

Oregon Public Defense Commission
 Answers to Member Questions Day 1
 March 17, 2025

1. Sen. Broadman requested a list of all ongoing contractual relationships we have for professional services.

This question was narrowed to contractual work with Moss Adams through additional clarification.

Product/Service	Contract Start	Contract End	Not to Exceed Amount	Completed Accounting Period	Total Paid	Total Unused	Total Remaining Unspent Value thru Dec 2024 Svcs	Notes
Organizational Development Consulting	4/3/24	6/30/25	\$500,000				\$285,092	SB 5701 (24) Section 343. Organization development consulting to include development of a strategic plan and assist the Commission with transitioning to the Executive Branch.
Six Year Plan NPDWS	6/10/24	9/15/24	\$50,000	Nov 24	\$50,000	\$0.00		To provide an updated 6 Year Plan based upon the National Public Defense Workload Standard
Salary Study	3/8/24	6/30/24	\$37,800	Jun 24	\$33,496	\$4,304		SB 337 (2023) Appropriation - \$250,000. Conduct an independent survey and economic analysis on the minimum hourly pay for appointed counsel and other associated positions.
Original 6-Year Plan	8/22/23	3/31/24	\$90,000	Jun 24	\$90,000	\$0.00		CJC Grant Funding, See IAA PDSC-2023-01. Creation of five-year budget report for the Commission. This will be developed to increase funding and reduce deficiency in number of providers.

<p>FCMS Change Management Consulting Services</p>	<p>3/1/25</p>	<p>6/13/27</p>	<p>\$295,000</p>				<p>\$97,051</p>	<p>Master Services Agreement Statement of Work/Consulting Services-Change Management: Change Management Work for the FCMS Project</p> <p>OPDC is engaging Moss Adams in organizational change management (OCM) services to help with OPDC staff, process, and systems transformation efforts. The OCM support services will begin to align with the FCMS implementation timeline starting in the summer 2024 and spanning an estimated 3 years.</p> <p>Charges of Services: Estimated range of \$235,000-\$295,000 plus expenses.</p> <p>Phase 1: Start Up & Project Management: Estimated Fees \$35,000-\$45,000</p> <p>Phase 2: Change Assessment: \$200,000-\$250,000</p> <p>Engagement Total: \$235,000-\$295,000</p> <p>In addition to fees, Moss Adams will charge for expenses. The invoices will include a flat expense charge, calculated as 5% of fees, to cover expenses such as copying costs, postage, administrative billable time, report processing fees, filing fees, and technology expenses. Travel expenses and client meals/entertainment expenses will be billed separately and are not included in the 5% charge.</p>
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2. Rep. Lewis asked about a comparison between the standards that we are discussing.

Standards from the following have been discussed:

- The American Bar Association’s 2022 report “[The Oregon Project: An Analysis of the Oregon Public Defense System and Attorney Workload Standards](#)”
- The RAND Corp.’s 2023 “[National Public Defense Workload Study](#)”
- OPDC’s current Maximum Attorney Caseload (MAC), which is the measurement used in the governor’s recommended budget.

Below is a comparison of these standards, along with the Washington State Bar’s standards, which they are working to implement by 2027.

Annual Maximum Caseload Table: 2022 Oregon Project v. 2023 ABA National Study v. MAC v. WA

Number of cases an attorney should work on per year, per case type

Case Type	2022 ABA Oregon Project	2023 RAND National Study	OPDC MAC	WA State Bar Max (by 2027)
Low-level misdemeanor	93	151	300	
Average misdemeanor	70	93	300	120
Complex misdemeanor	56	63	300	
Low-level felony	52	59	165	47
Mid-level felony	44	36	138	47
High-level felony	14	21	45	
Serious sex assault cases	4	12	6	
Homicide	4	8	6	7
Probation violations	250	154	825	

3. Sen. Broadman asked if there are more FTE attorneys in the system now than in 2019.

Yes, there are more full-time equivalent (FTE) worth of attorneys in the system than there were in 2019. The agency revised its contracts starting in July 2022 to require the name and FTE amount for each attorney within a contract. This change allows us to accurately monitor FTE within the contracts, but it also means that pre-July 2022 FTE data is not as reliable. This table shows the growth of FTE within all the agency’s contracts since July 2022.



Relatedly, there are more than 980 distinct active attorneys in the public defense system. Criminal, juvenile, and Parent Child Representation Program (PCRCP) are our contracts. These counts are not mutually exclusive because attorneys can be on more than one contract. The contracts are broken out by entity type (consortium, non-profit PD, and firms). The hourly count are the attorneys who currently have an hourly agreement making them eligible to take cases under our Temporary Hourly Increase Program (THIP). An attorney could be under contract and also have an hourly agreement. Oregon Trial Division consists of state-employed attorneys; this category is exclusive from the other categories. There are attorneys who take cases at the standard rate and are not under a contract or an hourly agreement; they are not counted here.

Public Defenders as of 3/13/2025	
Provider Type	Count of Attorneys
Criminal - Consortium	253
Criminal - Firm	88
Criminal - PD	260
Juvenile - Consortium	89
Juvenile - Firm	36
Juvenile - PD	31
PCRCP - Consortium	63
PCRCP - Firm	14
PCRCP - PD	32
Hourly	313
Oregon Trial Division	20
Total Distinct Attorneys	984

4. Sen. Broadman asked for a single comparison across each attorney type in terms of costs.

Providing an “apples to apples” comparison between provider types is complex because different provider contracts/pay include different things. For example, contracts build in funding for staff, while state attorney salaries are just for that attorney. They also access preauthorized expenses (PAE) differently. Some non-profits have in-house investigators, and the state trial division has various types of support staff. These providers will require less billing of PAE expenses than an hourly attorney who may not have any support staff or other resources. With these caveats in mind, below is an attempt to show the cost difference in attorney types:

Contract Attorney	Rate	State Attorney	Rate	Hourly Rates*Annualized at 1,578 capped hours			
				Standard	Annualized	THIP	
Attorney 1	\$ 213,085	Deputy Defender	\$ 234,617	\$ 130	\$ 205,140	CFEL and Below	
Attorney 2	\$ 224,182	Deputy Defender				\$ 164	\$ 258,792 All other cases
Attorney 3	\$ 235,280	Senior Deputy Defender	\$ 293,725	\$ 145	\$ 228,810	BFEL and Above	
Attorney 4	\$ 246,378	Senior Deputy Defender				\$ 200	\$ 315,600 Murder, JLAW
PCRP Attorney Rate	\$ 271,246						
<i>Contract rate builds in funding for staff.</i>		<i>State Attorney Rate includes OPE/ S&S</i>					
<i>Contracts will add additional 5% for administration</i>							