

# Oregon Public Defense Commission

**Budget Presentation**

March 17, 2025

Jessica Kampfe, Executive Director

Susan Mandiberg, Co-Chair





# Presentation Content

## Day 1

- Agency Overview
- History of Public Defense
- Strategic Plan and KPM
- 23-25 Investments and Reports
- Agency Divisions
- Forecast
- Budget Drivers, Risks, and Challenges

## Day 2

- Governor's Recommended Budget
- Trial Representation
- Adult Criminal Division
- Juvenile Division
- Parent Child Representation Program Division
- Appellate Division

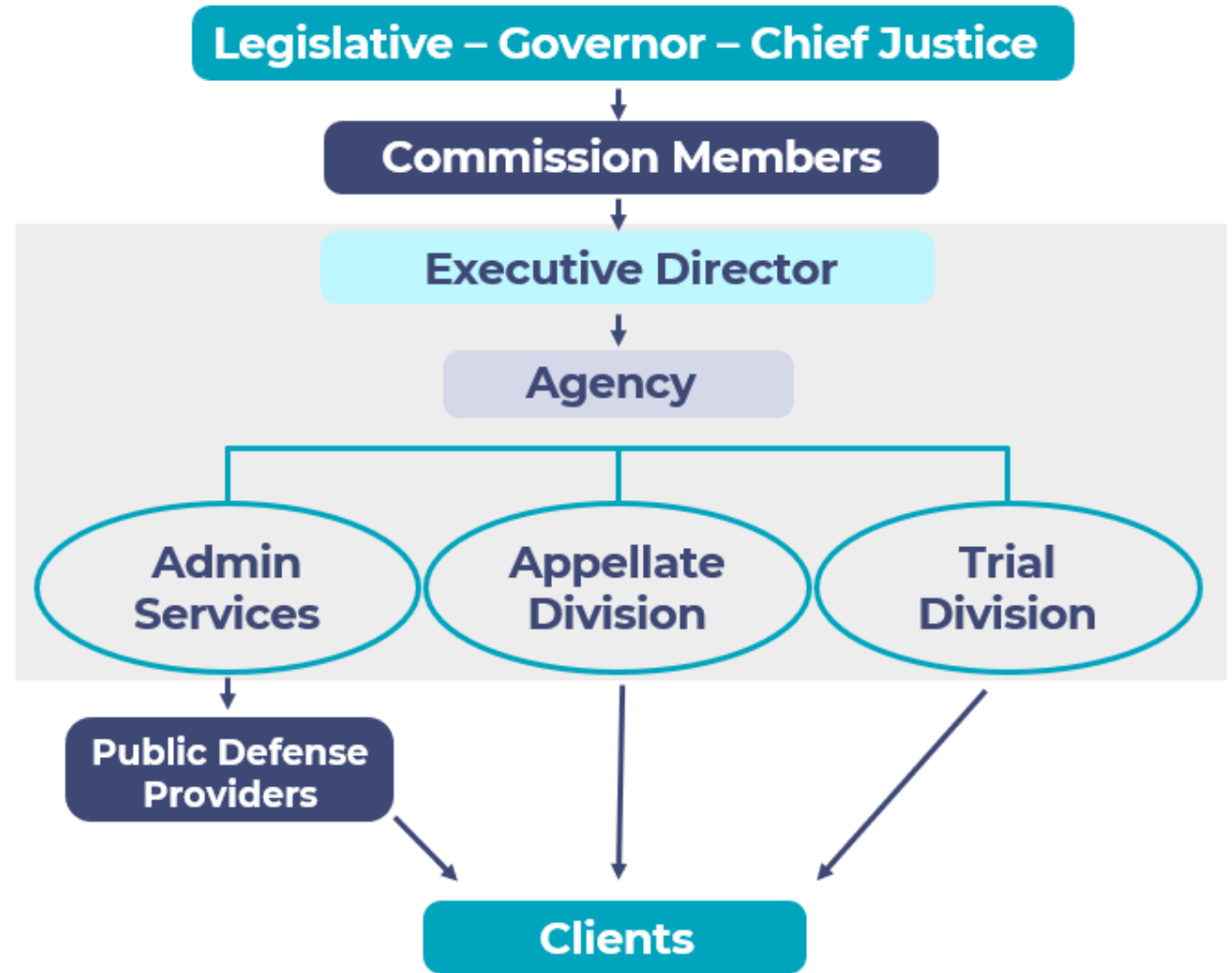
## Day 3

- Unrepresented Individuals
- Hourly Providers
- Preauthorized Expenses
- Court Mandated Expenses
- Special Contracts, Programs, Distributions
- Financial Case Management System

# AGENCY OVERVIEW

# Commission

Provides oversight on the issues and overall function of the public defense system.



# Commission Members

## Leadership

Jennifer Nash,  
Chair

Susan  
Mandiberg,  
Vice-Chair

## Voting Members

Alton Harvey, Jr.  
Paul Lipscomb  
Peter Buckley  
Rob Harris  
Tom Lininger  
(Two Vacancies)

## Non-Voting Members

Jasmine Wright  
Brook Reinhard  
Senator Floyd  
Prozanski  
Representative  
Paul Evans

# 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 persons.

## OUR VISION

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

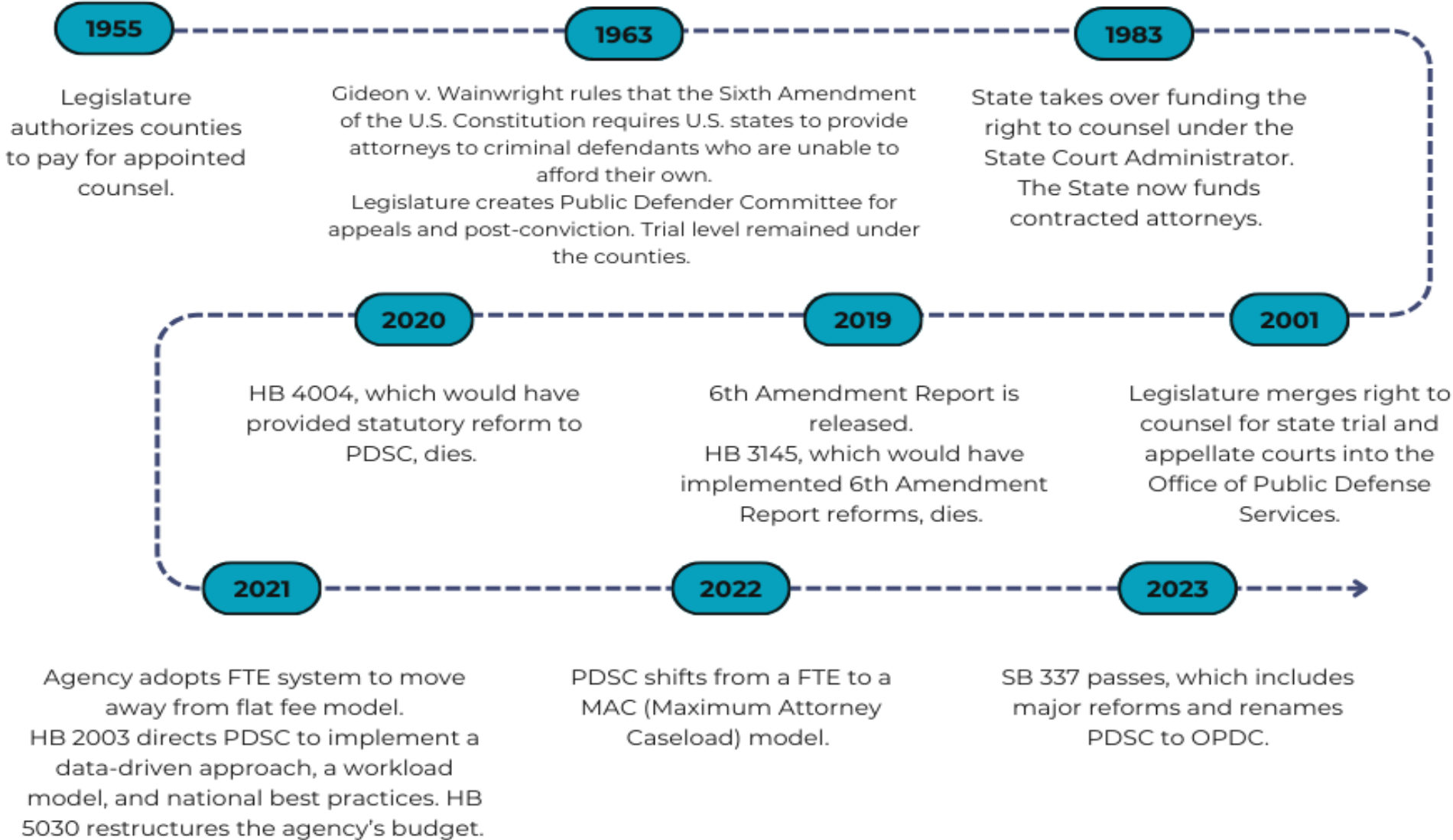
## OUR VALUES

As an organization, we are:

- Client-Centered
- Committed to Excellence
- Effective
- Diverse and Inclusive
- Compassionate
- Adaptive

# **HISTORY OF PUBLIC DEFENSE**

# 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.**”



# 6<sup>th</sup> 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.

# SB 337 (2023)

## SB 337 did three main things:

Changed the makeup and appointment process for the Commission  
(January 2024)

Moved the Commission to the Executive Branch of government (January 2025)

### Changed 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 (2023) - Progress

## COMPLETED



- New Commission appointed January 2024.
- DAS Public Defense Forecast released.
- Economic Analysis conducted and formula adopted for the hourly pay rate.
- Adoption of caseload and workload standards for all public defense providers.
- Three state trial offices opened and taking cases from the unrepresented list.
- OPDC moved to the Executive branch.

## IN PROGRESS



- Establish a panel of hourly attorneys.
- Establish training and supervision requirements.
- Establish oversight and enforcement of standards.
- Improve data collection and implement financial and case management system.

# ORS 151 Summary



## Public Defense System & Standards

Establish and maintain a cost-effective public defense system that aligns with constitutional and legal standards, ensuring oversight, accountability, and stakeholder engagement.



## Budget & Administration

Develop and submit the agency's budget, ensure timely invoice payments, and manage agency operations, staffing, and financial obligations.



## Policies & Oversight

Adopt and enforce policies on compensation, caseloads, training, financial eligibility, and workload distribution, with regular reviews and updates.



## Reporting & Advisory Functions

Provide compliance reports, legislative recommendations, and establish advisory groups as needed to support public defense providers.



## Contracts & Compliance

Negotiate and oversee contracts, implement compliance measures, and collect mandatory data for legislative reporting.



## ORS 151.216

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.

# Hourly Rate and Economic Survey

## **SB 337: SECTION 96. (1)(a)**

The Oregon Public Defense Commission shall conduct a survey and economic analysis to establish a formula for the commission to use to calculate an hourly pay rate, taking into account overhead expenses, market rates and regional differences in the cost of living, for appointed counsel who are not employees of the commission or a nonprofit public defense organization.

## **SB 337: SECTION 96. (1)(b)**

The commission may conduct the survey and economic analysis internally or may contract with an outside entity. The survey and economic analysis must be completed and the hourly pay rate calculated no later than July 1, 2025.

# 6-Year Plan

## Plan to enact statewide workload plan as directed by ORS 151.216

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

Parts of the plan are included in the Governor's Recommended Budget:

- Additional state trial attorneys
- Stabilized hourly attorney and investigator rates

- Since the GRB does not include the significant resources needed to implement the workload standards, the majority of the plan will not be moving forward this biennium.
- The commission continues to support the plan, even as we work on implementing more attainable solutions within budget constraints.

# **STRATEGIC PLAN AND KPM**



# Strategic Plan: Adopted Feb 2025



# GOAL 1: END THE UNREPRESENTED PERSONS CRISIS

Attract, recruit, and retain highly qualified, diverse, and dedicated public defenders and non-attorney case support personnel to ensure that every client receives effective and compassionate legal representation.



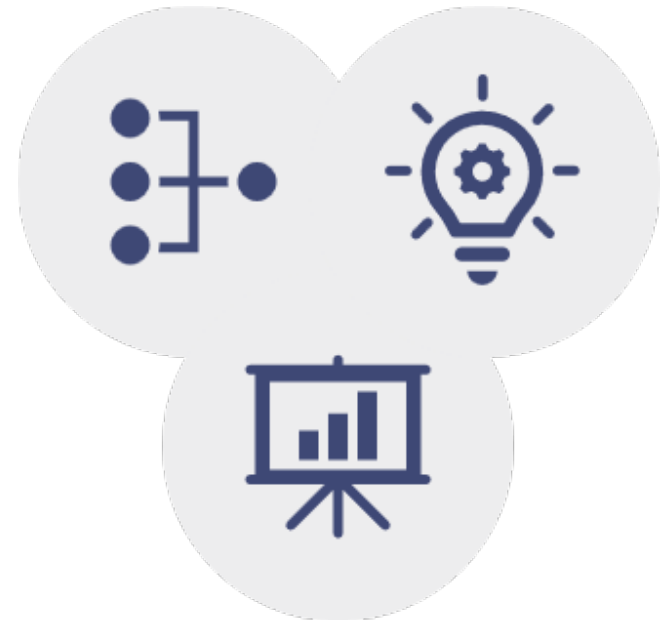
## GOAL 2: IMPROVE PROVIDER RELATIONSHIPS

Strengthen our relationships with our providers by fostering a collaborative environment that promotes open communication, mutual respect, and shared objectives.



## GOAL 3: CULTIVATE OPERATIONAL EXCELLENCE

Streamline our processes, improve efficiency, and foster a culture of continuous improvement by leveraging technology, investing in staff development, and implementing robust performance metrics, with a strong commitment to diversity, equity, and inclusion.

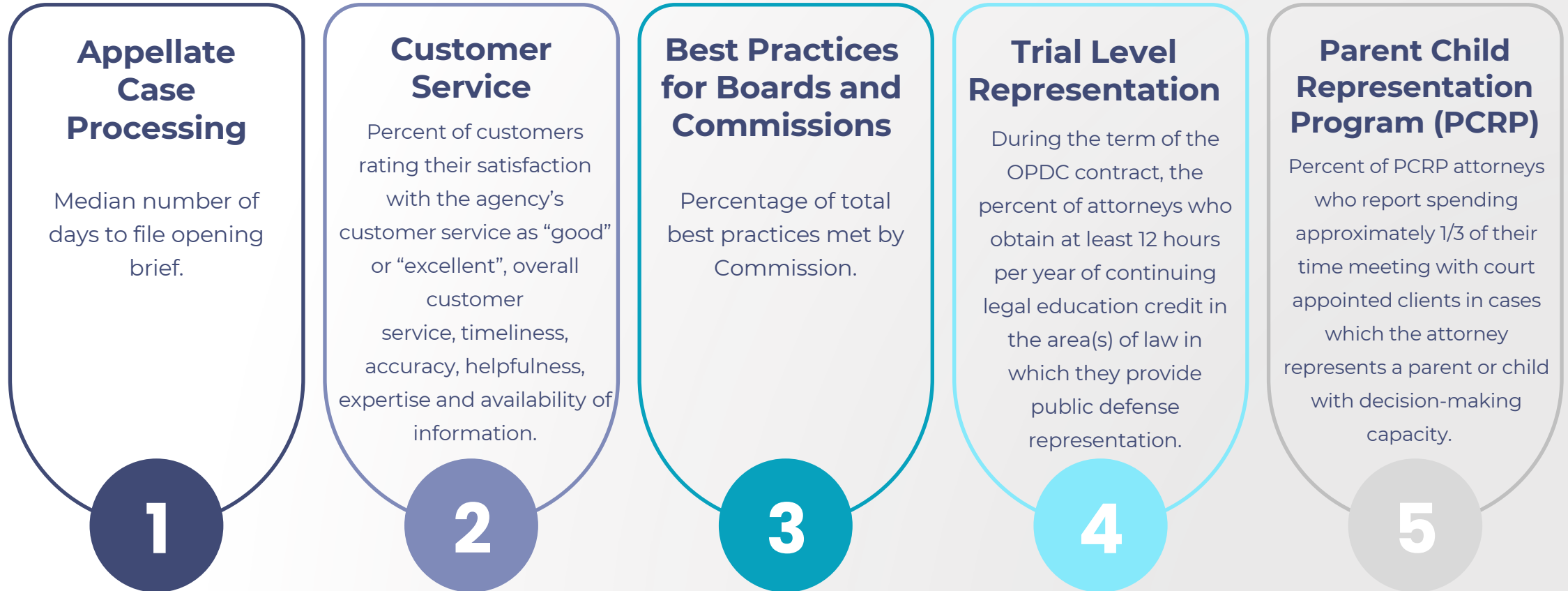


## GOAL 4: FINALIZE INTEGRATION WITH THE EXECUTIVE BRANCH

Successfully complete transition activities to move operations to the Executive Branch while maintaining our commitment to excellence and client-centered service.



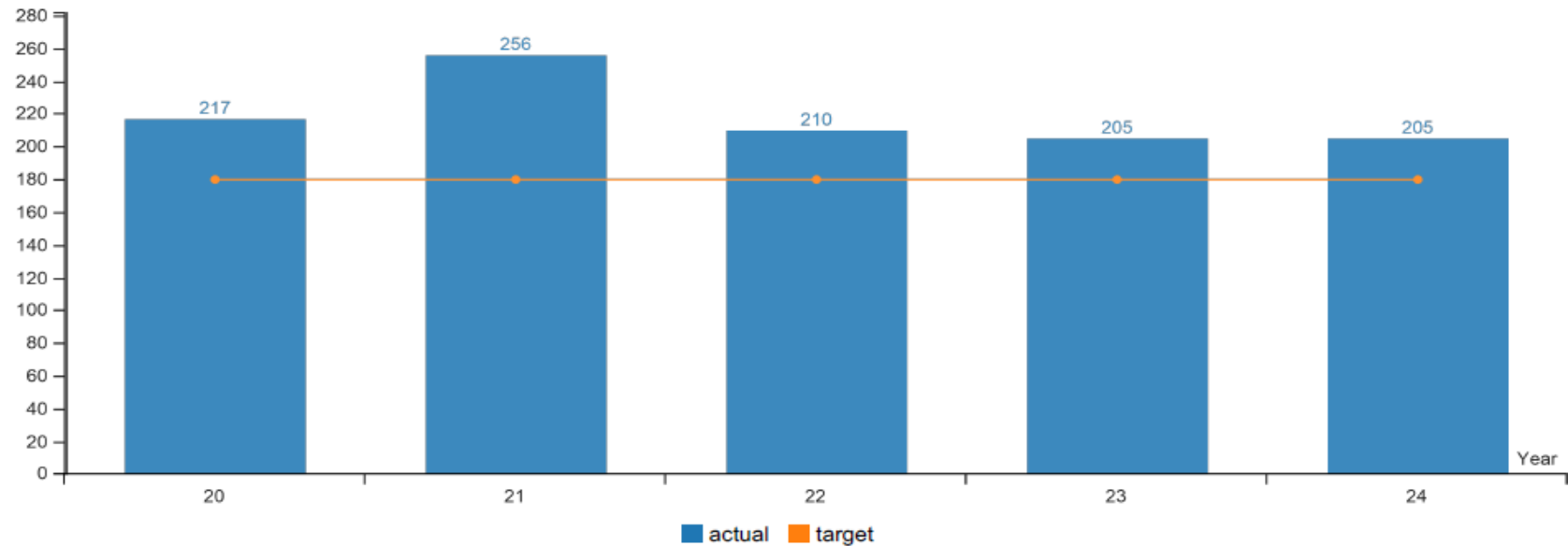
# Key Performance Measures (KPMs)



# KPM #1 – Appellate Case Processing

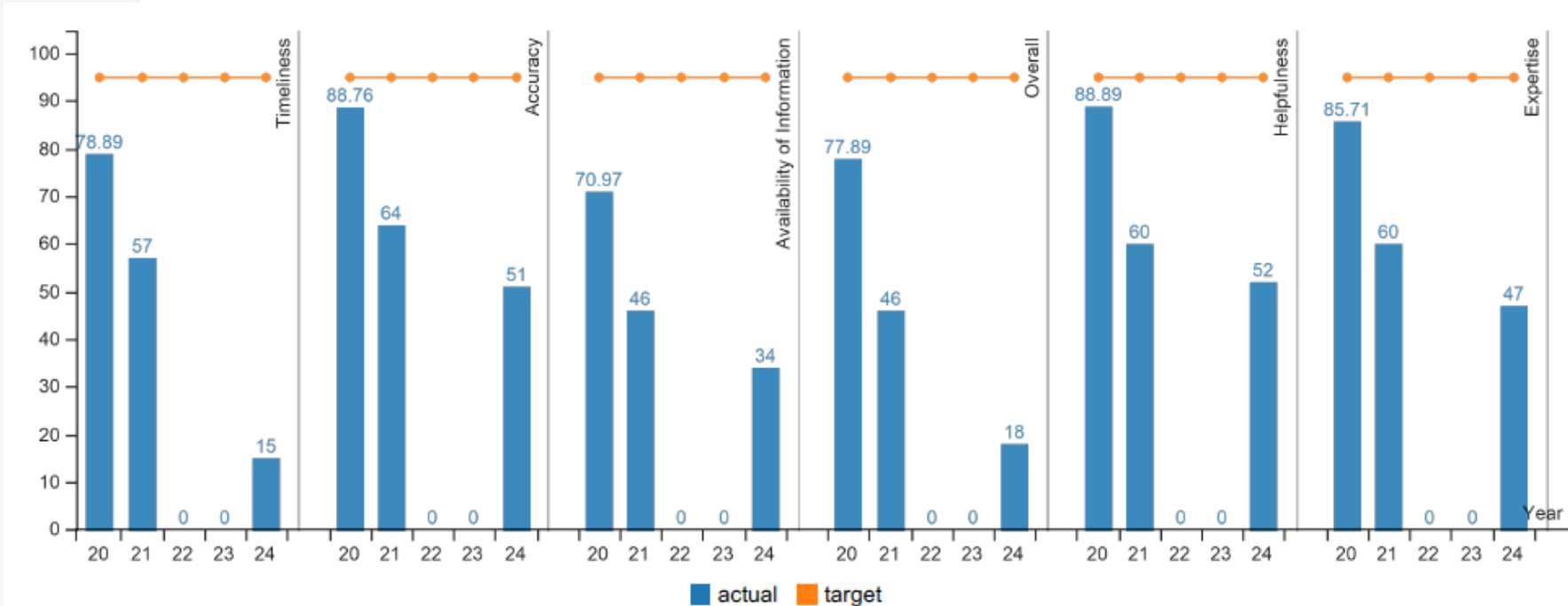
Median number of days to file opening brief.

**i**  
Outcomes for this measure have remained consistent, despite increasing caseloads.



# KPM #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.



**i** In 2024, all stakeholders were provided a link to complete the survey. No survey was conducted in 2022 and 2023.



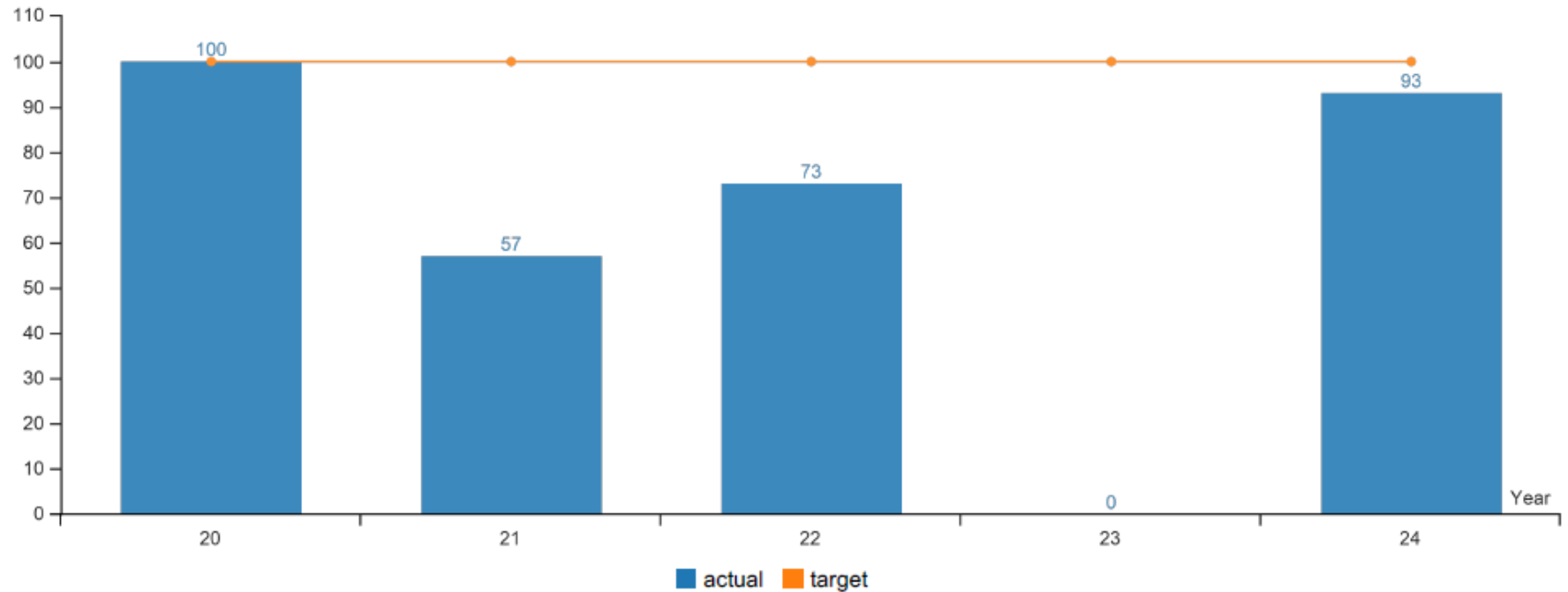
# KPM #3 – Best Practices for Boards and Commissions

i

The 2024 survey was conducted during the transition to the new Commission structure. This may have caused confusion in the way respondents provided information.

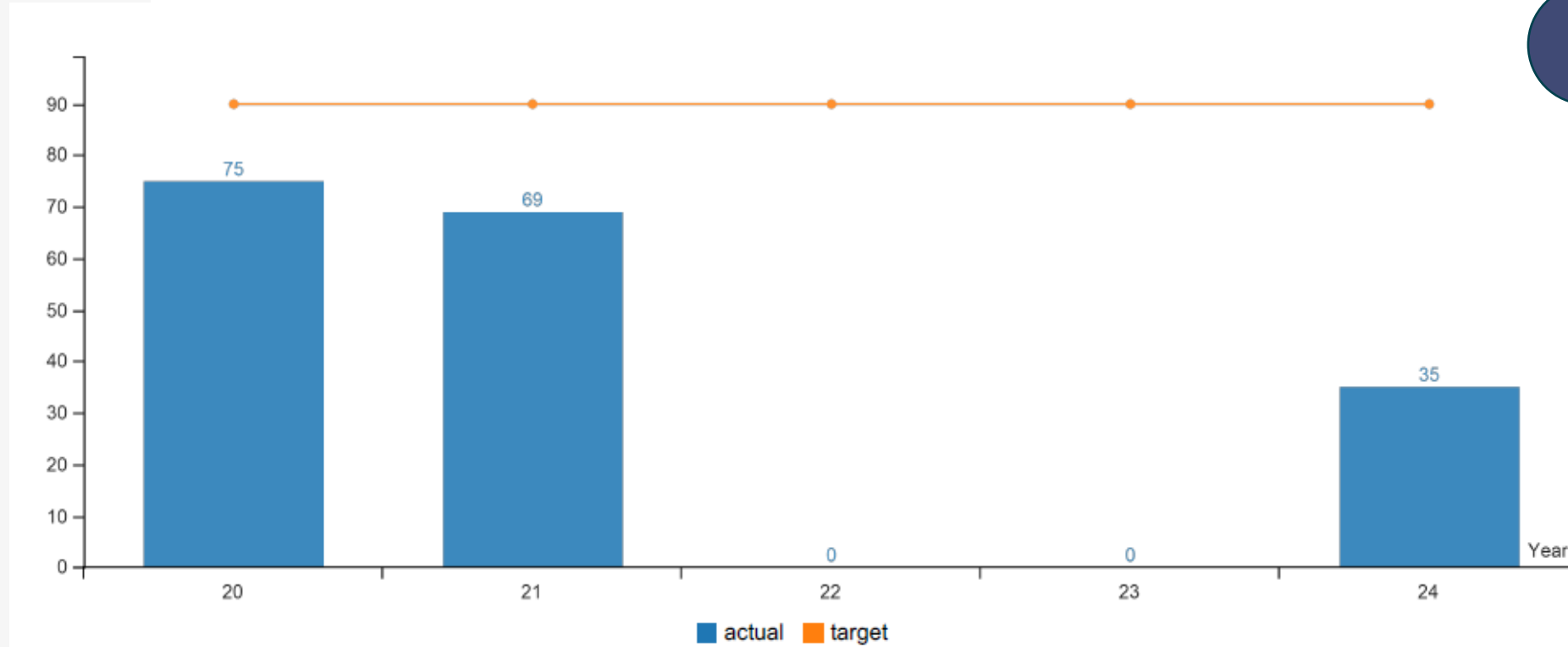
No survey was conducted in 2023.

Percentage of total best practices met by Commission.



# KPM #4 – Trial Level Representation

During the term of the OPDC 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.



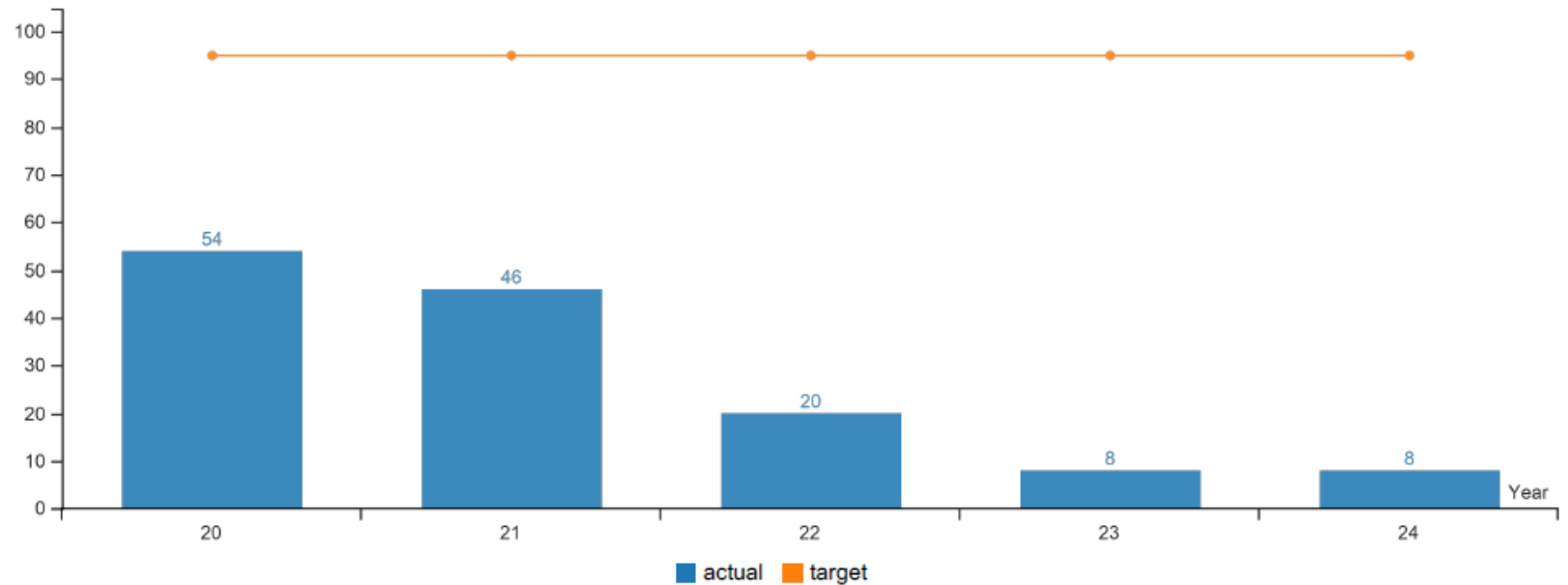
**i** There is currently a discrepancy between the KPM measurement and contract language. The KPM refers to CLE per year, and the contract language refers to CLE per 2-year contract cycle. No survey was conducted in 2022 or 2023.

# KPM #5 – Parent Child Representation Program

Percent of PCRCP 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.

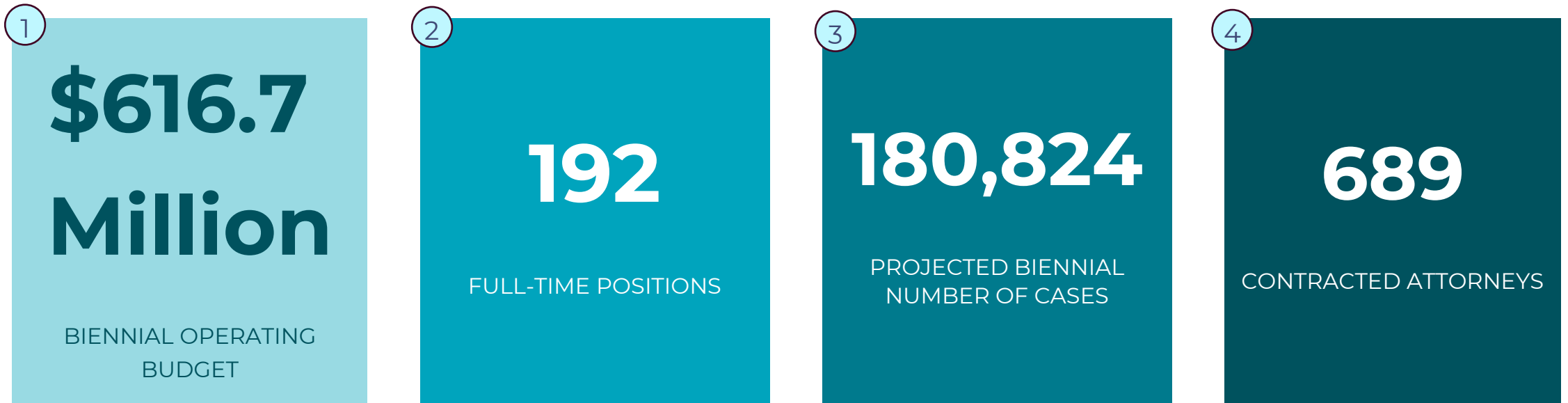


This KPM is impacted by challenges in reporting and data collection.



# **23-25 INVESTMENTS AND REPORTS**

# Agency By the Numbers



<sup>[1]</sup> As of December 31, 2024

<sup>[2]</sup> 163.30 FTE as of December 31, 2024

<sup>[3]</sup> Criminal and Juvenile cases for FY24 and 25 as of the October 2024 forecast

<sup>[4]</sup> Last reported in the November 2024 Comprehensive Public Defense Report

# 2023 Legislative Investments and Results

Investments

01

\$14.7 million increases in hourly rates of pay for attorneys, investigators, and interpreters.

02

\$9.9 million for one-time incentive compensation for the retention of both recently hired contract providers as well as experienced contract providers.

03

8.8% inflation increase to provider contracts.

Results

01

Grown hourly attorney program, resulting in thousands of previously unrepresented cases taken through the hourly program.

02

Turnover within contracts is one of the leading causes of unrepresented persons. Improving retention prevents unrepresented cases. 80% of those surveyed said the incentive payment had an impact on retention.

03

Contracted attorneys are the first layer of public defense. They take cases in the normal course, preventing them from becoming unrepresented. Retaining contractors is essential to ending the crisis.

# 2023 Legislative Investments and Results

Investments

04

\$35,508 contract funds for DAS, Office of Economic Analysis to provide caseload forecasting services.

05

\$4.3 million to establish a pilot program for Trial-Level Appointed Counsel of two regional offices.

06

\$7.9 million for continued funding of a financial and case management system, including the continuation of all FCMS associated limited-duration positions.

Results

04

DAS OEA has produced forecast.

05

The first two offices in Multnomah and Jackson counties allowed PDC to target two regions with high unrepresented numbers.

06

FCMS is an essential piece to building a public defense system that is data-driven and has proper oversight and accountability. FCMS is progressing through stage gate III and has posted an RFP.

# 2023 Legislative Investments and Results

Investments

07

**\$1.6 million to establish eight positions:**

- One LD Program Manager 3/Project Manager (1.00 FTE)
- One OPA 4 (0.75 FTE) and one OPA 3 (0.75 FTE)
- One Deputy General Counsel (0.88 FTE);
- One Accountant 4 (0.50 FTE), one Accountant 1 (0.50 FTE), one Accounting Technician 3 (0.50 FTE), and one Program Analyst 2 (0.50 FTE)

08

\$250,000 to fund a contract to conduct an independent survey and economic analysis on the minimum hourly pay for appointed counsel.

09

\$112,234 to provide compensation for commission members.

Results

07

**Position authority:**

- Position helped achieve a smooth transition to the Executive Branch.
- Positions used to develop policies in alignment with Executive.
- Unfilled.
- Additional accounting staff helped reduce the accounts payable backlog to get us under 45 days to payment

08

Conducted economic survey in alignment with SB 337. This survey was used to create the ARB and, eventually, parts of the GRB.

09

Commission now compensated in alignment with state standards.



# SPAs (millions)

Purpose	Total Available	2024 Allocations	May 2024 E-board	Sept 2024 E-board	Dec 2024 E-board	Total Remaining
Allocated for the transfer of the Public Defense Services Commission to the executive branch.	5	1.23	0.286	0.000	0.000	3.484
Supplemental funding for Adult and Juvenile Trial Division for caseload costs the Commission is unable to mitigate during the interim legislative periods.	3	3	0	0	0	0.000
Expenses related to the unrepresented defendants/persons crisis.	5	5	0	0	0	0.000
Public defense contingency, expenses related to public defense.	6.17	0	0	0	2.45	3.720
Total	19.17	9.23	0.286	0	2.45	7.204

# 2024 Legislative Investments and Results

Investments

01

\$3 million Caseload SPA was appropriated for supplemental caseload costs.

02

\$7.4 million Temporary Hourly Increase Program (THIP) Extension through June 2024:

- \$3.58 million from the Unrepresented Persons SPA
- \$3.82 million for general fund monies

03

\$3.15 million for the state trial office pilot programs:

- \$1.32 million for additional costs to the two initial offices
- \$1.8 million to open a Salem office serving the Mid Willamette Valley

Results

01

OPDC contracted with an additional 10 MAC in high unrepresented crisis areas creating more attorney capacity, allowing for more cases to be taken and preventing unrepresented persons.

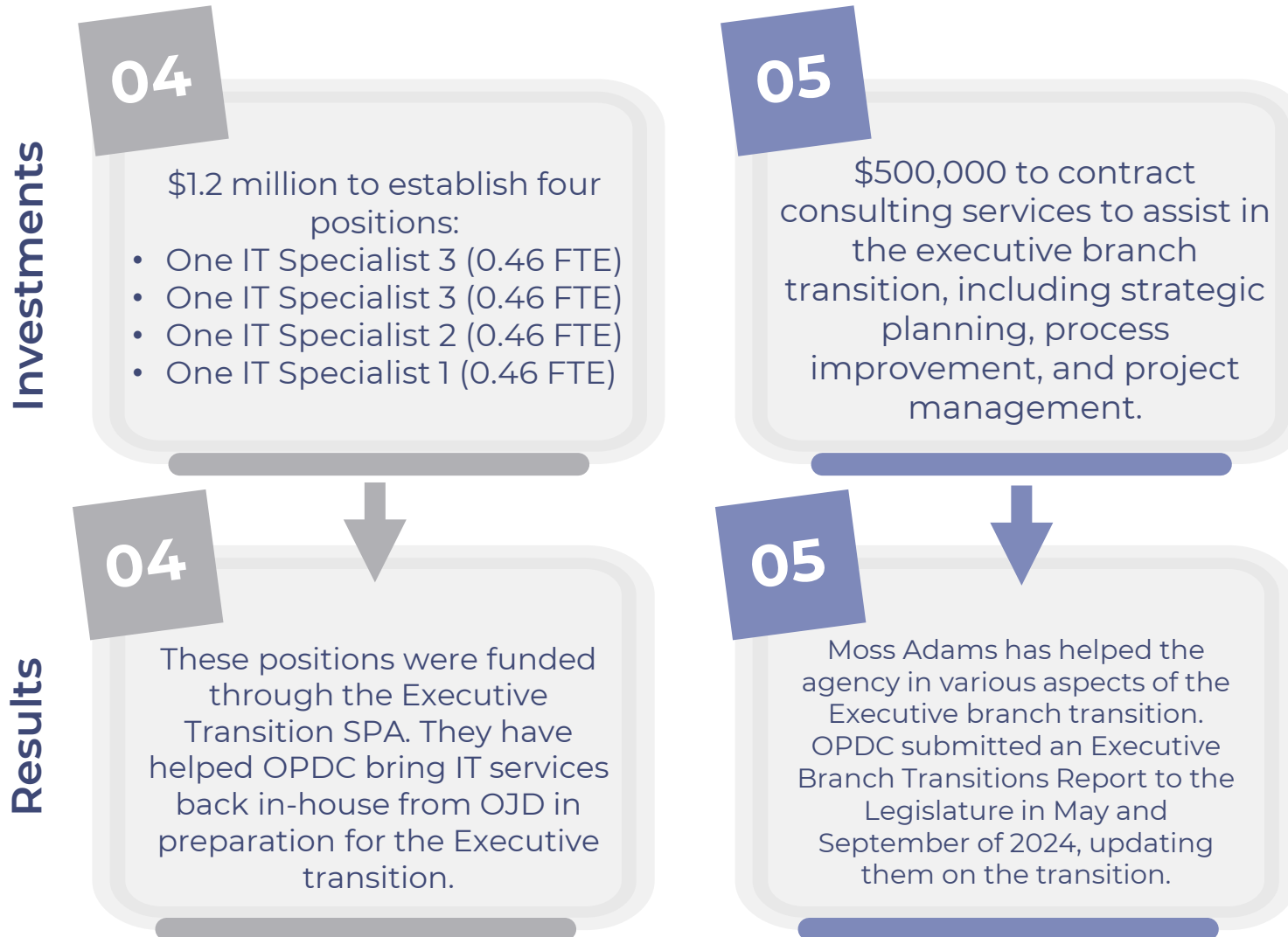
02

OPDC continued THIP through June 2024, allowing in-custody unrepresented cases to receive higher hourly rates. From January 2024 to June 2024, 160 attorneys took 906 cases representing 544 clients.

03

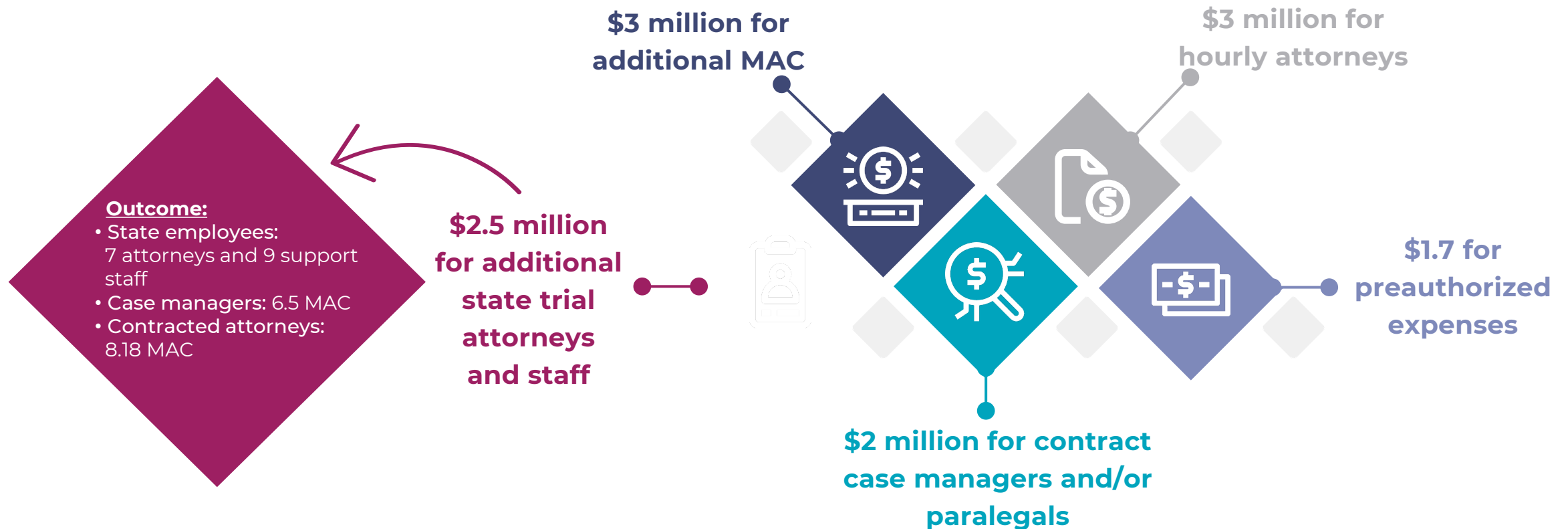
A third trial office was opened in Salem; it is not bound to a specific region, so they have taken cases across the state. Since opening, this office has taken 510 cases representing 340 clients across 12 counties.

# 2024 Legislative Investments and Results



# HB 4002 Investments

OPDC received the following investments to help mitigate the cases resulting from HB 4002:



# AGENCY DIVISIONS

# OPDC Divisions: 23-25 Biennium

## Oregon Public Defense Commission



# OPDC Divisions: 25-27 Biennium

Governor

Oregon Public Defense Commission

Executive  
Division

Compliance,  
Audit, and  
Performance  
Division

Appellate  
Division

Adult  
Trial  
Division

Juvenile  
Trial  
Division

Preauthorized  
Expense

Court  
Mandated  
Expense

Parent Child  
Representation  
Program

Trial  
Representation  
Division

Administrative  
Services  
Division

Special  
Programs,  
Contracts  
and  
Distributions

## AGENCY DIVISIONS

# Executive Division



- Leadership and Oversight
- Agency Governance
- Oversees Operations
- Commission support to develop Vision, Goals & Objectives
- Strategic Planning
- Legislative Reporting



# Executive

## Administration

Agency direction

Internal audits

Policy prioritization

Implement  
Commission priorities

## Communications and Legislative

21 Legislative reports  
since July 2023

Regular newsletters

Improved  
transparency

## Commission Operations

Works with  
Commission

23 Commission  
meetings

Numerous  
subcommittee and  
workgroup meetings

# Executive Division Investments

The Executive Division has realized a critical need for policy development and administrative support to ensure the continuation of positive momentum as the agency moves forward.

The division needs the following positions:

One (1)  
Operations and  
Policy Analyst 3  
for agency  
initiatives.

One (1)  
Manager 4:  
Chief of Staff

One (1)  
Operations and  
Policy Analyst 4  
for Statewide  
policy initiatives,  
executive  
projects

One (1)  
Executive  
Assistant for  
division level  
admin support.

## AGENCY DIVISIONS

# Compliance, Audit, and Performance Division

Positions  
20

FTE  
17.67

- Establishes best practices for Oregon public defense programs, including qualification and performance standards.
- Leads agency stakeholder engagement.
- Develops and manages internal procedures to ensure compliance with policies and requirements.
- 5204 (2024) provided funding and 18 permanent positions (MAC)
- SB 5701 (2024) Funded the positions to support training and certification, as well as hourly attorney assignments for the unrepresented crisis.
- September 2024 E-Board authorized 2 limited duration positions to coordinate hourly providers.

## AGENCY DIVISIONS

# Compliance, Audit & Performance

Created in 2021, the Compliance, Audit and Performance (CAP) Division is responsible for compliance and standards. CAP is divided into three sections:

01

### COMPLIANCE: SERVICE DELIVERY

Serves as the provider relations section of OPDC, including handling complaints and monitoring contract outcomes.



02

### AUDIT: POLICY, DATA, AND AUDITING

Develops and manages agency administrative rules, policies, and procedures, collects and reports agency data, and works with the internal auditors to ensure compliance and accountability.



03

### PERFORMANCE: TRAINING SERVICES AND DEVELOPMENT

Defines roles, qualification standards, and performance standards for core staff providing public defense services in Oregon, as well as the process for developing these standards.



Compliance and Performance are combined internally as Trial Support and Development (TSD).

# CAP – Policy, Data and Auditing



# CAP Policy – Accomplishments

Completed agency-wide policy inventory.

Led agency-wide stakeholder engagement efforts.

Working to adopt and implement all Department of Administrative (DAS) policies.

Completed 23 policies in 2024 (policy analysts hired in May and July of 2024).

Aligned policy and process organization with ORBITS structure.

Launched customer service focused records request website, along with streamlining of internal processes and tracking of records requests.

Created Oregon Administrative Rule (OAR) structure and filed authority with Secretary of State.

# CAP Data – Accomplishments

Completed 256 data requests in 2024.

Created and launched first public facing dashboard.

Held data focused "office hours" for stakeholders.

Contract database now tracks historical attorney records, allowing for reporting of capacity, and centralizes all contracts records and performance data.

Developed new data set and Power BI dashboards to monitor the work of Trial Division attorneys and contractors.

Utilize dashboard metrics to inform process improvement and efficiency, both internally and externally.

Enhanced data integrity through quality control processes and monitoring of monthly caseload reporting.

Increased information provided to leadership to support data-drive decisions.

# CAP Audits – Accomplishments

Developed 3-year audit plan to include review of contracts, program performance, data and research, and client complaints.

Established Audit Sub-Committee in 2022 and finalized the charter documents in 2024.



# CAP – Vulnerabilities

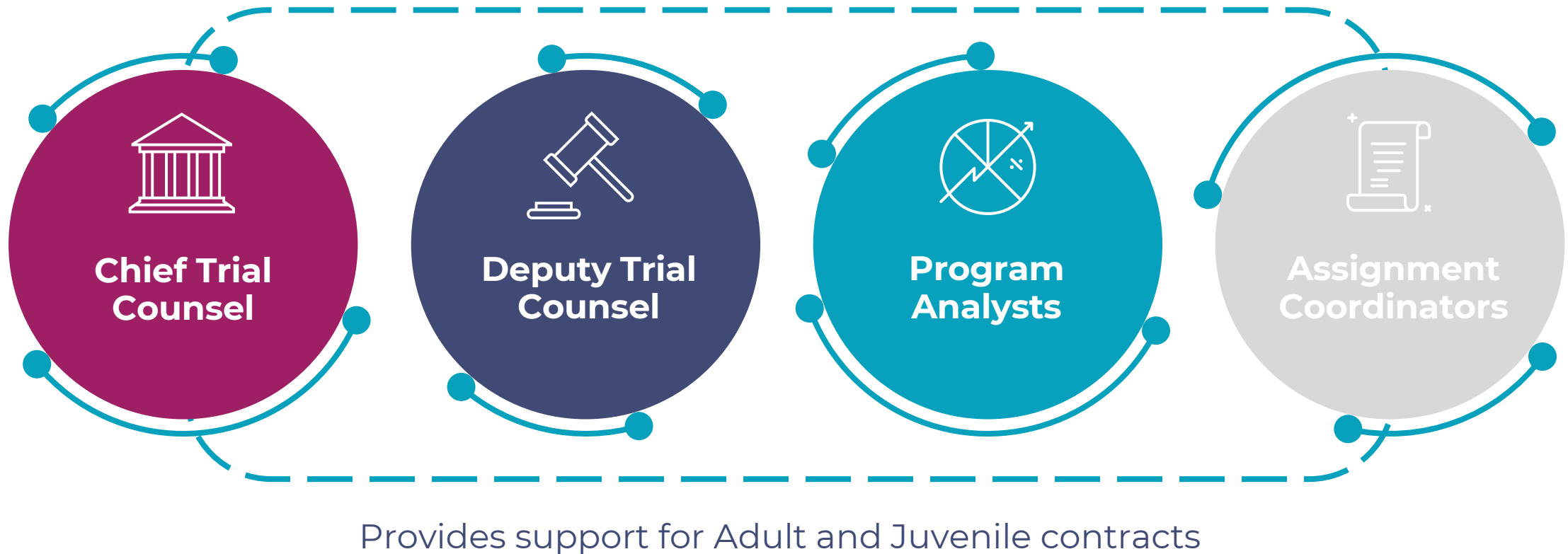
## For the Policy Team:

- Limited staff make transitioning to Executive Branch a challenge, specifically around policy alignment, Oregon Administrative Rules, and public records
- Records retention has not historically been a focus for the agency. There is limited technology to support records management, and limited infrastructure in place.

## For the Data and Research Team:

- An increase in data needs, specifically for audits, contract monitoring, public awareness, and reporting outcomes is a challenge with currently budgeted positions.
- Contractor reporting has limited detail, making data and monitoring a challenge.
- Reporting is currently quantitative, with little qualitative information.

# CAP – Trial Support and Development: Provider Support and Training



# CAP - Trial Support and Development



# CAP Investments

The CAP Division has relied on limited-duration positions to meet the needs of the unrepresented crisis coordination. The division has also found that the addition of policy staff and a Research Manager will help the agency further its mission.

The division has identified a need for the following positions:

One  
Operations and  
Policy Analyst 3  
to develop  
agency policy

One  
Operations and  
Policy Analyst 4  
to develop  
statewide  
policy

One Manager  
3: Research  
Manager

Two Operations  
and Policy  
Analysts to  
continue CAP  
Coordinator  
position work for  
hourly programs.

## AGENCY DIVISIONS

# Appellate Division

Positions  
58

FTE  
57.80

- Provides constitutionally and statutorily mandated representation to financially eligible individuals in criminal, parole, juvenile delinquency, juvenile dependency, and termination of parental rights cases on appeal or judicial review.
- Direct representation by attorney professionals and legal support staff employed by OPDC in the Criminal Appellate Section and the Juvenile Appellate Section.
- State-employed attorneys have represented indigent criminal defendants in the Oregon Supreme Court & Court of Appeals for over 60 years.
- Established in 2007, the Juvenile Appellate Section represents parents in juvenile dependency and termination of parental rights cases.

## AGENCY DIVISIONS

# Adult Trial Division

Positions  
47

FTE  
31.30

- The Adult Trial Division, through contracts, provides services for representation for financially eligible individuals in eligible cases, including post conviction relief and habeas corpus proceedings, as well as civil commitment and other mental health cases.
- Legal Representation for: Criminal Trial, Post-Conviction Relief, Habeas Corpus, Civil Commitment, Appeals, and Specialty Programs (Forensic Justice Project, Immigrant Rights Project, Veterans Court, Drug and Mental Health Courts)
- SB 337 (2023) provided funding and staff to establish two pilot programs to create state public defender offices in southern Oregon and the Portland Metropolitan area.
- SB 5701 (2024) provided funding and staff to establish and additional public defender office in central valley.
- HB 5204 (2024) provided additional attorneys and staff to the three pilot offices in response to the anticipated need associated with HB 4002 (2024) changes.

# Juvenile Trial Division

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- The Juvenile Trial Division, through contracts, provides trial-level representation of financially eligible parents, children, and youth.
- Case types provided include:
  - Juvenile dependence,
  - Termination of parental rights,
  - Juvenile delinquency,
  - Contested adoption cases.
- Also provides guardians ad litem for parents who need additional supports due to a disability that prevents them from understanding or assisting counsel.

# Pre-Authorized Expenses Division

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- Persons determined to be eligible for court-appointed counsel are entitled to necessary and reasonable fees and expenses for investigation, preparation, and presentation of the case for trial, negotiation, and sentencing. This includes persons who are pro se or have retained counsel but who are found by the court to be financially eligible for appointed counsel. The Pre-Authorized Expense Unit receives and processes these requests.
- The Preauthorized Expenses Division funds "reasonable and necessary" public defense related case costs, including transcriptionists, investigators, interpreters, mitigators, social workers, psychologists, polygraph examiners, and forensic experts, such as firearm experts, arson experts, deoxyribonucleic acid (DNA) experts, and medical experts.
- SB 5701 (2024), HB 5204 (2024) allocated additional funds in response to the unrepresented persons crisis.



# Court Mandated Expenses Division

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- The Court Mandated Expenses Division funds trial and appellate representation for the provision of attorney services not funded through a normal provider contract.
- Additionally, the Division provides funding for expenses associated with discovery, interpreter services, medical, school, Oregon Department of Transportation - Department of Motor Vehicles, and other similar records (up to \$300), 911 recordings and Emergency Communication Recording Logs, telephone charges, photocopying and scanning, facsimile charges, routine mileage and parking, postage, service of process; and the payment of lay witness and mileage.
- SB 5701 (2024), HB 5204 (2024) & the December 2024 Emergency board allocated additional funds in response to the unrepresented persons crisis.

# Parent Child Representation Program

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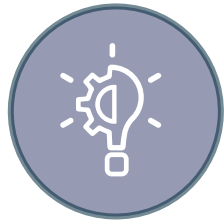
- The Parent Child Representation Program provides for trial level representation of financially eligible parents, children, and youth.
- Cases covered include:
  - Juvenile dependency,
  - Termination of parental rights,
  - Juvenile delinquency,
  - Contested adoption cases.
- Also provides guardians ad litem for parents, as necessary.

# Administrative Services Division

The Administrative Services Division provides agency-wide administrative support and central services for the operation administration of the agency. The Division includes the following sections to support the delivery of public defense services:



**HUMAN  
RESOURCES**



**INFORMATION  
SERVICES, INCLUDING  
THE FCMS PROJECT**



**BUDGET,  
ACCOUNTING,  
ACCOUNTS PAYABLE**



**PROCUREMENT**



**FACILITIES**

## AGENCY DIVISIONS

# Administrative Services Division

Positions 57

FTE 46.90

- The Administrative Services Division is the umbrella division for OPDC's administrative work, and includes the following sections:
  - Human Resources;
  - Information Technology Services
  - Financial and Case Management System
  - Budget
  - Accounts Payable
  - Procurement
  - Facilities
- SB 5701 (2024) provided funding for 6 IT staff positions to support the transition from the Judicial to the Executive Branch.
- May 2024 E-Board provided 2 positions for IT support.
- September 2024 E-Board established 3 permanent positions and reclassified 4 positions to create procurement and contracting staff. It further provided 5 limited durations for IT, pre-authorized expenses, and accounts payable.

# Human Resources



**Core Functions:** Recruitment, classification, compensation, employee relations, leave administration, data and policy, Workday (HRIS) operations, position management, training, and strategic planning



**Compliance & Best Practices:** Ensure adherence to employment laws and policies while fostering an environment that attracts, develops, and retains top talent



**Continuous Improvement:** Identify training and development gaps; reinforce a culture of diversity, equity, and inclusion



**Transition Initiatives:** In alignment with the transition to executive branch, HR is managing and implementing:

- Succession plan
- DEI plan
- New employee orientation (NEO)
- Employee engagement



**Ongoing Commitments:** Affirmative Action Plan, manager training, and performance & accountability feedback plans

# HR Investments

**POP 103 – Direct Representation Investment –  
HR Analyst 3**



HRA3 for Workday and data management, HR policy, classification & compensation, position management, and employee engagement (maintains current service level)

Fixes current overfill on HRA2 allowing this position to be used as a dedicated recruiter for the significant growth of the Trial Division

**POP 106 – Robust Agency Investment –  
HR Analyst 3**



HRA3 for employee and labor relations, DEI initiatives, employee/manager learning & development, and bargaining (maintains current service level)

Provides dedicated budget for currently non-budgeted HRA3 performing these vital functions

# Information Technology Services

## Our Goals

## Biggest Accomplishments



**Fill Critical IT Positions**



Filled IT Leadership, Infrastructure, Data Team, Project Management, and Service Desk Positions



**Complete IT Executive Branch Transition**



Completed OPDC/OJD IT Transition 1/23/2025



**Execute IT Project Governance on Financial Case Management System (FCMS)**



FCMS Stage Gate 1 completed on 7/11/2024  
FCMS Stage Gate 2 completed on 10/14/2024  
FCMS Stage Gate 3 is in process

## AGENCY DIVISIONS

# ITS

Operates, maintains, and secures all OPDC IT infrastructure in collaboration with the state data center and EIS.

**Infrastructure Operations**

**Data Management**

Develops data strategy, ensuring integrity, security, availability.

**Office of the CIO**

Directs development of IT strategy and enterprise architectures.

**Service Desk**

Provides IT support for incidents, service requests, and change management.

**Project Management**

Provides project management and business analysis services.

IT Satisfaction Scorecard : Seniority Level Report / Oregon Public Defense Commission

# IT Satisfaction Scorecard



2024 CIO Business Vision Survey Results



# ITS: Modernizing OPDC

## Four Key Elements:

**1**

**Create a Baseline**

Start with a comprehensive understanding of agency portfolio

**3**

**Build a Roadmap**

Create an architecture and integrated portfolio

**2**

**Define a Strategy**

Develop strategy based on business requirements

**4**

**Implement Structured Initiatives**

Achieve success through structured initiatives

# ITS Transition

3/2024 - 1/2025 Completed

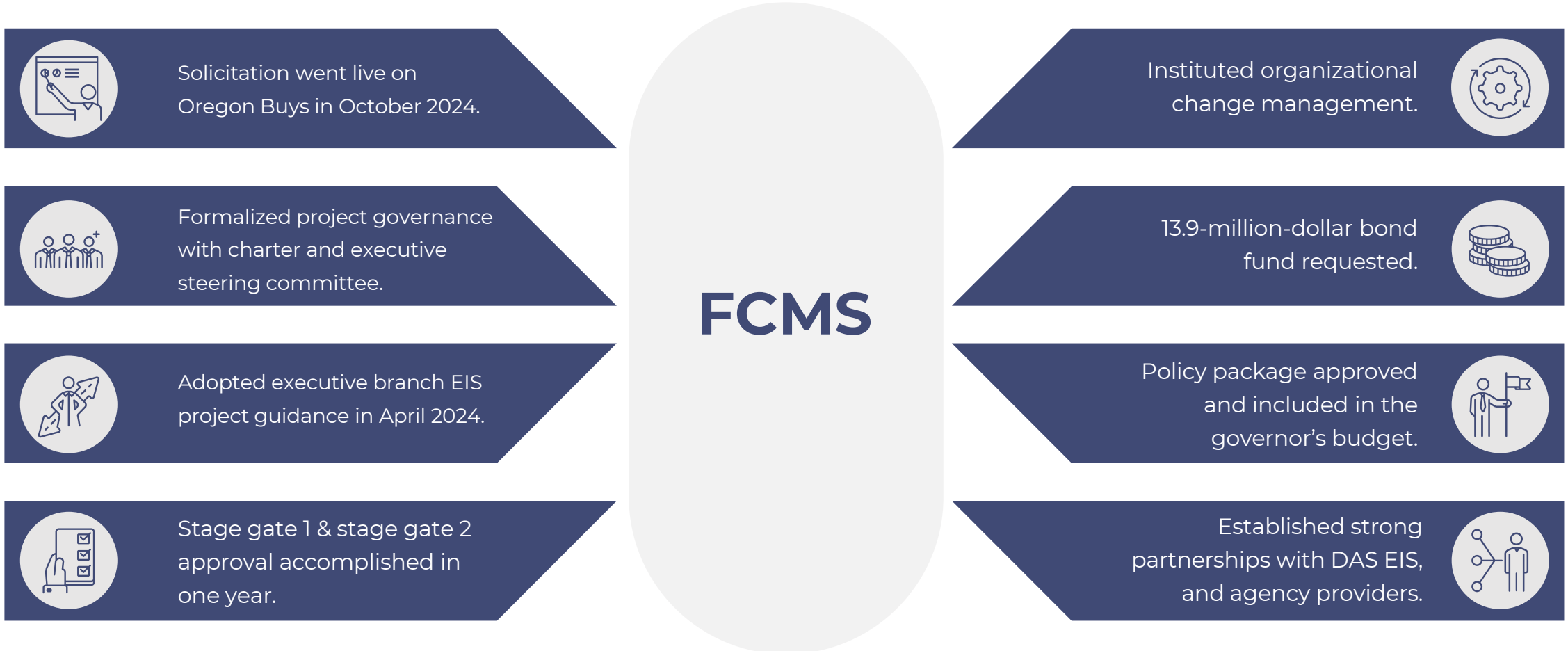
## Agency information technology

- LAN infrastructure and administration
- Server administration
- M365 tenant co-management
- Endpoint Administration (desktop, mobile)
- Data services (SQL, Power BI, DWH)
- Web services (Nintex, SharePoint, SaaS)
- Service ticket management

## Enterprise Information Services (EIS)

- WAN infrastructure and administration
- Network security
- M365 tenant oversight and co-management
- Server hosting
- Server/Data backup
- Secure remote access (virtual private networks)

# ITS FCMS- High Level Overview



# IT Investments

IT has relied on limited-duration positions to move forward with FCMS project. The positions are will need to continued and made permanent as the need and duties will not end with the project.

IT has identified the following positions as critical to the success of FCMS project and to complete the transition to the Executive Branch:

<p><b>ITS4: System Architect</b> 1.0 FTE This resource is needed to continue the architect work for the project.</p>	<p><b>OPA3: Project Manager (x2)</b> 2.0 FTE Project managers are needed to continue project management of FCMS.</p>	<p><b>OPA2: Business Analyst (x2)</b> 2.0 FTE Business analysts will write required project documents for DAS. They will also be the primary resources to manage FCMS after the project is complete.</p>	<p><b>ITS2: Systems Analyst</b> 1.0 FTE A systems analyst will contribute significantly to the development and testing phase of the project. Long-term, the position will serve as a key resource for maintaining the FCMS system for OPDC.</p>	<p><b>ITS2: Data Analyst</b> 1.0 FTE The data analyst will oversee the data migration work, which is critical to this project. Long-term, they will be a critical technical resource to manage data needs as they arise in the agency.</p>	<p><b>Manager 3: Chief Data Officer</b> 1.0 FTE The chief data officer will build a foundation for data management and data integrity at OPDC, which is critical to its long-term success as an agency.</p>
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## AGENCY DIVISIONS

# Budget / Accounting

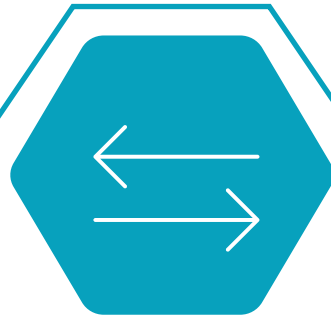
## Recent Accomplishments



Earned the Annual Comprehensive Financial Report (ACFR) Gold Star for the past nine consecutive years.



Earned the statewide accounts receivable management (SWARM) honor roll award for the last five years.



Transitioned to Oregon Buys for procurement-related activities and payments.



Government Accounting Standards Board (GASB) compliance.



The Secretary of State offered an unqualified opinion, a testament to strong financial controls at the agency.



Hired an additional accountant in August 2024.

## AGENCY DIVISIONS

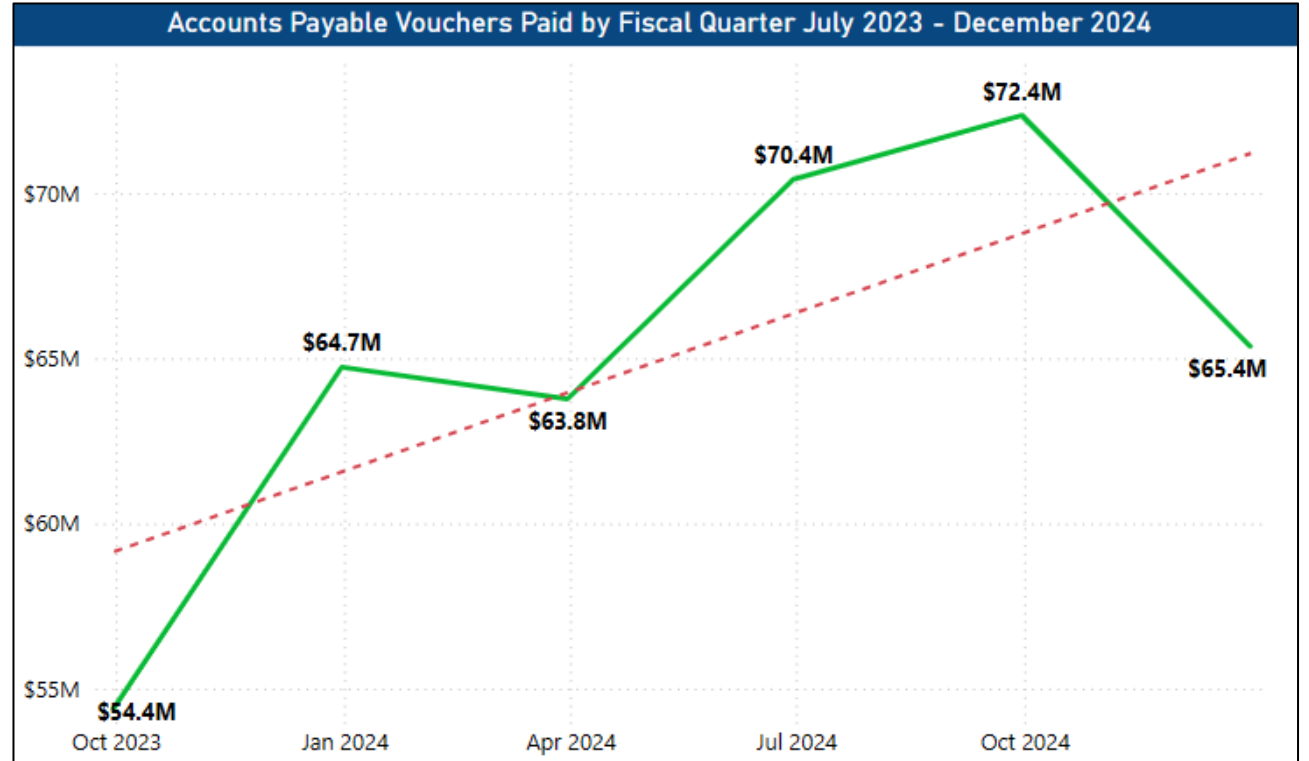
# Accounts Payable

**Goal:** Generate payments to providers in an accurate and timely manner, while being compliant with agency policy, GAAP, and the Oregon Accounting Manual.

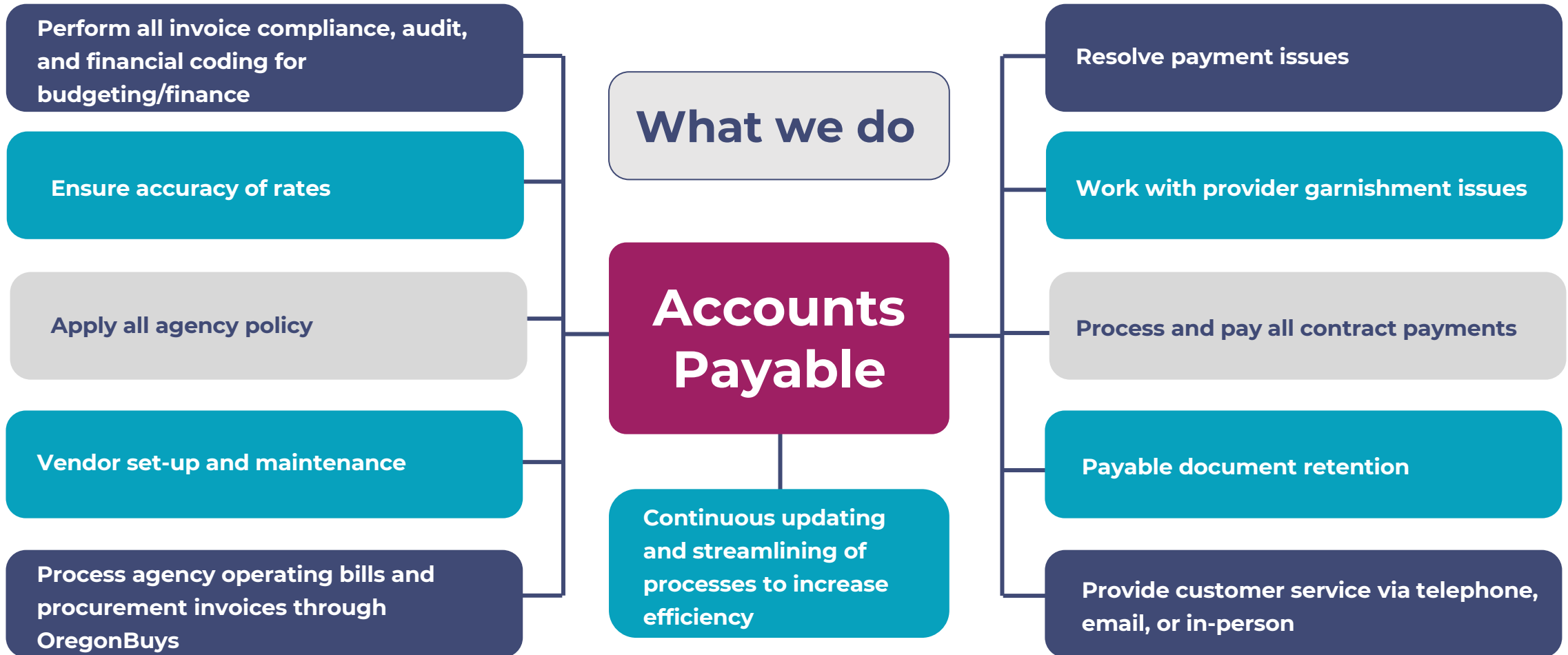
We recognize and are mindful of our responsibilities with the funds we've been provided to carry out our work successfully.

### Changes in AP in AY25

- Increased staffing from 10 full time to 14 full time, as of December 2024;
- Converted from a full paper-reliant work model to be completely paperless, June 2024;
- Hybrid remote work for staff becomes available.



# Accounts Payable



# Office of Procurement

08/2024 - 02/2025

## **Established the OPDC Office of Procurement:**

- Chief Procurement Officer position filled December 2024
- 3 procurement analyst positions recruited February 2025

## **Established OPDC Procurement Policies:**

- Proposed policies to align with Dept of Administrative Services / Executive Branch

## **Published a Request for Proposals for a Financial/ Case Management System:**

- Complied with Executive Branch requirements prior to transition:
  - Public Contracting Code
  - Attorney General Model Rules of Procurement
  - Dept of Justice approval to release
  - Dept of Administrative Services / Enterprise Information Services StageGate2 approval



# Office of Procurement

12/2024 - 02/2025

## **Transition to Executive Branch; Public Contracting Code/Dept of Justice:**

- Partnered with Dept of Administrative Services and Dept of Justice to align OPDC's public defense attorney and related services contracting processes with Executive Branch Public Contracting Code and legal review requirements
  - Developed a Special Procurement for Dept of Administrative Services Approval
  - Approved by the Dept of Justice
- Developed an amendment to add Executive Branch public contract requirements to all existing attorney services contracts; Approved by the Dept of Justice
- Streamlined Executive Branch legal sufficiency approval requirement for public defense attorney contracts/amendments; developed models for one-time pre-approval
  - Reduces processing time, staff workload, and DOJ legal services budget
  - Increases efficiency; promotes consistency and equity among contracts

# Facilities

## NEW PROJECTS

- Opened three new Trial Division offices across the state.
- Remodeled the Central Business Office in Salem to accommodate the Central Trial Division.
- Collaborated with other agencies to repurpose office furniture, supporting our expansion while aligning with their consolidation efforts.
- Established an initial agency fleet of 14 vehicles.
- Partnering with OJD and various counties to ensure OPDC has a functional workspace in all new county courthouse projects.

## POLICY AND SAFETY

- Created OPDC's formal office safety program.
- Implemented measures to enhance office security and access.
- Developed and adapted new facility policies focused on improving efficiency, reducing risk and aligning with the Executive Branch.

## ONGOING

- Developing and exercising continuous improvement methods into maintenance and daily operations.
- Standardized the agency use of Oregon Buys for purchasing all office supplies and building contracted services.

# Finance Investments

The Finance Division has relied on limited-duration positions to manage the PAE and CME programs, approve expenses and pay invoices in a timely manner.

The division needs the following positions:

One Accountant 2 & one Fiscal Analyst 2 for the needs of the growing state trial division.

One Manager 3 in our preauthorized expenses & court-mandated expenses programs.

One Manager 3 in our budget & accounting sections.

One Accountant 2 to aid the accounting section as demands and workload increase beyond capacity.

Three Accountant 3 positions to support our compliance, audit & performance division.

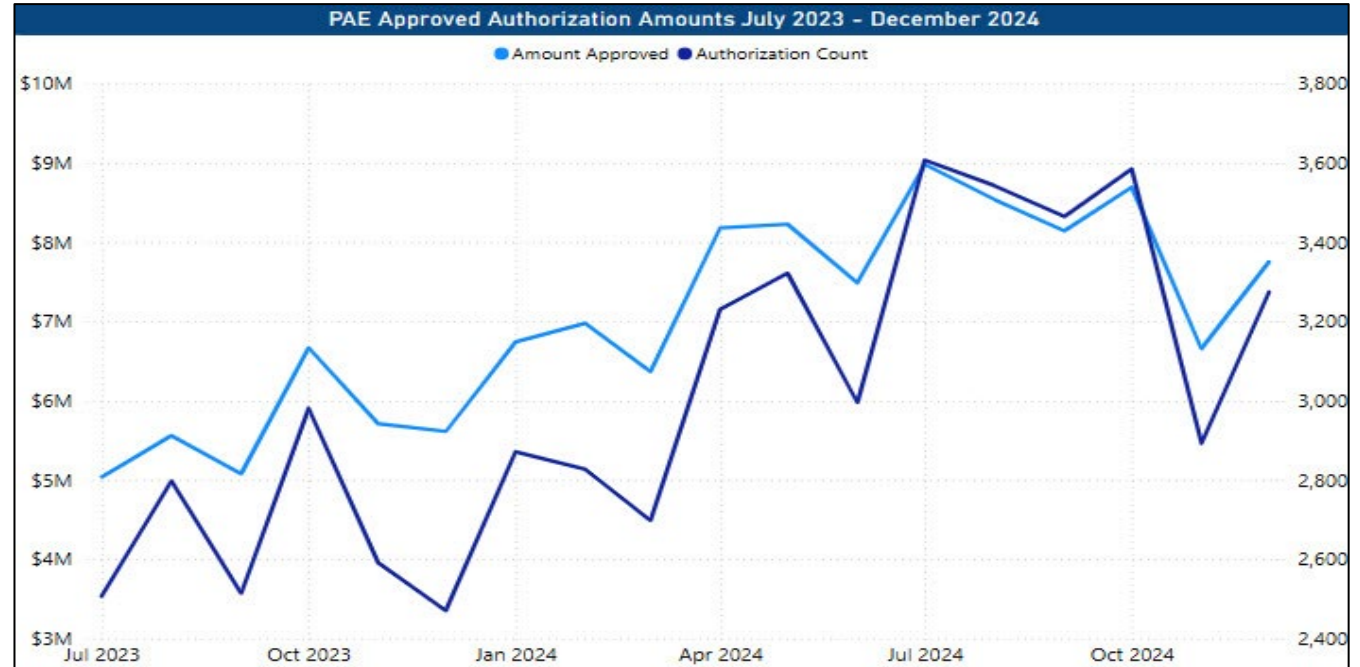
One Fiscal Analyst 3 to develop forecasts & focus on our court-mandated & preauthorized expenses programs.

## AGENCY DIVISIONS

# Pre-Authorized Expenses

This division funds costs that include:

- Transcriptionists
- Investigators
- Interpreters
- Mitigators
- Social workers
- Psychologists
- Polygraph examiners
- Forensic experts such as firearm, arson, DNA & medical experts



# Special Programs, Contracts, and Distributions Division

The Special Programs, Contracts, and Distributions Division contains specialty programs and funding for the purposes of transparent budgeting.

23-25 Programs funded through SPCD:

- County discovery reimbursement,
- The payment of guardianship services by contract with Disability Rights Oregon (\$1.5 million)
- The funding for the law school collaboration (HB 5204 (2024) \$2.1 million).
- Disbursement of Byrne Grant funding (\$1 million, Other Funds) .
- Contractor to assist Commission transition from Judicial to Executive Branch. (SB 5701 (2024) \$500,000).

**FORECAST**

# Public Defense Services Forecast

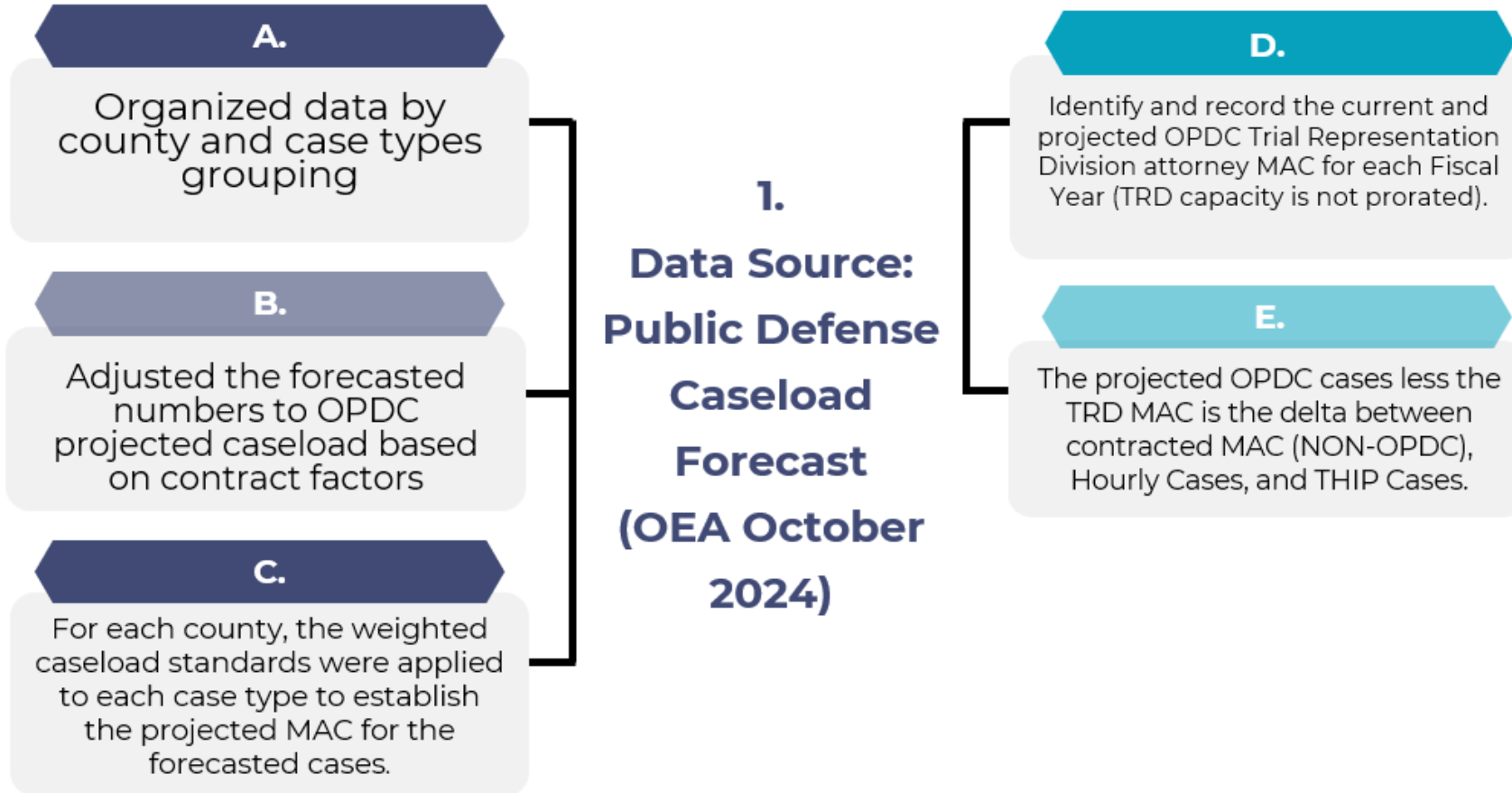
**Analysis of Eligible Cases Forecast for Attorney Fees By Service Delivery for Fiscal Years 2026 and 2027.** Support services, expert services, and overhead is not considered in this analysis. This analysis represents a portion of the agency's budget for Public Defense Services.

OEA's October 2024 forecast of cases eligible for court appointed counsel was adjusted for contracting factors. Caseload weighted standards were applied to the county adjusted forecast to calculate attorney MAC. Trial Representation MAC applied to current offices and projected offices. Remaining caseload and MAC were apportioned to the proxy for cases reported by contractors, case reported by the standard hourly program, and cases reported by the Temporary Hourly Increased Program.

The agency will utilize this methodology for the April 2025 forecast of public defense caseload. The percentage change from October 2024 to April 2025 will be applied accordingly to court mandated expense and preauthorized expense programs for instate travel, professional services, and other program related services and supplies.

## FORECAST

# Prep



**2. Data Source:**  
OPDC cases reported by service delivery from the past 18 months.

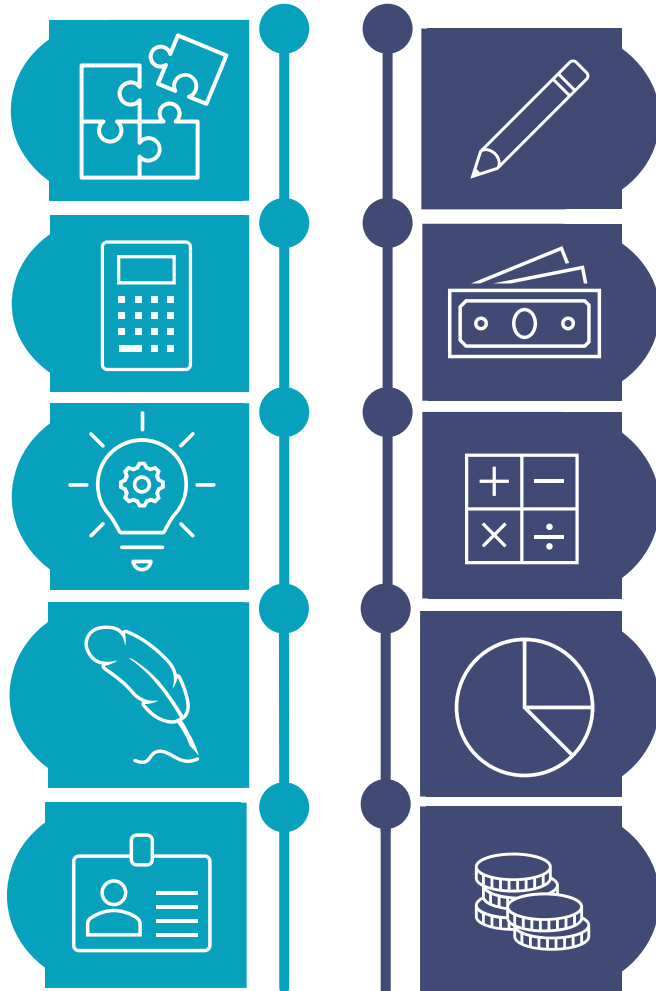
**Analysis:**  
Determine the ratio of case types reported by contractors, standard hourly program, and THIP.



## FORECAST

# Prep

- 3.**  
Apply the ratio of cases reported by adult criminal contractors, juvenile contractors, appeals contractors; and the number of hourly cases billed, and the number of THIP cases billed.
- 4.**  
Calculate Supervision MAC ratio of 4:1 at Attorney Level 4
- 5.**  
Account for Existing Investigation FTE
- 6.**  
Establish Attorney Rates for contractors (current rates)
- 7.**  
Establish TRD rates, Deputy Defender and Senior Deputy Defender
- 8.**  
Establish Parent Child Representation Program attorney rate (current rate).
- 9.**  
Establish case cost for attorney fees for standard hourly cases and THIP cases.
- 10.**  
Apportion projected contracted MAC to proxy/current contracted attorney MAC/Levels.
- 11.**  
Apportion established percentage of cases (Standard & THIP) based upon proxy of 18-month cases reported.
- 12.**  
Calculate cost for each service delivery type for each fiscal year.



# How We Are Applying the Forecast



12.

Calculate cost for each service delivery type for each fiscal year.

October 2024 Forecasted Service Delivery for Projected Attorney Fees for Cases Eligible for Court Appointed Counsel								
		<i>OPDC-TRD MAC</i>	<i>OPDC-TRD Cost</i>	<i>Contracted MAC</i>	<i>Contracted Cost</i>	<i>Standard Hourly Cases</i>	<i>THIP Hourly Cases</i>	
<b>FY 26</b>	<b>Criminal</b>	38.00	10,156,714	300.32	78,820,594	5,744,494	16,694,920	111,416,722
	<b>Juvenile</b>			120.77	30,462,763	2,055,880	8,364	32,527,007
	<b>PCRP</b>			53.38	13,280,849			13,280,849
	<b>Appellate &amp; PSRB</b>			11.85	3,021,057	1,239,030		4,260,087
<b>FY26 Total</b>		<b>38.00</b>	<b>10,156,714</b>	<b>486.32</b>	<b>125,585,264</b>	<b>9,039,404</b>	<b>16,703,284</b>	<b>161,484,665</b>
<b>FY 27</b>	<b>Criminal</b>	58.00	15,440,134	310.43	81,332,943	15,848,506		112,621,584
	<b>Juvenile</b>			121.40	30,619,655	2,672,644		33,292,299
	<b>PCRP</b>			53.81	13,387,478			13,387,478
	<b>Appellate &amp; PSRB</b>			11.85	3,021,057	1,239,030		4,260,087
<b>FY 27 Total</b>		<b>58.00</b>	<b>15,440,134</b>	<b>497.49</b>	<b>128,361,134</b>	<b>19,760,181</b>	<b>-</b>	<b>163,561,448</b>
<b>2025-27 Total</b>		<b>96.00</b>	<b>25,596,848</b>	<b>983.80</b>	<b>253,946,397</b>	<b>28,799,585</b>	<b>16,703,284</b>	<b>325,046,114</b>

# Issues to Consider

The forecast predicts the number of new eligible cases for court-appointed counsel, but it is not the sole factor in creating a sustainable public defense system. It serves as the basis for determining the Maximum Attorney Caseload (MAC). However, several factors influence and impact MAC under contract.

The forecast **DOES NOT** consider:

- Current or ongoing cases in the system
- Workload and ethical capacity
- Reassignment of cases due to protected leave, attorney departures from public defense, or employment changes
- Adjustments to new attorney caseloads to account for training and experience

# **BUDGET DRIVERS, RISKS, AND CHALLENGES**

# Drivers

Oregon's public defense system recognizes several budget drivers that influence its financial needs:

	<p><b>Workforce Shortage</b></p> <p>The state requires approximately 500 additional public defenders to meet its obligations, leading to increased costs for recruitment and retention.</p> <p><b>01</b></p>		<p><b>Compliance and Performance Standards</b></p> <p>Implementing best practices and maintaining high-quality representation require investments in training, auditing, and performance evaluations.</p> <p><b>04</b></p>
	<p><b>Caseload Increases</b></p> <p>Rising numbers of cases, including new crimes and complex legal matters, demand more resources and personnel.</p> <p><b>02</b></p>		<p><b>Technological Advancements</b></p> <p>Upgrading financial and case management systems to modernize operations and improve efficiency.</p> <p><b>05</b></p>
	<p><b>Support Services</b></p> <p>Enhancing support staff, such as investigators and case managers, is essential to reduce attorney workloads and improve case outcomes.</p> <p><b>03</b></p>		<p><b>Legislative Mandates</b></p> <p>New laws and policies, such as the recriminalization of drug possession, can increase case volumes and necessitate additional resources.</p> <p><b>06</b></p>

Addressing these drivers is crucial for ensuring effective and timely public defense services in Oregon.

# Risks and Challenges

Oregon's public defense system faces these budget risks and challenges:



**Unrepresented Programs, Lack of Representation**



**Inflation Increases for Rates**



**Loss of Federal Funds**



**Stabilization of Funding**



**Increased Caseloads**

**Thank you**



# Oregon Public Defense Commission

**Budget Presentation**

March 18, 2025

**Jessica Kampfe, Executive Director**

**Susan Mandiberg, Co-Chair**







# Presentation Content

## Day 1

- Agency Overview
- History of Public Defense
- Strategic Plan and KPM
- 23-25 Investments and Reports
- Agency Divisions
- Forecast
- Budget Drivers, Risks, and Challenges

## Day 2

- Governor's Recommended Budget
- Trial Representation
- Adult Criminal Division
- Juvenile Division
- Parent Child Representation Program Division
- Appellate Division

## Day 3

- Unrepresented Individuals
- Hourly Providers
- Preauthorized Expenses
- Court Mandated Expenses
- Special Contracts, Programs, Distributions
- Financial Case Management System

**GOVERNOR'S  
RECOMMENDED BUDGET**

# Governor's Recommended 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

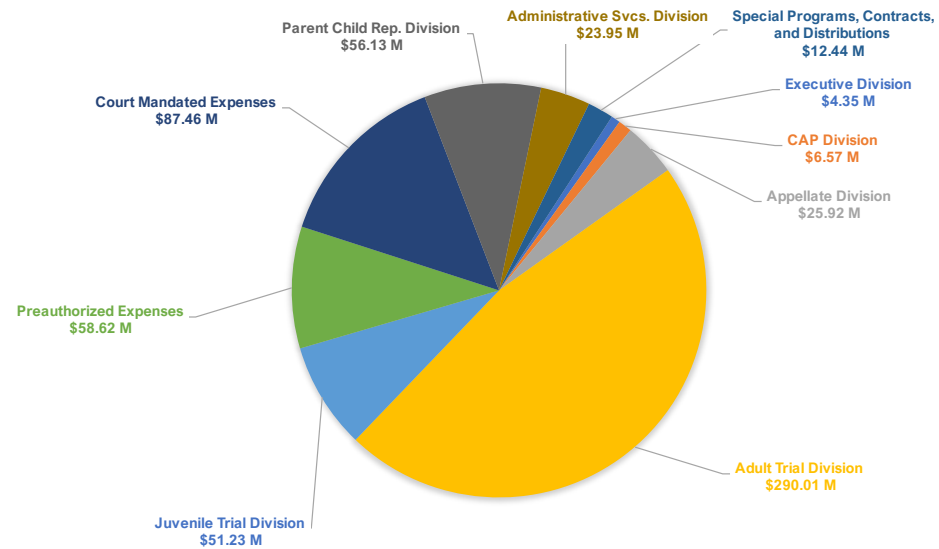


Maintains current service level for contracts

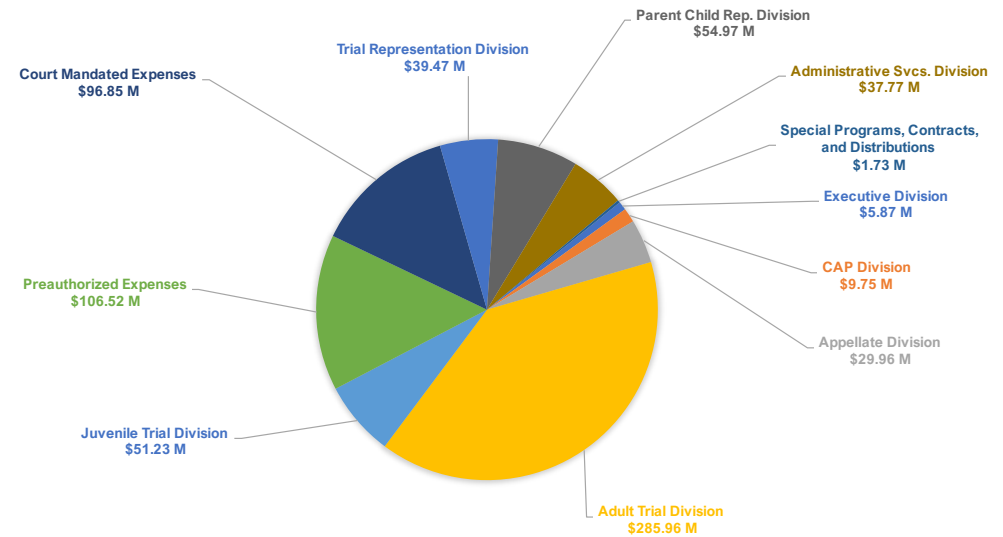
# GOVERNOR'S RECOMMENDED BUDGET

	General Fund	Other Funds	Total Funds	Positions	FTE
<b>2023 - 25 Legislatively Approved Budget</b>	594,333,409	22,352,949	616,686,358	192	163.30
<b>2025 - 27 Current Service Level</b>	624,416,420	20,769,678	645,186,098	172	171.80
<b>2025 - 27 Governor's Recommended Budget</b>	686,355,727	33,732,605	720,088,332	313	279.46

**2023-25 Legislatively Approved Budget**  
\$616.7 million



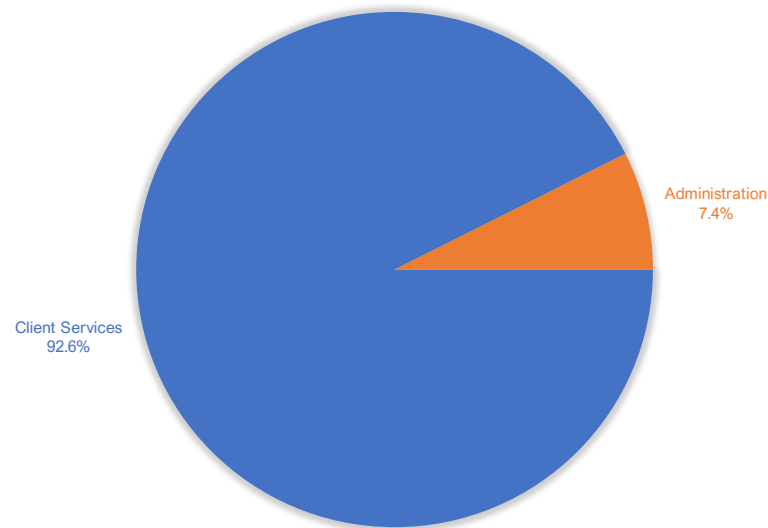
**2025-27 GOVERNOR'S BUDGET**  
\$720.1 MILLION



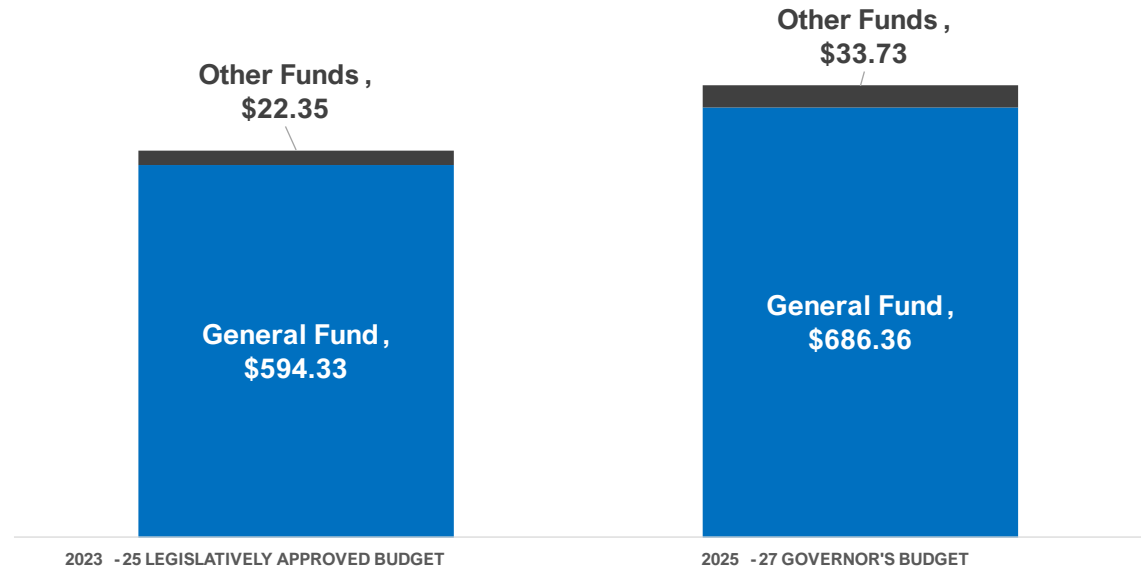
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**2025-27 Governor's Budget  
Budget by Functional Classification**



**Oregon Public Defense Commission  
Budget by Appropriated Fund  
(in millions)**



# Investment Policy Packages

Policy Packages	Amount	Positions	FTE
Pkg. 101 Finance & Case Management System	\$16,677,222	8	7.40
Pkg. 103 Direct Representation Investment	\$27,204,155	113	84.07
Pkg. 104 Service Provider Rate Stabilization	\$37,967,096	0	0.00
Pkg. 106 Robust Agency Support Investment	\$4,433,377	15	13.20
Pkg. 107 Temporary Hourly Increase Program Carryover	\$26,879,814	0	0.00
Policy Packages total	\$113,161,664	136	104.67

# Package 101 – Financial and Case Management System (\$16.7 million)

## Justification

01

Senate Bill 337 requires us to transition to a service model that uses more hourly attorneys. However, we lack the ability to track their time. We also are limited in our ability to gather data that would help us monitor compliance and help legislators make decisions about the future of public defense.

## Purpose

02

Bond funding is requested (\$2.76 million GF; \$13.91 million OF) to:

1. Buy software that would enhance efficiency and accountability and replace our antiquated spreadsheets and aging databases
2. Fund eight positions (7.40 FTE) to support this project.

## Desired Outcomes

03

OPDC improves its ability to track attorneys' caseloads and time, pay invoices and produce reports that enhance data-driven decision-making. OPDC modifies its service delivery model as required by SB 337.

## Strategic Plan

04

Aligns with our goals of streamlining our processes, improving efficiency, and fostering a culture of continuous improvement by leveraging technology.

## GOVERNOR'S RECOMMENDED BUDGET

# Package 103 – Direct Representation Investment (\$27.2 million)

### Justification

01

SB 337 requires that 20% of public defenders be employed by OPDC by 2031 and 30% be by 2035. Additionally, a report published in 2024 found that OPDC needs to add 474 full-time attorneys over six years to address current adult criminal caseloads. These could be state employees, contractors or hourly lawyers.

### Purpose

02

Add 113 positions (84.07 FTE). Positions include 40 public defenders, 49 support staff, six managers and two administrative staff to our trial division. Add three offices in areas with high numbers of unrepresented individuals and where there is a shortage of attorneys. Positions and offices would be added in stages during 2025-2027. This package augments the Trial Representation; Executive; Compliance, Audit, and Performance; and Administrative Services divisions.

### Desired Outcomes

03

The number of unrepresented individuals is reduced.

### Strategic Plan

04

Aligns with our goals of ending the unrepresented persons crisis and expanding our trial division.



## GOVERNOR'S RECOMMENDED BUDGET

# Package 104 – Service Provider Rate Stabilization (\$38.9 million)

### Justification

01

Effective July 1, 2025, we are required to establish and supervise a panel of qualified attorneys who contract on an hourly basis with OPDC and are directly assigned to cases. Effective July 1, 2027, we must pay them no less than the hourly rate recommended by a statutorily mandated survey and economic analysis that we conducted.

### Purpose

02

Fund the equivalent of 40 new panel attorneys; increase the hourly rate for all panel attorneys; and increase the hourly rate for investigators and mitigators authorized through the preauthorized expenses process.

### Desired Outcomes

03

The number of attorneys who take cases on an hourly basis increases as does the number of investigators and mitigators working on public defense cases. Competitive compensation attracts and retains these three types of positions. The number of unrepresented individuals is reduced. ODPC complies with SB 337.

### Strategic Plan

04

Aligns with our objectives to ensure that compensation is equitable and that it supports our recruitment and retention strategies.

# Package 106 – Robust Agency Support Investment (\$4.4 million)

## Justification

01

With the growth of the agency and the expectations of HB 5030 and SB 337, our responsibilities have increased. We're building a division of state-employed public defenders with offices across the state, and we transitioned to the executive branch. As a result, we must meet new expectations that include human resources, administrative rulemaking, policies and budgeting. Meanwhile, we are receiving more invoices, more requests for data and more requests for approval of preauthorized expenses.

## Purpose

02

Authorize 15 positions (13.20 full-time equivalents). Positions include a data and research manager, a budget and finance manager, an accounts payable reviewer, a human resources analyst, accountants, a fiscal analyst, and a manager in our programs for preauthorized and court-mandated expenses.

## Desired Outcomes

03

HR department strengthens labor relations and employee engagement. We conduct periodic reviews of policies and procedures. Requests for data are filled in a timely manner. Invoices are paid promptly, and providers' preauthorized expense requests are approved quickly.

## Strategic Plan

04

Supports our objectives of:

1. Adapting to changes related to our transition to the Executive Branch
2. Making needed budget and personnel adjustments
3. Engaging, acknowledging and developing our employees

# Package 107 – Temporary Hourly Increase Program Carryover (\$26.9 million)

## Justification

01

Our Temporary Hourly Increase Program (THIP) pays attorneys and investigators higher hourly rates for in-custody cases. When a lawyer takes a case under THIP, they commit to doing so with the understanding that the increased rate will last until they complete their work on the case. THIP sunsets on June 30, 2025, but many of these cases, and the expenses related to them, will continue after that.

## Purpose

02

Ensure that funds to pay the costs incurred under THIP prior to its expiration are available after the program's conclusion.

## Desired Outcomes

03

Providers are paid for their work on THIP cases they took prior to THIP's expiration, including for work on those same cases after June 2025.

## Strategic Plan

04

Aligns with our goals to end the unrepresented persons crisis and improve relationships with providers.

# Agency Policy Packages

## Package 060 – Technical Adjustments

The Adult Trial Division moved \$17.5 million, 45 positions (45 FTE) to the Trial Representation Division to establish a new division.

Court Mandated Expense moved \$25.2 million to Preauthorized Expense to align the budget with psychology expenditures.

### Reorganization Moves:

- Compliance, Audit and Performance received 3 positions (3 FTE): \$1 million
- The Executive Division received 1 position (1 FTE): \$151,000

# Other Packages/Adjustments

- Package 040: Mandated Caseload
  - Forecast Reduction in October 2024 – (\$6,834,894)
- Package 081: May 2024 Emergency Board
  - Two positions/2.00 FTE – \$547,963
- Package 082: September 2024 Emergency Board
  - Three positions/0.99 FTE - \$0.00
- Package 090: Analyst Adjustments (\$38,624,236)
  - Vacancy Savings (\$3,454,741)
  - Services and Supplies: (\$6,333,348)
  - Inflationary Reductions (Client Facing Programs): (\$29,212,480)
  - Travel and Expert Services – Preauthorized Expenses: (\$7,692,673)
  - Travel and Expert Services – Court Mandated Expense: (\$3,743,184)
  - Eliminate Discovery Funding – Special Prgm, Cont, & Dist: (\$7,108,059)
  - THIP Funding extended through December 2025: \$18,920,249
- Package 092: Statewide AG Adjustment (\$3,513)
  - Reduction of Attorney General rates by 7.47%.
- Package 093: Statewide Adjustment DAS Charges (\$179,644)
  - Adjustments to State Government Service Charges and DAS pricelist charges or services.

# 10% Budget Reduction Options

- The Oregon Public Defense Commission is tasked with establishing and maintaining a public defense system that ensures the provision of public defense services consistent with the Oregon Constitution, the United States Constitution, and the Oregon and national standards of justice.
- The agency identified \$64,379,379 potential reductions across all areas. The list of reductions is included in the agency supplemental materials.
- It is important to note that the agency passes 93% of its budget through to contractors, vendors and other providers for their services. Any reduction severely limits the agency's ability to provide representation to persons who qualify for public defense.

# Long-Term Vacancy Reporting

- OPDC has identified three long term vacancies of 12 months of more.

Those positions are:

WDN D9416 – Internal Auditor

WDN D9420 – General Counsel

WDN D9445 – Deputy General Counsel

**GOVERNOR'S RECOMMENDED BUDGET**

# Executive Division

	General Fund	Other Funds	Total Funds	Positions	FTE
<b>2023 - 25 Legislatively Approved Budget</b>	4,347,432	0	4,347,432	10	9.63
<b>2025 - 27 Current Service Level</b>	5,034,280	0	5,034,280	9	9.00
<b>2025 - 27 Governor's Recommended Budget</b>	5,874,693	0	5,874,693	13	12.52

Policy Packages	Amount	FTE
<b>Pkg. 090 CFO Analyst Adjustments</b>	(\$399,847)	
<b>Pkg. 103 Direct Representation Investment</b>	\$267,325	0.88
<b>Pkg. 106 Robust Agency Support Investment</b>	\$972,935	2.64
<b>Policy Packages total</b>	<b>\$840,413</b>	<b>3.52</b>

Package 103: One (1) operations and policy analyst 3 (0.88 FTE) + nominal services and supplies for position

Package 106: One (1) manager 4 (0.88 FTE); one (1) operations and analyst 4 (0.88 FTE); one (1) executive assistant (0.88 FTE); and nominal services and supplies

Agency Reduction Option (ORS 291.206) - \$399,847



GOVERNOR'S RECOMMENDED BUDGET

# Appellate Division

	General Fund	Other Funds	Total Funds	Positions	FTE
<b>2023 - 25 Legislatively Approved Budget</b>	25,924,696	0	25,924,696	58	57.80
<b>2025 - 27 Current Service Level</b>	28,821,352	0	28,821,352	58	57.80
<b>2025 - 27 Governor's Recommended Budget</b>	29,959,630	0	29,959,630	69	67.48

Policy Packages	Amount	FTE
<b>Pkg. 090 CFO Analyst Adjustments</b>	(\$1,146,851)	
<b>Pkg. 092 Statewide AG Adjustment</b>	(\$3,513)	
<b>Pkg. 103 Direct Representation Investment</b>	\$2,288,642	9.68
<b>Policy Packages total</b>	\$1,138,278	9.68

Package 103: Four (4) paralegals (3.52 FTE); four (4) administrative specialists 2 (3.52 FTE); two (2) legal secretaries (1.76 FTE); one (1) executive assistant (0.88 FTE); and nominal services and supplies.

Agency Reduction Option (ORS 291.206) - \$1,146,851

**GOVERNOR'S RECOMMENDED BUDGET**

# Compliance, Audit, and Performance Division

	General Fund	Other Funds	Total Funds	Positions	FTE
<b>2023 - 25 Legislatively Approved Budget</b>	6,569,293	0	6,569,293	20	17.67
<b>2025 - 27 Current Service Level</b>	8,736,960	0	8,736,960	20	20.00
<b>2025 - 27 Governor's Recommended Budget</b>	9,752,630	0	9,752,630	25	24.40

Policy Packages	Amount	FTE
<b>Pkg. 090 CFO Analyst Adjustments</b>	(\$400,077)	
<b>Pkg. 103 Direct Representation Investment</b>	\$566,679	1.76
<b>Pkg. 106 Robust Agency Support Investment</b>	\$849,068	2.64
<b>Policy Packages total</b>	\$1,015,670	4.40

Package 103: One (1) operations and policy analyst 3 (0.88 FTE), one (1) operations and policy analyst 4 (0.88 FTE) + nominal services and supplies

Package 106: One (1) manager 3 (0.88 FTE); two (2) operations and policy analyst 2 (1.76 FTE); and nominal services and supplies

Agency Reduction Option (ORS 291.206) - \$400,077

GOVERNOR'S RECOMMENDED BUDGET

# Adult Trial Division

	General Fund	Other Funds	Total Funds	Positions	FTE
<b>2023 - 25 Legislatively Approved Budget</b>	290,008,379	0	290,008,379	46	30.30
<b>2025 - 27 Current Service Level</b>	304,515,637	0	304,515,637	0	0.00
<b>2025 - 27 Governor's Recommended Budget</b>	285,963,447	0	285,963,447	0	0.00

Policy Packages	Amount	FTE
<b>Pkg. 090 CFO Analyst Adjustments</b>	(\$18,552,190)	
<b>Policy Packages total</b>	(\$18,552,190)	

Agency Reduction Option (ORS 291.206) - \$25,387,084

# Juvenile Trial Division

	General Fund	Other Funds	Total Funds	Positions	FTE
<b>2023 - 25 Legislatively Approved Budget</b>	46,875,439	4,352,000	51,227,439	0	0.00
<b>2025 - 27 Current Service Level</b>	50,062,969	4,352,000	54,414,969	0	0.00
<b>2025 - 27 Governor's Recommended Budget</b>	46,875,439	4,352,000	51,227,439	0	0.00

Policy Packages	Amount	FTE
<b>Pkg. 090 CFO Analyst Adjustments</b>	(\$3,187,530)	
<b>Policy Packages total</b>	(\$3,187,530)	

Agency Reduction Option (ORS 291.206) - \$3,187,530

GOVERNOR'S RECOMMENDED BUDGET

# Preauthorized Expenses

	General Fund	Other Funds	Total Funds	Positions	FTE
<b>2023 - 25 Legislatively Approved Budget</b>	58,617,685	1	58,617,686	0	0.00
<b>2025 - 27 Current Service Level</b>	94,411,372	1	94,411,373	0	0.00
<b>2025 - 27 Governor's Recommended Budget</b>	106,515,484	1	106,515,485	0	0.00

Policy Packages	Amount	FTE
<b>Pkg. 090 CFO Analyst Adjustment</b>	(\$3,883,966)	
<b>Pkg. 104 Service Provider Rate Stabilization</b>	\$5,330,220	
<b>Pkg. 107 Temporary Hourly Increase Program Carryover</b>	\$10,657,858	
<b>Policy Packages total</b>	\$12,104,112	

Package 104: This package responds to ORS 151.216 and SB 337 directing the commission to establish market rates for investigators (\$75/hour) and mitigators (\$85/hour).

Package 107: This package covers expenses for expert services made under the Temporary Hourly Increased Program and ensures that expert services continue through the case disposition.

Agency Reduction Option (ORS 291.206) - \$11,452,066

# Court Mandated Expenses

	General Fund	Other Funds	Total Funds	Positions	FTE
<b>2023 - 25 Legislatively Approved Budget</b>	83,015,174	4,449,667	87,464,841	0	0.00
<b>2025 - 27 Current Service Level</b>	39,646,202	4,449,677	44,095,879	0	0.00
<b>2025 - 27 Governor's Recommended Budget</b>	93,352,705	3,497,604	96,850,309	0	0.00

Policy Packages	Amount	FTE
<b>Pkg. 090 CFO Analyst Adjustments</b>	\$3,895,598	
<b>Pkg. 104 Service Provider Rate Stabilization</b>	\$32,636,876	
<b>Pkg. 107 Temporary Hourly Increase Program Carryover</b>	\$16,221,956	
<b>Policy Packages total</b>	\$52,754,430	

Package 104: This package moves the agency toward compliance with compensation and service delivery mandates of ORS 151.216 and SB 337 (2023). Attorneys fee established at market rate of \$205 and \$230 for tiered cases. Funding is for 40 new panel attorneys at the increased market rate.

Package 107: This package covers expenses for attorney case assignments made under the Temporary Hourly Increased Program and ensures that legal representation continues through the legal disposition process, without expiring when the program ends.

Agency Reduction Option (ORS 291.206) - \$7,456,551

# Trial Representation Division

	General Fund	Other Funds	Total Funds	Positions	FTE
<b>2023 - 25 Legislatively Approved Budget</b>	0	0	0	0	0.00
<b>2025 - 27 Current Service Level</b>	17,532,269	0	17,532,269	45	45.00
<b>2025 - 27 Governor's Recommended Budget</b>	39,471,584	0	39,471,584	142	114.99

Policy Packages	Amount	FTE
<b>Pkg. 090 CFO Analyst Adjustments</b>	(\$1,603,270)	
<b>Pkg 103 Direct Representation Investment</b>	\$23,542,585	69.99
<b>Policy Packages total</b>	\$21,939,315	69.99

Package 103: This package directly responds to Senate Bill 337 (2023), which directs the commission to appoint public defenders as state employees over the next decade. It adds new public defenders, support staff, managers, and administrative staff to the agency by expanding three existing offices and adding three new offices in areas where the unrepresented crisis has shown a need.

97 positions and 69.99 FTE (2-Chief Deputy Defenders, 23-Senior Deputy Defenders, 17-Deputy Defenders, 6-Manager 1's, 13-Human Services Case Managers, 15-Legal Secretaries, 15-Program Analyst 2's, 3-Administrative Specialist 2's and 3-Office Specialist 2's).

Agency Reduction Option (ORS 291.206) - \$1,603,270

# Parent Child Representation Division

	General Fund	Other Funds	Total Funds	Positions	FTE
<b>2023 - 25 Legislatively Approved Budget</b>	44,166,287	11,968,000	56,134,287	1	1.00
<b>2025 - 27 Current Service Level</b>	45,927,696	11,968,000	57,895,696	0	0.00
<b>2025 - 27 Governor's Recommended Budget</b>	42,998,841	11,968,000	54,966,841	0	0.00

Policy Packages	Amount	FTE
<b>Pkg. 090 CFO Analyst Adjustments</b>	(\$2,928,855)	
<b>Policy Packages total</b>	(\$2,928,855)	

Agency Reduction Option (ORS 291.206) - \$2,928,855



# Administrative Services Division

	General Fund	Other Funds	Total Funds	Positions	FTE
<b>2023 - 25 Legislatively Approved Budget</b>	23,953,397	0	23,953,397	57	46.90
<b>2025 - 27 Current Service Level</b>	20,885,740	0	20,885,740	40	40.00
<b>2025 - 27 Governor's Recommended Budget</b>	23,857,390	13,915,000	37,772,390	64	60.07

Policy Packages	Amount	FTE
<b>Pkg. 081 May 2024 Emergency Board</b>	\$547,963	2.00
<b>Pkg. 082 September 2024 Emergency Board</b>	\$0.00	0.99
<b>Pkg. 090 CFO Analyst Adjustments</b>	(\$3,309,189)	
<b>Pkg. 093 Statewide Adjustment DAS Charges</b>	(\$179,644)	
<b>Pkg 101 Finance &amp; Case Management System</b>	\$16,677,222	7.40
<b>Pkg 103 Direct Representation Investment</b>	\$538,924	1.76
<b>Pkg. 106 Robust Agency Support Investment</b>	\$2,611,374	7.92
<b>Policy Packages total</b>	\$16,886,650	20.07

Package 101 - Financial and Case Management System (\$16.7 million) Bond funding is requested for this project. (\$2.76 million GF; \$13.91 million OF).

Eight positions, 7.40 FTE

Package 103 – One (1) accountant 2 (0.88 FTE) and nominal services and supplies

Package 106 – Two (2) manager 3 (1.76 FTE); one (1) fiscal analyst 3 (0.88 FTE); one (1) fiscal analyst 2 (0.88 FTE); three (3) accountant 3 (2.64 FTE); one (1) accountant 2 (0.88 FTE); one (1) human resource analyst 3 (0.88 FTE); and nominal services and supplies

Agency Reduction Option (ORS 291.206) - \$3,309,189

# Special Programs, Contracts, and Distributions

	General Fund	Other Funds	Total Funds	Positions	FTE
<b>2023 - 25 Legislatively Approved Budget</b>	10,855,627	1,583,281	12,438,908	0	0.00
<b>2025 - 27 Current Service Level</b>	8,841,943	0	8,841,943	0	0.00
<b>2025 - 27 Governor's Recommended Budget</b>	1,733,884	0	1,733,884	0	0.00

Policy Packages	Amount	FTE
<b>Pkg. 090 CFO Analyst Adjustments</b>	(\$7,108,059)	
<b>Policy Packages total</b>	(\$7,108,059)	

Agency Reduction Option (ORS 291.206) - \$7,108,059

# GRB Revisions

The Governor has approved OPDC to work with LFO and CFO to better align the agency's policy option packages to the Governor's priorities.

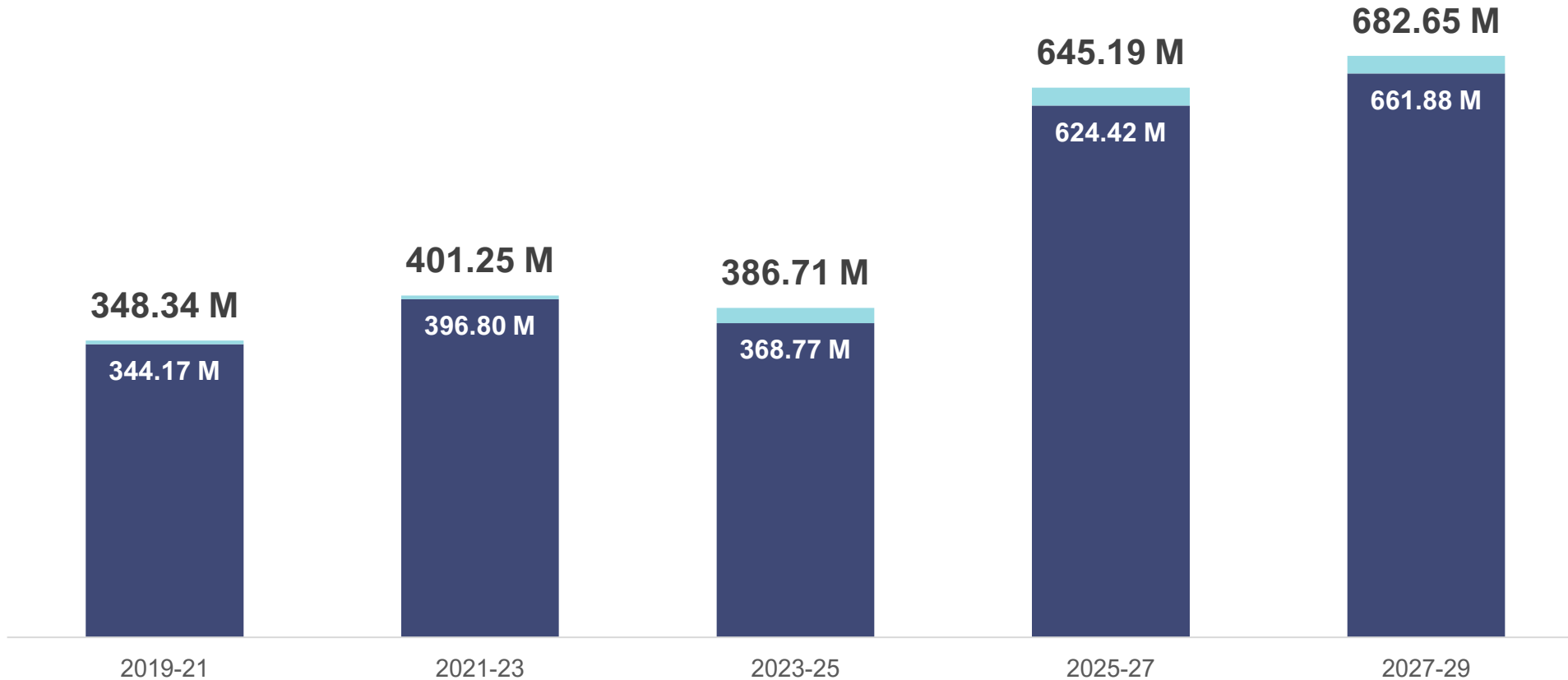
Due to OPDC developing their ARB and, subsequently, the GRB while in the Judicial Branch, the Governor has asked OPDC to make changes within the existing GRB funding recommendations to meet the Governor's public priorities.

**These changes will remain within the confines of the current GRB investments.**

**To provide an inflationary increase to contracts, POP 104 will be reduced. New proposed hourly rates are being calculated now, and we continue to work with CFO to finalize these numbers.**

# Current Service Levels 2015-2025

■ General fund ■ Other funds



# Current Service Level by Major Function

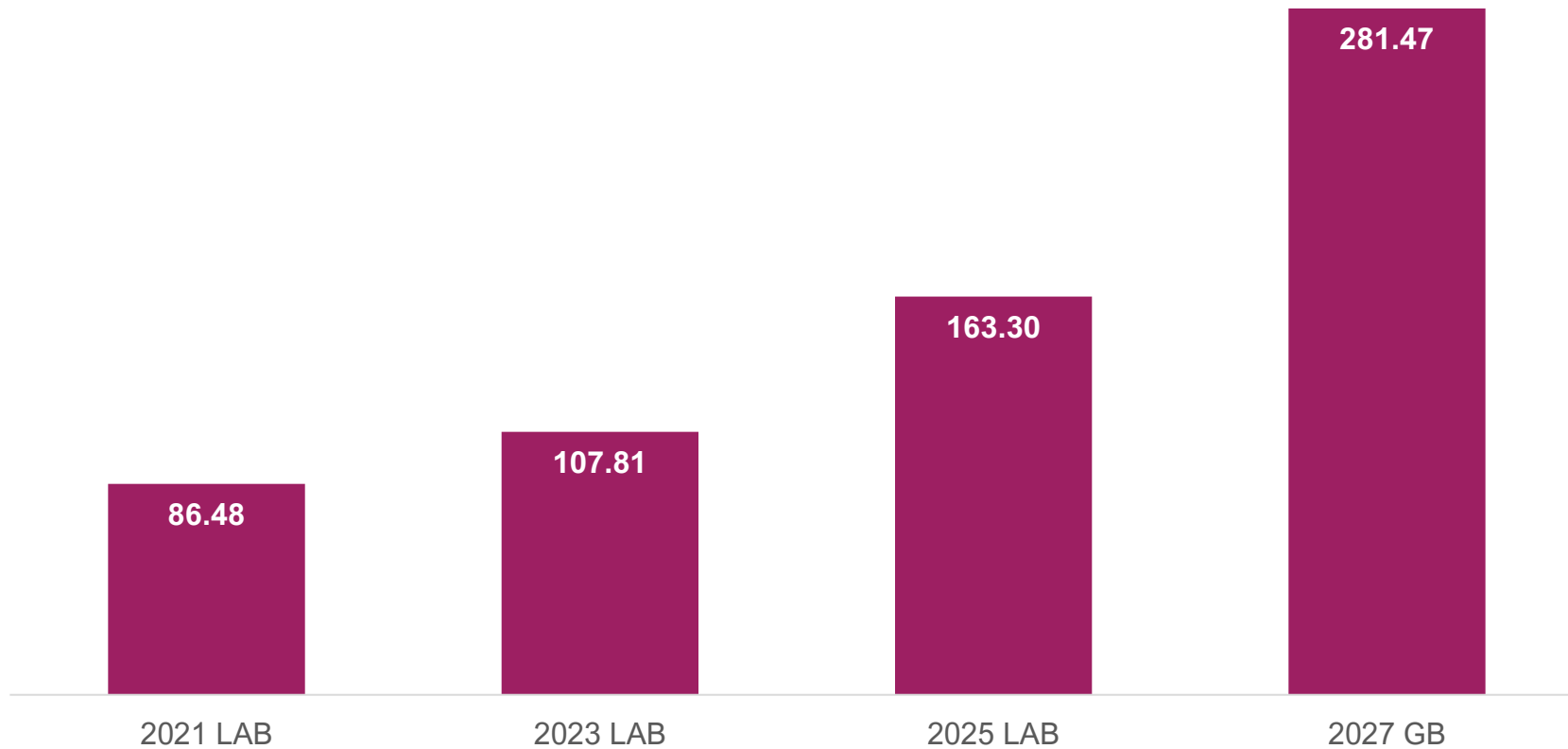
2019 - 2021	General Fund	Other Funds	Total Funds	FTE	Pos.
Appellate Division	22,034,633	0	22,034,633	56.80	57
Contract and Business Services	6,676,822	0	6,676,822	19.00	19
Professional Services Account	319,632,613	0	319,632,613	0.00	0
2019 - 21 current service level	348,344,068	0	348,344,068	75.80	76
2021 - 2023	General Fund	Other Funds	Total Funds	FTE	Pos.
Appellate Division	26,935,314	0	26,935,314	55.80	56
Contract and Business Services	8,980,909	858,362	9,839,271	23.00	23
Professional Services Account	360,887,469	3,591,305	364,478,774	0.00	0
2021 - 23 current service level <sup>1</sup>	396,803,692	4,449,667	401,253,359	78.80	79
2023 - 2025	General Fund	Other Funds	Total Funds	FTE	Pos.
Contracted provider services	180,964,555	0	180,964,555	0.00	0
Agency legal representation services	25,992,983	0	25,992,983	57.80	58
Hourly or third-party provider services	70,385,516	3,937,116	74,322,632	0.00	0
Special programs and contracts	293,198	0	293,198	0.00	0
All other administrative divisions and programs	91,138,569	14,000,000	105,138,569	46.00	46
2023 - 25 current service level	368,774,821	17,937,116	386,711,937	103.80	104

1. The 81st Legislative Assembly adopted a financial reorganization of the commission in Oregon Laws 2021, chapter 444 (House Bill 5030). That measure organized the commission's budget authority into eight separate general fund appropriations. For more information, please see the budget report and measure summary to H.B. 5030.

# Current Service Level by Major Function

2025 – 2027	General Fund	Other Funds	Total Funds	FTE	Pos.
Contracted provider services	400,506,302	16,320,000	416,826,302	0.00	0
Agency legal representation services	46,353,621	0	46,353,621	102.80	103
Hourly or third-party provider services	134,057,574	4,449,678	138,507,252	0.00	0
Special programs and contracts	8,841,943	0	8,841,943	0.00	0
All other administrative divisions and programs	34,656,980	0	34,656,980	69.00	69
2025 - 27 current service level	624,416,420	20,769,678	645,186,098	171.80	172
2027 – 2029 <i>(inflation added)</i>	General Fund	Other Funds	Total Funds	FTE	Pos.
Contracted provider services	424,536,680	16,320,000	440,856,680	0.00	0
Agency legal representation services	49,134,838	0	49,134,838	102.80	103
Hourly or third-party provider services	142,101,028	4,449,678	146,550,706	0.00	0
Special programs and contracts	9,372,460	0	9,372,460	0.00	0
All other administrative divisions and programs	36,736,399	0	36,736,399	69.00	69
2027 - 29 current service level	661,881,405	20,769,678	682,651,083	171.80	172

# FTE Graph



# CSL Issues

\$15 million expenditure shortfall due to mistake in phase in and phase out of programs that also affected the calculation of inflation, has been reported to LFO.

Requested exceptions were denied. During CSL build, the agency identified a funding need for to utilize the Attorney General services and DAS shared services in relation to Information Technology and the State Data System because of the transition for the Judicial Branch to the Executive Branch.

While not really a CSL issue, several limited duration positions hired after CSL and ARB, will be requested to continue for the agency to continue providing services at the same level (two program analysts 1 for preauthorized expense, three accounting tech 3 for accounts payable, and one policy analyst for case assignment).

One time money for the hourly programs (PAE, CME) though emergency boards and rebalance may cause a shortfall.



**TRIAL REPRESENTATION**

# Trial Level Services

Adult criminal, non-PCRCP juvenile, and PCRCP trial-level services provided through 102 contracts for attorney services with staffing and overhead.

- Adult criminal and non-PCRCP juvenile providers are established through
  - Two-year contracts.
  - All trial-level public defense providers are contractors with the state.
- SB 337 (2023) Established State Level Trial offices.

## Five types of service providers:

- **State Employee**
- **Nonprofit**
- **Consortium**
- **Law Firm**
- **Non-Contract Hourly**

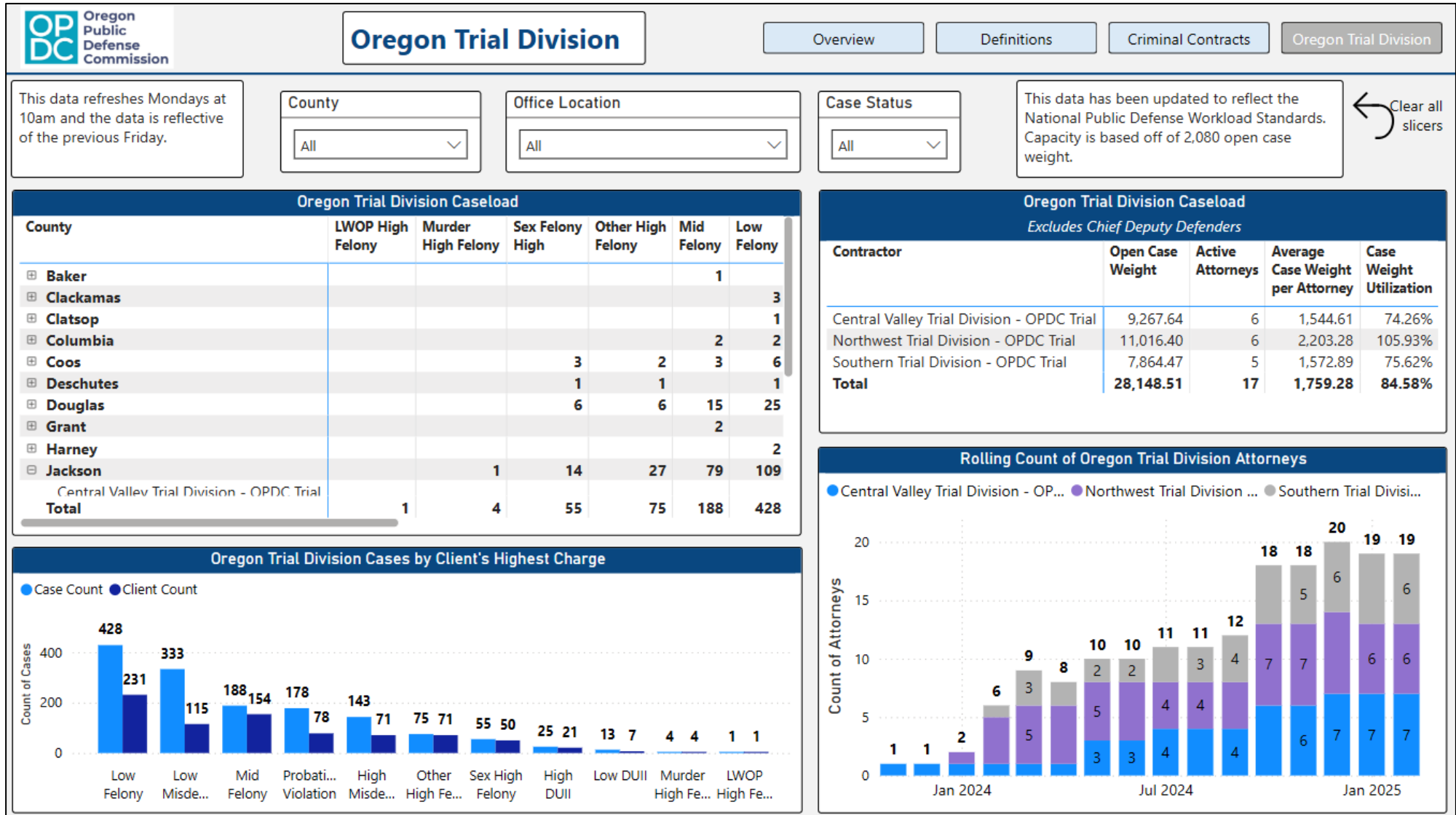
## TRIAL REPRESENTATION

# Oregon Trial Division

- Required by SB 337;
- First office opened December 2023;
- 20 attorneys;
- 1200+ cases.



# Trial Division Dashboard

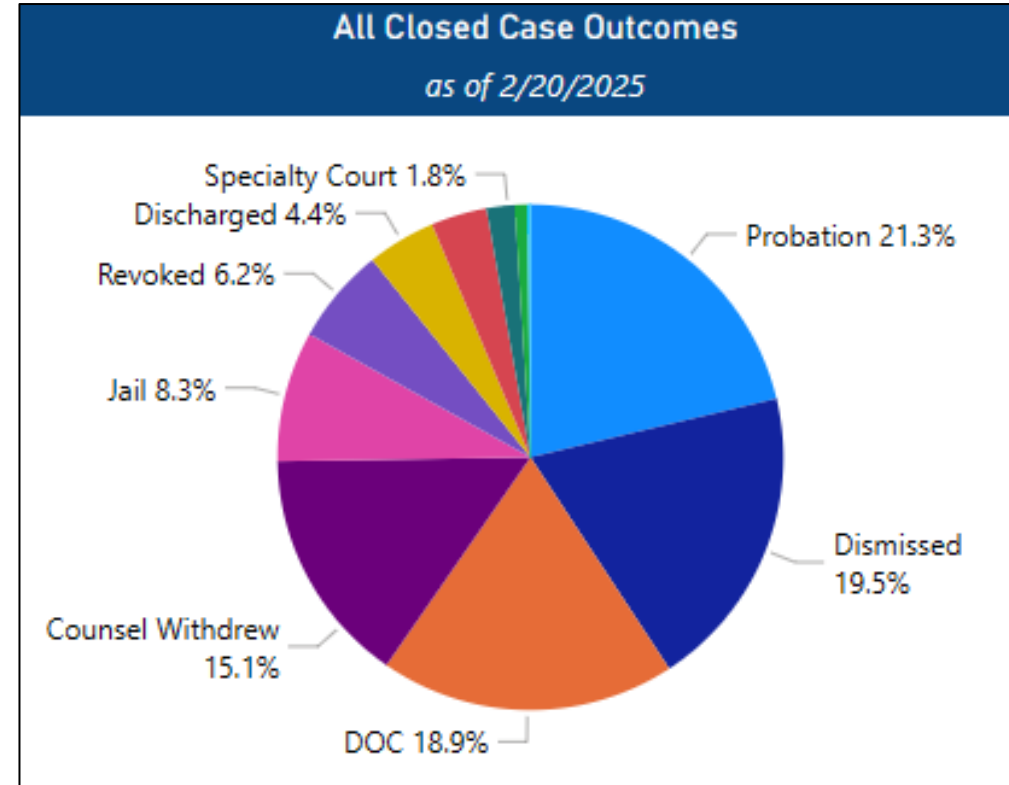


### Oregon Trial Division Cases by Client's Highest Charge

● Case Count ● Client Count

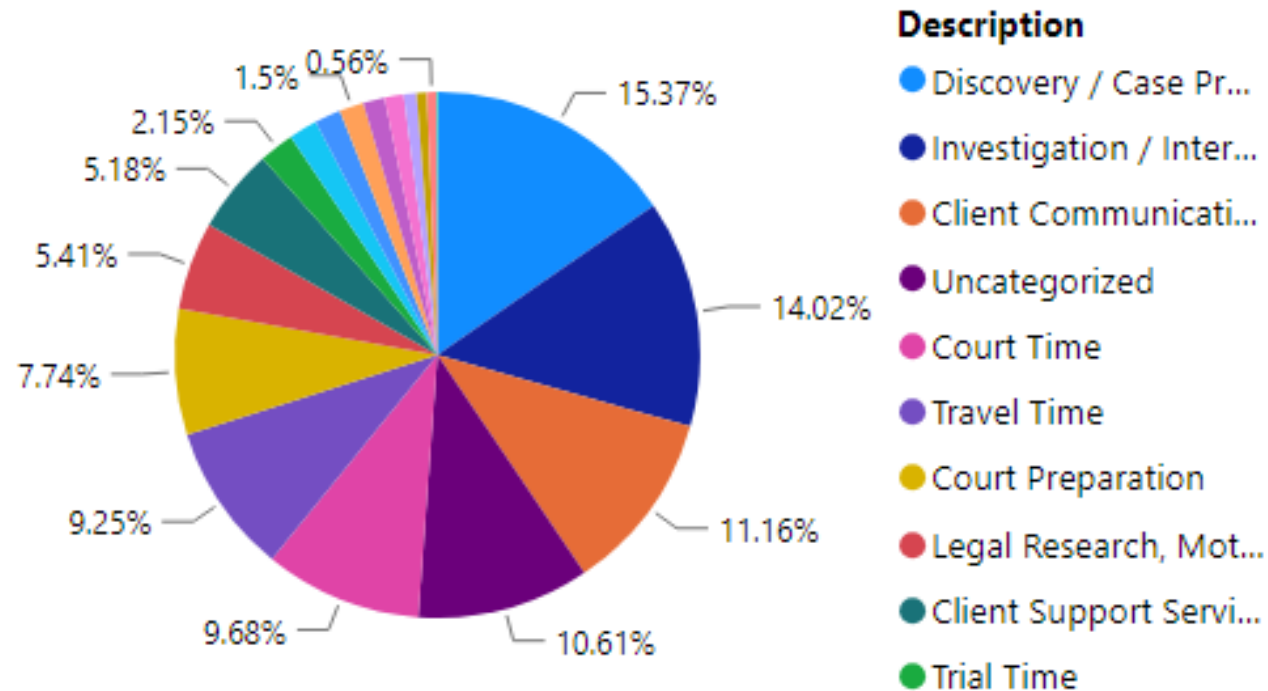
# Outcomes for Trial Division Clients

Closed Cases by Client's Highest Charge <i>as of 2/20/2025</i>		
Case Type	Count of Clients by Highest Charge	Count of Cases
Felony - Low	77	157
Felony - Mid	55	71
Misdemeanor - High	44	64
Misdemeanor - Low	43	101
Felony - High - Other	25	28
Felony - High - Sex	20	22
Probation/Parole Violation	20	70
DUII - Low	3	6
DUII - High	1	3
Felony - High - LWOP	1	1
<b>Total</b>	<b>289</b>	<b>522</b>

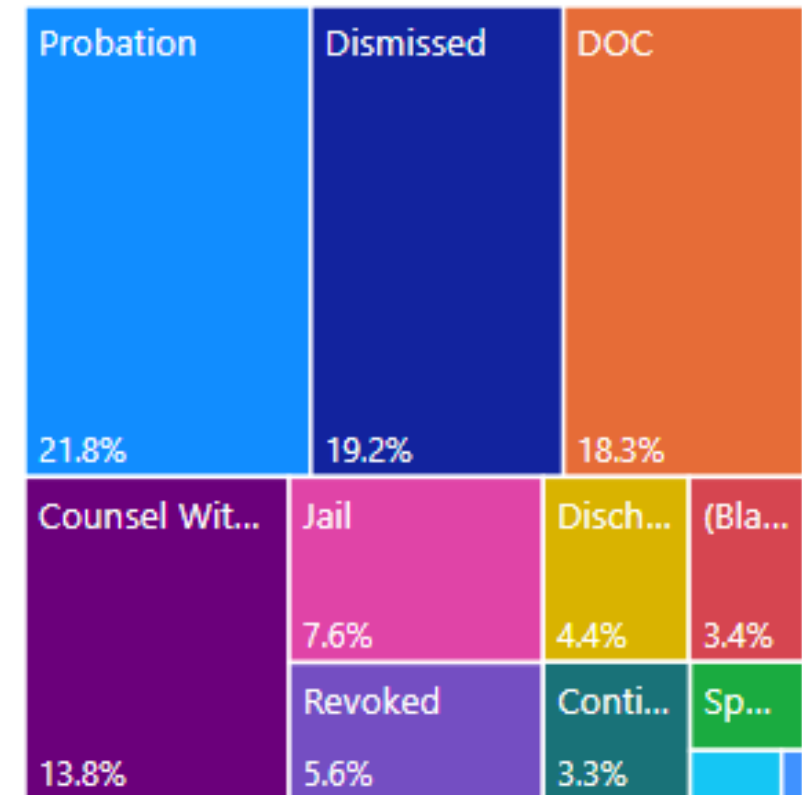


# Data and Timekeeping

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



Case Sentencing

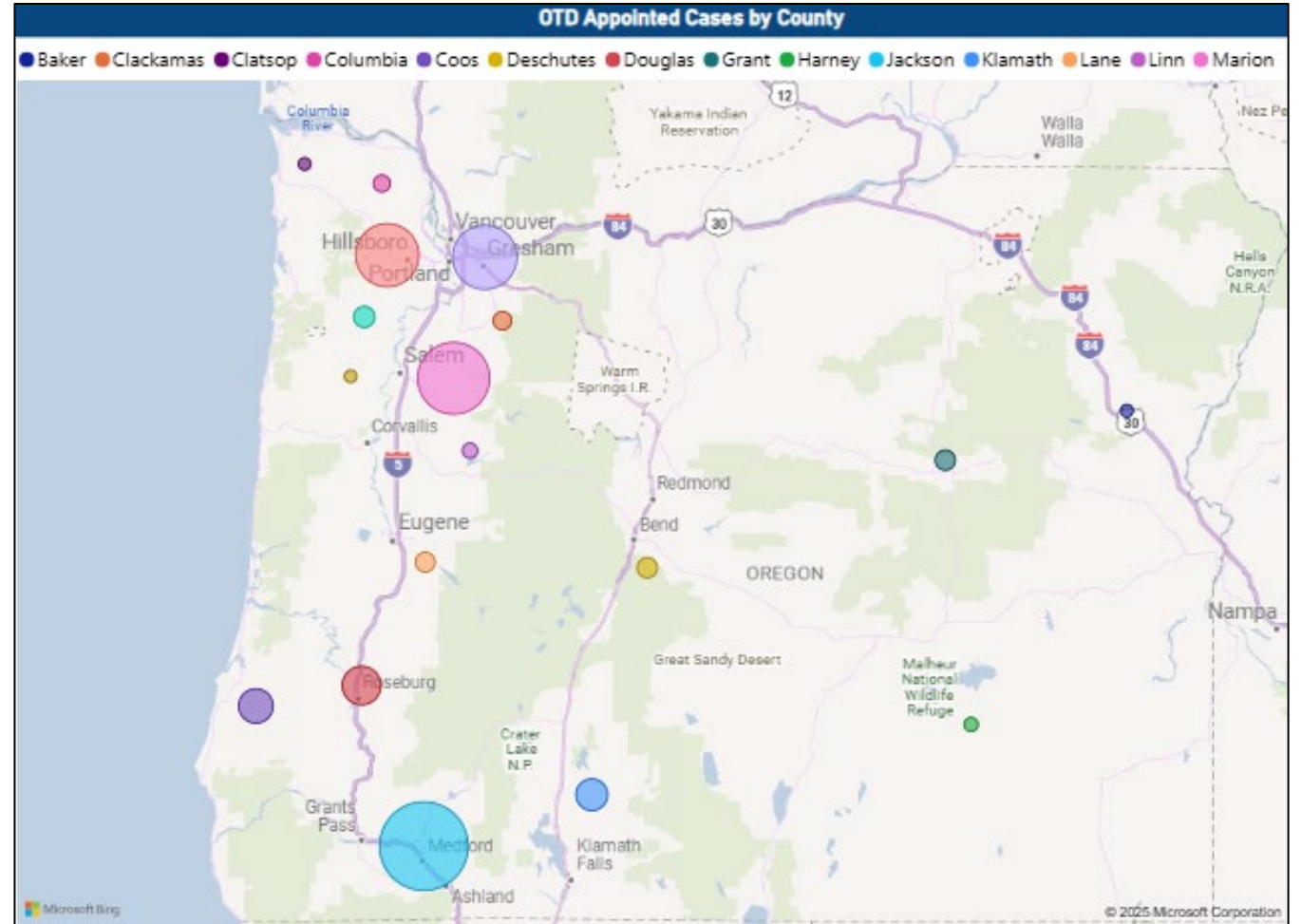


## TRIAL REPRESENTATION

# Trial Division

Three offices in unrepresented hotspots.

Providing representation in 19 counties across the state.



## TRIAL REPRESENTATION

# 2025-2027 Optional Growth Forecast

**Northwest Regional Office** +12 Attorneys +10 Support Staff for Multnomah, Washington, and Clackamas Counties

**Central Valley Regional Office** +10 Attorneys +10 Support Staff for Marion County and surrounding areas (Polk, Linn, Yamhill...)

**Southern Regional Office** +10 Attorneys +10 Support Staff for Jackson and Klamath Counties (could add Josephine and Lake counties in place of Douglas County).

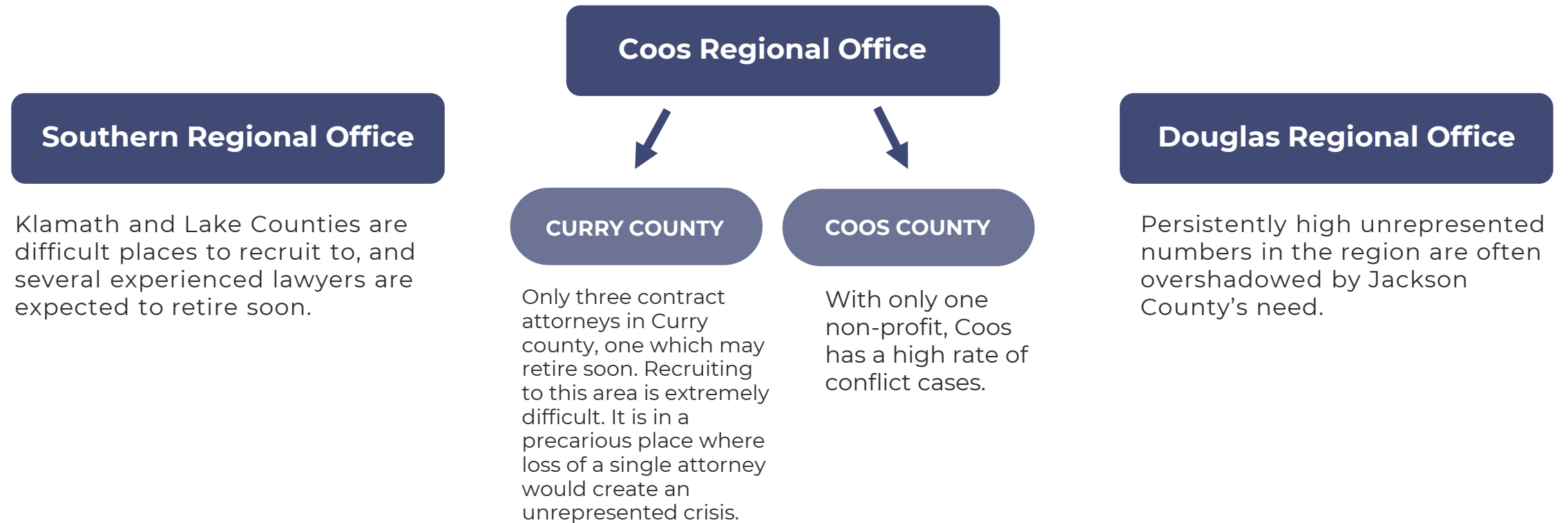
**Douglas Regional Office** +5 Attorneys +7 Support Staff for Douglas County

**Coos Regional Office** +3 Attorneys +5 Support Staff for Coos and Curry Counties



# Trial Division Expansion

Additional resources will be surged to unrepresented areas:



# **ADULT CRIMINAL DIVISION**

# What is MAC?

## Transitional oversight tool

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

Criminal Case Type	Annual Maximum per 1.0 FTE	Individual Case Weight (out of 300)
Murder	6	50
Jessica Law	6	50
Ballot Measure 11	45	6.7
Major (A/B) Felony	138	2.2
Minor (C) Felony	165	1.8
Misdemeanors	300	1
Probation Violation	825	0.36
Civil Commitments	230	1.3

**300 misdemeanors per year, weighted**

Based on the 2021 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.**

# Proposed Changes to Contracts

- Contract Compliance
- Reduced Caseload Program for First Year Attorneys
- Vacancy Funding
- Partial Weighting for Early Withdraw
- Partial Weighting for Second and Subsequent Attorneys
- Co-Counsel Policy
- Attorney Warrant Removal

## ADULT CRIMINAL DIVISION

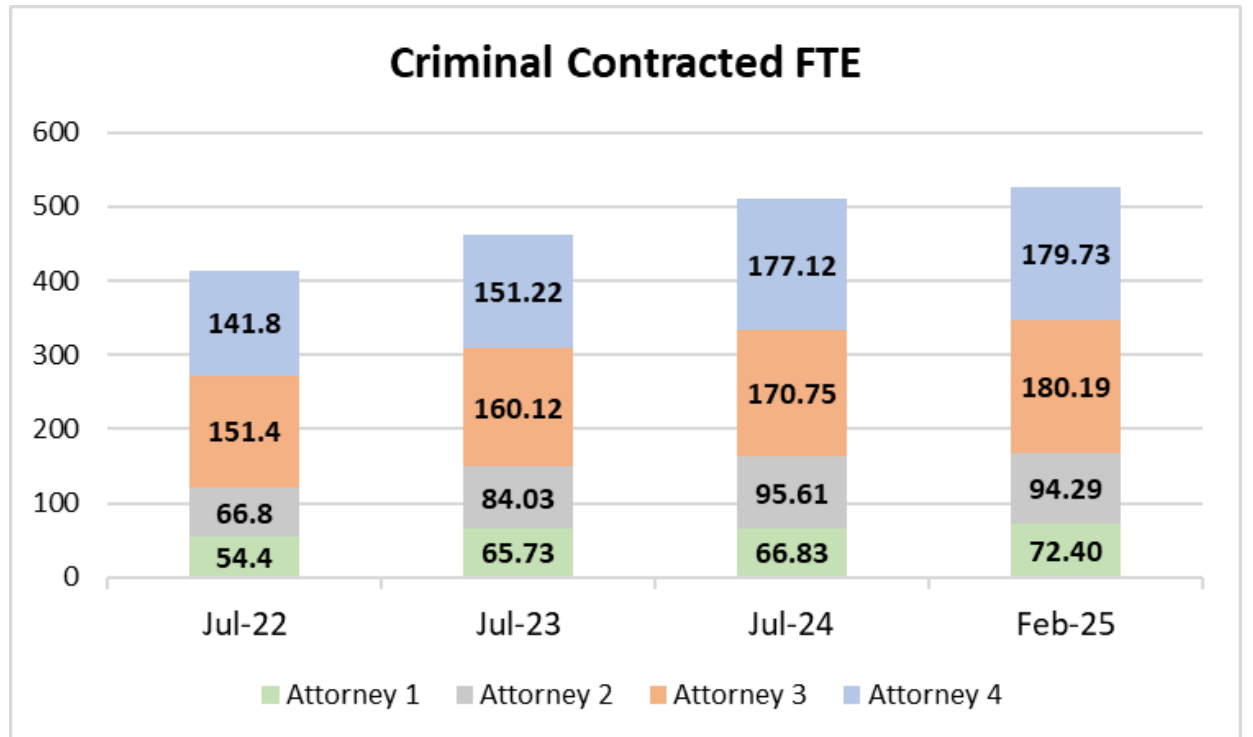
# Funding

Attorney services are compensated in accordance with the table shown based on qualifications.

Additional funding is as follows:

- Supervisors (10:1 ratio) - \$246,378 annually (dependent on qualification can be less).
- Investigators - \$82,000 annually.
- Extended vacancies \$72,150 for 2 months after 2 months of full payment.
- 5% administration fee is added to the total of the contract.
- HB 5204 (2024) funded paralegals and case managers in support of HB 4002 (2024) - \$87,890 annually.

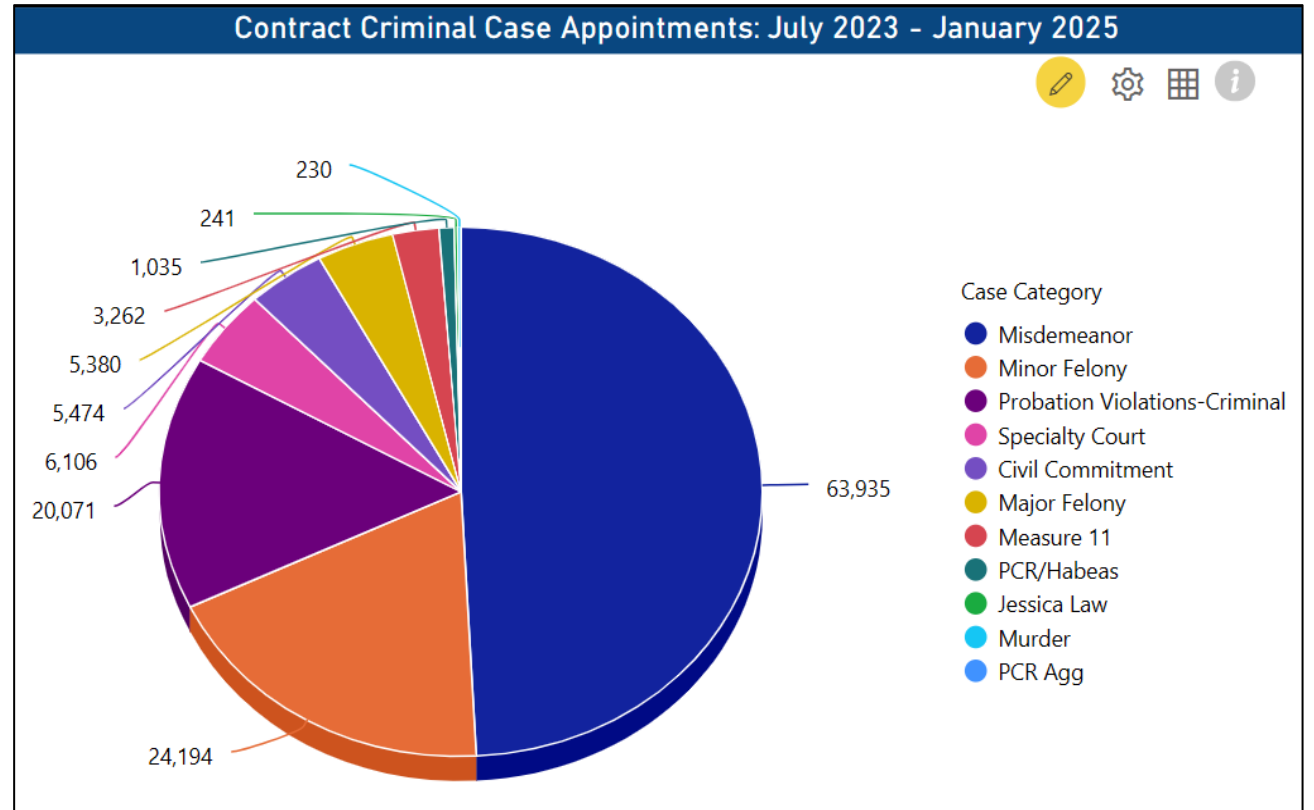
2023-2025 Contract Rates					
Attorney Qualifications	Salary	Benefits	Staff	Overhead	Contract Cost
Entry Level 1/Misdemeanor	94,330	40,256	32,640	45,859	213,085
Entry Level 2/Lesser Felonies	105,427	40,256	32,640	45,859	224,182
Intermediate/Major Felonies	116,525	40,256	32,640	45,859	235,280
Advanced/Murder	127,622	40,256	32,640	45,859	246,378



ADULT CRIMINAL DIVISION

# Criminal Contracts

<b>Total Funding</b>	<b>\$279,283,241</b>
Expenditures	\$209,284,492
Remaining	\$11,027,783



# Contracted Defenders

Criminal

Civil Commitment

Habeas

Post Conviction Relief

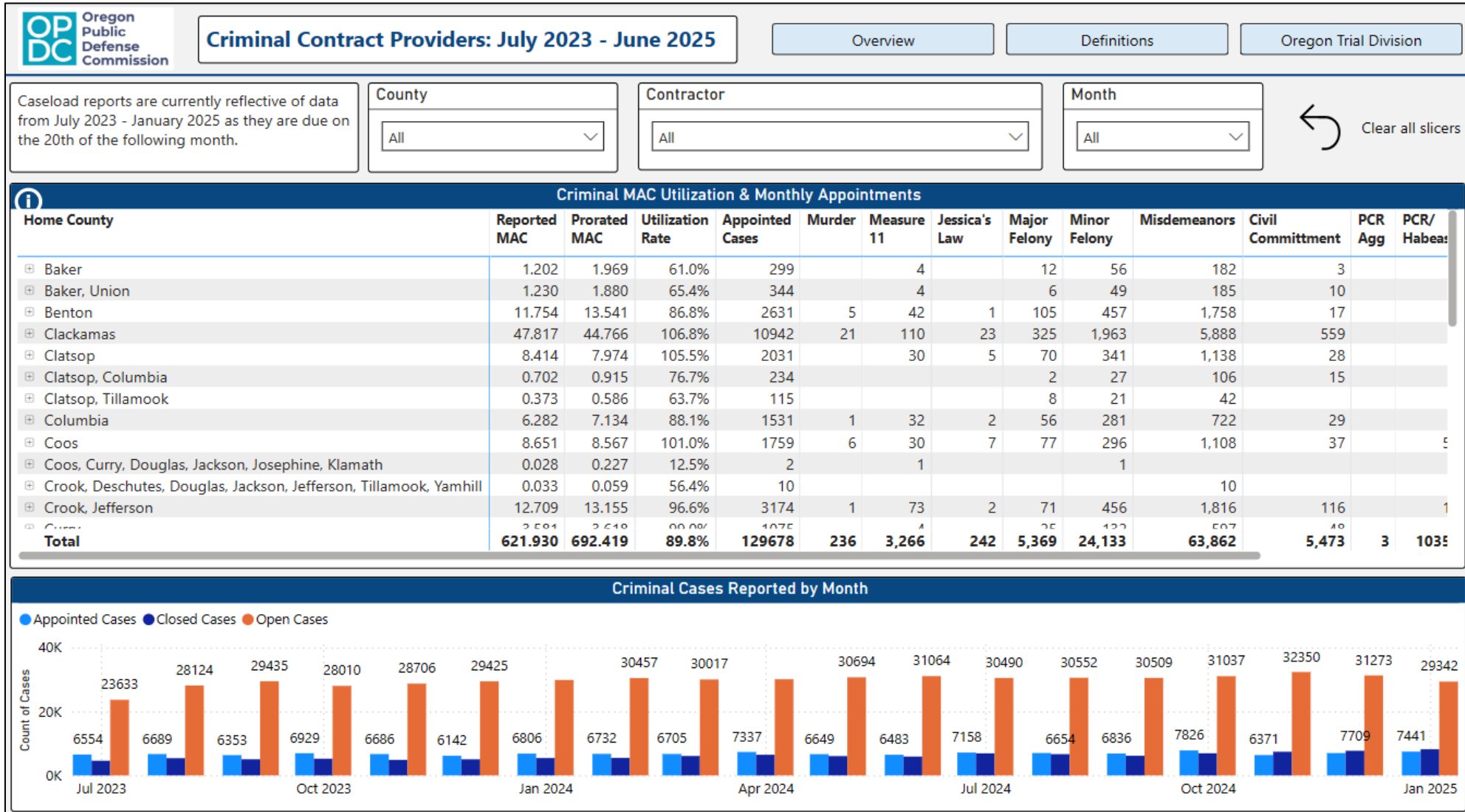
PSRB

Statewide Murder

OPDC Contracts with:

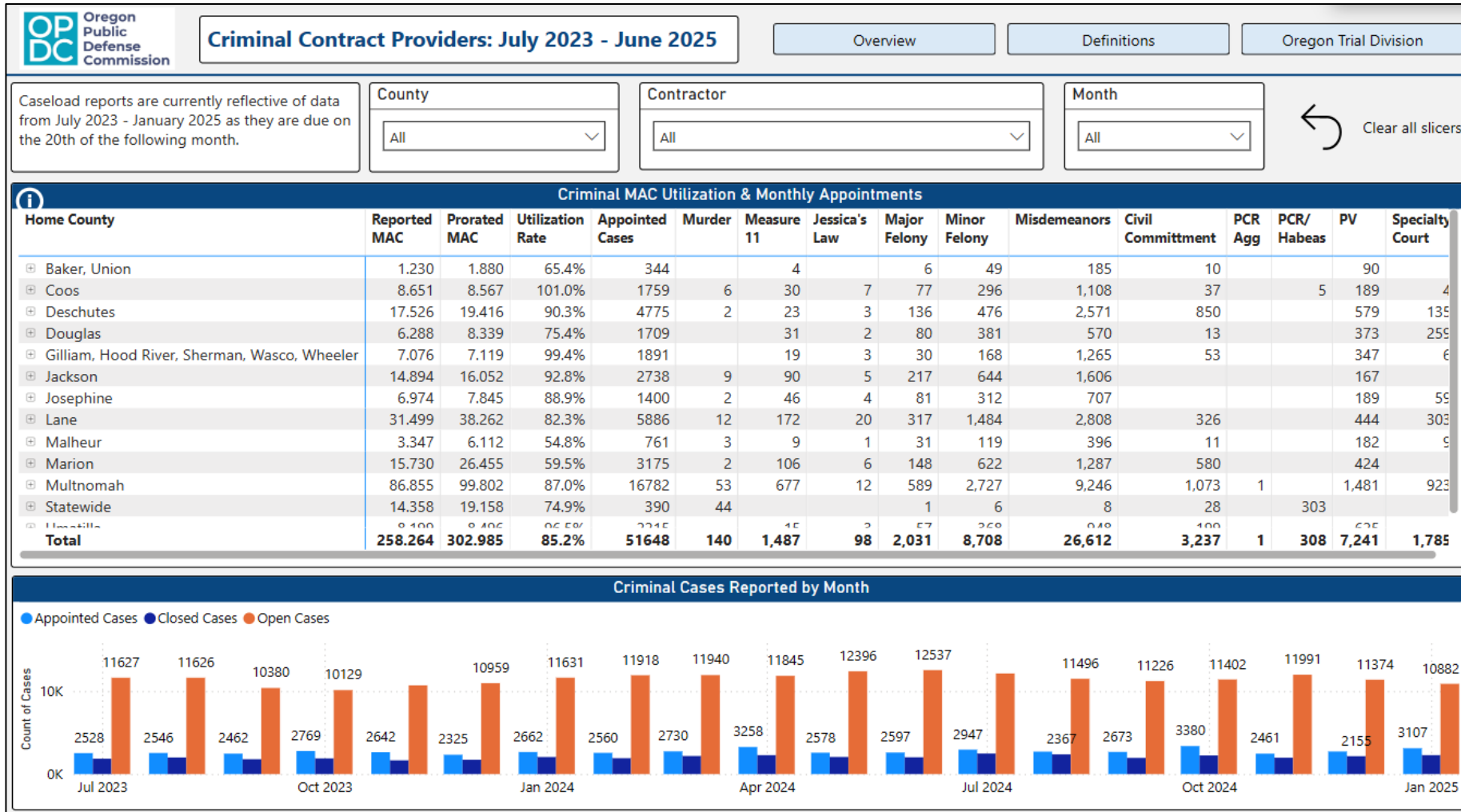
- Non-profit law firms;
- Consortia of attorneys;
- Law firms.

# Contract Dashboard

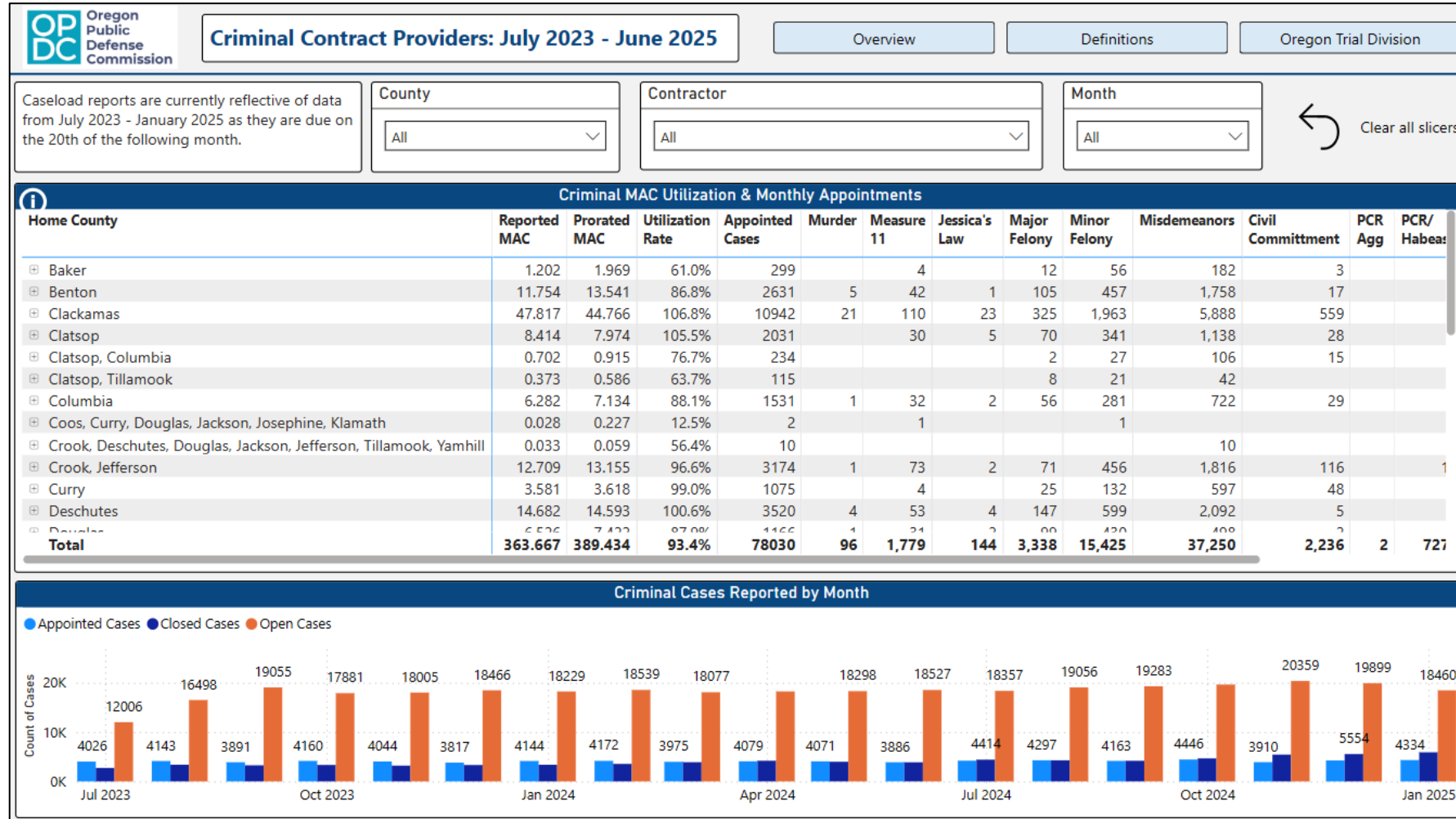




# Nonprofits



# Consortia, Law Firms, Individuals



**JUVENILE DIVISION**

## JUVENILE DIVISION

# Funding

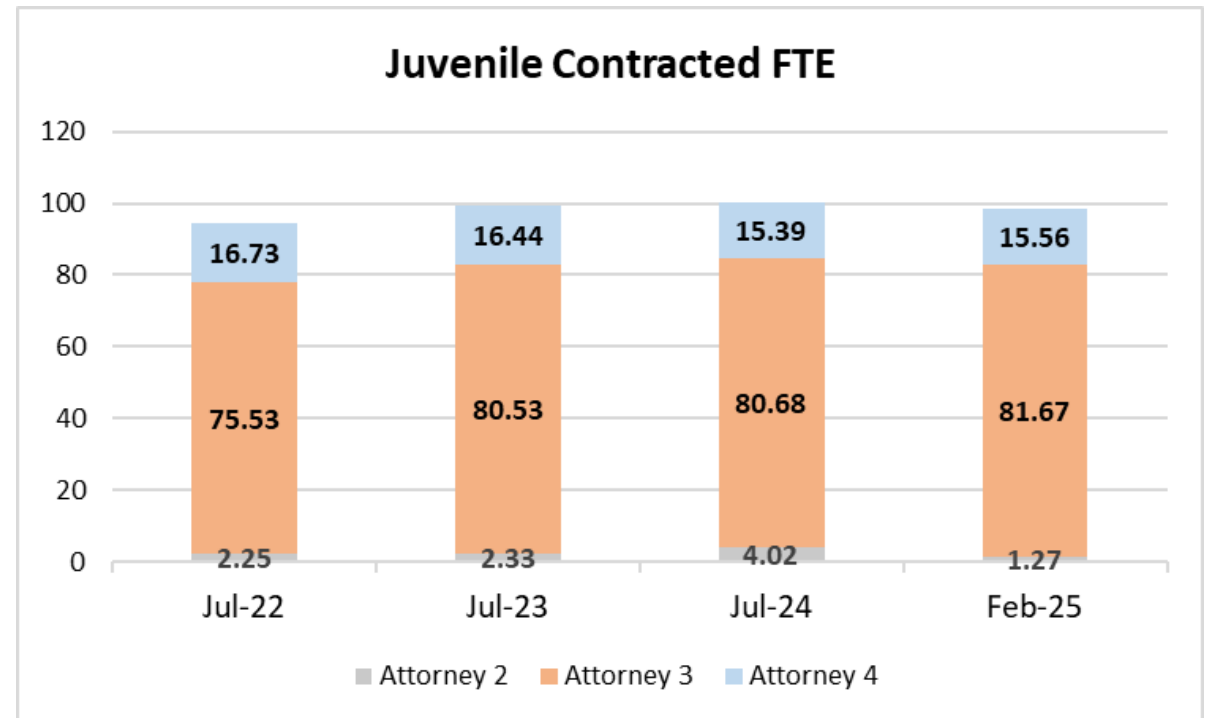
Attorney services are compensated in accordance with the table shown based on qualifications.

Additional funding is as follows:

- Supervisors (10:1 ratio) - \$246,378 annually (dependent on qualification can be less).
- Investigators - \$82,000 annually.
- Extended vacancies \$72,150 for 2 months after 2 months of full payment.
- 5% administration fee is added to the total of the contract.

2023-2025 Contract Rates

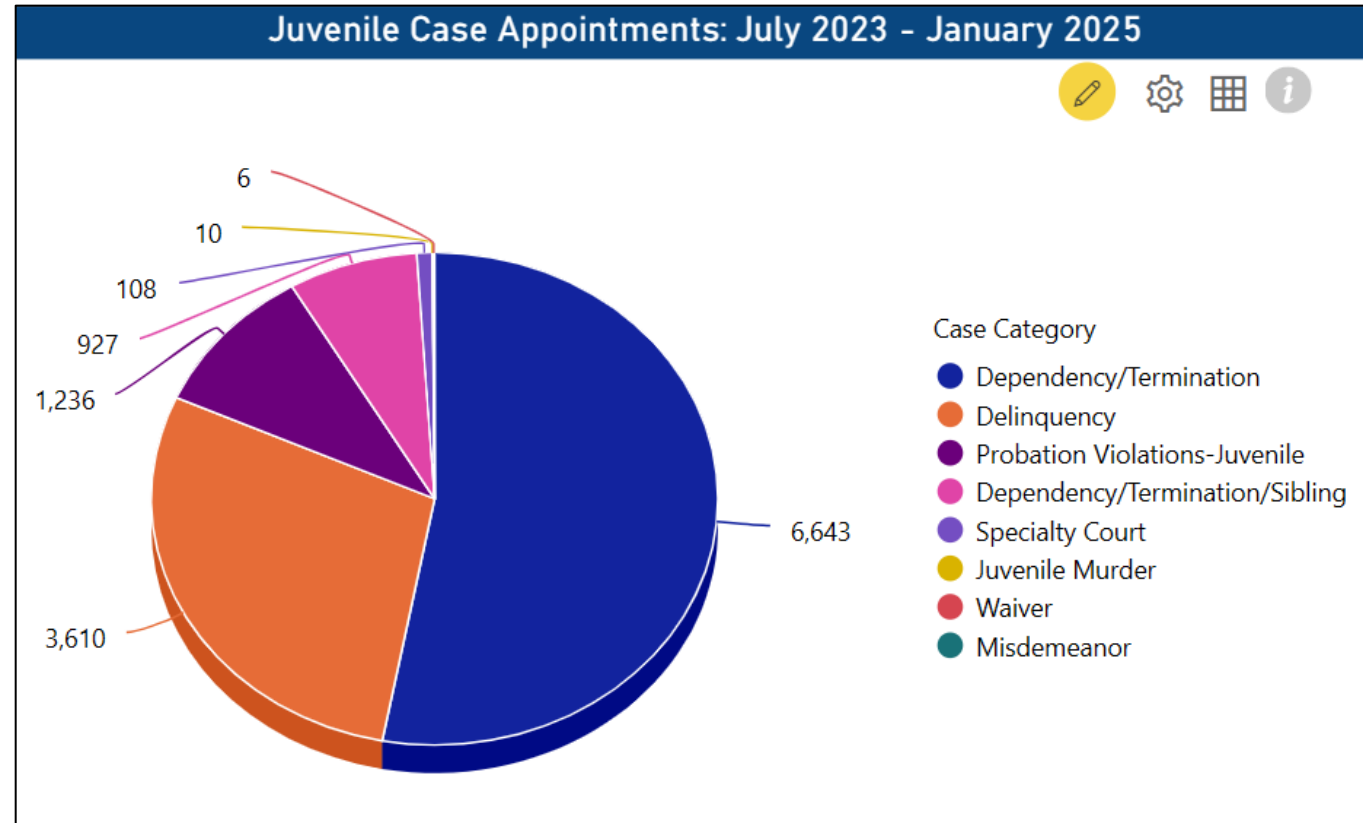
Attorney Qualifications	Salary	Benefits	Staff	Overhead	Contract Cost
Entry Level 1/SPPE only	102,631	43,799	35,512	49,895	231,836
Entry Level 2/Delinquency	114,705	43,799	35,512	49,895	243,910
Intermediate/Depend & Delinq	126,779	43,799	35,512	49,895	255,985
Advanced/Murder	138,853	43,799	35,512	49,895	268,059



## Juvenile Division

# Juvenile Contracts

<b>Total Funding</b>	<b>\$51,227,439</b>
Expenditures	\$40,199,656
Remaining	\$11,027,783



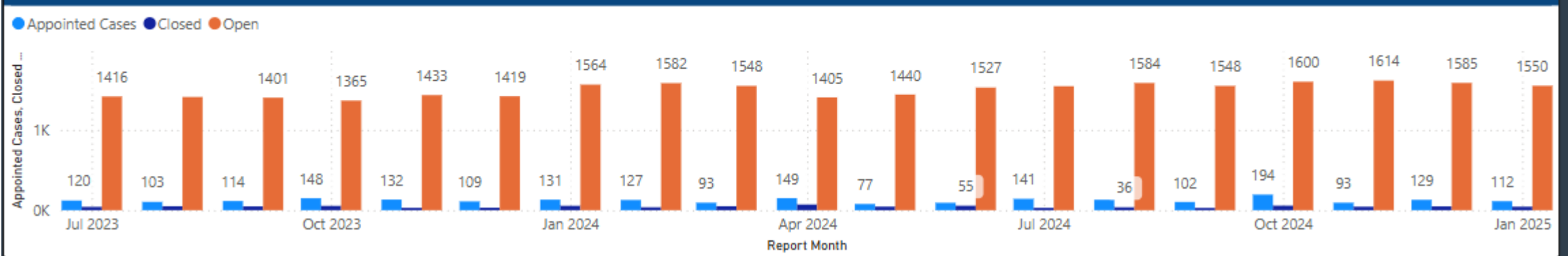
## JUVENILE DIVISION

# Nonprofits

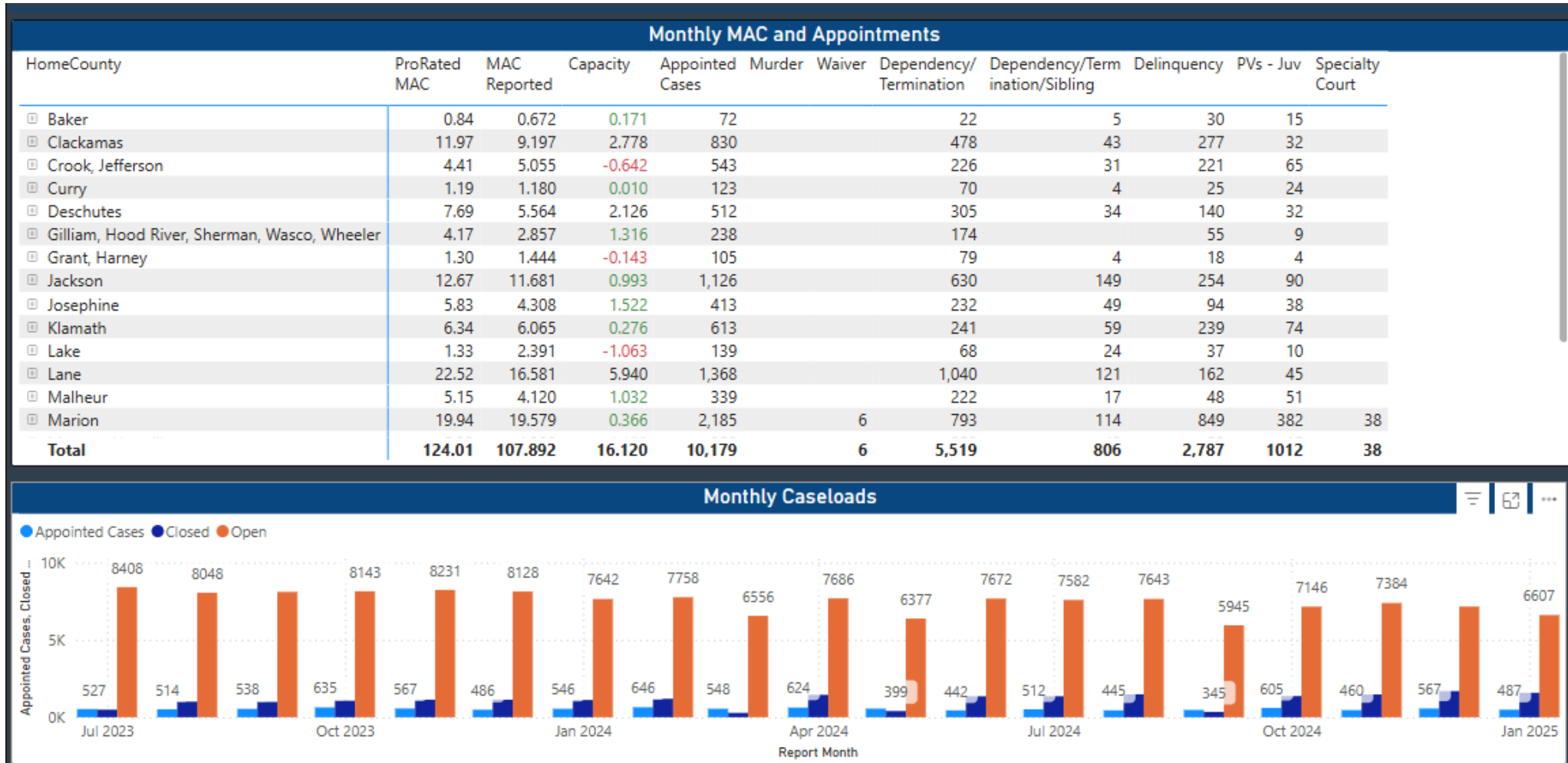
### Monthly MAC and Appointments

HomeCounty	ProRated MAC	MAC Reported	Capacity	Appointed Cases	Murder	Waiver	Dependency/Termination	Dependency/Termination/Sibling	Delinquency	PVs - Juv	Specialty Court
▣ Baker, Union	0.94	0.676	0.260	85			22	5	40	18	
▣ Deschutes	2.59	2.959	-0.366	288			157	1	105	1	24
▣ Gilliam, Hood River, Sherman, Wasco, Wheeler	1.20	0.736	0.465	83			25		56	2	
▣ Jackson	4.74	4.171	0.566	454			200	36	136	80	
▣ Lane	4.37	5.633	-1.263	456			342	51	53	2	8
▣ Malheur	1.00	0.985	0.010	94			54	14	14	12	
▣ Statewide	4.45	4.512	-0.063	144			70		74		
▣ Umatilla	1.76	1.603	0.156	137			86		43	8	
▣ Washington	5.82	4.140	1.685	555			142		285	90	38
<b>Total</b>	<b>26.86</b>	<b>25.415</b>	<b>1.450</b>	<b>2,296</b>			<b>1,098</b>	<b>107</b>	<b>806</b>	<b>213</b>	<b>70</b>

### Monthly Caseloads



# Consortia/ Law Firms/ Individuals



**PARENT CHILD  
REPRESENTATION  
PROGRAM DIVISION**

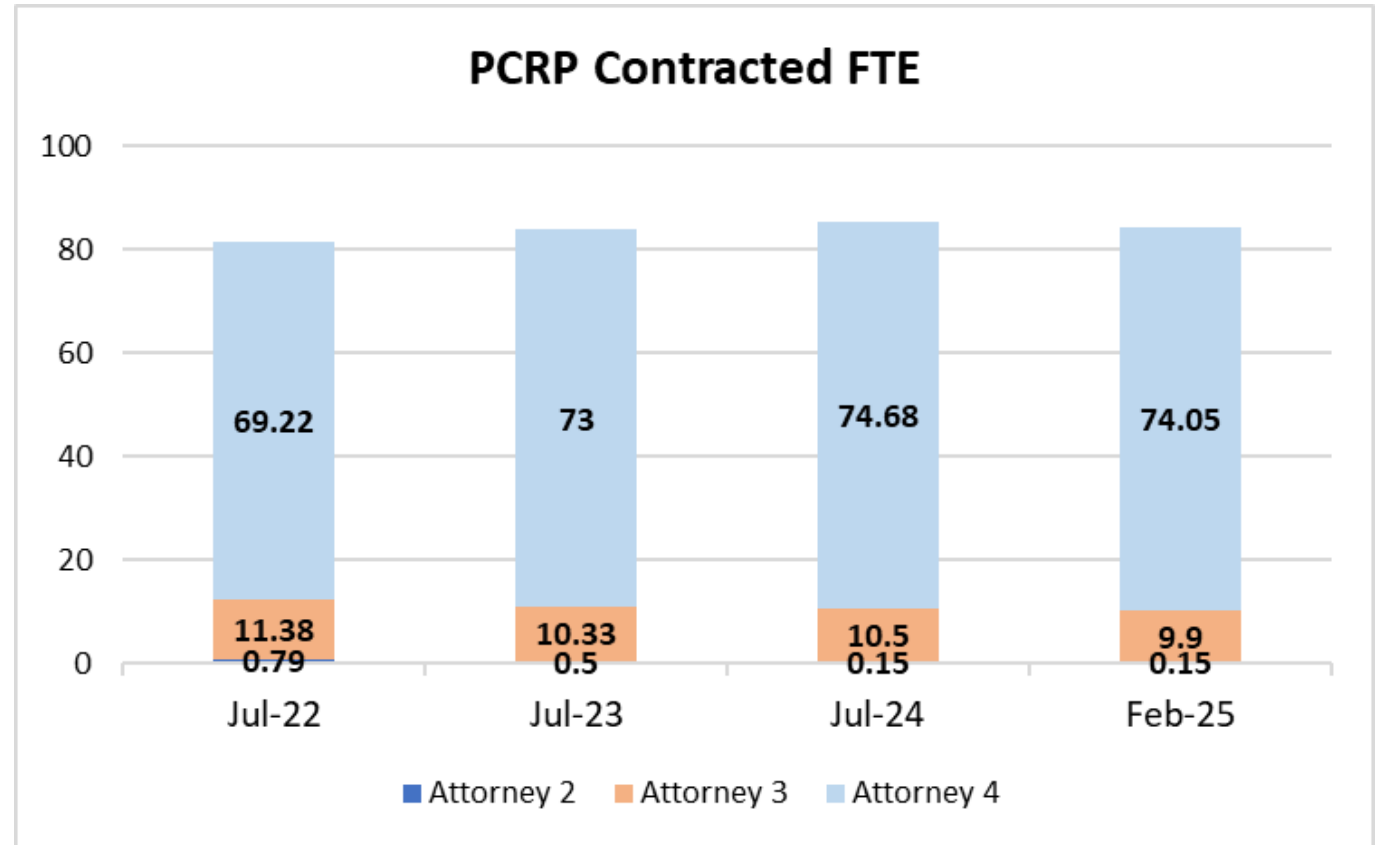


# Funding

PCRP Attorney services are compensated at a rate of \$271,246 annually.

Additional funding is as follows:

- Case Managers - \$92,186 annual contract, if billed in full.
- Investigators - \$82,000 annually.
- Extended vacancies \$72,150 for 2 months after 2 months of full payment.
- 5% administration fee is added to the total of the contract, exclusive of case manager contracts.

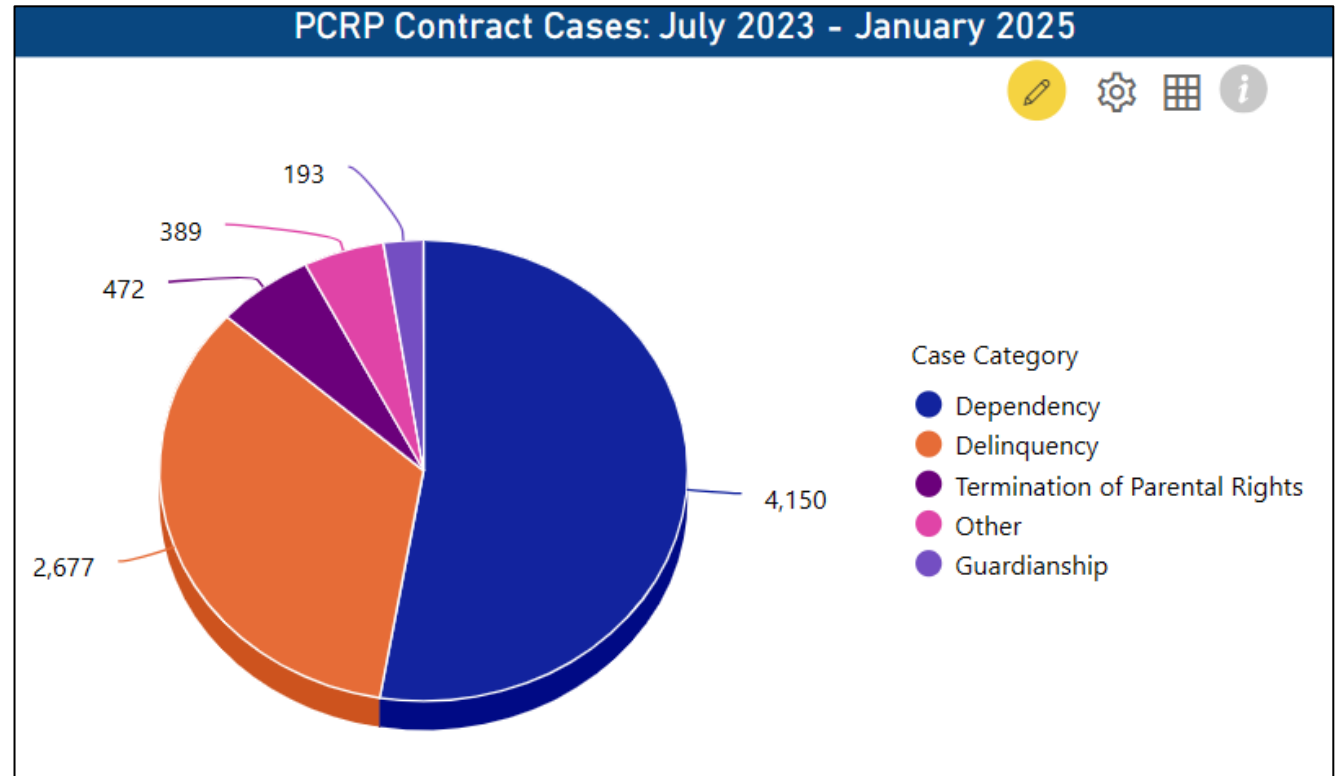


*\*July 2023 attorney level breakdown is an estimate. The total is accurate.*

PCRP

# PCRP Contracts

<b>Total Funding</b>	<b>\$56,634,287</b>
Expenditures	\$43,553,558
Remaining	\$13,080,729



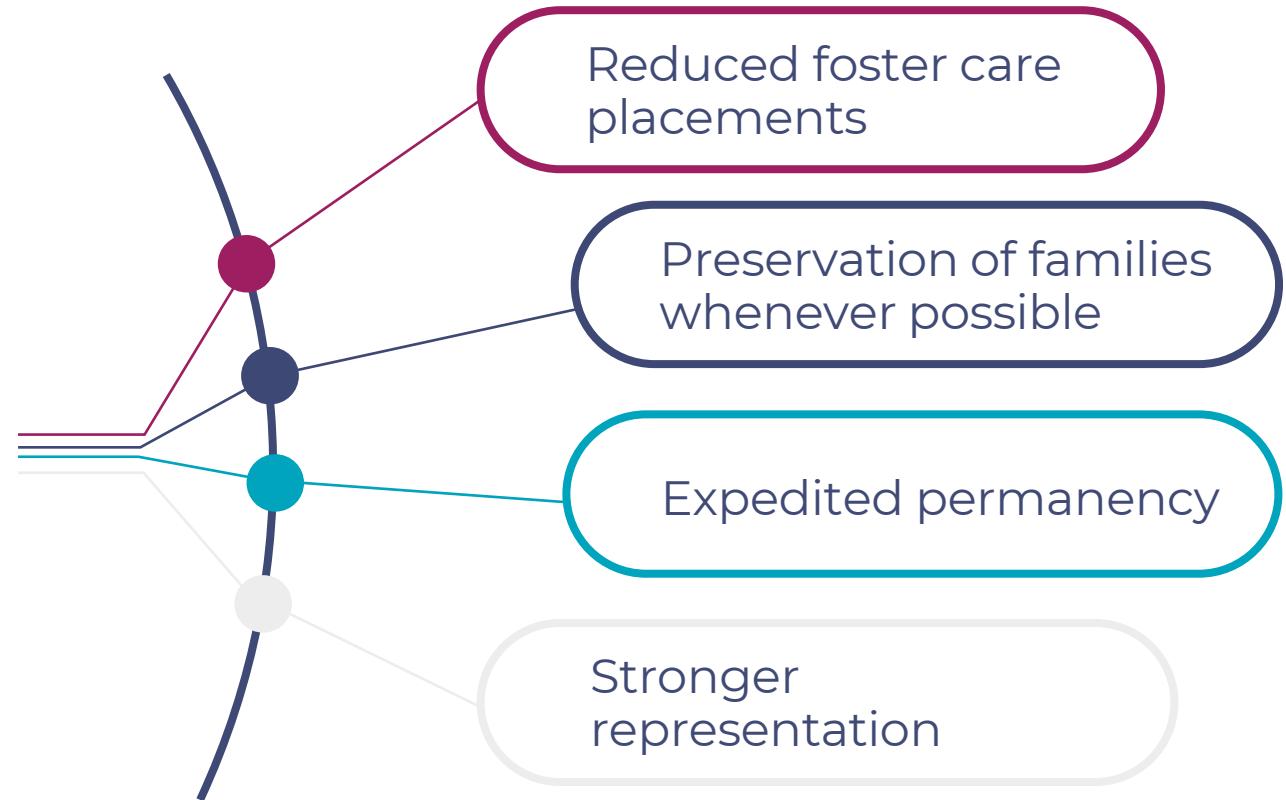
# Juvenile Model of Representation – Parent Child Representation Program

Specialized program of trial-level interdisciplinary representation for children and families in dependency and delinquency proceedings.

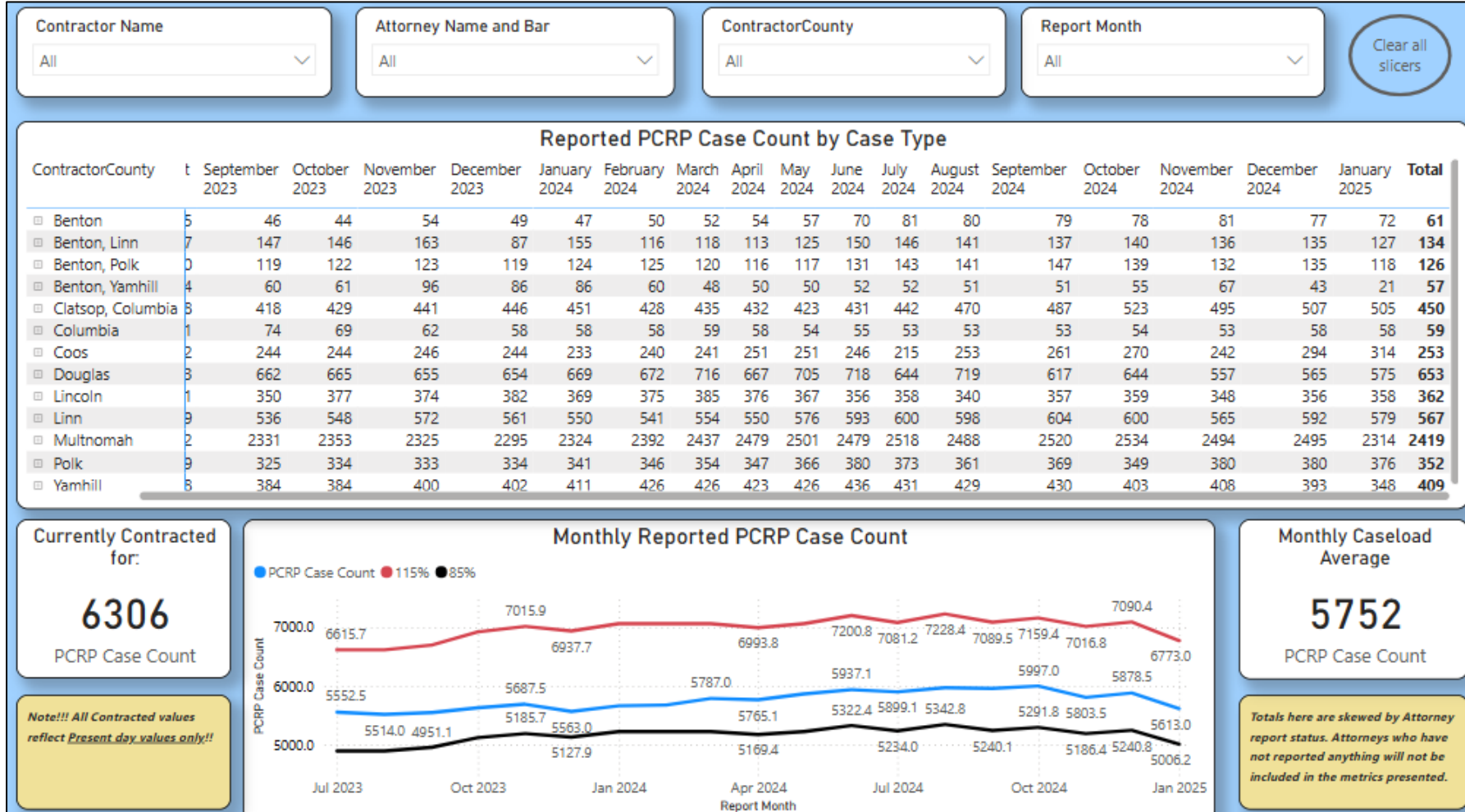
In **Benton, Clatsop, Columbia, Coos, Douglas, Lincoln, Linn, Multnomah, Polk,** and **Yamhill** counties.

Uses client engagement strategies to build trust Case managers support clients' non-legal needs, identify barriers, and navigate systems.

## Key Benefits of PCRCP



# Dashboard



**APPELLATE DIVISION**

# Criminal and Juvenile Appellate Sections

Criminal

Parole

Juvenile Delinquency

Juvenile Dependency

Termination of Parental Rights

Direct representation by attorney professionals and legal support staff employed by OPDC in the Criminal Appellate Section and the Juvenile Appellate Section.

# Program Structure

## Team-Based Collaborative Structure

Criminal Appellate Section: Chief Defender, 3 Chief Deputies, 32 Defenders, 10 Legal Support

Juvenile Appellate Section: Chief Defender, 7 Defenders, 2 Paralegals

- Eight attorney teams: 6 Criminal Section, 2 Juvenile Section
  - Led by Senior Deputy Defender with managing attorney participation
  - Case discussions, argument preparation, editing and feedback
- Initial six-month training with managing attorney
- Resource to trial counsel: On-call consultation, CLE presentations and appellate updates

# Our Clients

## Criminal Section

- Individual seeking review of circuit court judgment of contempt or criminal conviction, probation violation or revocation, final order of board of parole and post-prison supervision
- 2,000+ appeals filed each biennium

## Juvenile Section

- Parent seeking review of adverse decision in juvenile dependency case or termination of parental rights.
- 600+ appeals filed each biennium

Both sections collaborate to provide representation to youths appealing from juvenile delinquency adjudication and disposition

Counterpart to Department of Justice Appellate Division before the Oregon Court of Appeals and Oregon Supreme Court



# Legislative Investments: Past Three Biennia

## 80th Legislative Assembly – 2019 Regular Session

HB 5532 (2019), Package 196, Employee Compensation

- Provided General Fund for employee compensation adjustments in the Appellate Division to move toward parity, specifically as it relates to attorney compensation with the Department of Justice.

## 81st Legislative Assembly – 2021 Regular Session

HB 5030 (2021), Package 801, LFO Analyst Adjustments

- Authorized establishment of one permanent Senior Deputy Defender to augment staffing for appellate representation of financially eligible parents and children in juvenile dependency cases and termination of parental rights cases.

## APPELLATE DIVISION

# Investments

Policy option package 103 would reduce use of attorney time and resources to perform case processing and case management that can be performed by non-attorney support staff.

OPDC Appellate Division needs additional support staff to ensure timely and accurate legal representation and to avoid use of attorney time on administrative, non-attorney tasks. Appellate Division's 46 attorneys are supported by 10 non-attorney legal support positions to minimize the use of attorney time on necessary administrative tasks to provide appellate representation, e.g., processing case referrals, data entry, calendaring, scheduling client conferences, preparing document indexes and tables, drafting and formatting routine letters and court filings, ensuring proper filing and service of documents, and communicating with circuit and appellate court staff and court transcribers. The legislature has funded additional attorney positions without adding additional support staff; the Supreme Court and Court of Appeals implemented an upgraded Appellate Case Management System (ACMS) in late 2023, which substantially increased the time necessary to complete daily filings for AD; and the number of juvenile delinquency cases the Appellate Division has been provide appellate representation have increased.

POP would authorize establishment of :

**One (1)  
Executive  
Assistant**

**Four (4)  
Paralegals**

**Two (2)  
Legal  
Secretaries**

**Four (4)  
Admin.  
Specialist 2**

# Budget Drivers & Risks

Workload is driven by the number of criminal cases, parole board decisions, juvenile dependency cases, and termination of parental rights cases referred for appeal; the factual and legal complexity of the appealed cases; statutory changes; and United States and Oregon appellate court decisions.

The right to appeal is largely unqualified. AD must provide appellate representation in all cases in which a financially eligible individual requests review of an appealable judgment or order.

Criminal and juvenile justice are specialized areas of law requiring particular knowledge, experience, and training. Appellate practice, too, is a specialized area of law subject to numerous procedural rules and substantive law not encountered outside of an appellate case. Consequently, the division invests substantial time in its initial training of attorneys.

Juvenile dependency and termination of parental cases are expedited for appeal; the Juvenile Appellate Section cannot retain referred cases on a backlog.

Low Attrition: Two AD attorneys separated during the 23-25 biennium. AD attorneys have average of 11 years, 10 months of agency service.

**Thank you**



# Oregon Public Defense Commission

**Budget Presentation**

March 19, 2025

Jessica Kampfe, Executive Director

Susan Mandiberg, Co-Chair





# Presentation Content

## Day 1

- Agency Overview
- History of Public Defense
- Strategic Plan and KPM
- 23-25 Investments and Reports
- Agency Divisions
- Forecast
- Budget Drivers, Risks, and Challenges

## Day 2

- Governor's Recommended Budget
- Trial Representation
- Adult Criminal Division
- Juvenile Division
- Parent Child Representation Program Division
- Appellate Division

## Day 3

- Unrepresented Individuals
- Hourly Providers
- Preauthorized Expenses
- Court Mandated Expenses
- Special Contracts, Programs, Distributions
- Financial Case Management System

**UNREPRESENTED  
INDIVIDUALS**

## UNREPRESENTED INDIVIDUALS

# 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%
<b>Total</b>	<b>3521</b>	<b>100.0%</b>	<b>172</b>	<b>100.0%</b>	<b>4.27</b>	<b>100.0%</b>



# 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.

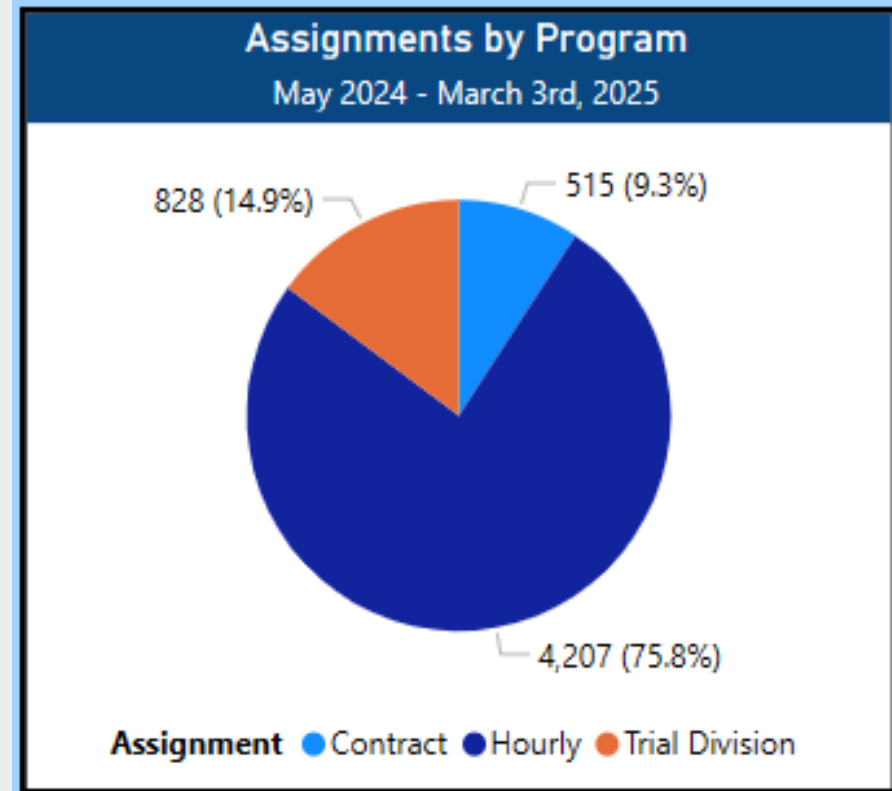
## Temporary Hourly Increase Program (THIP)



## UNREPRESENTED INDIVIDUALS

# Assignment Coordinators

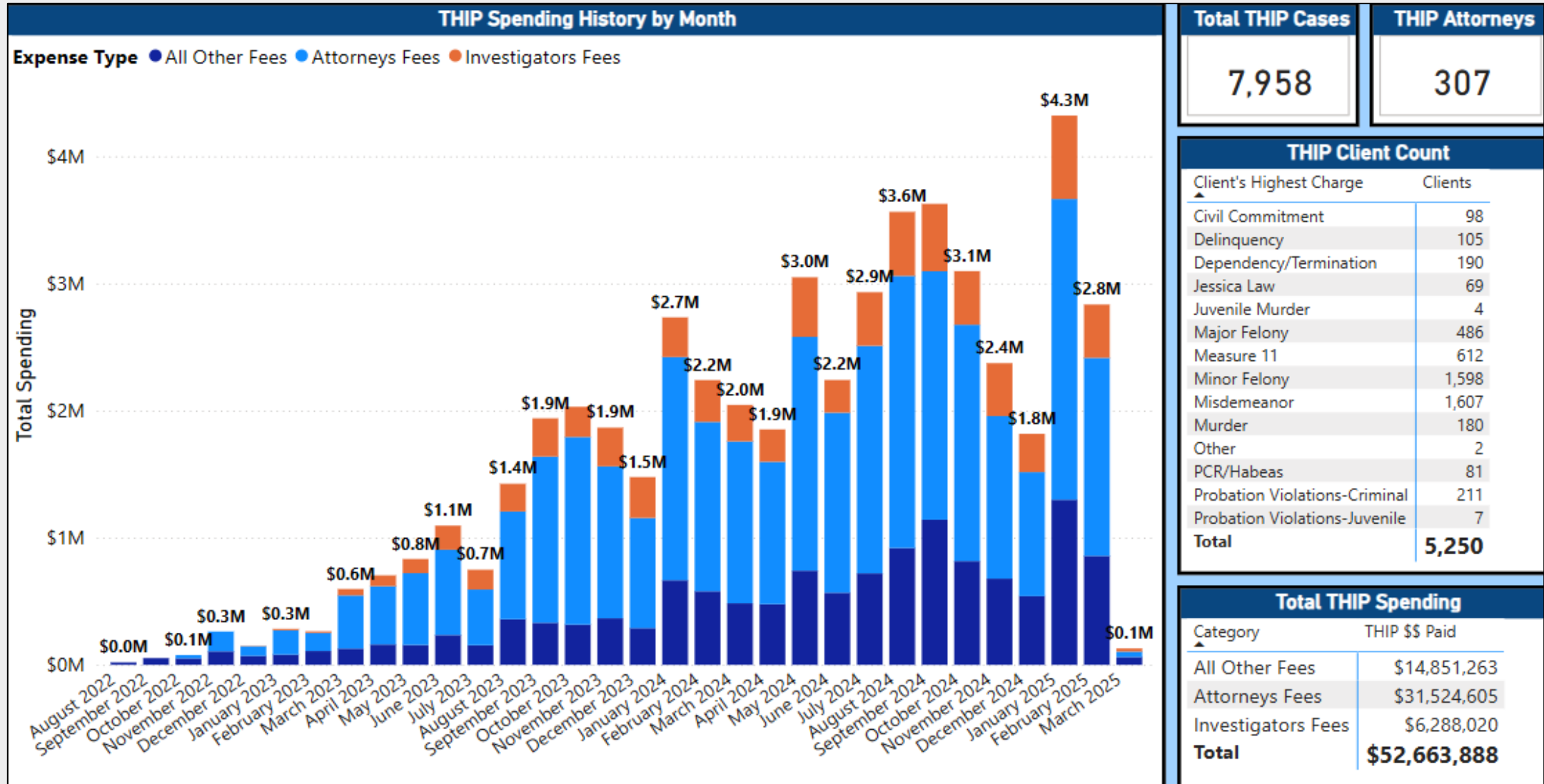
- Located and assigned 5,503 cases since May 2024.
- Types of assignments:
- 94% unrepresented;
- ≈50/50 THIP/Standard rates
- ≈ 1/3 Betschart.



**Assignments by Program**  
May 2024 - March 3rd, 2025

Assignment	Attorney Count	Client Count	Case Count
Contract	146	384	515
Hourly	278	2,852	4,207
Trial Division	21	510	828
<b>Total</b>	<b>405</b>	<b>3,689</b>	<b>5,503</b>

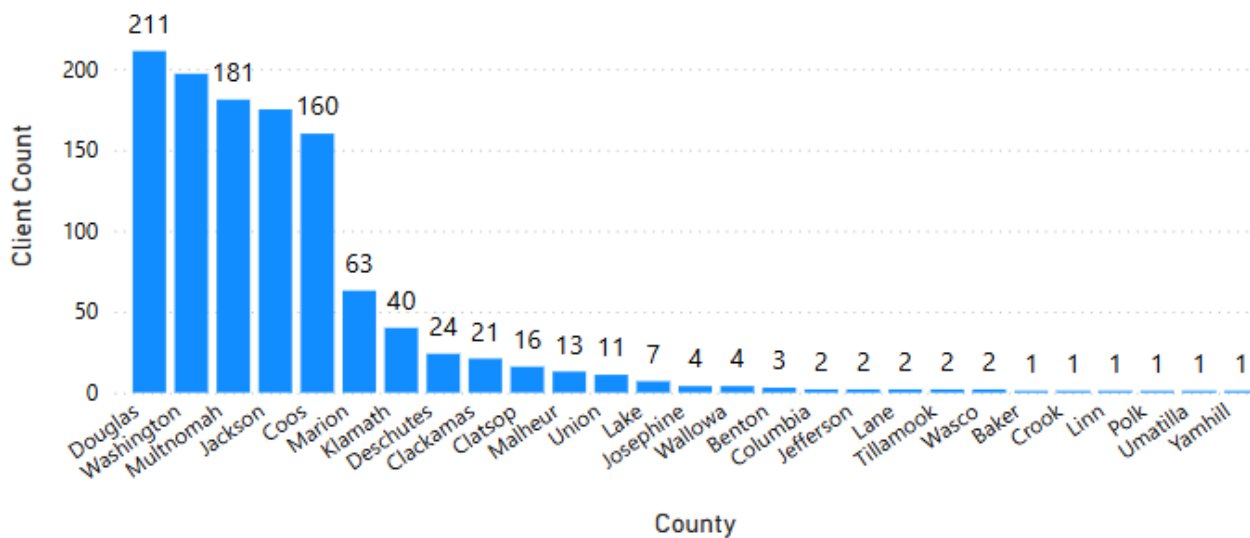
# THIP Program Overview (8/1/22 – 3/3/25)



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

# Betschart Assignments Coordinated by OPDC Analysts

### Nintex Assignment Client Count by Case County

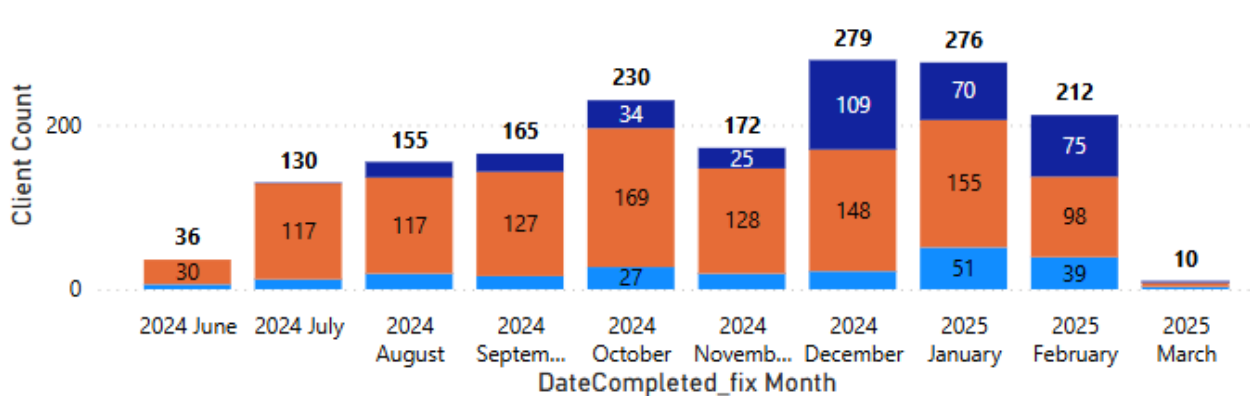


### Nintex Assignments by Program

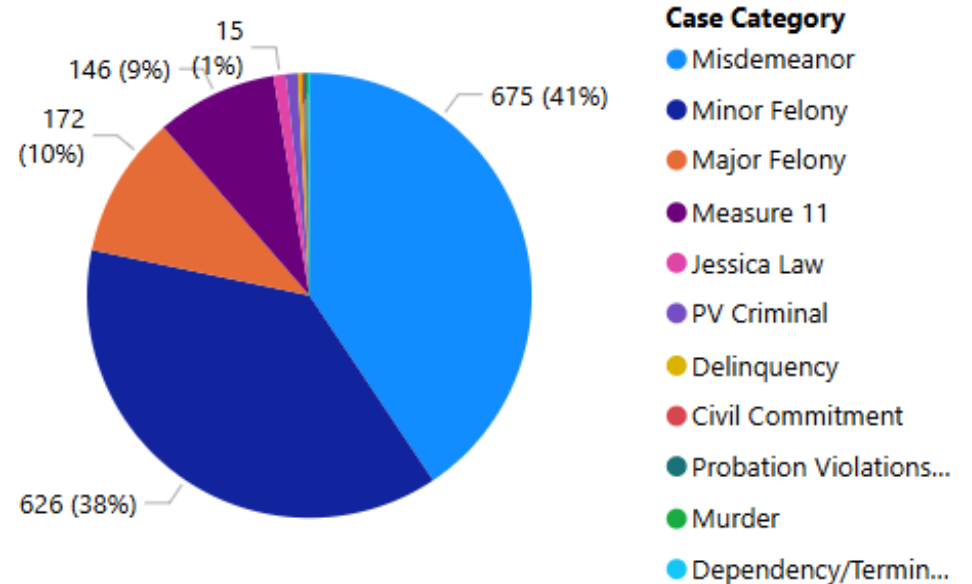
Assignment	Attorney Count	Client Count	Case Count
Contract	73	178	214
Hourly	141	742	1,093
Trial Division	19	231	357
<b>Total</b>	<b>217</b>	<b>1,136</b>	<b>1,661</b>

### Nintex Assignments by Case Count

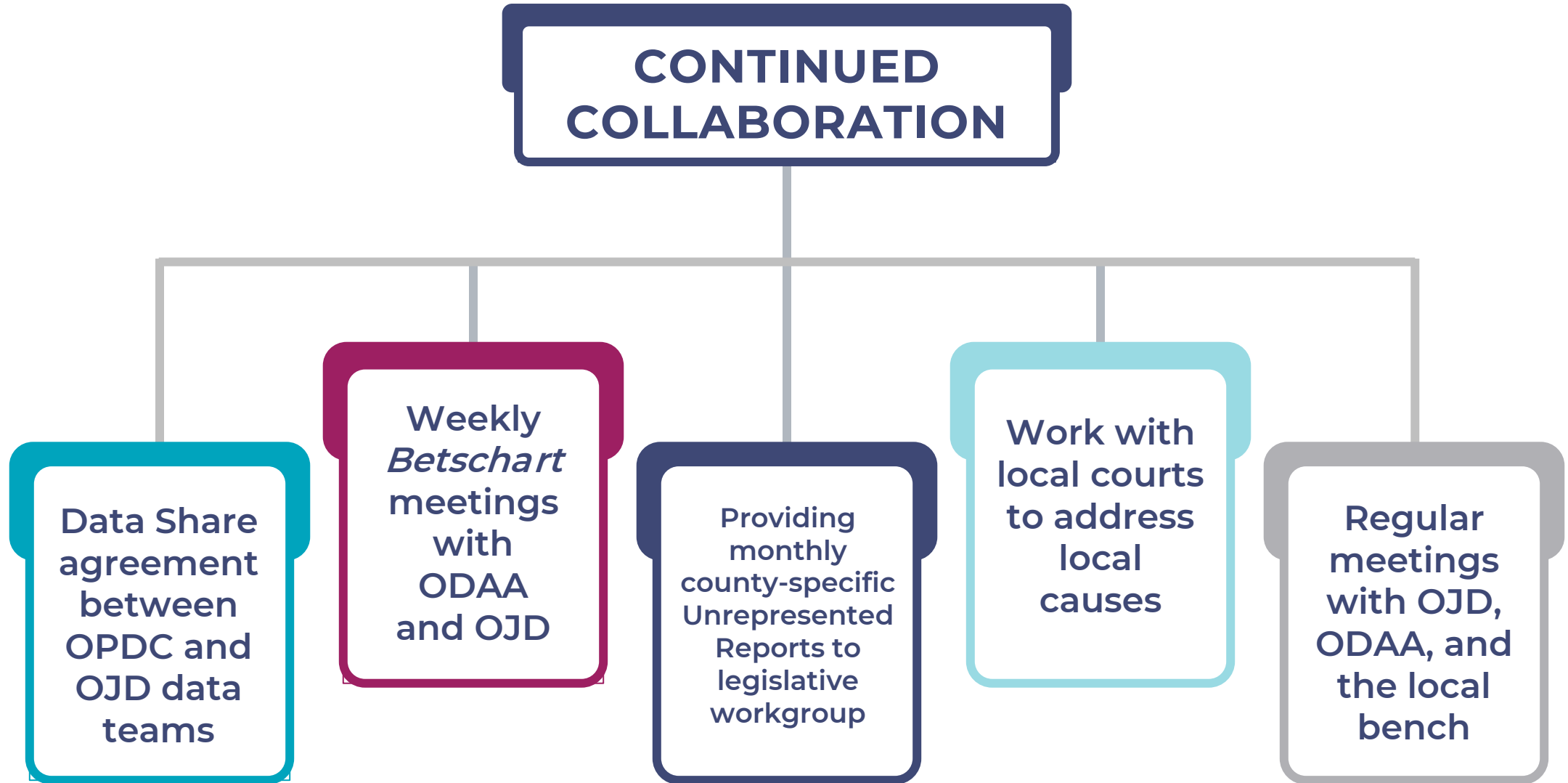
Assignment ● Contract ● Hourly ● Trial Division



### Nintex Assignments by Count of Clients



## UNREPRESENTED INDIVIDUALS



# Trial Level Services - Defense Providers

## Providers include:

Attorneys, as independent contractors, except State Trial Division

Administrative staff working with attorneys

Non-attorney experts, as independent contractors, depending on case needs:

- Interpreters
- Investigators
- Mitigators
- Case managers
- Transcriptionists
- Experts as required for various case types (forensics, psychological, etc.)

**HOURLY PROVIDERS**

## HOURLY PROVIDERS

# 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.

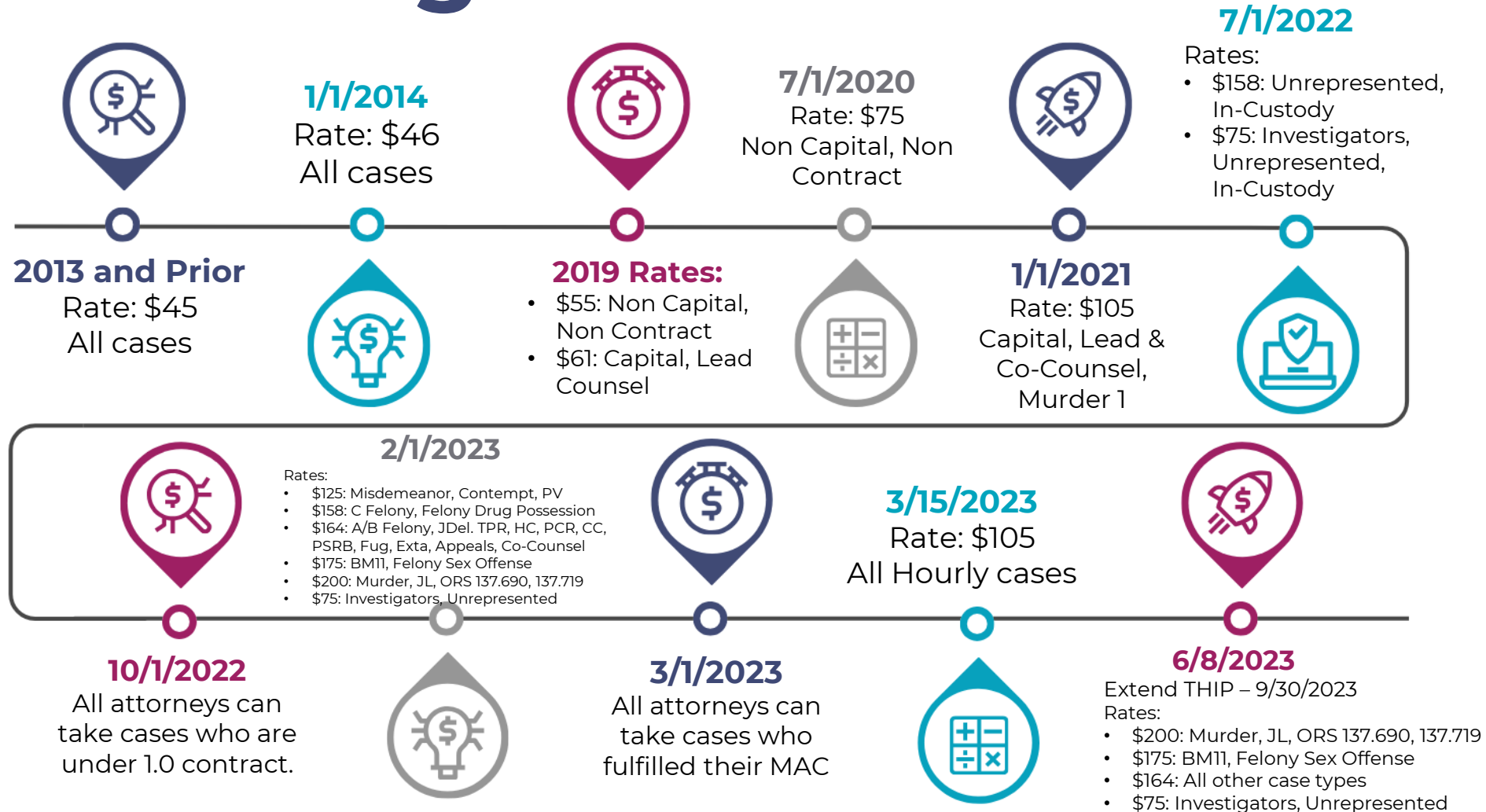
### Non-Attorney (received 38,692 requests for non-attorney public defenders in 2024)

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





# Rate Changes Since 2013



# Current Oversight



MAC must be reached and ethical standards must be met



Attorney qualification standards

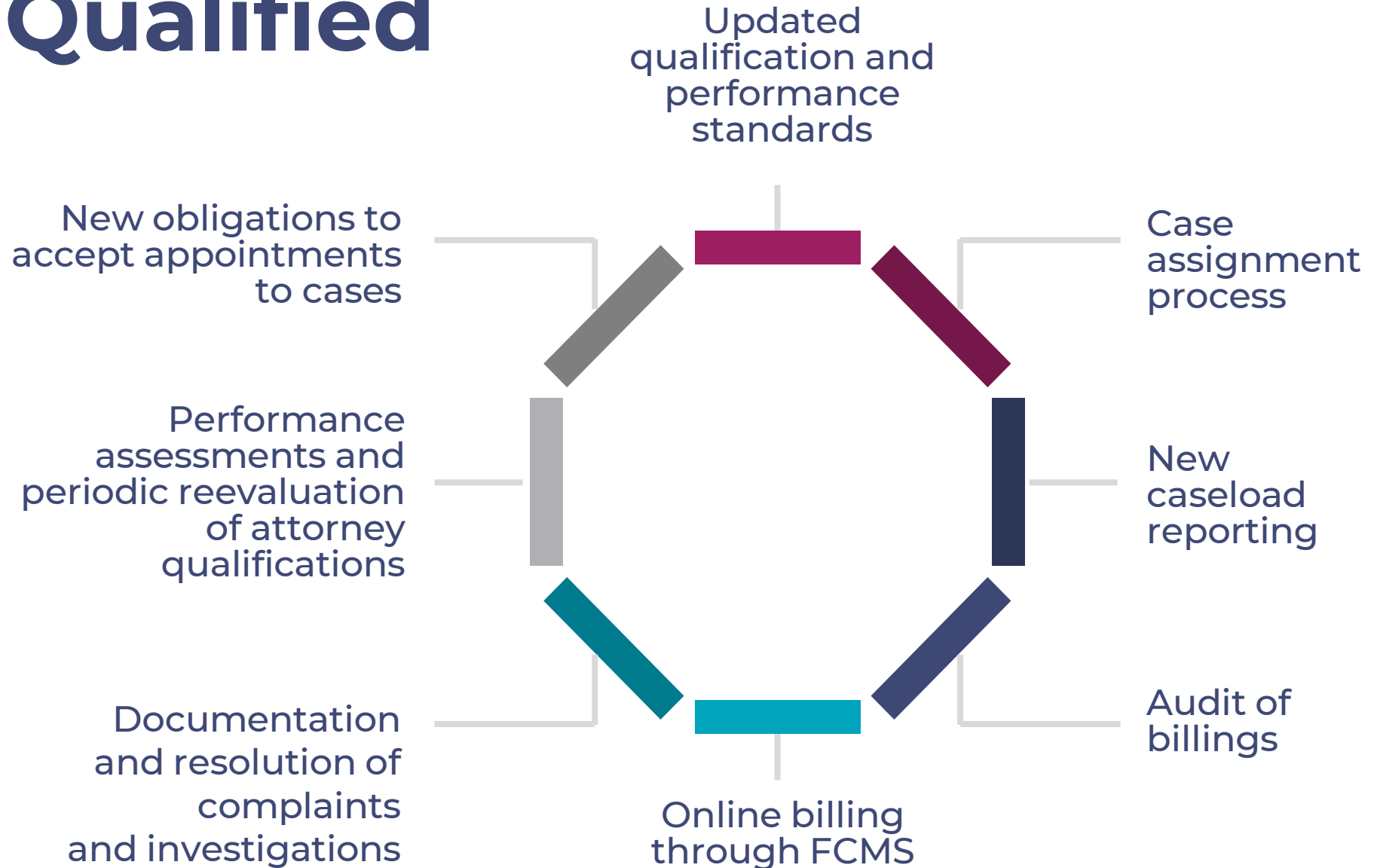


Data Collection



Hourly billing for hourly attorneys and non-attorneys

# Panel of Qualified Counsel

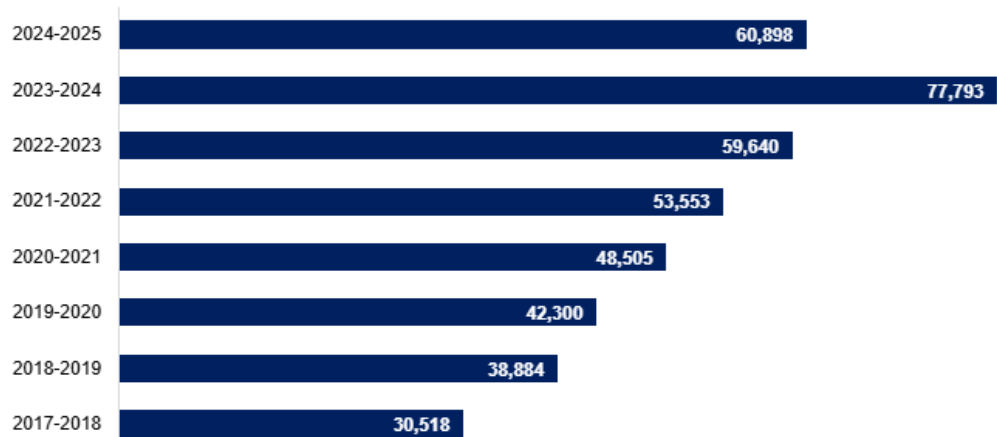


# **PREAUTHORIZED EXPENSES**

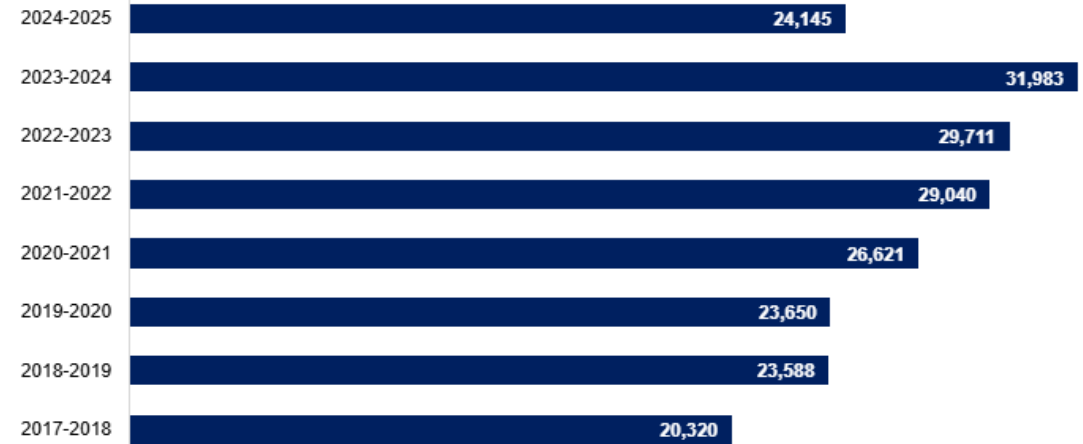
## PREAUTHORIZED EXPENSES

# Preauthorized Expenses (PAE)

**Dollar Amount of Preauthorized Expenses Approved by Fiscal Year**  
(in thousands)



**Preauthorized Expense Requests Approved by Fiscal Year**



## PREAUTHORIZED EXPENSES

# Accomplishments

OPDC adopted the Pre-Authorized Expense Policy, Routine Expense Policy and Schedule of Guideline Amounts in January 2024. The policies and schedule were refined throughout 2024 with input from staff, external stakeholders, and the commission.

Increased hours on initial requests for investigation in response to need. This has reduced subsequent long form requests for investigation.

Developed several new forms including short forms for:

- Aid & Assist
- Alternative Sentencing Evaluation
- ASAM evaluation
- Psycho-Sexual Evaluation
- Polygraph

Developed new vendor process which expedites approvals.

Pre-Authorized Expenses now has its own page on the website which gives clear and direct access to applicable policies and forms.

Developed single online Nintex form for PAE submissions to eliminate problems experienced with the previous format.

# Accomplishments

Held office hours meetings to answer questions and advise external stakeholders of progress on back-log.

Responded to volume increases by hiring additional staff.

Phone calls are now answered by a staff person rather than routed to a voice mail.

Caught up 2,560 requests.

Developed and implemented reconsideration panel process.

Provided additional training to staff to improve quality control and customer service.

Created a comprehensive list of FAQ's for the PAE webpage which has helped reduce the questions that the team receives and provides a resource to the public.

# Vulnerabilities

Vendor database contains inconsistent and often irrelevant or inaccurate information as well as multiple records for providers. Improvements to this system will result in greater quality control and accuracy.

There is currently no “cap” on case related expenses which can lead to the potential of never-ending funding on each case.

The statutory term "reasonable and necessary" is subjective and difficult to enforce from the agency's side.

Expenses that come through PAE can be monitored but we have no way to monitor or cross check with overall expenses as attorney time is routine and billed directly to accounts payable.

Staff vulnerability - we have full staff, but if one person were to go out on an extended leave, the department would be at risk, potentially impacting cases across the state for the duration.

Lack of access to certain types of expert providers in Oregon who will work within guideline rates, causing attorneys to have to go out of state, which drives up the cost.

Open authorizations that are outstanding and pre-date current policies sit as an agency liability.



# Policy Impacts

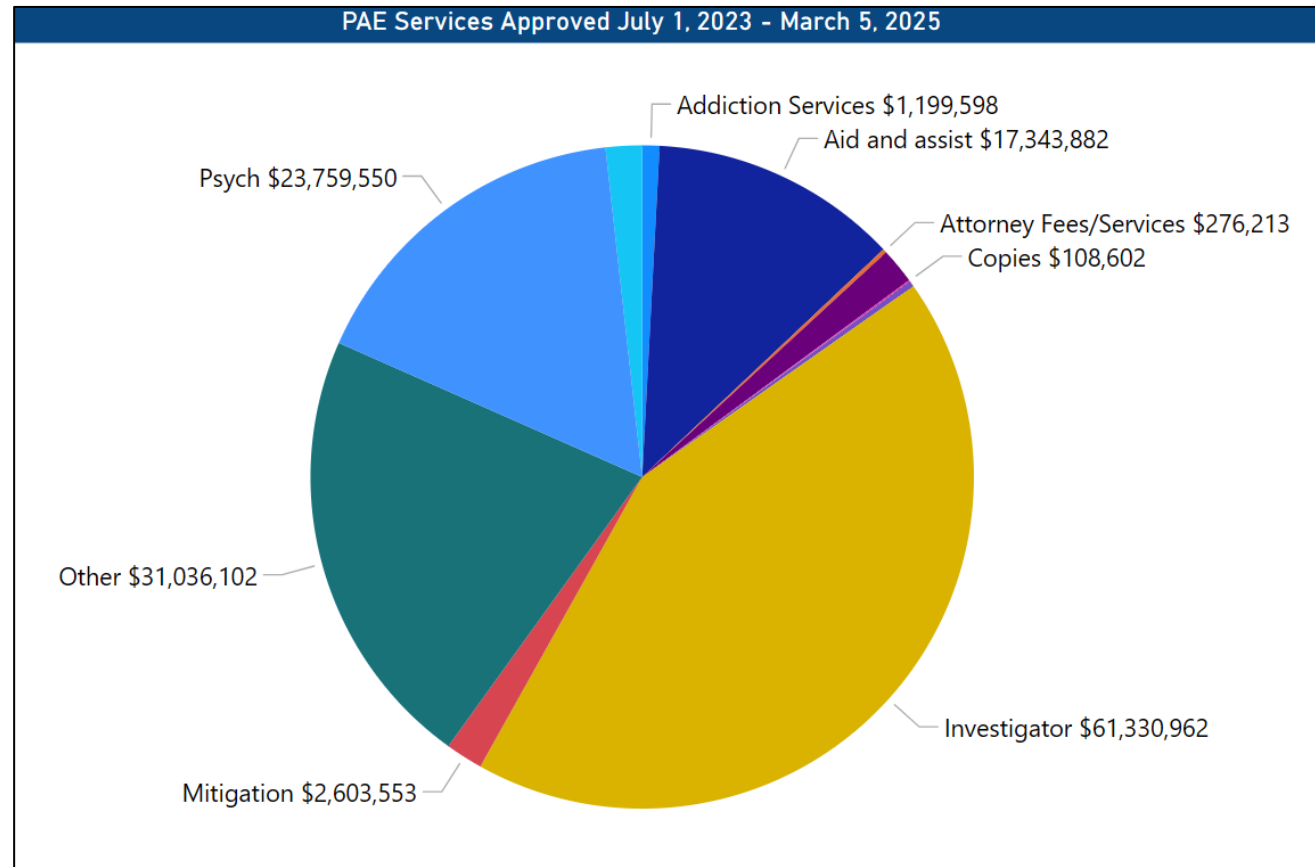
## POSITIVE

- Missed appointment policy – no longer getting billed for more than 2 missed appointments.
- OPDC no longer pays a higher rate for testimony.
- 180-day rule/1 year rule – After hearing from service providers about the difficulties they faced performing the service and billing within 180 days, the agency recommended that the 180-day rule be changed to one year. Service providers now have one year to perform the authorized service and submit their bill for payment. This will significantly reduce the agencies liability going forward.
- The Schedule of Guideline Amounts created definitions, rate parameters and qualifiers for service providers making it easier for the PAE team and service providers to understand.
- The policy created a Reconsideration Panel which allows attorneys to appeal a denial to a panel. The reconsideration panel consists of representatives from the agency as determined by the Executive Director. The panel has the authority to overturn the reviewer’s decision. All decisions of the reconsideration panel are the final decision of the agency. Pursuant to ORS 135.055, an appeal of the panel’s decision must be made to the Presiding Judge in the court in which the subject case is pending or the Chief Judge or Chief Justice when the request involves an appellate case.
- Grand Jury Transcripts no longer require a PAE if they are billing within the guideline rate.

## NEGATIVE

- The decision to pay service providers their full rate for travel time has cost the agency a significant amount of money.

# PAE Approved Services



PREAUTHORIZED EXPENSES

# Reductions in the Governor's Recommended Budget

Total reduction in Preauthorized Expenses: \$11,452,066



**Travel Time:**

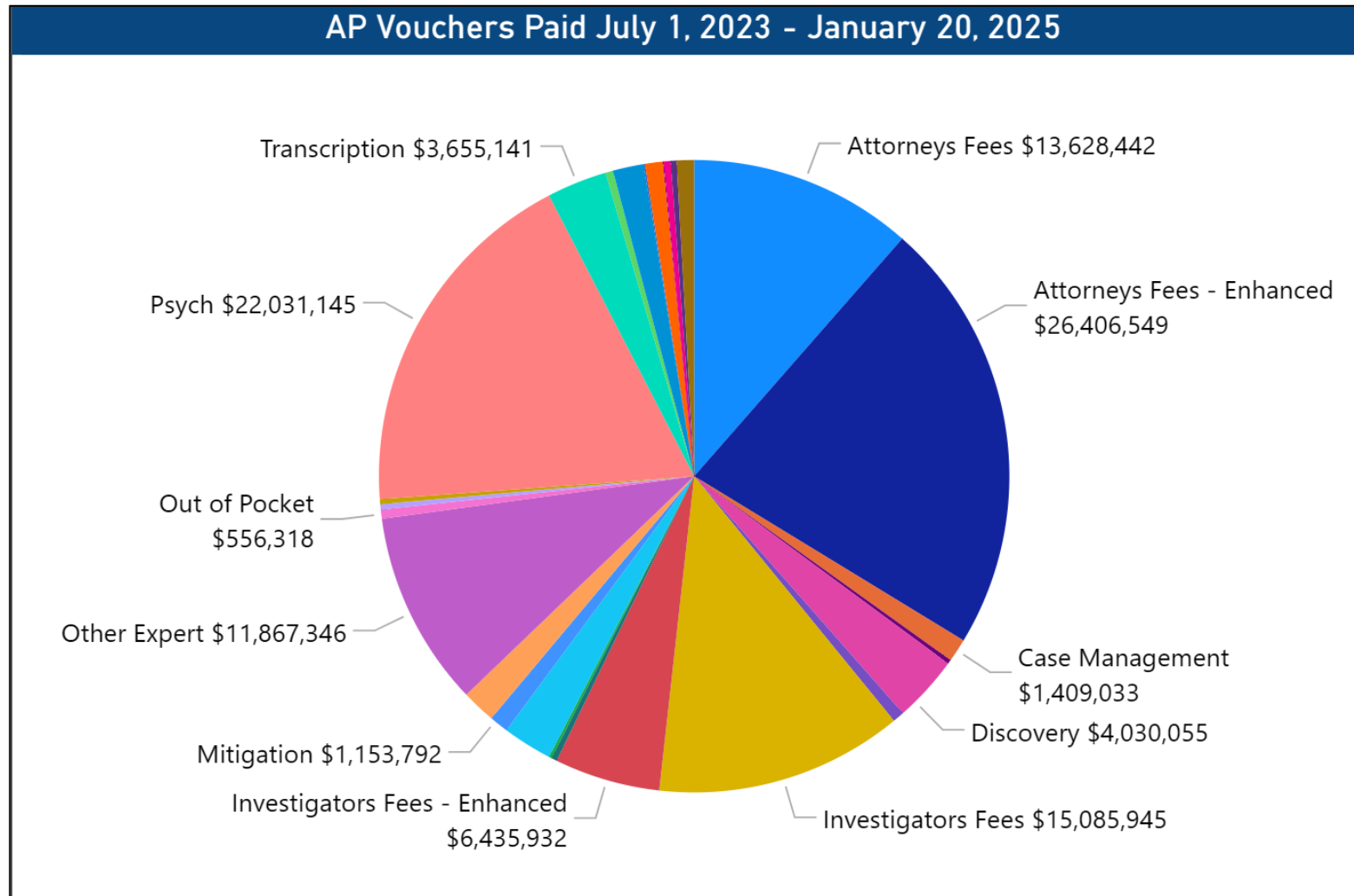
- Investigators
- Mitigators
- Case Managers
- Psychologists
- Other Experts

**Expert Services:**

- Polygraphs
- Optional Probation Evaluations

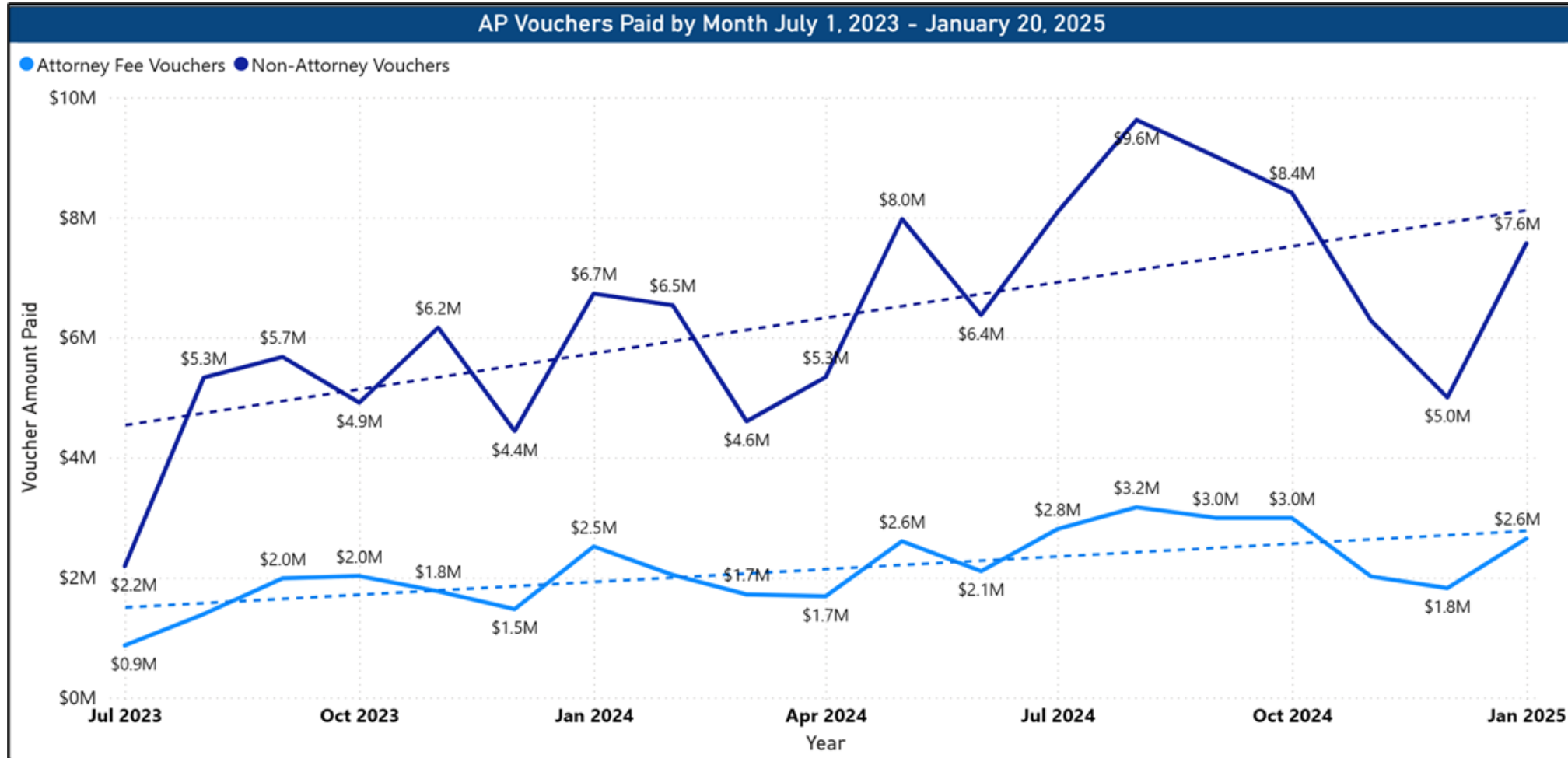
# **COURT MANDATED EXPENSES**

# Types of Services Purchased



## COURT MANDATED EXPENSES

# Number of Payments Increasing



COURT MANDATED EXPENSES

# Reductions in the Governor's Recommended Budget

Total reduction in Court Mandated Expenses: \$7,456,551



## COURT MANDATED EXPENSES

# POP 104 - Explained

FORMULA COMPONENT	25TH	50TH	75TH
Average Hourly Salary (Oregon)	\$67	\$84	\$95
Payroll Taxes (10.35%)	\$7	\$9	\$10
Cost of Benefits (30%)	\$20	\$25	\$29
<b>Total Employee Cost:</b>	<b>\$94</b>	<b>\$118</b>	<b>\$134</b>
Overhead (40%)	\$38	\$47	\$54
Profit (10%)	\$13	\$17	\$19
<b>Market Calculated Rate:</b>	<b>\$145</b>	<b>\$182</b>	<b>\$207</b>

All figures are rounded to the nearest whole dollar.

FORMULA COMPONENT	50th	Annually
Average Hourly Salary (Oregon)	\$84	\$174,720
Payroll Taxes (10.35%)	\$9	\$18,720
Cost of Benefits (30%)	\$25	\$52,000
<b>Total Employee Cost</b>	<b>\$118</b>	<b>\$245,440</b>
Overhead (40%)	\$47	\$98,176
<b>Calculated Rate:</b>	<b>\$165</b>	<b>\$343,616</b>

The Commission made the decision to basis funding for providers at the 50th percentile, which is market match, and without the profit component. For contractors this would represent a fully loaded hourly rate of \$165 per hour. Based on 2,080 hours this would equal an annual contract rate of \$343,616. This calculated annual amount would paid as one standard rate or be adjusted to match the different levels of qualification as applicable.

The Commission then decided to divide the fully loaded annual rate by 1,578 hours for hourly contractor which provided a median hourly rate of \$217 per hour. The Commission then decided to apply an upward and downward variance factor to set the Tier 1 rate at \$230 per hour (B Felony and above) and the Tier 2 rate at \$205 per hour (C felony and below). The Commission, based on the study data also decided to set the investigation rate at \$75 per hour and the mitigation rate at \$85 per hour.



**SPECIAL CONTRACTS,  
PROGRAMS, DISTRIBUTIONS**

# Status of Programs

## SPCD will be continuing the following program:

- The payment of guardianship services by contract with Disability Rights Oregon (\$1.5 million)

## SCPD will be phasing out the following 23-25 Programs:

- The funding for the law school collaboration.
- Disbursement of Byrne Grant funding.
- Contractor to assist Commission transition from Judicial to Executive Branch.

## The following program has been eliminated in the Governor's Budget:

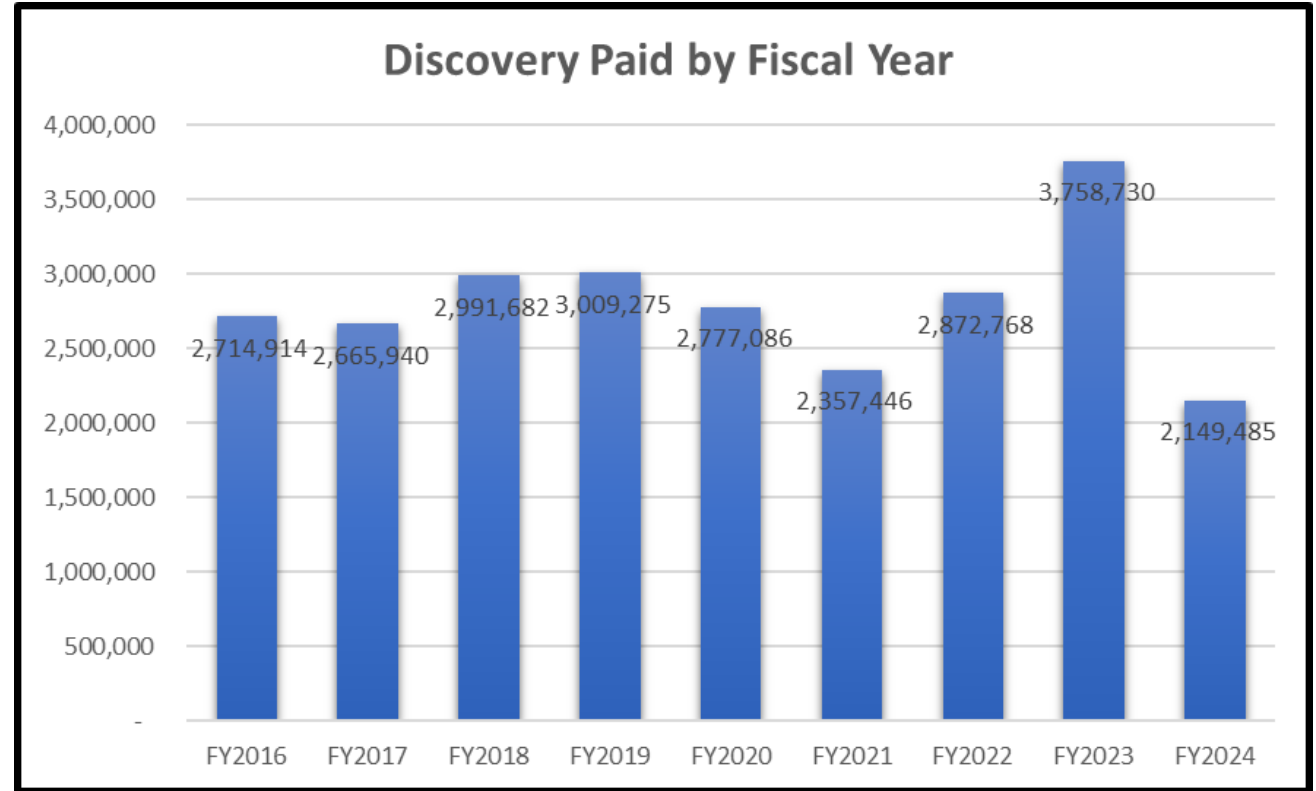
- Reimbursement for county discovery.
- This was originally in the agency's reduction plan.

## SPECIAL CONTRACTS, PROGRAMS, AND DISTRIBUTIONS

# Discovery

Access to pretrial discovery is a defendant's fundamental right and it ensures efficient judicial administration by avoiding unnecessary trials and delay.

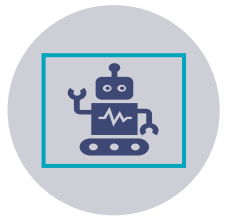
Therefore, ORS 135.815 requires that the district attorney shall provide discovery as soon as practicable following the filing of an indictment or information.



\*Paid through June 30, 2024

# **FINANCIAL CASE MANAGEMENT SYSTEM (FCMS)**

# Program Scope



## Implement New System

Procure and Go-Live with a modern solution for financial management, case management, and timekeeping (Accounts Payable)



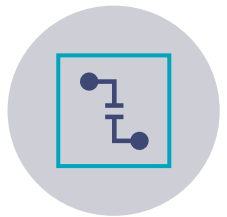
## Migrate Data

Clean data from old systems, migrate and archive as appropriate



## Decommission Antiquated Systems

Discontinue aging systems and decommission obsolete technology



## Rationalize Ancillary Systems

Decommission, modify, or integrate legacy systems



## Provide Support

Support stakeholders through organizational change management, business process redesign, cloud readiness, training, and communication

# POP 101: Financial Case Management System

## Challenges:

- OPDC's current database platforms are not robust enough to meet future agency requirements, and cannot provide high-fidelity analytics, tracking of contracts and disbursements.
- Dynamic expansion of disparate ad hoc systems (Access Databases, Excel spreadsheets, etc.) increases inefficiencies and creates a steeper learning curve for users.

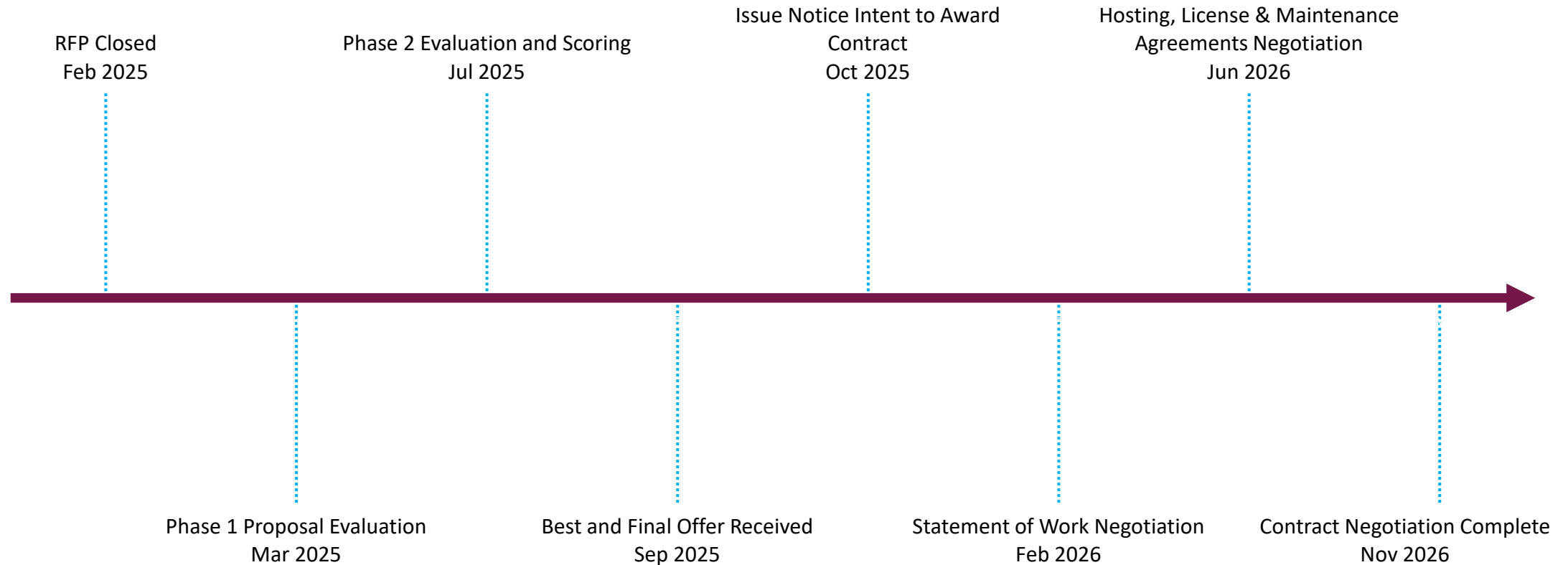


## Solution: POP 101

This POP supports third phase implementation of OPDC's Financial Case Management System (FCMS), replaces OPDC's outdated and inadequate systems currently used for case management, timekeeping workflow support and invoicing; and replaces other ad hoc in-house systems.

A more integrated system will reduce the burden on users, provide leadership with improved reports and data analytics, and will deliver a more intuitive (user friendly) interface to OPDC staff and counsel.

# FCMS Procurement Timeline



# FCMS Project Roadmap





# ITS Investments

New POP 101 Positions Hired in GREEN

New IT Transition Positions Hired in BLUE

## Infrastructure Team

Enterprise Architect (LD)  
M365 Administrator  
Server Administrator  
Endpoint Administrator

## IT Data Team

Chief Data Officer (LD)  
Data Architect  
SharePoint Administrator  
Database Administrator  
Systems Analyst – In Recruitment  
Data Analyst – In Recruitment

## IT Project Management

Project Manager (LD)  
Project Manager (LD) – In Recruitment  
Business Analyst (LD)  
Business Analyst (LD) – In Recruitment

## Service Desk

ITSM Specialist  
Service Desk Technician 2  
Service Desk Technician 1

**Thank you**

