Contract Attorney Retention Since July 1, 2023					
Counties	Active Attorneys	Hired after 7/1/23	Departed Attorneys	Now Hourly	Left Public Defense
⊖ Washington	61	26	26	8	11
⊕ Consortium	11	3	4	1	2
⊕ Firm	20	10	10	3	4
⊕ PD	30	13	12	4	5
Total	61	26	26	8	11



COUNTY SPECIFIC

Douglas

Drivers:

- Case assignment process;
- Leadership changes in public defender office;
- Isolated location.

Home County	Utilization Rate	Appointed Cases
Douglas	81.12%	2,873
⊕ Consortium	87.58%	435
⊕ Firm	87.51%	729
⊕ PD	75.41%	1,709
Total	81.12%	2,873



Mitigators:

- The public defender office has a new interim director and is increasing MAC utilization;
- PD office is now fully staffed;
- Working with contractors to better understand their assignment process and ensure standardization and good data;
- Data-informed contracting;
- Oregon Trial Division (59 cases);
- THIP (288 cases).

Counties	Active Attorneys	Hired after 7/1/23	Departed Attorneys	Now Hourly	Left Public Defense
Douglas	16	6	8	2	1
⊕ Consortium	2		4		
⊕ Firm	6	1	1		1
⊕ PD	8	5	3	2	0
Total	16	6	8	2	1



COUNTY SPECIFIC

Coos

Drivers:

Lawyer desert;

High cost of living;

High turnover.

Criminal MAC Utilization: July 2023 - January 2025		
Home County	Utilization Rate	Appointed Cases
⊖ Coos	100.84%	1,756
⊕ PD	100.84%	1,756
Total	100.84%	1,756

Criminal Contract Attorney Retention Since July 1, 2023					
Counties	Active Attorneys	Hired after 7/1/23	Departed Attorneys	Now Hourly	Left Public Defense
⊖ Coos	10	4	4	3	1
⊕ PD	10	4	4	3	1
Total	10	4	4	3	1



Mitigators:

- Stationed an Oregon Trial Division employee to Coos;
- Early resolution docket is under consideration;
- Oregon State Trial Office (22 cases);
- The contractor is fully staffed as of December;
- Court has increased flexibility;
- THIP (304 cases).



OPDC Unrepresented Process

OPDC Programs

Contracted Public Defenders

OPDC contracts with 164 entities.



Assignment Coordinators

4 staffers who identify attorneys for unrepresented cases.



20 attorneys in 3 offices.

Oregon Trial Division



Enhanced hourly rates paid on in-custody cases.

Temporary Hourly Increase Program (THIP)



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



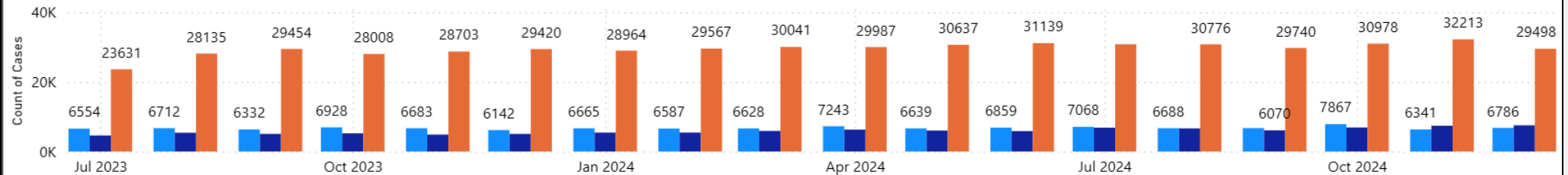
Clear all slicers

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	Spec
Baker	1.165	1.884	61.8%	289		4		12	53	177	3			40	
Baker, Union	1.130	1.794	63.0%	320		4		6	43	174	9			84	
Benton	11.062	12.802	86.4%	2453	5	41	1	101	424	1,632	17			232	
Clackamas	45.250	42.282	107.0%	10300	20	105	22	305	1,868	5,536	522			1,598	
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	12.105	12.404	97.6%	3008	1	70	2	69	434	1,728	106		1	596	
Curry	3.382	3.429	98.6%	1013		4		25	123	567	44			250	
Deschutes	20.197	21.712	92.5%	7753	6	71	7	255	1,005	4,252	604			1,120	
Total	585.915	654.751	89.5%	121442	228	3,105	231	5,050	22,893	59,502	5,094	3	963	18,758	

Criminal Cases Reported by Month

Appointed Cases Closed Cases Open Cases



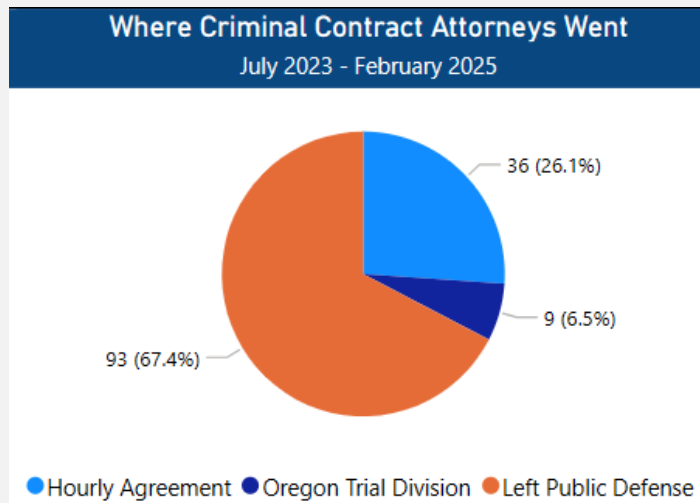
Retention



High-level attorneys leave and are replaced by lower-level attorneys.



2/3 are leaving public defense entirely.



Criminal Contract Retention by Attorney Qualification Level
July 2023 - February 2025

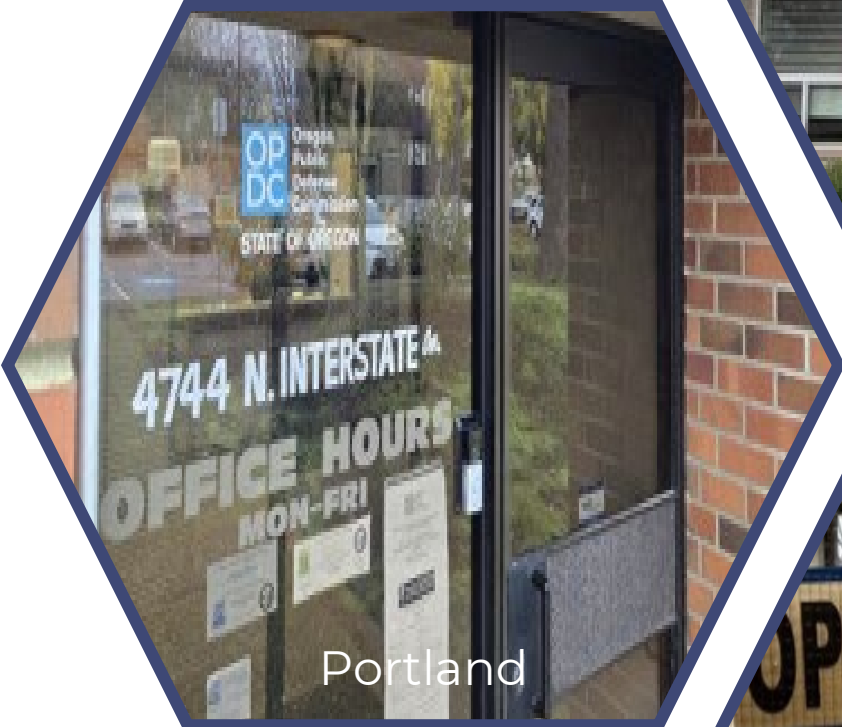
Attorney Qualification Level	New Attorneys	Departed Attorneys	Net Attorneys
⊕ Misdemeanor	82	21	61
⊕ Minor Felony	44	39	5
⊕ Major Felony	35	52	-17
⊕ Murder	18	28	-10
Total	176	138	38

Crisis County Criminal Contract Retention by Attorney Qualification Level
July 2023 - February 2025

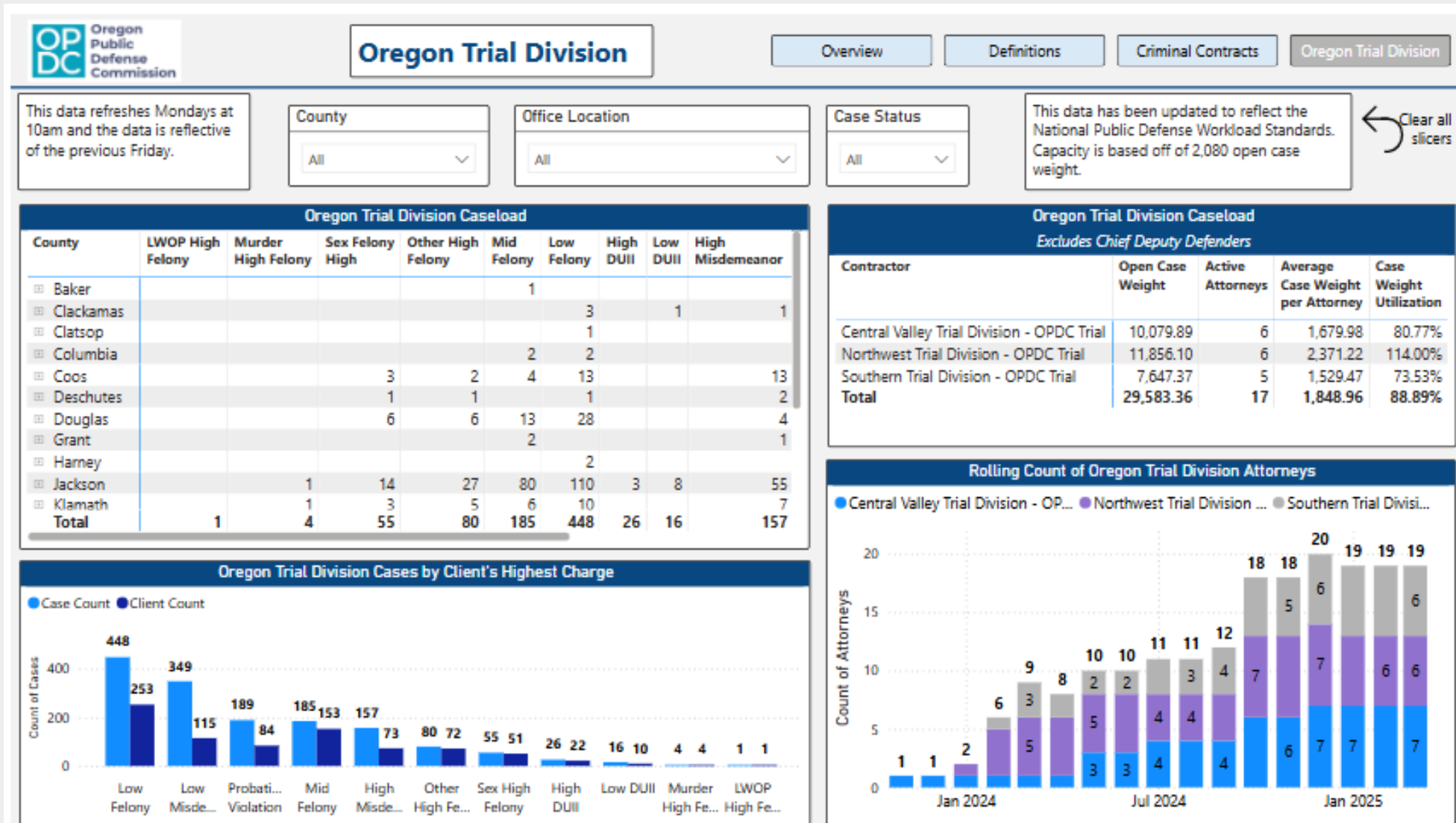
Attorney Qualification Level	New Attorneys	Departed Attorneys	Net Attorneys
⊕ Misdemeanor	48	15	33
⊕ Minor Felony	25	30	-5
⊕ Major Felony	15	29	-14
⊕ Murder	8	15	-7
Total	96	89	7

Oregon Trial Division

- Required by SB 337;
- First office opened December 2023;
- 20 attorneys;
- 1500+ cases.



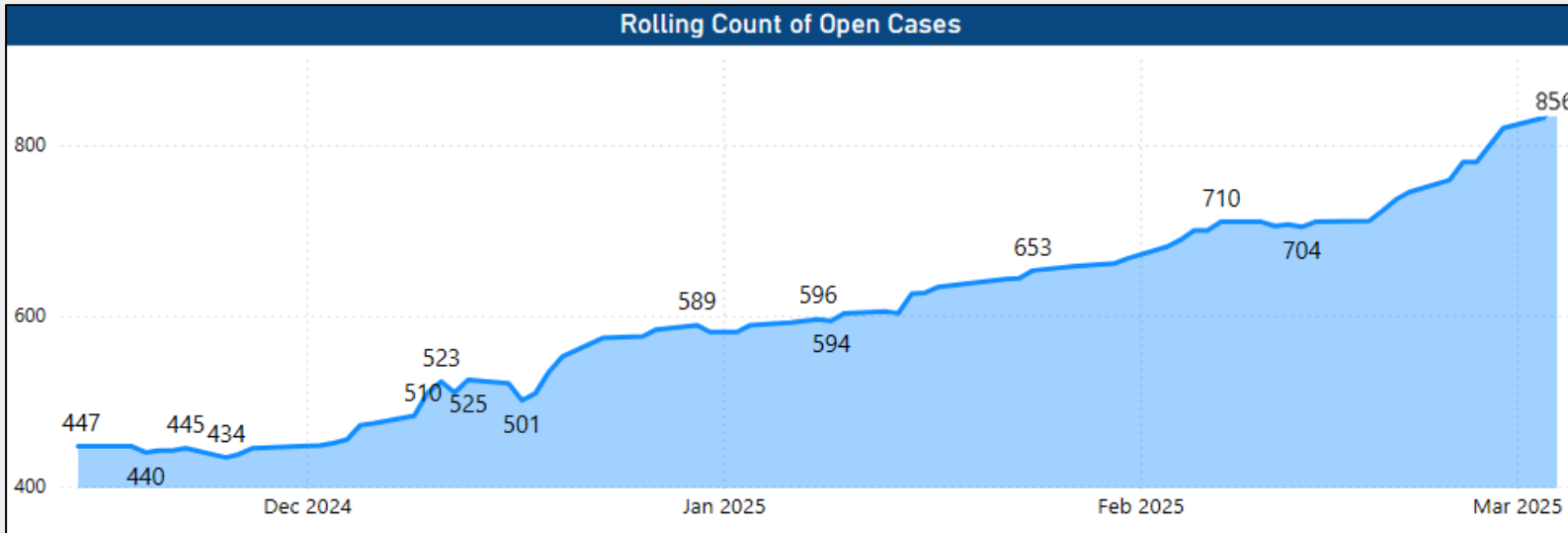
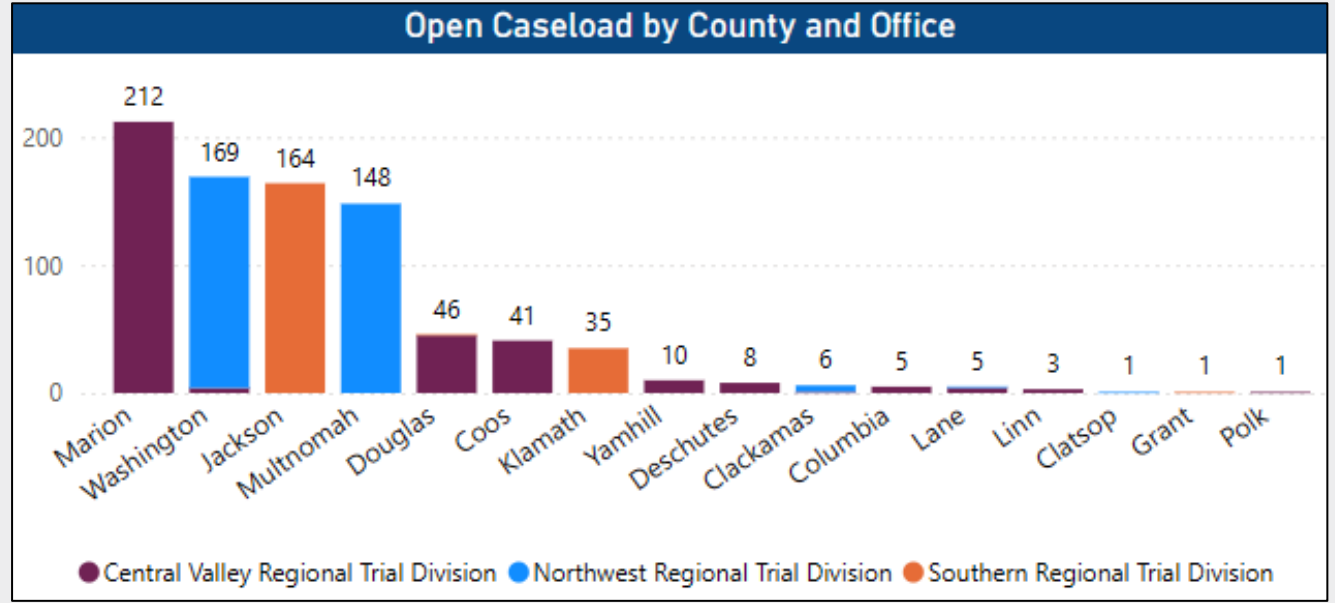
Trial Division Dashboard



Source: OPDC Dashboard 3/3/25 - Oregon Public Defense Commission : Data & Reporting : General Information and Resources : State of Oregon

Trial Division Cases

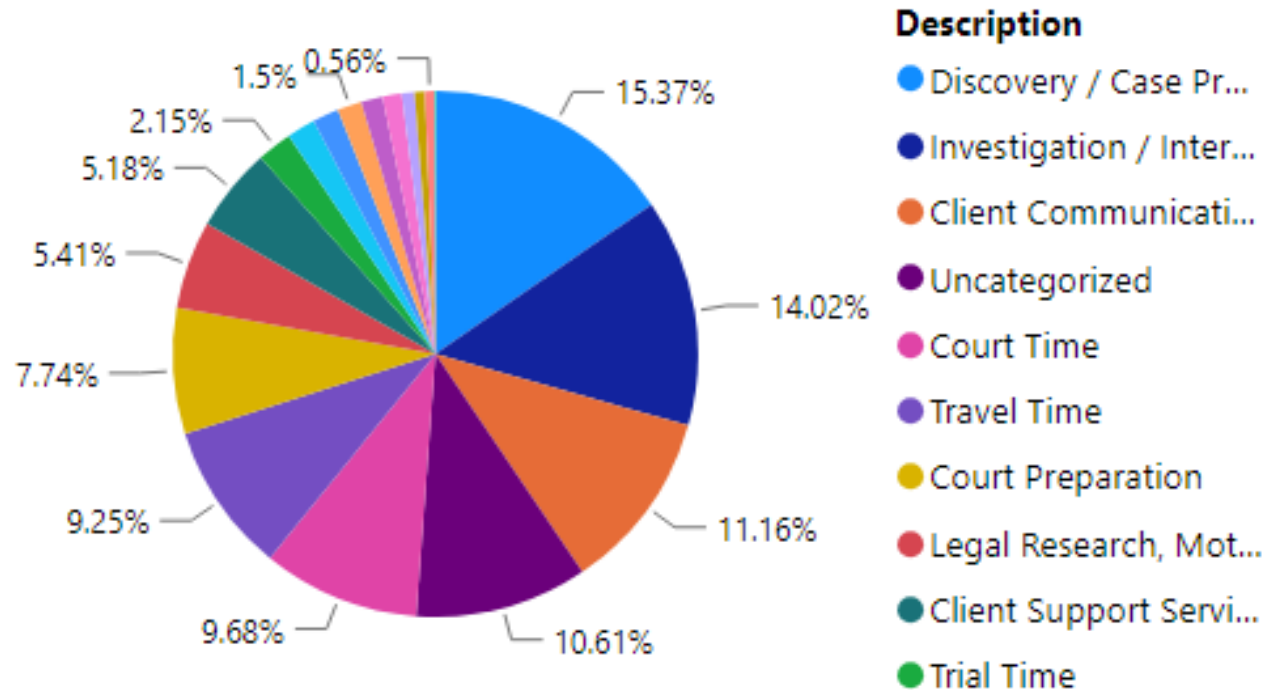
Oregon Trial Division MAC Capacity Analysis - Active Attorneys 3/3/25	
<i>Excludes Chief Deputy Defenders</i>	
Trial Office	All Cases Utilization
Central Valley Trial Division - OPDC Trial	119.12%
Southern Trial Division - OPDC Trial	106.24%
Northwest Trial Division - OPDC Trial	72.59%
Total	98.45%



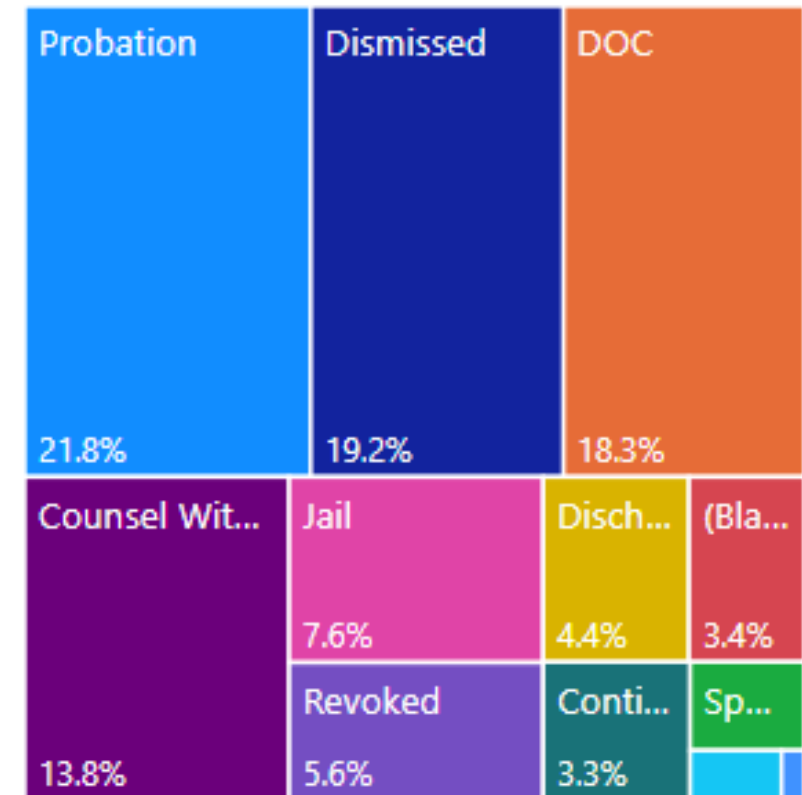
Case Type	Count of Clients by Highest Charge	Count of Cases
Felony - Low	261	456
Misdemeanor - Low	118	354
Probation/Parole Violation	86	194
Felony - Mid	158	190
Misdemeanor - High	73	157
Felony - High - Other	72	80
Felony - High - Sex	51	55
DUII - Low	20	27
DUII - High	22	26
Felony - High - Murder	4	4
Felony - High - LWOP	1	1
Total	866	1543

Data and Timekeeping

Time Tracking by Category (Excludes cases brought ...)



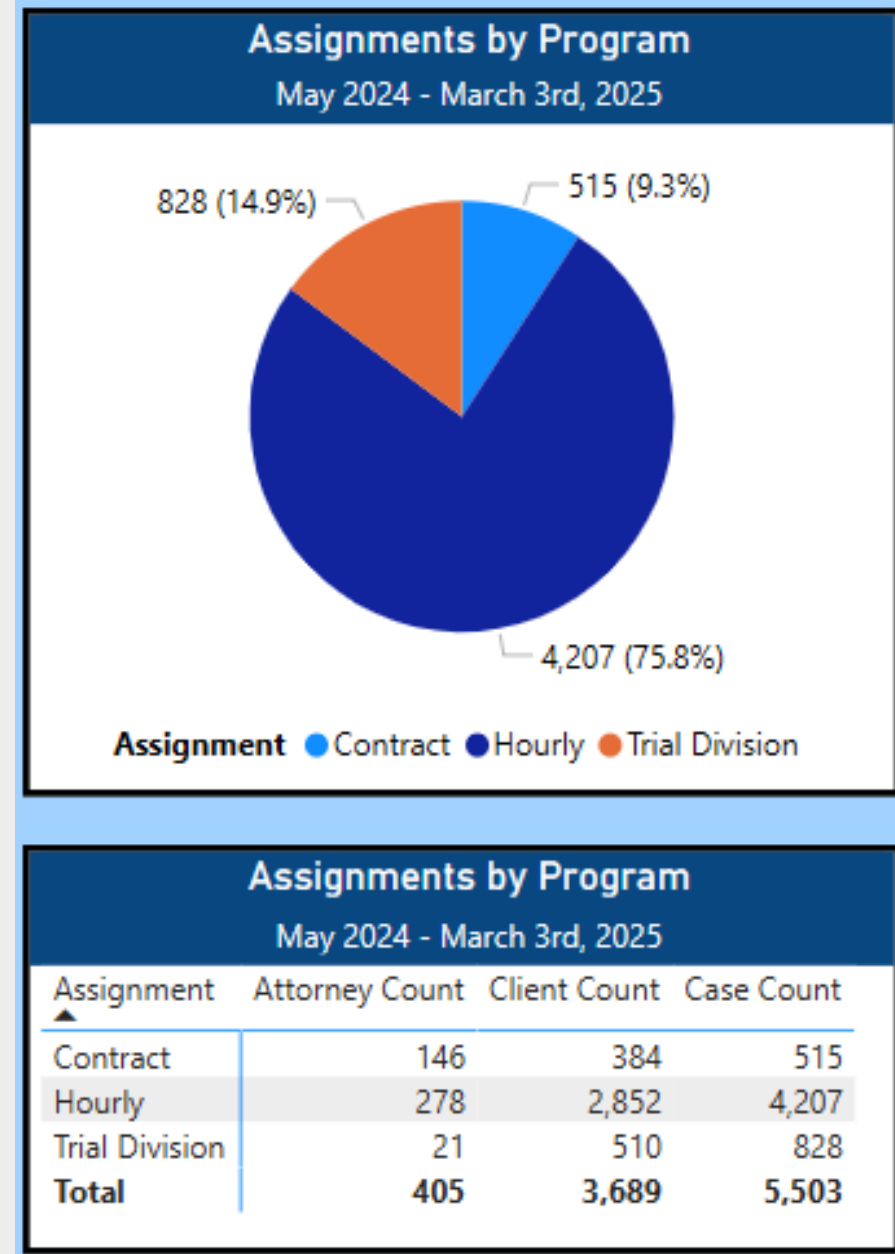
Case Sentencing



OPDC INITIATIVES

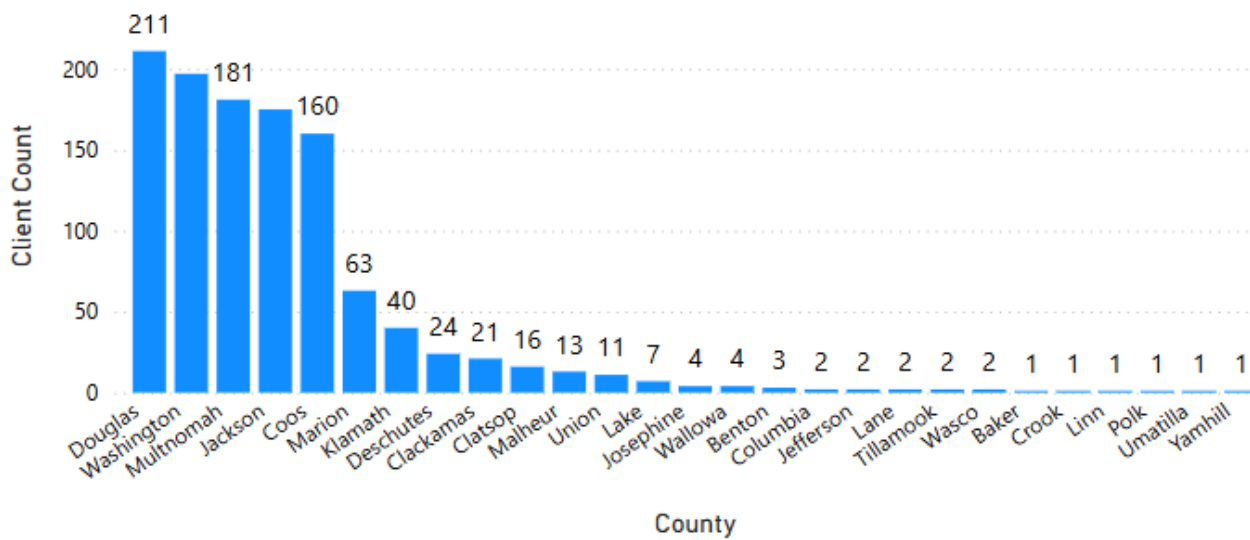
Assignment Coordinators

- Four full-time employees.
- Located and assigned 5,503 cases since May 2024.
- Most of those go through hourly.
- Oregon Trial Division is their backstop.



Betschart Assignments Coordinated by OPDC Analysts

Nintex Assignment Client Count by Case County

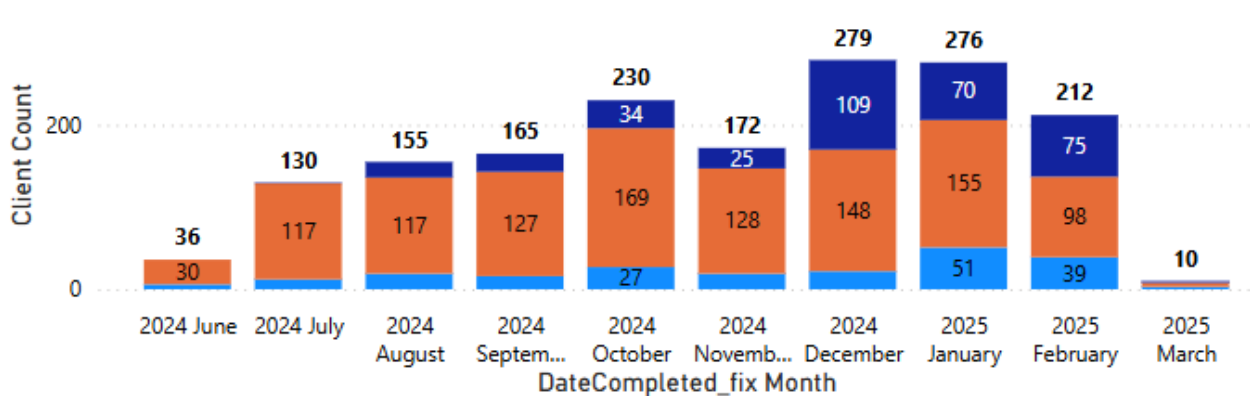


Nintex Assignments by Program

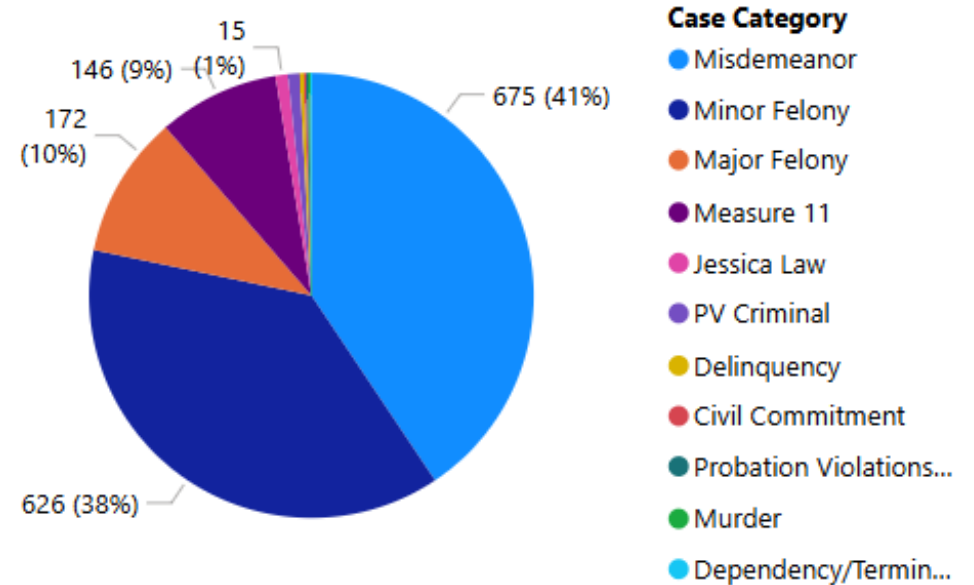
Assignment	Attorney Count	Client Count	Case Count
Contract	73	178	214
Hourly	141	742	1,093
Trial Division	19	231	357
Total	217	1,136	1,661

Nintex Assignments by Case Count

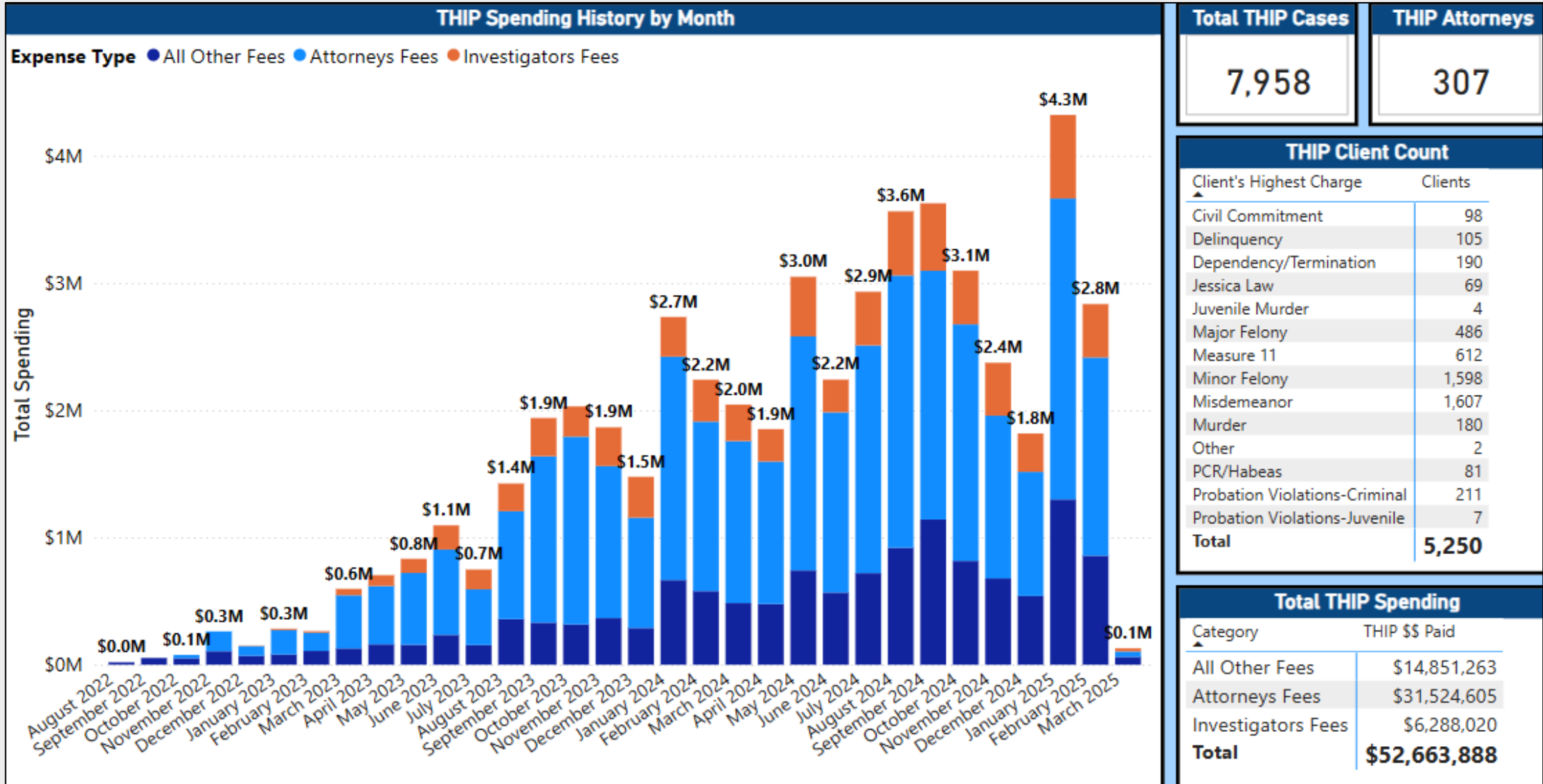
Assignment ● Contract ● Hourly ● Trial Division



Nintex Assignments by Count of Clients



THIP Program Overview (8/1/22 – 3/3/25)



* THIP Attorneys is a count of active Hourly Agreements as of 3/3/2025

Increasing Capacity

INCREASING CAPACITY

Governor's Requested Budget



42 more lawyers for the Trial Division



55 more non-attorney staff for the Trial Division



40 more lawyers added to the hourly program



Stabilizes hourly rates through increases for attorneys, investigators, and mitigators



Extends THIP to December 2025



Maintains current service level for contracts

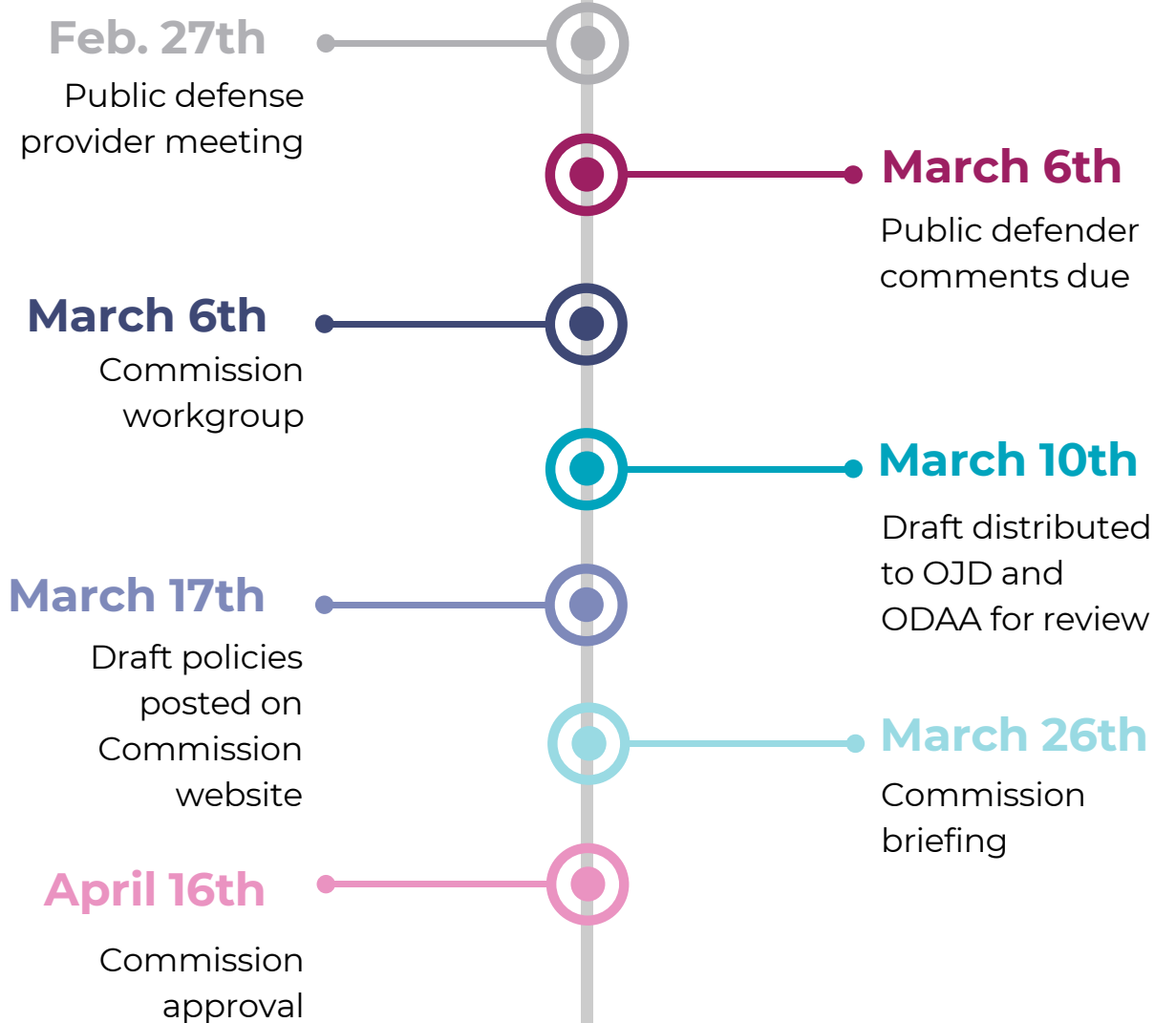
INCREASING CAPACITY

Proposed Contractor Modifications

Updating contract policies

- Partial weighting early withdraw
- Warrant removal
- Co-counsel
- Partial weighting subsequent attorneys
- Contract Compliance
- Reduced caseload for first year attorneys
- Vacancy funding

Time Frame:



Partial Weighting for Early Withdraw

Current:

Partial Representation weighting

- 0-5 days: no credit
- 6-30 days: 50%
- 31+ days: 100%

Proposed:

Time periods vary by case type

Misdemeanor	Felony	Murder
24 hours: no credit	24 hours: no credit	24 hours: no credit
1-15 days: 50%	1-60 days: 50%	1-180 days: 50%
15-40 days: 75%	61-120 days: 75%	181-365 days: 75%
40+ days: 90%	121+ days: 90%	366+ days: 90%

Warrant Removal

Current

MAC

MAC model assigns case weight at the time of appointment and only uses partial weighting within 30 days of appointment.

180

Lawyers remain on cases for 180 days following the issuance of a bench warrant.

Proposed Change

%

Partial case weighting of 50%, 75%, or 90% applies based on the date the warrant issued.

90

Lawyers remain on case for 90 days following issuance of a bench warrant.

Co-Counsel

Current:

Contract does not provide guidance on when to assign co-counsel. Every lawyer on a case gets equal MAC credit.



Proposed:

Co-counsel required for murder, Jessica Law, life sentences, and Juvenile waiver.

Co-counsel in other instances must be approved by OPDC and could be appropriate based on severity of charges, novel issues, attorney development, mentorship, and local counsel

Second or Subsequent Attorney

Current

Every attorney appointed to a case receives full case weight under MAC model

Proposed

A subsequent attorney within the same firm will receive 50% of the case weight

Prioritization assigning new counsel:

- Within the same firm
- Within the same entity
- Within the same judicial district

INCREASING CAPACITY

Contract Compliance

Current:

- OPDC notifies contractor when it reasonably believes there has been a breach and develops a corrective action plan.
- ODPC reserves the right to withhold a portion of subsequent payments.
- If a contractor's caseload varies by more than 15% above or below MAC for six consecutive months, OPDC may adjust the number of FTE unless an exception applies.

Proposed:

1. Clarifies expectations on caseload
2. Process for notifying contractor of a breach
3. Performance Plan
4. Corrective action including withholding 1-5% of funds, reducing FTE, reducing qualification, requiring additional mentoring/oversight, and termination of the contract

Reduced Caseload for 1st Year Attorneys

Current



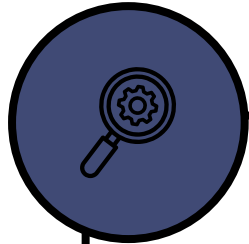
Lawyers are contracted to take a Maximum Attorney Caseload of 300 misdemeanors regardless of how long they have been practicing law.

Proposed



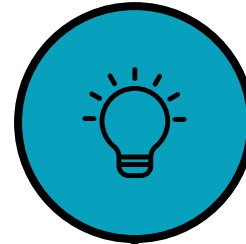
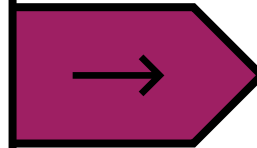
Attorneys in their first year of Oregon State Bar licensing are eligible for the reduced caseload program which lowers their maximum attorney caseload to 150 misdemeanors while they meet program requirements

Vacancy Funding



CURRENT

- Full compensation for 60 days with position authority to fill
- Extended vacancies may be partially funded for an additional 60 days with position authority to fill



PROPOSED

- 50% compensation for 60 days with authority to fill

Questions

jessica.kampfe@opdc.state.or.us

