



OREGON PUBLIC DEFENSE COMMISSION REFERENCE DOCUMENT

March 11, 2025
83rd Legislative Assembly
Joint Ways and Means Subcommittee on Public Safety



**Oregon
Public
Defense
Commission**

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Governor's Budget

[40400 - Oregon Public Defense Commission 2025-27 Governor's Budget Binder.pdf](#)

Presentation Material

Agency Overview

Mission, Vision, Values

Mission Statement

Our mission is to continually enhance the statewide public defense system to deliver highly skilled, independent, timely, and client-focused representation to eligible persons. [Vision Statement](#)

The Oregon Public Defense Commission is a guardian of the legal rights and interests of public defense clients and a champion for effective public defense services.

Values

Our values are the guiding principles that shape the behavior and actions of the agency, defining our culture and character. These values promote consistency and integrity in how we treat one another, and the communities we serve. As an organization, we are:

- Client-centered
- Committed to excellence
- Effective
- Diverse and inclusive
- Compassionate
- Adaptive

Statutory Authority

The commissions and agency's statutory authority is found in chapter 151 *et seq* of the Oregon Revised Statutes and chapter 481 of Oregon Laws 2023.

[About the Oregon Public Defense Commission](#)

The Oregon Public Defense Commission (OPDC), formerly known as the Public Defense Services Commission (PDSC), is responsible for establishing and maintaining a public defense system that ensures the provision of public defense services in the most cost-efficient manner, consistent with Oregon's Constitution and the United States' Constitution, as well as state and national standards of justice. In accordance with ORS 151.213, the commission is an independent governing body established within the executive branch that is charged with carrying out the duties prescribed in ORS 151.216.

The 81st Legislative Assembly reorganized the commission to provide better transparency, program management, and oversight. Previously, the commission had three divisions: the Appellate Division, the Contract and Business Services Division, and the Professional Services Account. What emerged from the reorganization were new divisions, including the Executive Division, the Compliance, Audit and Performance Division, the Adult Trial Division, Juvenile Trial Division, Preauthorized Expenses, Court Mandated Expenses, and the Administrative Services Division. In February 2022, the 81st Legislative Assembly added the Special Program, Contracts, and Distributions Division, which provides funding for discovery and federal awards.

The 82nd Legislative Assembly made several changes to the commission, first through Senate Bill 5532 (2023), which recommended two financial realignments to provide better transparency, program management, and oversight of the caseload expenses. The first realignment addressed juvenile dependency and delinquency funding. The budget structure separated the funding into two areas: the Juvenile Trial Division and the Parent and Child Representation Program. The second realignment addressed funding used to reimburse counties for discovery costs. The budget structure moved this funding into the Special Programs and Contracts Division. Additionally, the budget renamed the Trial Division the Adult Trial Division, and it changed Non-Routine Expenses to Preauthorized Expenses.

The 82nd Legislative Assembly made further changes through Senate Bill 337 (2023), which outlined two key initiatives: (1) the reform of the public defense system and (2) efforts to address the unrepresented defendant's crisis. This law:

- Modified the makeup of the PDSC (or newly formed OPDC) to include appointments or recommendations of members from each branch of government (operative Jan. 1, 2024)
- Abolished the Office of Public Defense Services
- Transferred the commission from the judicial branch to the executive branch (operative Jan. 1, 2025)
- Stated that the executive director and commission members are to serve at the pleasure of the governor until July 1, 2027.
- Stated that beginning July 1, 2027, the executive director will serve at the pleasure of the voting members of the commission, and that commission members may be removed by the governor only for inefficiency, neglect of duty or malfeasance in office.
- Prohibited economic incentives or disincentives in the pay structure that could interfere with the ability of appointed counsel to provide effective assistance.
- Prohibited a flat fee model (operative July 1, 2025).
- Required the commission to hire trial-level employee attorneys (operative January 1, 2024).
- Directed the commission to contract directly with providers, making it responsible for selecting, appointing, paying, and supervising the individual attorneys appointed to represent indigent defendants (operative July 1, 2025).
- Prohibited subcontracting, with an exception for nonprofits (operative July 1, 2027).
- Required the commission to promulgate and enforce standards, provide oversight and supervision, collect specific data, and regularly report to the Legislative Assembly on progress and needs (operative January 1, 2024).
- Required the commission to pay invoices within 45 days of receipt or in accordance with statewide accounting policies established by the Oregon Department of Administrative Services (DAS).
- Required the agency to establish an external advisory group to assist in developing the standard operating expectations for persons and entities providing public defense services.
- Required the agency to enter into contracts or interagency agreements with DAS for the purpose of supporting state public defense population forecasts and other related forecasts.

Agency Overview References

- [ORS 151](#)
- [Commission Bylaws](#)

History of Public Defense

Historical context of the governor’s budget

The biennial budget is one of several documents guiding the programs, operations, and policies of OPDC in the delivery and support of defense services. The following laws and reports provide context to the governor’s budget:

- Senate Bill 337 (2023), Senate Bill 5506 (2023), Senate Bill 5532 (2023), and House Bill 2225 (2023) (together “General Funding Measures”) and their corresponding budget reports and measure summaries by the Legislative Fiscal Office and DAS.
- House Bill 5204 (2024) and Senate Bill 5701 (2024) (together “Budget Reconciliation and Omnibus Measures”) and their corresponding budget reports and measure summaries by the Legislative Fiscal Office and DAS.
- The Sixth Amendment Center’s report on The Right to Counsel in Oregon: Evaluation of Trial Level Public Defense Representation Provided Through the Office of Public Defense Services (2019).
- The American Bar Association’s Oregon Project: An Analysis of the Oregon Public Defense System and Attorney Workloads Standards (2022).

The Public Defense Service Commission (PDSC) was created by Senate Bill 145 (2001) following recommendations by House Bill 3598 (1999). The agency’s primary obligation is to ensure that financially eligible individuals receive access to competent counsel (public defense services) for eligible cases in Oregon’s trial and appellate courts. Chapter 151 of the Oregon Revised Statutes, the lawful governance provisions of the PDSC, had remained largely intact since its inception until the passage of House Bill 2003 in 2021.

That law made several substantive changes to ORS chapter 151 to modernize the state’s public defense system. Those amendments did not change the relationship between the PDSC and the Office of Public Defense Services (OPDS). Rather, the amendments modified the membership and composition of the PDSC, and they provided specific direction to OPDS on the types of policies it needed to adopt to modernize trial-level public defense services. Those policy areas included:

- Public defense contracting systems;
- Public defense compensation and resources;
- Data collection;
- Training; and
- Equity and inclusion.

The policy areas listed above were the focus of the commission and OPDS as it navigated a whirlwind of changes during the 2021-23 biennium and worked to transform itself into a higher functioning state agency, all while continuously improving the delivery of public defense services. The challenges in 2021-23 included the following:

- New contracting methodologies
- Five different executive directors
- Changes in its executive staff
- Three different commissions
- A growing number of criminal defendants without representation

SB 5532 (2023) carried forward many of the initiatives of the previous biennium with some structural realignments, but it was SB 337 (2023) that drastically changed the composition of the commission and OPDS.

Senate Bill 337

SB 337 (2023) provides a framework for developing public defense in Oregon. The Oregon Public Defense Commission (OPDC) is now charged with creating and adopting rules, policies, and procedures to implement the goals mandated by SB 337.

The commission is working to implement the other parts of SB 337. SB 337 states that by July 1, 2027, public defense providers in Oregon will be either state employees, employees at a non-profit, or attorneys who are paid hourly as part of a panel of qualified counsel.

For the first time, Oregon now has state-employed trial-level public defenders. Three regional trial division offices have opened, with the goal of state-employed attorneys representing 30% of all appointed counsel by 2035, as required by SB 337.

The commission currently contracts with non-profit public defenders, who operate independently but receive training and supervision funding, as well as individual attorneys, law firms, and consortia or private bar attorneys. The commission plans to implement workload and caseload standards for all public defense providers.

By July 2025, OPDC intends to formalize hourly private bar public defense attorneys into a structured panel. Between July 2025 and July 2027, OPDC will work with public defense providers to transition private bar public defense attorneys to the hourly panel.

Six-year Plan

The [six-year plan](#) was developed to form a strategy to eliminate excessive workloads for public defenders by 2031. The plan would allow the Oregon Public Defense Commission to meet its statutory duties under [ORS 151.216](#), which requires the agency to adopt a statewide workload plan and ensure that compensation, resources, and caseloads are in accordance with national and regional best practices.

Three sets of data inform the plan for providing public defense in Oregon:

- A [public defense forecast](#) evaluated by DAS's Office of Economic Analysis.
- Caseload and workload standards, such as those in the American Bar Association's [The Oregon Project](#) and the RAND Corp.'s [National Public Defense Workload Study](#).
- An [economic study](#) on the appropriate compensation for attorney and non-attorney work.

Applying those data to accepted standards for calculating appropriate workloads will provide the commission, legislature, and governor with a calculation of the number of public defense lawyers needed in Oregon to represent all persons who qualify for a court-appointed attorney while adhering to constitutionally mandated caseloads. It will also provide cost information related to that representation. Using the nationally accepted formula for this calculation will allow the commission to meet its obligation under the Constitution and ORS 151.216 to ensure caseloads and workloads align with national and regional best practices.

The necessary investments to improve public defense will take time. In 2023, OPDC hired Moss Adams to

develop the commission's [Six-Year Plan to Reduce Representation Deficiency](#) (Six-Year Plan) to address this issue. The commission reviewed and adopted that plan in 2024. The Six-Year Plan outlined a timeline and implementation strategy for meeting the need for improved public defense. Using this information, OPDC considered and advanced policy option packages (POPs) for the next biennium and beyond.

Commissioners approved the plan's final version in October 2024, understanding that it could not be implemented without funding from the Legislature.

The governor's recommended budget for 2025-2027 adds 40 state-employed attorneys plus corresponding support staff, stabilizes hourly rates for lawyers, investigators, and mitigators, and extends THIP, a program that pays attorneys and investigators higher hourly rates for in-custody cases. The budget, however, does not include the significant investments that would be needed to implement the national workload standards as outlined in the plan.

Historic Context Reference Material

- [6th Amendment Report](#)
- [6-Year Plan](#)

Strategic Plan and KPM

PDC's Key Performance Metrics are in need of updating. PDC did not update KPMs for this biennium for a number of reasons, including:

Competing Priorities: Between transitioning to a new branch of government, the unrepresented crisis, and standing up new programs as directed by SB 337, PDC was unable to prioritize updating the KPMs.

Strategic Planning: PDC updated its strategic plan this biennium, with the adoption of the new plan in February 2025. The new KPMs will be based around this strategic plan, and it didn't make sense to update KPMs before finalizing the strategic plan.

Now that the strategic plan is complete, PDC intends to turn to KPM updates to meet the schedule for the 27-29 biennium.

However, for this biennium PDC still has the legacy KPMs, and that is what we have reported on. PDC is aware that many of the KPM results are not sufficient and acknowledges that the Commission has work to do, particularly around customer service. However, some of the KPM results have to do with the outdated nature of the KPM, or the data collection process.

1. APPELLATE CASE PROCESSING - Median number of days to file opening brief.

The ability to meet and exceed the goal correlates positively to the number of experienced attorneys and negatively to the number of cases and the complexity of cases referred. Attracting, training, and retaining competent attorneys affect progress toward the goal. The agency does not control the number or type of referred cases.

2. CUSTOMER SERVICE - Percent of customers rating their satisfaction with the agency's customer service as "good" or "excellent": overall customer service, timeliness, accuracy, helpfulness, expertise and availability of information.

The survey was disseminated in June 2024 at this time the agency was severely behind in processing Pre-

Authorized Expense (PAE) requests and processing Accounts Payable payments. Overall, 66% of respondents rated OPDC staff ability to provide services correctly the first time as fair or good. The agency will be reviewing all comments received and looking to improve communication and processes

3. BEST PRACTICES FOR BOARDS AND COMMISSIONS - Percentage of total best practices met by Commission.

The existing Commission is a new Commission, having existed for less than nine months. It was created by SB 337 (2023) and Commission members took their positions on January 1, 2024. The

Commission has 13 members, with 9 voting members and 4 non-voting members. The Commission has been attentive to establishing good governance and complying with best practices. In December 2023, prior to assuming their positions, Commission members attending an onboarding session that included a presentation on best practices for commissions. In January, the Commission created a Governance Subcommittee to develop bylaws and improve agency governance. In March, the Commission held a two-day retreat which included an additional presentation on best practices for commissions and training relevant for public officials. It also formally adopted bylaws at this time.

The Governance Subcommittee has continued to meet monthly. In October, the Subcommittee will discuss the DAS Self-Assessment in the more detail and determine what recommendations should

4. TRIAL LEVEL REPRESENTATION - During the term of the OPDS contract, percent of attorneys who obtain at least 12 hours per year of continuing legal education credit in the area(s) of law in which they provide public defense representation.[1] [1]

Until this year, OPDC had not collected survey data for this measure since that collected for the 2020 calendar year. Under OPDC's 2023-2025 public defense legal services contracts, attorneys working under those contracts are required to complete 12 hours of CLE credit related to the subject matter areas for which they are contracted (e.g., criminal or juvenile cases) during the two-year contract period. Of those attorneys who did not respond and those who responded that they had not completed 12 hours of relevant CLE credit in the previous year, many of those have likely completed some lesser number of relevant CLE credit hours and/or will likely fulfill this obligation prior to the expiration of the current contracts on June 30, 2025.

5. PARENT CHILD REPRESENTATION PROGRAM (PCRP) - Percent of PCRP attorneys who report spending approximately 1/3 of their time meeting with court appointed clients in cases which the attorney represents a parent or child with decision- making capacity.

This measure analyzes attorney performance in the ten counties in which the PCRP has been implemented: Linn and Yamhill (2014), Columbia County (2016); Coos and Lincoln Counties (2018); Multnomah County (2020); and Benton, Clatsop, Douglas, and Polk Counties (2021). It includes data from lawyers who represent child clients who range in age from newborn to age 21 and lawyers who represent a parent or other party. This means that the percentages are necessarily skewed as lawyers who represent babies and very young children who lack the capacity to make decisions and direct their lawyer in the litigation generally will not and should not spend one third of their time with those clients.

As with earlier KPM reports, this measure has continued declining despite the average time attorneys spent with their clients remaining the same/very similar – 22.2%. The lower rate of attorneys who report meeting the one-third target is due to a number of different factors that are likely not related to performance or outcomes. In other words, this KPM should be adjusted to more actual targets accurately reflect what the agency is seeking to measure.

The agency needs to continue monitoring the quality of work provided by lawyers in the Parent Child Representation Program. Additional consideration should be given to the data collection and utilization process. There should be further examination of which metrics are most sensible to measure and which are indicative of standards-based legal representation associated with improving client engagement and court outcomes. Mixed-methods (quantitative and qualitative) data should also be used to establish benchmarks which are indicative of effective legal representation. OPDS continues its agency-wide restructuring and modernization, which will include refinement and improvement of PCRCP data collection, analysis, and application

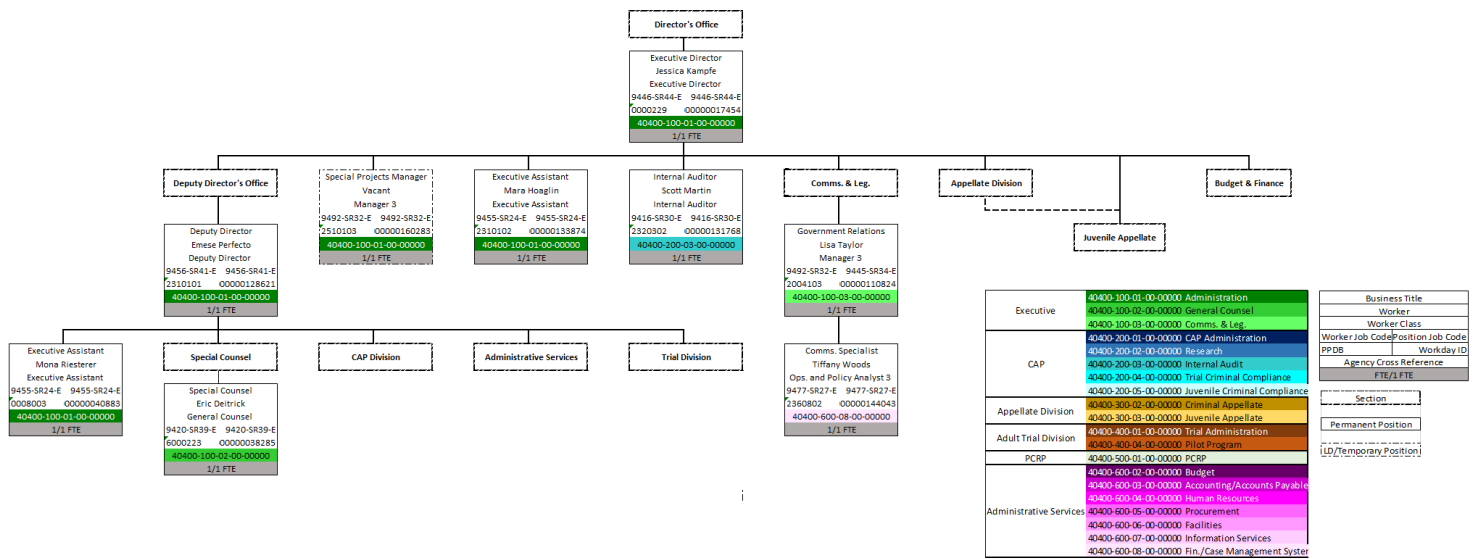
Strategic Plan and KPM Reference Material

- [Strategic Plan](#)
- [KPMs](#)

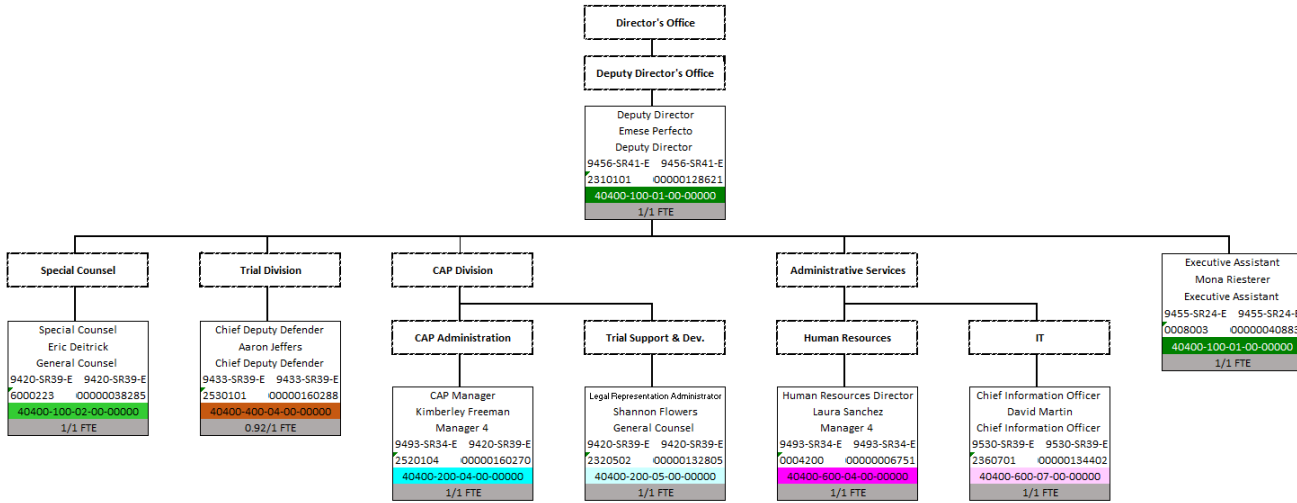
Agency Divisions reference material

Organizational Chart

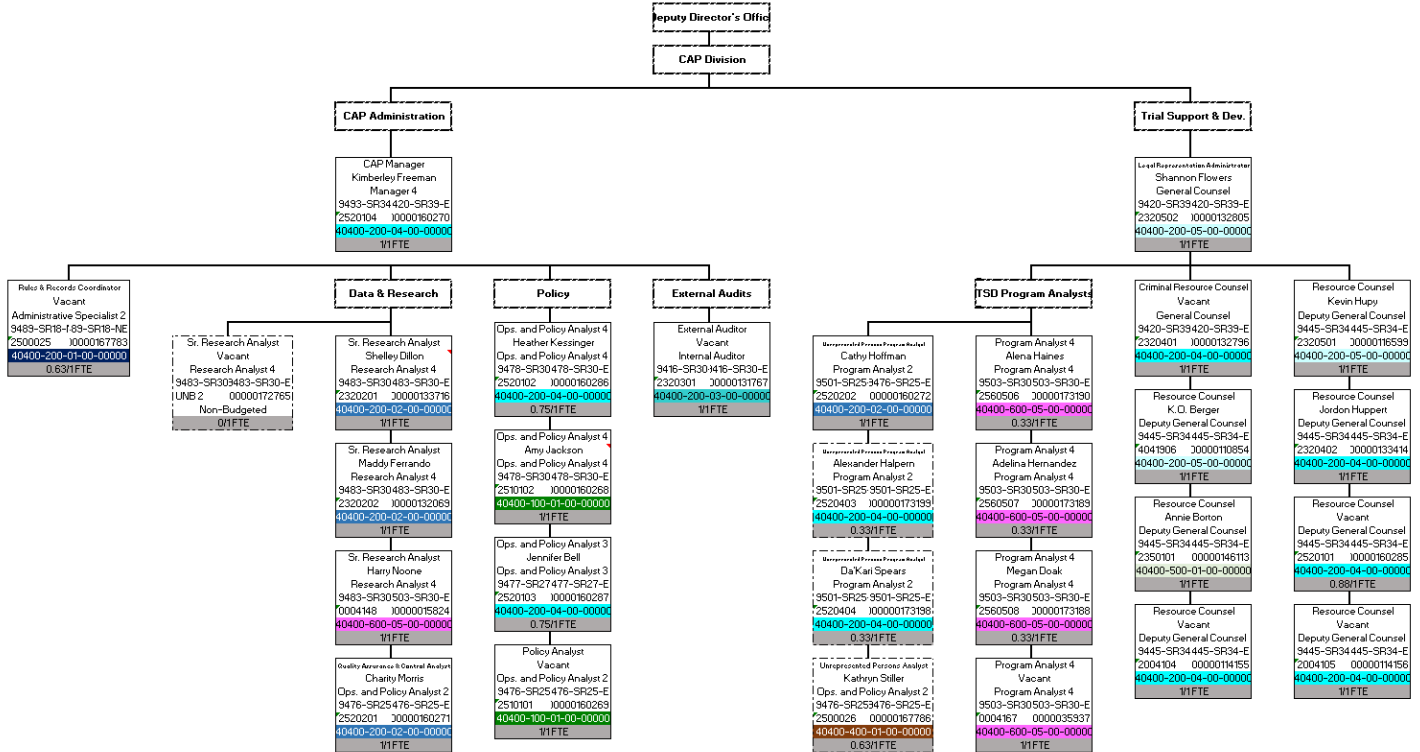
Director's Office



Deputy Director's Office



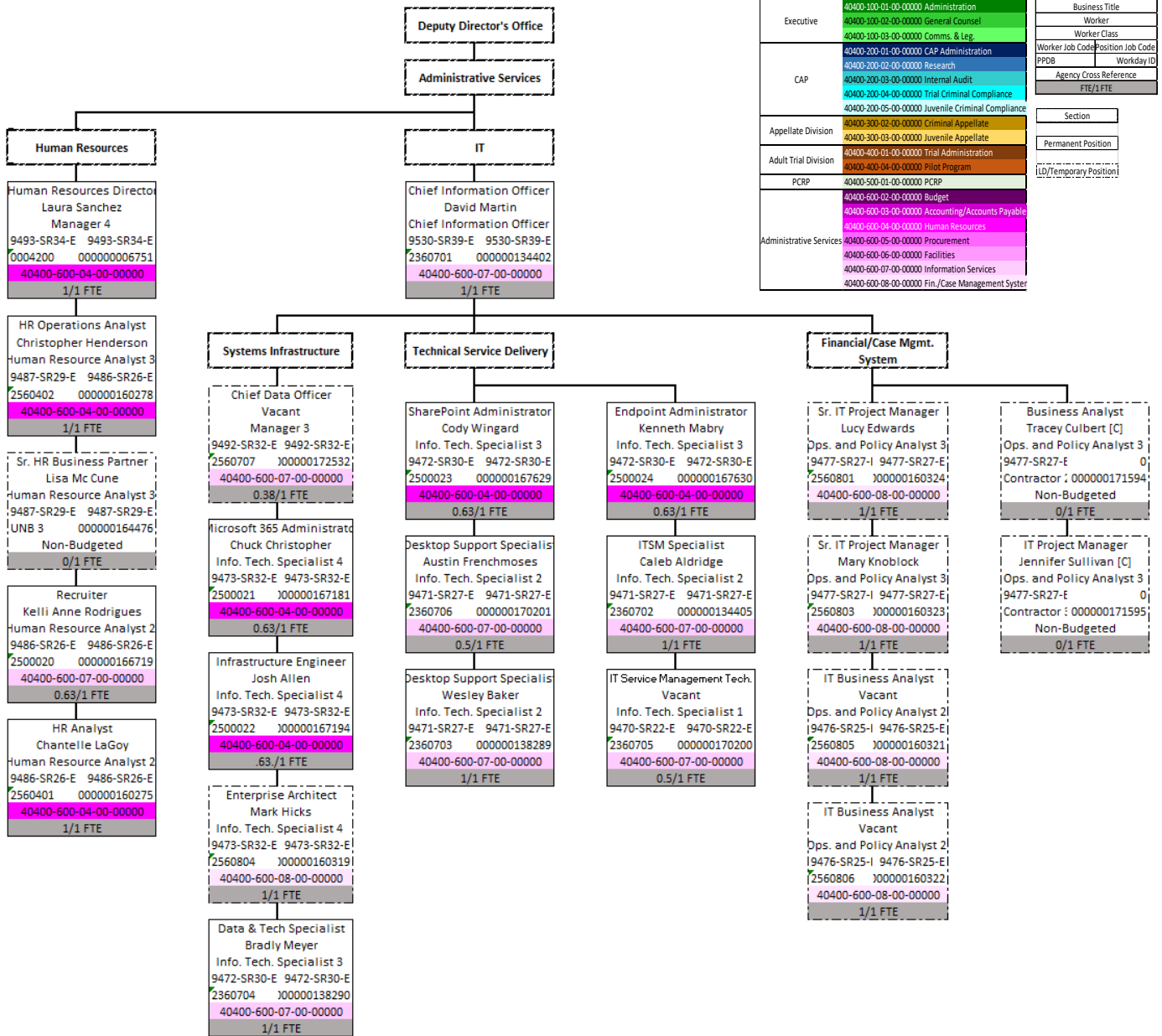
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PCR/P	40400-500-01-00-00000 PCR/P		
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	40400-600-07-00-00000 Information Services		
	40400-600-08-00-00000 Fin./Case Management System		



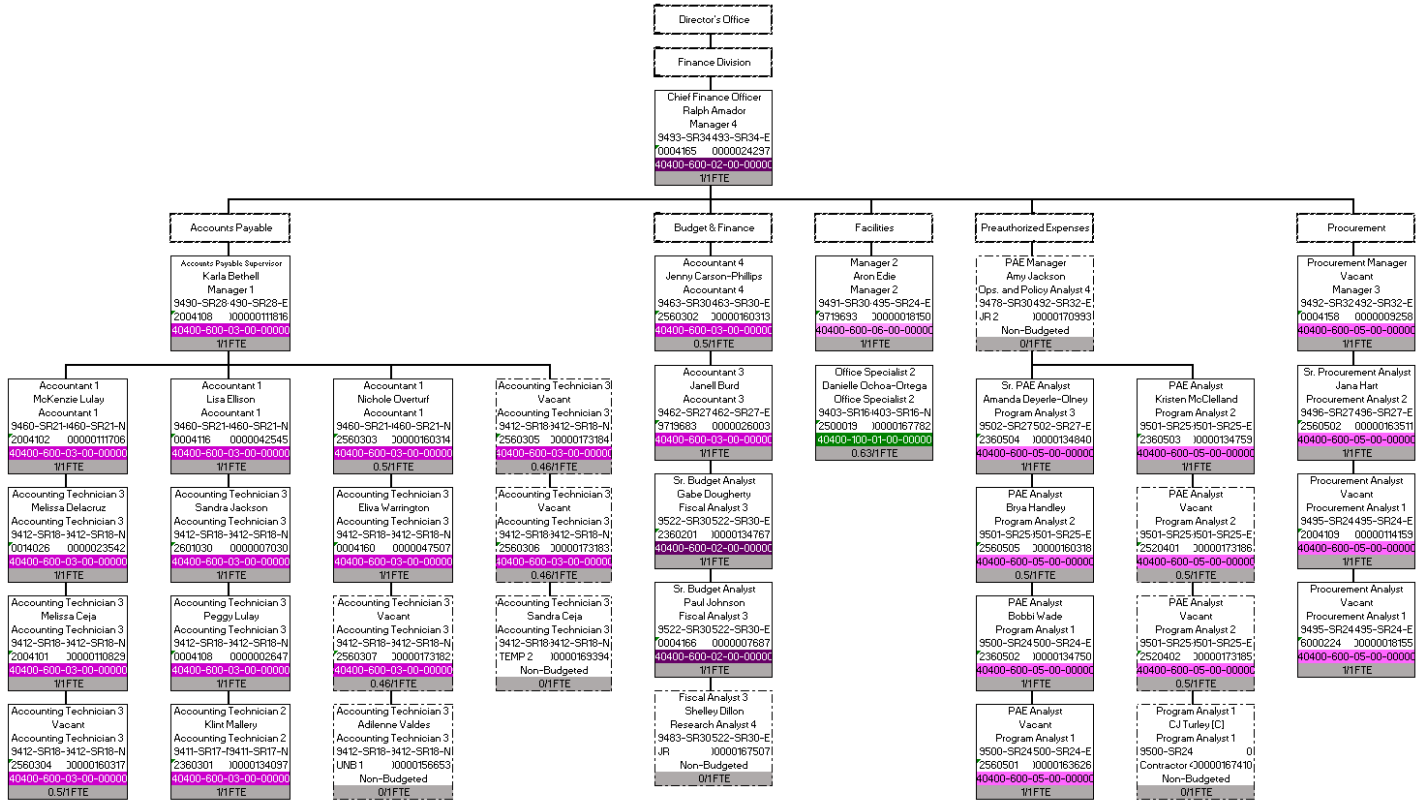
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Appellate Division	40400-300-01-00-00000 Criminal Appellate
	40400-300-03-00-00000 Juvenile Appellate
Adult Trial Division	40400-400-01-00-00000 Trial Administration
	40400-400-04-00-00000 Pilot Program
PCRP	40400-500-01-00-00000 PCRP
	40400-600-03-00-00000 Budget
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	40400-600-07-00-00000 Information Services
	40400-600-08-00-00000 Fin./Case Management System

Business Title	Worker
Worker Class	Worker Class
Worker Job Code/Position Job Code	PPDB
Workday ID	Workday ID
Agency Cross Reference	Agency Cross Reference
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Section	Section
Permanent Position	Permanent Position
Temporary Position	Temporary Position

Administrative Services Division

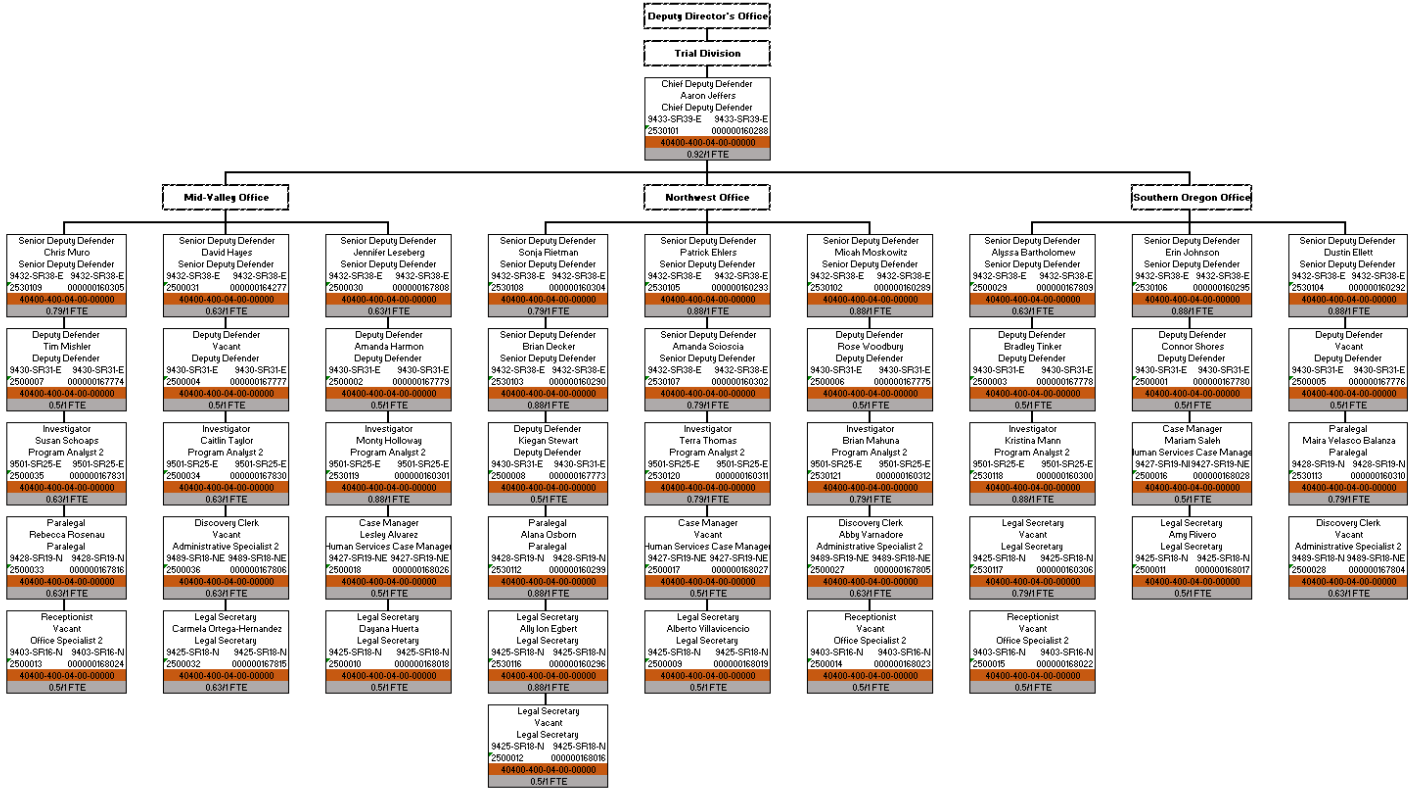


Finance Division



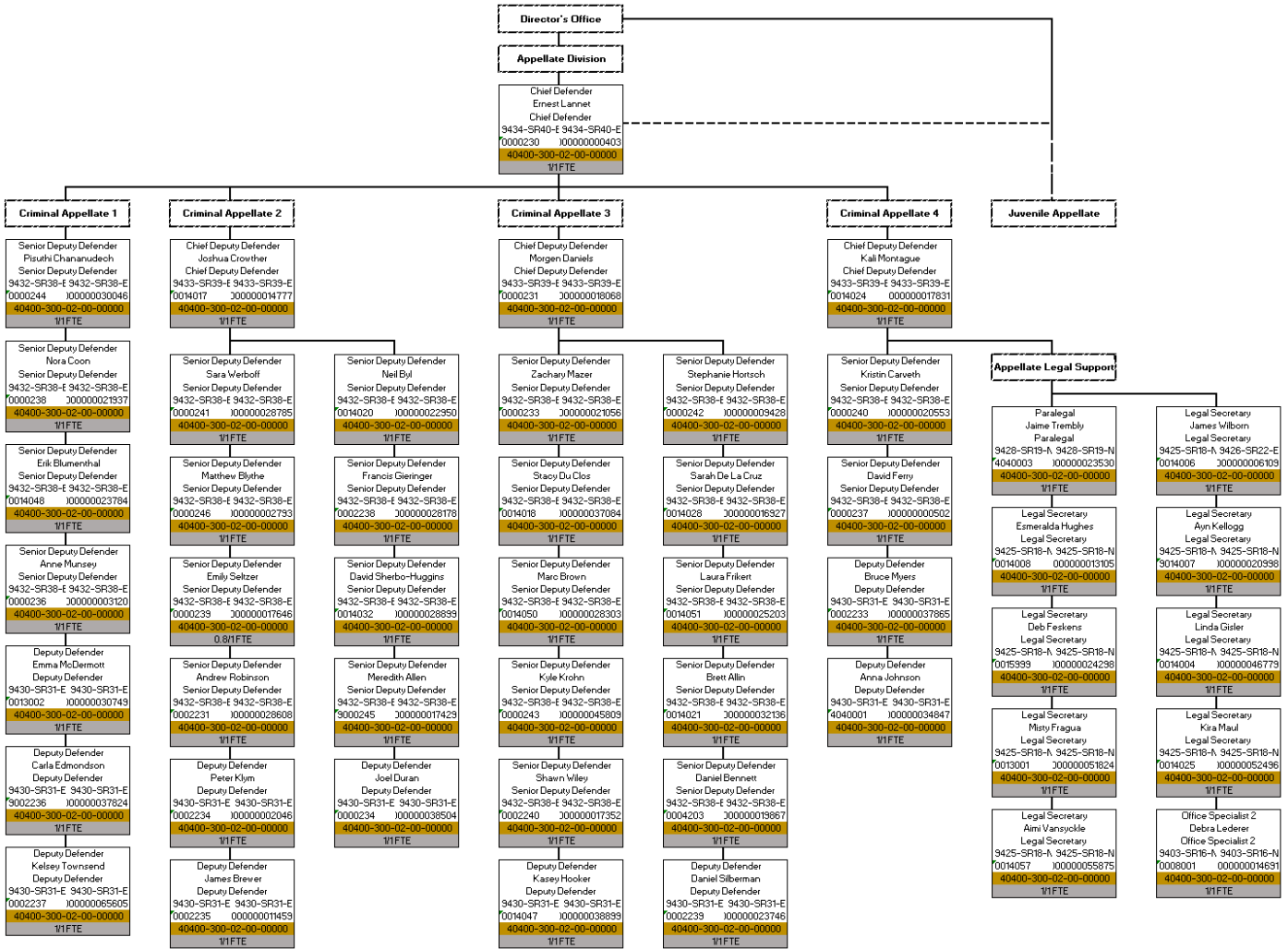
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	40400-200-04-00-00000 Internal Audit	Agency Cross Reference
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Appellate Division	40400-300-02-00-00000 Criminal Appellate	Section
	40400-300-03-00-00000 Juvenile Appellate	Permanent Position
Adult Trial Division	40400-400-01-00-00000 Trial Administration	[LD/Temporary Position]
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PCRP	40400-500-01-00-00000 PCRP	
Administrative Services	40400-600-02-00-00000 Budget	
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Trial Division



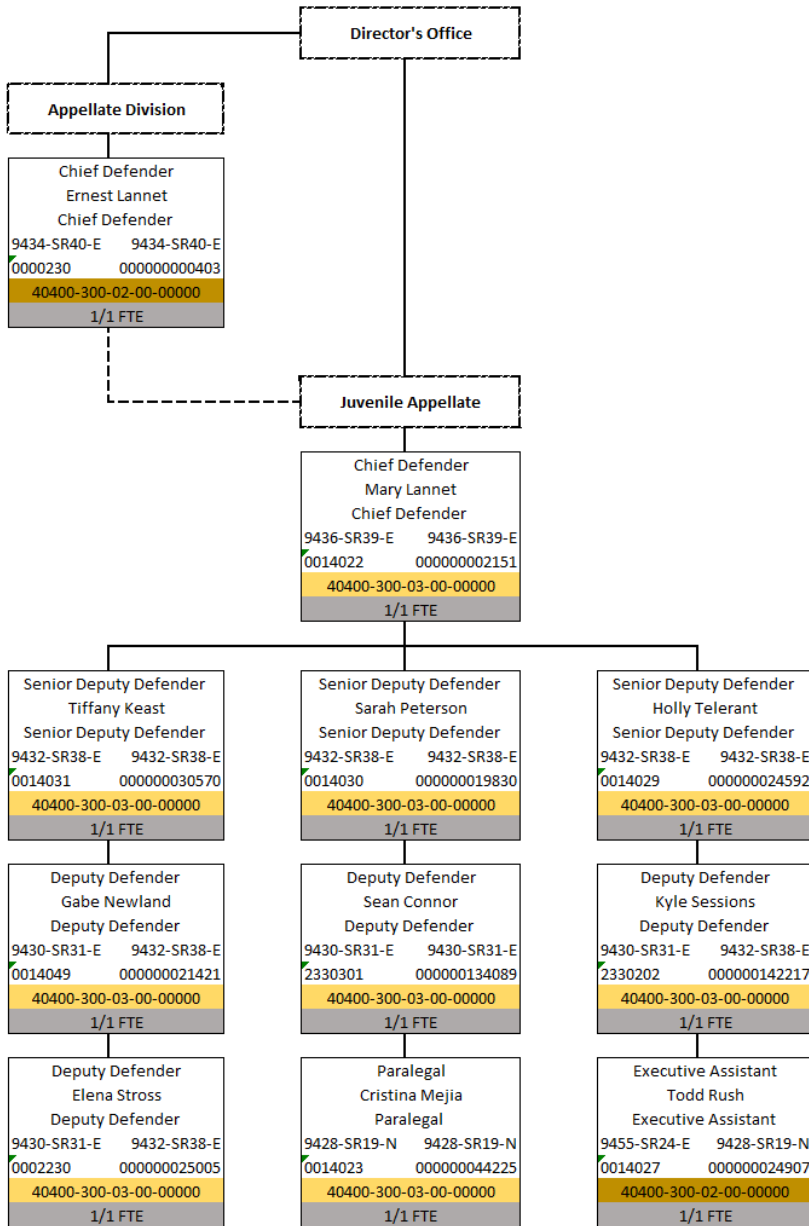
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Appellate Division	40400-300-02-00-00000 Criminal Appellate	Permanent Position	
	40400-300-03-00-00000 Juvenile Appellate	LD/Temporary Position	
Adult Trial Division	40400-400-01-00-00000 Trial Administration		
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Criminal Appellate Division



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	40400-100-03-00-00000 Comms. & Leg.	Worker Class
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	40400-200-03-00-00000 Internal Audit	Workday ID
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	40400-200-05-00-00000 Juvenile Criminal Compliance	FTE/1/1FTE
Appellate Division	40400-300-02-00-00000 Criminal Appellate	Section
	40400-300-03-00-00000 Juvenile Appellate	Permanent Position
Adult Trial Division	40400-400-01-00-00000 Trial Administration	
	40400-400-04-00-00000 Pilot Program	
PCRP	40400-500-01-00-00000 PCRP	(LD)/Temporary Position
	40400-600-02-00-00000 Budget	
	40400-600-03-00-00000 Accounting/Accounts Payable	
	40400-600-04-00-00000 Human Resources	
	40400-600-05-00-00000 Procurement	
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Administrative Services	40400-600-08-00-00000 Fin./Case Management System	

Juvenile Appellate



Executive	40400-100-01-00-00000 Administration	Business Title	Worker
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	40400-600-07-00-00000 Information Services	Section	
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Forecast reference material

- [Public Defense Caseload Forecast- Office of Economic Analysis](#)

GRB reference material

- [Hourly Wage Economic Survey](#)

Description of how recent changes to the agency budget and/or management flexibility affected agency operations

2023–25 Legislatively Approved Budget

General agency appropriations: The 82nd Legislative Assembly passed Senate Bill 5532 (2023), Senate Bill 337 (2023), Senate Bill 5506 (2023), and House Bill 2225 (2023), which, together, comprise the commission’s legislatively adopted budget for 2023-2025, which totals \$613.9 million.

SB 337 made significant investments to reform the public defense system and to combat an increasing number of unrepresented persons charged with criminal offenses. Among other things, SB 337 appropriated out of the state’s general fund:

- \$14.7 million to increase hourly rates of pay for attorneys, investigators, and interpreters;
- \$9.9 million to provide one-time retention compensation;
- \$7.9 million to fund a financial and case management system; and
- \$4.3 million to establish a pilot program of two regional trial offices.

The budget reconciliation provisions in SB 5506 provided \$1 million in other funds limitation to spend a sub-award of a federal program grant by the Criminal Justice Commission.

- SB 5506 also provided three special purpose appropriations for public defense and the commission to the Joint Emergency Board.

2024 Regular Session: House Bill 5204 and Senate Bill 5701 provided funding in the second fiscal year for training, supervision, and investigation in public defense legal services contracts. The measures also provided funding for expected increases in maximum attorney caseload (MAC) capacity. In response to House Bill 4002 (2024), which recriminalized drug possession, the legislation also funds increase in MAC capacity to address criminal charges related to possession and delivery of controlled substances.

Agency Operations

These investments had a significant impact on the agency and public defense as a whole. Through the investments, we were able to retain and increase our contracted attorney MAC, which is the first line in taking public defense cases and preventing unrepresented individuals. The retention bonus proved effective with 80% of those surveyed said the incentive payment had an impact on retention. Additionally, PDC has significantly grown the number of cases taken hourly, both through the enhanced Temporary Hourly Increase Program (THIP) rate and the standard hourly rate. PDC’s trial division has taken over 1500 cases since opening in December 2023. The SPAs allowed PDC to address the unrepresented crisis more nimbly

by making investments in programs that proved successful, allowing us to extend the THIP and open a third state trial office.

PDC has also created an assignment coordinator role within CAP to manage assignment coordination on unrepresented cases. The Legislature approved two additional assignment coordinators who began in February 2024. These coordinators have been instrumental in finding attorneys for unrepresented cases, primarily those in custody, and specifically those subject to Betschart. However, the assignment of attorneys through the THIP program has led to increased cost, as THIP is the most expensive attorney type. The assignment coordinators have also increased the non-THIP hourly assignments. This increase in hourly work has impacted the agency's budget by requiring more Court Mandated Expenses and Preauthorized Expenses than initially planned. PDC has had to rebalance to cover these expenses. It has also led to an increase in Accounts Payable work, which, along with staffing problems, led to a backlog in the Spring and Summer of 2024. The Legislature approved additional Accounts Payable staff, and PDC is now back under the 45-day DAS expectation.

Description of workforce challenges, including the impact to agency operations and services and additional costs incurred (e.g., overtime, contracted staffing)

PDC faces workforce challenges within the agency as many of the divisions do not have the support staff necessary to carry out projects and operations. PDC has many competing priorities, and without sufficient staffing- particularly Operations and Policy staff- many employees are working on projects outside their regular duties. PDC is requesting a number of OPAs to help with this work.

Additional costs due to staffing mainly occurred within the Accounts Payable division. The number of CME and PAE requests has significantly increased as PDC's hourly programs increased, and existing staffing could not meet the demand.

Numbers from July 1, 2023, through January 31, 2025:

- Total overtime for Appellate Division. **\$14,520.53**
- Total overtime for Accounts Payable. **\$71,985.85**
- Total contract staff for Accounts Payable. **\$24,552.96**
- Total overtime for PAE. **\$254.94**
- Total contract staff for PAE. **\$135,617.64**

Summary of proposed information technology and capital construction projects

Financial and Case Management System

The financial and case management system (FCMS) project is a critical initiative designed to modernize OPDC's financial and case management processes. The project is progressing in alignment with state procurement and governance requirements, following an expedited timeline driven by the executive steering committee's strategic decisions. Since July 2024, FCMS has successfully met all major project milestones, advancing through stage gates 1 and 2 while ensuring compliance with Oregon Department of

Administrative Services (DAS) Enterprise Information Services (EIS) oversight.

The FCMS solution procurement is being administered with due diligence in compliance with the Public Contracting Code and the Attorney General Model Rules of Procedure for Public Contracting, including the publication, re-statement, and closure of the Request for Proposals (RFP) on Feb. 21. The RFP was re-stated on Jan. 31, following a pre-proposal request for an extension, which led to a six-day extension in the procurement schedule. This adjustment was strategically selected by leadership to ensure transparency and fairness. The evaluation and scoring process commenced immediately after completion of the required responsiveness review and is currently underway, with structured review processes for administrative, technical and cost proposals. The evaluation committee has been convened, and proposal evaluation is in progress to determine the best-fit solution to meet OPDC's need for a hosted, commercial-off-the-shelf, technical solution.

While the project remains on track, normal feedback cycles from the project team are being assessed to determine whether adjustments to the evaluation timeline are necessary. The one-week review period to provide for Phase 1 of the proposal evaluation process is a condensed timeframe that was being fully vetted by the broader project team and DAS EIA to reduce the impact of pre-proposal due date extensions and the re-statement process on the project schedule. As of early March 2025, OPDC's evaluation committee is on track to complete Phase 1 evaluations on schedule. With minimal effect on the project schedule as a result of the accelerated Phase 1 process, OPDC is prepared to administer Phase 2 of the procurement based on initial timeframes for evaluation of revised proposals, best and final offers, public notice of its intent to award a contract, and contract negotiations. Ensuring a comprehensive and effective evaluation process remains a priority, and any schedule refinements will continue to be carefully considered within the framework of DAS governance and procurement best practices.

The FCMS project team continues to expertly navigate the complexities of procurement, evaluation, and governance while balancing stakeholder needs and compliance requirements. The project remains positioned for successful implementation, ensuring that OPDC receives a robust, well-vetted solution to support its mission and operational needs.

Ten-percent Reduction Options Report

92.6% of PDC funding goes towards client services. Therefore, a reduction in funding mainly impacts those services. Please see GRB for complete reductions chart.

Program Unit/Activity Description	General Fund	Impact of Reduction on Services and Outcomes
Executive Division	(399,847)	Vacancy savings and services and supplies reductions, including inflationary reductions of certain accounts. Any reductions to OPDC would further complicate and contribute to the Unrepresented Crisis, as it would limit vital resources necessary for operations.
Compliance, Audit and Performance Division	(400,077)	Vacancy savings and services and supplies reductions, including inflationary reductions of certain accounts. Any reductions to OPDC would further complicate and contribute to the Unrepresented Crisis, as it would limit vital resources necessary for operations.
Appellate Division	(1,146,851)	These reductions result in a direct decrease in the agency's ability to deliver direct services. Vacancy savings and services and supplies reductions, including inflationary reductions of certain accounts. Any reductions to OPDC would further complicate and contribute to the Unrepresented Crisis, as it would limit vital resources necessary for operations.
Adult Trial Criminal Division	(25,387,084)	These reductions result in a direct decrease in the agency's ability to provide funding to deliver direct services. Mandated caseload and services and supplies reductions, including inflationary reductions of certain accounts. Any reductions to OPDC would further complicate and contribute to the Unrepresented Crisis, as it would limit vital resources necessary for operations.
Juvenile Division	(3,187,530)	These reductions result in a direct decrease in the agency's ability to provide funding to deliver direct services. Services and Supplies reductions, including inflationary reductions of certain accounts. Any reductions to OPDC would further complicate and contribute to the Unrepresented Crisis, as it would limit vital resources necessary for operations.
Preauthorized Expenses	(11,452,066)	These reductions result in a direct decrease in the agency's ability to provide funding to deliver direct services. Services and Supplies (travel and expert services) reductions, including inflationary reductions of certain accounts. Any reductions to OPDC would further complicate and contribute to the Unrepresented Crisis, as it would limit vital resources necessary for operations.

Court Mandated Expenses	(7,456,551)	These reductions result in a direct decrease in the agency's ability to provide funding to deliver direct services. Services and Supplies (travel and expert services) reductions, including inflationary reductions of certain accounts. Any reductions to OPDC would further complicate and contribute to the Unrepresented Crisis, as it would limit vital resources necessary for operations.
Trial Representation Division	(1,603,270)	These reductions result in a direct decrease in the agency's ability to deliver direct services. Vacancy savings and services and supplies reductions, including inflationary reductions of certain accounts. Any reductions to OPDC would further complicate and contribute to the Unrepresented Crisis, as it would limit vital resources necessary for operations.
Parent Child Representation Unit	(2,928,855)	These reductions result in a direct decrease in the agency's ability to provide funding to deliver direct services. Services and Supplies reductions, including inflationary reductions of certain accounts. Any reductions to OPDC would further complicate and contribute to the Unrepresented Crisis, as it would limit vital resources necessary for operations.
Administrative Services Division	(3,309,189)	Vacancy savings and services and supplies reductions, including inflationary reductions of certain accounts. Any reductions to OPDC would further complicate and contribute to the Unrepresented Crisis, as it would limit vital resources necessary for operations.
Special Programs, Contracts, and Distributions	(7,108,059)	Funding available for discovery. Any reductions to OPDC would further complicate and contribute to the Unrepresented Crisis, as it would limit vital resources necessary for operations.
Total	(64,379,379)	

Supervisory Span of Control Report

Pursuant to ORS 291.227, the Oregon Public Defense Commission presents this report to the Joint Committee on Ways and Means regarding the commission’s proposed maximum supervisory ratio for the 2025-2027 biennium.

Supervisory ratio as of fiscal month ended July 31, 2024

The commission’s actual supervisory as of July 31, 2024, is **1:12**.

$$\frac{14}{\text{Total supervisors}} = \frac{13}{\text{Supervisory incumbents}} + \frac{2}{\text{Vacancies that would perform supervisory role if filled}} - \frac{1}{\text{Agency head}}$$

$$\frac{167}{\text{Total non-supervisors}} = \frac{124}{\text{Non-supervisory incumbents}} + \frac{43}{\text{Vacancies that would perform non-supervisory role if filled}}$$

The agency has a current actual supervisory ratio of

$$\frac{1:12}{\text{Actual span of control}} = \frac{167}{\text{Total non-supervisory employees}} / \frac{14}{\text{Total supervisory employees}}$$

When determining an agency maximum supervisory ratio, all agencies shall begin of a baseline supervisory ratio of 1:11; and, based upon some or all of the following factors, may adjust the ratio up or down to fit the needs of the agency.

Ratio adjustment factors

1. Is safety of the public or of state employees a factor to be considered in determining the agency maximum supervisory ratio? **No**

Written Answer: There is no impact.

2. Is geographical location of the agency’s employees a factor to be considered in determining the agency maximum supervisory ratio? **Yes**

Written Answer: The agency is tasked to directly manage a progressively higher percentage of public defense cases over the coming biennium. To accomplish this, the agency’s geographic growth is both necessary and inevitable. Currently, OPDC operates out of three main locations – Salem, Portland, and Roseburg. But to reach more areas in need of service, new offices must open in Northern, Southern, Central, and Eastern Oregon. The agency expects a minimum of three (3) new offices in the 25-27 biennium and at least another three (3) new offices in the 27-29 biennium. To ensure adequate levels of management and support, OPDC will need a greater number of supervisory positions to effectively oversee these locations

resulting in a lower span.

3. Are there industry best practices and standards that should be a factor when determining the agency maximum supervisory ratio? **Yes**

Written Answer: In considering workload, the agency aims to meet the National Public Defense Workload Standards in assigning caseloads to public defenders. These numbers ought not exceed the “recommended levels of 150 felonies, 400 non-traffic misdemeanors, 200 juvenile court cases, 200 Mental Health Act cases, or 25 non-capital appeals per attorney per year.” Considering these numbers are for attorneys actively and exclusively working on cases, we must also consider supervising attorneys who may be both working their own cases and supporting cases of those defenders which they oversee. To ensure those supervisors can effectively meet their responsibilities, there should be a slightly narrower span than the default.

4. Is size and hours of operation of the agency a factor to be considered in determining the agency maximum supervisory ratio? **No**

Written Answer: There is no impact.

5. Are there unique personnel needs of the agency, including the agency’s use of volunteers or seasonal or temporary employees, or exercise of supervisory authority by agency supervisory employees over personnel who are not agency employees a factor to be considered in determining the agency maximum supervisory ratio? **No**

Written Answer: There is no impact.

6. Is the financial scope and responsibility of the agency a factor to be considered in determining the agency maximum supervisory ratio? **No**

Written Answer: There is no impact.

Based upon the described factors above, the agency proposes a maximum supervisory ration of 1:9.

Program Prioritization Report

Priority (ranked with highest priority first)		Program or Activity Initials	Program Unit/Activity Description	General Fund	Other Funds	Total Funds	Positions	FTE	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)
Agy	Div.									
1	1	TCD	Provides funding for legal representation at the trial-level.	285,963,447		285,963,447	0	0.00	US and Oregon Constitution	Right to representation
2	1	TRD	Provides funding for legal state employed public defender offices for legal representation and support services that are mandated by a trial court official.	39,471,584		39,471,584	142	114.99	US and Oregon Constitution	Right to representation
3	1	CME	Provides funding for legal representation trial-level and support services that are mandated by a trial court official.	93,352,705	3,497,604	96,850,309			US and Oregon Constitution	Right to representation support

Priority (ranked with highest priority first)		Program or Activity Initials	Program Unit/Activity Description	General Fund	Other Funds	Total Funds	Positions	FTE	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)
4	1	PE	Provides funding for case support services to aid in legal representation	106,515,484	1	106,515,485			US and Oregon Constitution	Right to representation support
5	1	JTD	Provides funding for legal representation of juveniles principally at the trial-level	46,875,439	4,352,000	51,227,439			US and Oregon Constitution	Right to Representation
6	1	PCRPP	Provides funding mainly for the Parent Child Representation Program.	42,998,841	11,968,000	54,966,841			US and Oregon Constitution	Right to Representation
7	1	AD	Appellate Division	29,959,630		29,959,630	69	67.48	US and Oregon Constitution	Right to representation

Priority (ranked with highest priority first)		Program or Activity Initials	Program Unit/Activity Description	General Fund	Other Funds	Total Funds	Positions	FTE	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)
8	1	SPCD	Currently the Guardianship and Conservatorship Program	1,733,884		1,733,884			US and Oregon Constitution	Right to representation support
9	1	CAP	Program Delivery	9,752,630		9,752,630	25	24.40	US and Oregon Constitution	Right to representation support
10	1	ASD	Agency Operations	23,857,390	13,915,000	37,772,390	64	60.07	US and Oregon Constitution	Right to representation support
11	1	ED	Agency Operations	5,874,693		5,874,693	13	12.52	US and Oregon Constitution	Right to representation support

Priority (ranked with highest priority first)	Program or Activity Initials	Program Unit/Activity Description	General Fund	Other Funds	Total Funds	Positions	FTE	Legal Citation	Explain What is Mandatory (for C, FM, and FO Only)
					0				
			686,355,727	33,732,605	720,088,332	313	279.46		

Long-term Vacancy Report

Internal auditor and General counsel are on hold while the CAP division is being built out, recruitment will be posted in early summer.

The Deputy General Counsel is frozen, and funding is used to fund an unbudgeted position.

Long-term vacancies as of December 31, 2024

Detail Cross-reference	Position Number	Position Classification		Position Title	Pos. Type	Fund Split (General Fund)	FTE	2025-27 Personal Services (General Fund)	Vacant Date	Position eliminated in GB? Y/N	Vacancy Reason
100-01-00-00000	2320301	WDN	D9416 AP	Internal Auditor	PF	1.00	1.00	288,020	1/8/2024	N	Freeze > Budget Freeze/Vacancy Savings
200-04-00-00000	2320401	WDN	D9420 AP	General Counsel	PF	1.00	1.00	483,223	1/16/2024	N	Freeze > Finance Unbudgeted Costs
200-04-00-00000	2520101	WDN	D9445 AP	Deputy General Counsel	PF	1.00	1.00	462,477		N	Freeze > Finance Unbudgeted Costs
TOTAL							3.00	1,233,720			

Other Funds, Lottery Funds, and Federal Funds Ending Balance Report

Source	Fund	ORBITS Revenue Account	2021 - 2023	2023 - 2025		2025 - 2027	
			Actuals	Legislatively Approved	Estimated	Agency Request	Legislatively Adopted
Oregon Judicial Department (ACP)	Other	1198	3,162,640	4,449,667	3,752,610	3,497,594	Not applicable.
Title IV-E	Other (federal)	1100	14,316,047	16,320,000	16,320,000	16,320,000	Not applicable.