

HB 2614-1  
(LC 2876)  
3/3/25 (JLM/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Jason Kropf)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2614**

1 In line 2 of the printed bill, after “Commission” insert “; amending ORS  
2 151.216 and section 102, chapter 281, Oregon Laws 2023; and declaring an  
3 emergency”.

4 Delete lines 4 through 9 and insert:

5 **“SECTION 1.** Section 102, chapter 281, Oregon Laws 2023, is amended to  
6 read:

7 **“Sec. 102.** (1)(a) The amendments to ORS 151.211, 151.216 and 151.219 by  
8 sections 93 to 95, [*of this 2023 Act*] **chapter 281, Oregon Laws 2023**, become  
9 operative on July 1, 2025.

10 **“(b)** The amendments to ORS 151.213 [*and 151.216*] by [*sections 100 and*  
11 *101 of this 2023 Act*] **section 100, chapter 281, Oregon Laws 2023**, become  
12 operative on July 1, 2027.

13 **“(c) The amendments to ORS 151.216 by section 101, chapter 281,**  
14 **Oregon Laws 2023, become operative on July 1, 2029.**

15 **“(2)(a)** A person who is a member of the Oregon Public Defense Commis-  
16 sion on July 1, 2027, may finish the person’s term as a commission member  
17 and is eligible for reappointment, but, beginning July 1, 2027, may be re-  
18 moved by the Governor only for inefficiency, neglect of duty or malfeasance  
19 in office.

20 **“(b)** The person serving as executive director of the Oregon Public De-  
21 fense Commission on July 1, 2027, may finish the person’s term as executive

1 director and is eligible for reappointment, but, beginning on July 1, 2027,  
2 serves at the pleasure of the voting members of the commission.

3 “(3) The Oregon Public Defense Commission, the Oregon Department of  
4 Administrative Services and the Governor may take any action before the  
5 operative dates specified in subsection (1) of this section that is necessary  
6 to enable the commission to exercise, on and after the operative dates spec-  
7 ified in subsection (1) of this section, all of the duties, functions and powers  
8 conferred on those entities by the amendments to ORS 151.211, 151.213,  
9 151.216 and 151.219 by sections 93 to 95, 100 and 101, [*of this 2023 Act*]  
10 **chapter 281, Oregon Laws 2023.**

11 **“SECTION 2.** ORS 151.216, as amended by section 78, chapter 281, Oregon  
12 Laws 2023, is amended to read:

13 “151.216. (1) The Oregon Public Defense Commission shall:

14 “(a) Establish and maintain a public defense system that ensures the  
15 provision of public defense services consistent with the Oregon Constitution,  
16 the United States Constitution and Oregon and national standards of justice.

17 “(b) Adopt policies for public defense providers that:

18 “(A) Ensure compensation, resources and caseloads are in accordance  
19 with [*national and regional best practices*] **the requirements of the Oregon  
20 and United States Constitutions;**

21 “[*(B) Ensure all public defense provider contracts provide for compensation  
22 that is commensurate with the character of service performed;*]

23 “[*(C)*] **(B)** Ensure funding and resources to support required data col-  
24 lection and training requirements; and

25 “[*(D)*] **(C)** Recognize the need to consider overhead costs that account for  
26 the cost of living and business cost differences in each county or jurisdiction,  
27 including but not limited to rent, professional membership dues, malpractice  
28 insurance and other insurance and other reasonable and usual operating  
29 costs.

30 “(c) Establish operational and contracting systems that allow for over-

1 sight, ensure transparency and stakeholder engagement and promote equity,  
2 inclusion and culturally specific representation.

3 “(d) Review the caseload policies described in paragraph (b)(A) of this  
4 subsection annually, and revise the policies as necessary and at least every  
5 four years.

6 “(e) Adopt a statewide workload plan, based on the caseload policies de-  
7 scribed in paragraph (b)(A) of this subsection, that takes into account the  
8 needs of each county or jurisdiction, practice structure and type of practice  
9 overseen by the commission.

10 “(f) Submit the budget of the commission to the Legislative Assembly af-  
11 ter the budget is submitted to the commission by the executive director and  
12 approved by the voting members of the commission. The chairperson of the  
13 commission shall present the budget to the Legislative Assembly.

14 “(g) Adopt a compensation plan, classification system and affirmative  
15 action plan for the commission that are commensurate with other state  
16 agencies.

17 “(h) Adopt policies, procedures, standards and guidelines regarding:

18 “(A) The determination of financial eligibility of persons entitled to be  
19 represented by appointed counsel at state expense;

20 “(B) The appointment of counsel, including the appointment of counsel  
21 at state expense regardless of financial eligibility in juvenile delinquency  
22 matters;

23 “(C) The fair compensation of counsel appointed to represent a person  
24 financially eligible for appointed counsel at state expense;

25 “(D) Appointed counsel compensation disputes;

26 “(E) The costs associated with the representation of a person by appointed  
27 counsel in the state courts that are required to be paid by the state; and

28 “(F) The types of fees and expenses subject to a preauthorization re-  
29 quirement.

30 “(i) Reimburse the State Court Administrator from funds deposited in the

1 Public Defense Services Account established by ORS 151.225 for the costs of  
2 personnel and other costs associated with location of eligibility verification  
3 and screening personnel pursuant to ORS 151.489 by the State Court Ad-  
4 ministrators.

5 “(j) Develop, adopt and oversee the implementation, enforcement and  
6 modification of policies, procedures, minimum standards and guidelines to  
7 ensure that public defense providers are providing effective assistance of  
8 counsel consistently to all eligible persons in this state as required by stat-  
9 ute and the Oregon and United States Constitutions. The policies, proce-  
10 dures, standards and guidelines described in this paragraph apply to  
11 employees of the commission and to any person or entity that contracts with  
12 the commission to provide public defense services in this state.

13 “(k) Set minimum standards by which appointed counsel are trained and  
14 supervised.

15 “(L) Establish a system, policies and procedures for the mandatory col-  
16 lection of data concerning the operation of the commission and all public  
17 defense providers.

18 “(m) Enter into contracts and hire attorneys to bring the delivery of  
19 public defense services into and maintain compliance with the minimum  
20 policies, procedures, standards and guidelines described in this subsection.  
21 All contracts for the provision of public defense services to which the com-  
22 mission is a party must include a requirement for collection by the commis-  
23 sion of data determined by the commission to be qualitatively necessary for  
24 any report required to be submitted to the Legislative Assembly.

25 “(n) At least once every two years, report to the interim committees of  
26 the Legislative Assembly related to the judiciary, in the manner provided in  
27 ORS 192.245, and to the Governor and Chief Justice, concerning compliance  
28 metrics for the minimum standards described in this subsection and recom-  
29 mendations for legislative changes.

30 “(o) Develop standard operating expectations for persons and entities

1 providing public defense services.

2 “(p) In consultation with the Judicial Department, ensure the existence  
3 of policies that create a standardized process for determining and verifying  
4 financial eligibility for appointed counsel under ORS 151.485.

5 “(q) Ensure access to systematic and comprehensive training programs for  
6 attorneys for the purpose of meeting statewide standards set by the commis-  
7 sion.

8 “(r) Enter into contracts or interagency agreements with the Oregon De-  
9 partment of Administrative Services for the purpose of supporting state  
10 public defense population forecasts and other related forecasts.

11 “(s) Establish any other policies, procedures, standards and guidelines for  
12 the conduct of the commission’s affairs and promulgate policies necessary to  
13 carry out all powers and duties of the commission.

14 “(2) When establishing the minimum policies, procedures, standards and  
15 guidelines described in this section, the commission shall adhere to the fol-  
16 lowing principles:

17 “(a) Appointed counsel shall be provided sufficient time and a space  
18 where attorney-client confidentiality is safeguarded for meetings with cli-  
19 ents.

20 “(b) The workload of appointed counsel must be controlled to permit ef-  
21 fective representation. Economic disincentives or incentives that impair the  
22 ability of appointed counsel to provide effective assistance of counsel must  
23 be avoided. The commission may develop workload controls to enhance ap-  
24 pointed counsel’s ability to provide effective representation.

25 “(c) The ability, training and experience of appointed counsel must match  
26 the nature and complexity of the case to which the counsel is appointed.

27 “(d) The same appointed counsel shall continuously represent a client  
28 throughout the pendency of the case and shall appear at every court ap-  
29 pearance other than ministerial hearings.

30 “(e) The commission shall establish continuing legal education require-

1 ments for public defense providers who are employed by or contract with the  
2 commission that are specific to the subject matter area and practice of each  
3 type of court-appointed counsel.

4 “(f) The commission and public defense providers shall systematically re-  
5 view appointed counsel for efficiency and for effective representation ac-  
6 cording to commission standards.

7 “(3) The commission shall be organized in a manner for the effective de-  
8 livery of public defense services as prescribed by the policies and procedures  
9 created pursuant to statute to financially eligible persons and consistent  
10 with the budgetary structure established for the commission by the Legisla-  
11 tive Assembly.

12 “(4) The commission shall hire attorneys to serve as appointed counsel,  
13 including at the trial level in Oregon circuit courts, and may establish a  
14 trial division within the commission consisting of attorneys employed by the  
15 commission who are trial-level public defense providers.

16 “(5) The policies, procedures, standards and guidelines adopted by the  
17 commission must be made available in an accessible manner to the public  
18 on the commission’s website.

19 “(6) Policies, procedures, standards and guidelines adopted by the com-  
20 mission supersede any conflicting rules, policies or procedures of the Public  
21 Defender Committee, State Court Administrator, circuit courts, the Court of  
22 Appeals, the Supreme Court and the Psychiatric Security Review Board re-  
23 lated to the exercise of the commission’s administrative responsibilities un-  
24 der this section and transferred duties, functions and powers as they occur.

25 “(7) The commission may accept gifts, grants or contributions from any  
26 source, whether public or private. However, the commission may not accept  
27 a gift, grant or contribution if acceptance would create a conflict of interest.  
28 Moneys accepted under this subsection shall be deposited in the Public De-  
29 fense Services Account established by ORS 151.225 and expended for the  
30 purposes for which given or granted.

1 “(8) With the approval of a majority of the voting members of the com-  
2 mission, the commission may advocate for or against legislation before the  
3 Legislative Assembly or policies or budgets being considered by the Legisla-  
4 tive Assembly.

5 “(9) The commission shall request that the Governor include in the  
6 Governor’s requested budget, for each fiscal period, at a minimum, the  
7 amount of funds identified by the commission as being necessary to carry out  
8 the duties and activities of the commission.

9 “(10) The commission may adopt rules pursuant to ORS chapter 183.

10 “**SECTION 3.** ORS 151.216, as amended by sections 78 and 94, chapter  
11 281, Oregon Laws 2023, is amended to read:

12 “151.216. (1) The Oregon Public Defense Commission shall:

13 “(a) Establish and maintain a public defense system that ensures the  
14 provision of public defense services consistent with the Oregon Constitution,  
15 the United States Constitution and Oregon and national standards of justice.

16 “(b) Adopt policies for public defense providers that:

17 “(A) Ensure compensation, resources and caseloads are in accordance  
18 with [*national and regional best practices*] **the requirements of the Oregon  
19 and United States Constitutions;**

20 “[*B*] *Ensure all public defense provider contracts provide for compensation  
21 that is commensurate with the character of service performed;*]

22 “[*C*] **(B)** Ensure funding and resources to support required data col-  
23 lection and training requirements; and

24 “[*D*] **(C)** Recognize the need to consider overhead costs that account for  
25 the cost of living and business cost differences in each county or jurisdiction,  
26 including but not limited to rent, professional membership dues, malpractice  
27 insurance and other insurance and other reasonable and usual operating  
28 costs.

29 “(c) Establish operational and contracting systems that allow for over-  
30 sight, ensure transparency and stakeholder engagement and promote equity,

1 inclusion and culturally specific representation.

2 “(d) Review the caseload policies described in paragraph (b)(A) of this  
3 subsection annually, and revise the policies as necessary and at least every  
4 four years.

5 “(e) Adopt a statewide workload plan, based on the caseload policies de-  
6 scribed in paragraph (b)(A) of this subsection, that takes into account the  
7 needs of each county or jurisdiction, practice structure and type of practice  
8 overseen by the commission.

9 “(f) Submit the budget of the commission to the Legislative Assembly af-  
10 ter the budget is submitted to the commission by the executive director and  
11 approved by the voting members of the commission. The chairperson of the  
12 commission shall present the budget to the Legislative Assembly.

13 “(g) Adopt a compensation plan, classification system and affirmative  
14 action plan for the commission that are commensurate with other state  
15 agencies.

16 “(h) Adopt policies, procedures, standards and guidelines regarding:

17 “(A) The determination of financial eligibility of persons entitled to be  
18 represented by appointed counsel at state expense;

19 “(B) The appointment of counsel, including the appointment of counsel  
20 at state expense regardless of financial eligibility in juvenile delinquency  
21 matters;

22 “(C) The fair compensation of counsel appointed to represent a person  
23 financially eligible for appointed counsel at state expense;

24 “(D) Appointed counsel compensation disputes;

25 “(E) The costs associated with the representation of a person by appointed  
26 counsel in the state courts that are required to be paid by the state; and

27 “(F) The types of fees and expenses subject to a preauthorization re-  
28 quirement.

29 “(i) Reimburse the State Court Administrator from funds deposited in the  
30 Public Defense Services Account established by ORS 151.225 for the costs of



1 personnel and other costs associated with location of eligibility verification  
2 and screening personnel pursuant to ORS 151.489 by the State Court Ad-  
3 ministrator.

4 “(j) Develop, adopt and oversee the implementation, enforcement and  
5 modification of policies, procedures, minimum standards and guidelines to  
6 ensure that public defense providers are providing effective assistance of  
7 counsel consistently to all eligible persons in this state as required by stat-  
8 ute and the Oregon and United States Constitutions. The policies, proce-  
9 dures, standards and guidelines described in this paragraph apply to  
10 employees of the commission and to any person or entity that contracts with  
11 the commission to provide public defense services in this state.

12 “(k) Set minimum standards by which appointed counsel are trained and  
13 supervised.

14 “(L) Establish a system, policies and procedures for the mandatory col-  
15 lection of data concerning the operation of the commission and all public  
16 defense providers.

17 “(m) Enter into contracts and hire attorneys to bring the delivery of  
18 public defense services into and maintain compliance with the minimum  
19 policies, procedures, standards and guidelines described in this subsection.  
20 All contracts for the provision of public defense services to which the com-  
21 mission is a party must include a requirement for collection by the commis-  
22 sion of data determined by the commission to be qualitatively necessary for  
23 any report required to be submitted to the Legislative Assembly.

24 “(n) At least once every two years, report to the interim committees of  
25 the Legislative Assembly related to the judiciary, in the manner provided in  
26 ORS 192.245, and to the Governor and Chief Justice, concerning compliance  
27 metrics for the minimum standards described in this subsection and recom-  
28 mendations for legislative changes.

29 “(o) Develop standard operating expectations for persons and entities  
30 providing public defense services.

1 “(p) In consultation with the Judicial Department, ensure the existence  
2 of policies that create a standardized process for determining and verifying  
3 financial eligibility for appointed counsel under ORS 151.485.

4 “(q) Ensure access to systematic and comprehensive training programs for  
5 attorneys for the purpose of meeting statewide standards set by the commis-  
6 sion.

7 “(r) Enter into contracts or interagency agreements with the Oregon De-  
8 partment of Administrative Services for the purpose of supporting state  
9 public defense population forecasts and other related forecasts.

10 “(s) Establish any other policies, procedures, standards and guidelines for  
11 the conduct of the commission’s affairs and promulgate policies necessary to  
12 carry out all powers and duties of the commission.

13 “(2) When establishing the minimum policies, procedures, standards and  
14 guidelines described in this section, the commission shall adhere to the fol-  
15 lowing principles:

16 “(a) Appointed counsel shall be provided sufficient time and a space  
17 where attorney-client confidentiality is safeguarded for meetings with cli-  
18 ents.

19 “(b) The workload of appointed counsel must be controlled to permit ef-  
20 fective representation. Economic disincentives or incentives that impair the  
21 ability of appointed counsel to provide effective assistance of counsel must  
22 be avoided. The commission may develop workload controls to enhance ap-  
23 pointed counsel’s ability to provide effective representation.

24 “(c) The ability, training and experience of appointed counsel must match  
25 the nature and complexity of the case to which the counsel is appointed.

26 “(d) The same appointed counsel shall continuously represent a client  
27 throughout the pendency of the case and shall appear at every court ap-  
28 pearance other than ministerial hearings.

29 “(e) The commission shall establish continuing legal education require-  
30 ments for public defense providers who are employed by or contract with the

1 commission that are specific to the subject matter area and practice of each  
2 type of court-appointed counsel.

3 “(f) The commission and public defense providers shall systematically re-  
4 view appointed counsel for efficiency and for effective representation ac-  
5 cording to commission standards.

6 “(3) The commission shall be organized in a manner for the effective de-  
7 livery of public defense services as prescribed by the policies and procedures  
8 created pursuant to statute to financially eligible persons and consistent  
9 with the budgetary structure established for the commission by the Legisla-  
10 tive Assembly.

11 “(4) The commission shall hire attorneys to serve as appointed counsel,  
12 including at the trial level in Oregon circuit courts, and shall establish a  
13 trial division within the commission consisting of attorneys employed by the  
14 commission who are trial-level public defense providers.

15 “(5)(a) The commission shall establish, supervise and maintain a panel of  
16 qualified counsel who contract with the commission and are directly assigned  
17 to cases. The commission shall develop a process for certification of attor-  
18 neys to the panel with periodic eligibility and case review. Panel attorneys  
19 are not employees of the commission.

20 “(b) The payment of panel counsel:

21 “(A) May not be lower than the hourly rate established by the commis-  
22 sion.

23 “(B) Shall be adjusted to reflect the same percentage amount of any pos-  
24 itive cost of living adjustment granted to employees in the management ser-  
25 vice in other executive branch agencies.

26 “(C) May not provide a financial conflict of interest or economic incen-  
27 tives or disincentives that impair an attorney’s ability to provide effective  
28 representation.

29 “(6)(a) The commission may enter into contracts for the provision of  
30 public defense services with nonprofit public defense organizations.

1 “(b) The commission may enter into contracts with entities that subcon-  
2 tract with other entities or persons for the provision of public defense ser-  
3 vices.

4 “(c) The commission may not enter into a contract or agreement that pays  
5 appointed counsel a flat fee per case.

6 “(7) The policies, procedures, standards and guidelines adopted by the  
7 commission must be made available in an accessible manner to the public  
8 on the commission’s website.

9 “(8) Policies, procedures, standards and guidelines adopted by the com-  
10 mission supersede any conflicting rules, policies or procedures of the Public  
11 Defender Committee, State Court Administrator, circuit courts, the Court of  
12 Appeals, the Supreme Court and the Psychiatric Security Review Board re-  
13 lated to the exercise of the commission’s administrative responsibilities un-  
14 der this section and transferred duties, functions and powers as they occur.

15 “(9) The commission may accept gifts, grants or contributions from any  
16 source, whether public or private. However, the commission may not accept  
17 a gift, grant or contribution if acceptance would create a conflict of interest.  
18 Moneys accepted under this subsection shall be deposited in the Public De-  
19 fense Services Account established by ORS 151.225 and expended for the  
20 purposes for which given or granted.

21 “(10) With the approval of a majority of the voting members of the com-  
22 mission, the commission may advocate for or against legislation before the  
23 Legislative Assembly or policies or budgets being considered by the Legisla-  
24 tive Assembly.

25 “(11) The commission shall request that the Governor include in the  
26 Governor’s requested budget, for each fiscal period, at a minimum, the  
27 amount of funds identified by the commission as being necessary to carry out  
28 the duties and activities of the commission.

29 “(12) The commission may adopt rules pursuant to ORS chapter 183.

30 **“SECTION 4.** ORS 151.216, as amended by sections 78, 94 and 101, chap-

1 ter 281, Oregon Laws 2023, is amended to read:

2 “151.216. (1) The Oregon Public Defense Commission shall:

3 “(a) Establish and maintain a public defense system that ensures the  
4 provision of public defense services consistent with the Oregon Constitution,  
5 the United States Constitution and Oregon and national standards of justice.

6 “(b) Adopt policies for public defense providers that:

7 “(A) Ensure compensation, resources and caseloads are in accordance  
8 with [*national and regional best practices*] **the requirements of the Oregon  
9 and United States Constitutions;**

10 “[*B*] *Ensure all public defense provider contracts provide for compensation  
11 that is commensurate with the character of service performed;*]

12 “[*C*] **(B)** Ensure funding and resources to support required data col-  
13 lection and training requirements; and

14 “[*D*] **(C)** Recognize the need to consider overhead costs that account for  
15 the cost of living and business cost differences in each county or jurisdiction,  
16 including but not limited to rent, professional membership dues, malpractice  
17 insurance and other insurance and other reasonable and usual operating  
18 costs.

19 “(c) Establish operational and contracting systems that allow for over-  
20 sight, ensure transparency and stakeholder engagement and promote equity,  
21 inclusion and culturally specific representation.

22 “(d) Review the caseload policies described in paragraph (b)(A) of this  
23 subsection annually, and revise the policies as necessary and at least every  
24 four years.

25 “(e) Adopt a statewide workload plan, based on the caseload policies de-  
26 scribed in paragraph (b)(A) of this subsection, that takes into account the  
27 needs of each county or jurisdiction, practice structure and type of practice  
28 overseen by the commission.

29 “(f) Submit the budget of the commission to the Legislative Assembly af-  
30 ter the budget is submitted to the commission by the executive director and

1 approved by the voting members of the commission. The chairperson of the  
2 commission shall present the budget to the Legislative Assembly.

3 “(g) Adopt a compensation plan, classification system and affirmative  
4 action plan for the commission that are commensurate with other state  
5 agencies.

6 “(h) Adopt policies, procedures, standards and guidelines regarding:

7 “(A) The determination of financial eligibility of persons entitled to be  
8 represented by appointed counsel at state expense;

9 “(B) The appointment of counsel, including the appointment of counsel  
10 at state expense regardless of financial eligibility in juvenile delinquency  
11 matters;

12 “(C) The fair compensation of counsel appointed to represent a person  
13 financially eligible for appointed counsel at state expense;

14 “(D) Appointed counsel compensation disputes;

15 “(E) The costs associated with the representation of a person by appointed  
16 counsel in the state courts that are required to be paid by the state; and

17 “(F) The types of fees and expenses subject to a preauthorization re-  
18 quirement.

19 “(i) Reimburse the State Court Administrator from funds deposited in the  
20 Public Defense Services Account established by ORS 151.225 for the costs of  
21 personnel and other costs associated with location of eligibility verification  
22 and screening personnel pursuant to ORS 151.489 by the State Court Ad-  
23 ministrator.

24 “(j) Develop, adopt and oversee the implementation, enforcement and  
25 modification of policies, procedures, minimum standards and guidelines to  
26 ensure that public defense providers are providing effective assistance of  
27 counsel consistently to all eligible persons in this state as required by stat-  
28 ute and the Oregon and United States Constitutions. The policies, proce-  
29 dures, standards and guidelines described in this paragraph apply to  
30 employees of the commission and to any person or entity that contracts with

1 the commission to provide public defense services in this state.

2 “(k) Set minimum standards by which appointed counsel are trained and  
3 supervised.

4 “(L) Establish a system, policies and procedures for the mandatory col-  
5 lection of data concerning the operation of the commission and all public  
6 defense providers.

7 “(m) Enter into contracts and hire attorneys to bring the delivery of  
8 public defense services into and maintain compliance with the minimum  
9 policies, procedures, standards and guidelines described in this subsection.  
10 All contracts for the provision of public defense services to which the com-  
11 mission is a party must include a requirement for collection by the commis-  
12 sion of data determined by the commission to be qualitatively necessary for  
13 any report required to be submitted to the Legislative Assembly.

14 “(n) At least once every two years, report to the interim committees of  
15 the Legislative Assembly related to the judiciary, in the manner provided in  
16 ORS 192.245, and to the Governor and Chief Justice, concerning compliance  
17 metrics for the minimum standards described in this subsection and recom-  
18 mendations for legislative changes.

19 “(o) Develop standard operating expectations for persons and entities  
20 providing public defense services.

21 “(p) In consultation with the Judicial Department, ensure the existence  
22 of policies that create a standardized process for determining and verifying  
23 financial eligibility for appointed counsel under ORS 151.485.

24 “(q) Ensure access to systematic and comprehensive training programs for  
25 attorneys for the purpose of meeting statewide standards set by the commis-  
26 sion.

27 “(r) Enter into contracts or interagency agreements with the Oregon De-  
28 partment of Administrative Services for the purpose of supporting state  
29 public defense population forecasts and other related forecasts.

30 “(s) Establish any other policies, procedures, standards and guidelines for

1 the conduct of the commission's affairs and promulgate policies necessary to  
2 carry out all powers and duties of the commission.

3 “(2) When establishing the minimum policies, procedures, standards and  
4 guidelines described in this section, the commission shall adhere to the fol-  
5 lowing principles:

6 “(a) Appointed counsel shall be provided sufficient time and a space  
7 where attorney-client confidentiality is safeguarded for meetings with cli-  
8 ents.

9 “(b) The workload of appointed counsel must be controlled to permit ef-  
10 fective representation. Economic disincentives or incentives that impair the  
11 ability of appointed counsel to provide effective assistance of counsel must  
12 be avoided. The commission may develop workload controls to enhance ap-  
13 pointed counsel's ability to provide effective representation.

14 “(c) The ability, training and experience of appointed counsel must match  
15 the nature and complexity of the case to which the counsel is appointed.

16 “(d) The same appointed counsel shall continuously represent a client  
17 throughout the pendency of the case and shall appear at every court ap-  
18 pearance other than ministerial hearings.

19 “(e) The commission shall establish continuing legal education require-  
20 ments for public defense providers who are employed by or contract with the  
21 commission that are specific to the subject matter area and practice of each  
22 type of court-appointed counsel.

23 “(f) The commission and public defense providers shall systematically re-  
24 view appointed counsel for efficiency and for effective representation ac-  
25 cording to commission standards.

26 “(3) The commission shall be organized in a manner for the effective de-  
27 livery of public defense services as prescribed by the policies and procedures  
28 created pursuant to statute to financially eligible persons and consistent  
29 with the budgetary structure established for the commission by the Legisla-  
30 tive Assembly.



1 “(4) The commission shall hire attorneys to serve as appointed counsel,  
2 including at the trial level in Oregon circuit courts, and shall establish a  
3 trial division within the commission consisting of attorneys employed by the  
4 commission who are trial-level public defense providers.

5 “(5)(a) The commission shall establish, supervise and maintain a panel of  
6 qualified counsel who contract with the commission and are directly assigned  
7 to cases. The commission shall develop a process for certification of attor-  
8 neys to the panel with periodic eligibility and case review. Panel attorneys  
9 are not employees of the commission.

10 “(b) The payment of panel counsel:

11 “(A) May not be lower than the hourly rate established by the commis-  
12 sion.

13 “(B) Shall be adjusted to reflect the same percentage amount of any pos-  
14 itive cost of living adjustment granted to employees in the management ser-  
15 vice in other executive branch agencies.

16 “(C) May not provide a financial conflict of interest or economic incen-  
17 tives or disincentives that impair an attorney’s ability to provide effective  
18 representation.

19 “(6)(a) The commission may enter into contracts for the provision of  
20 public defense services with nonprofit public defense organizations.

21 “(b) The commission may not enter into a contract or agreement that pays  
22 appointed counsel a flat fee per case.

23 “(7) The policies, procedures, standards and guidelines adopted by the  
24 commission must be made available in an accessible manner to the public  
25 on the commission’s website.

26 “(8) Policies, procedures, standards and guidelines adopted by the com-  
27 mission supersede any conflicting rules, policies or procedures of the Public  
28 Defender Committee, State Court Administrator, circuit courts, the Court of  
29 Appeals, the Supreme Court and the Psychiatric Security Review Board re-  
30 lated to the exercise of the commission’s administrative responsibilities un-

1 der this section and transferred duties, functions and powers as they occur.

2 “(9) The commission may accept gifts, grants or contributions from any  
3 source, whether public or private. However, the commission may not accept  
4 a gift, grant or contribution if acceptance would create a conflict of interest.  
5 Moneys accepted under this subsection shall be deposited in the Public De-  
6 fense Services Account established by ORS 151.225 and expended for the  
7 purposes for which given or granted.

8 “(10) With the approval of a majority of the voting members of the com-  
9 mission, the commission may advocate for or against legislation before the  
10 Legislative Assembly or policies or budgets being considered by the Legisla-  
11 tive Assembly.

12 “(11) The commission shall request that the Governor include in the  
13 Governor’s requested budget, for each fiscal period, at a minimum, the  
14 amount of funds identified by the commission as being necessary to carry out  
15 the duties and activities of the commission.

16 “(12) The commission may adopt rules pursuant to ORS chapter 183.

17 **“SECTION 5. This 2025 Act being necessary for the immediate**  
18 **preservation of the public peace, health and safety, an emergency is**  
19 **declared to exist, and this 2025 Act takes effect on its passage.”.**

20

---