

HB 2614-7  
(LC 2876)  
4/8/25 (JLM/ps)

Requested by Representative WALLAN

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2614**

1 In line 2 of the printed bill, after “Commission” insert “; and declaring  
2 an emergency”.

3 Delete lines 4 through 9 and insert:  
4

5 **“ATTORNEY CASELOAD STANDARDS**  
6 **“(Establishing Standards)**  
7

8 **“SECTION 1. Sections 2 to 7 of this 2025 Act are added to and made**  
9 **a part of ORS 151.211 to 151.221.**

10 **“SECTION 2. (1) All contracts for the provision of public defense**  
11 **services to which the Oregon Public Defense Commission is a party**  
12 **shall reflect the following caseload standards:**

13 **“(a) The caseload limit for a full-time equivalent attorney is a total**  
14 **weighted case value of 25 per month and 300 per year, calculated using**  
15 **the weighted case values described in paragraph (d) of this subsection.**

16 **“(b) The annual caseload limit for an attorney whose workload re-**  
17 **presents less than one full-time equivalent position shall be reduced**  
18 **proportionally to the percentage of one full-time equivalent position**  
19 **that the attorney’s workload represents.**

20 **“(c) The annual caseload limit for an attorney under contract for**  
21 **less than one calendar year shall be adjusted proportionally to the**

percentage of the year the attorney is under contract.

“(d) For purposes of calculating the caseload limits described in this section, each case assigned to a single attorney shall be assigned a weighted case value corresponding to its case type, according to the following values:

“(A) For aggravated murder, murder in the first degree or murder in the second degree, 50.

“(B) For rape in the first degree, sodomy in the first degree, unlawful sexual penetration in the first degree or kidnapping in the first degree, when subject to the minimum sentences described at ORS 137.700 (2)(b)(D) to (G), 50.

“(C) Other than offenses described in subparagraph (A) of this paragraph, for any offense subject to the minimum sentences described at ORS 137.700 (2)(a), (2)(b)(A) to (C) or (2)(c), 6.7.

“(D) A Class A felony or Class B felony other than the offenses described in subparagraphs (A) to (C) of this paragraph, 2.2.

“(E) For a Class C felony, 1.8.

“(F) For a misdemeanor, 1.0.

“(G) For a violation of a term or condition of probation, 0.36.

“(H) For a civil commitment subject to ORS chapter 426 or 427, 1.3.

“(I) For appeals of a civil commitment subject to ORS chapter 426 or 427, 9.4.

“(J) For a post-conviction relief proceeding in the trial court, or a petition for a writ of habeas corpus, 6.7.

“(K) For a post-conviction relief proceeding in an appellate court, 6.

“(2) Trial-level attorneys who are employees of the commission are subject to the caseload standards described in subsection (1) of this section.

“(3) A caseload limit for a specific attorney may be adjusted, upon

1 the mutual assent of the commission and the contracting entity, if the  
2 attorney's responsibilities include administration, the training or  
3 supervision of other attorneys or employees or duties associated with  
4 a specialty court.

5 “(4) In any judicial district with a total population of more than  
6 100,000, or in which there were more than 20 unrepresented defendants  
7 on January 1, 2025:

8 “(a) For any case assigned to more than one attorney simultane-  
9 ously, the weighted case value for each assigned attorney shall be re-  
10 duced in proportion to the number of attorneys assigned to that case.  
11 The reduction described in this paragraph may not apply to cases of  
12 the following types:

13 “(A) Cases described in subsection (1)(d)(A) and (B) of this section;  
14 or

15 “(B) Any case designated by a presiding judge as a ‘complex case’  
16 pursuant to Uniform Trial Court Rule 7.030.

17 “(b) If an attorney withdraws from or is removed by the court from  
18 representation of a client due to a conflict of interest, the weighted  
19 case value for the withdrawing attorney shall be reduced by 50 percent,  
20 unless the withdrawal occurs within the first 30 days after represen-  
21 tation commences, in which case the weighted case value shall be ad-  
22 justed to zero.

23 “(c) If a defendant fails to appear in court during the first 60 days  
24 of an appointed attorney's representation, the court shall terminate  
25 the appointment and the weighted case value for the attorney shall  
26 be adjusted to zero, unless the court finds substantial and compelling  
27 reasons to continue the appointment.

28 “(d) For any case assigned to more than one attorney successively  
29 within one law firm, the weighted case value shall be divided among  
30 the participating attorneys proportional to the work performed such

1 that the total of all assigned values does not exceed the weighted value  
2 for that case as described at subsection (1)(d) of this section.

3  
4 “(Exceeding Caseload Standards)  
5

6 **“SECTION 3. (1) As used in this section, ‘overage-eligible attorney’**  
7 **means an attorney who has served as prosecutor or criminal defense**  
8 **attorney in a trial capacity for an aggregate total of not less than five**  
9 **years.**

10 **“(2) The Oregon Public Defense Commission may contract with an**  
11 **overage-eligible attorney for the delivery of public defense services at**  
12 **up to 125 percent of the caseload limits described in section 2 of this**  
13 **2025 Act if the overage-eligible attorney confirms to the commission**  
14 **in writing that performing the services will not prevent the attorney**  
15 **from complying with all applicable ethical standards, including but not**  
16 **limited to the rules of professional conduct adopted under ORS 9.490.**

17 **“(3) Subsection (2) of this section applies only to contracts for the**  
18 **provision of public defense services in a judicial district with a total**  
19 **population of more than 100,000, or in which there were more than 20**  
20 **unrepresented defendants on January 1, 2025.**

21 **“(4) If an attorney performs work in excess of the caseload limits**  
22 **described in section 2 of this 2025 Act, the commission shall increase**  
23 **the compensation paid to the attorney in proportion to the amount**  
24 **by which the attorney’s caseload exceeds the caseload limit.**

25  
26 “(Failing to Meet Standards)  
27

28 **“SECTION 4. (1) As used in this section:**

29 **“(a) ‘Appointed counsel’ includes trial-level attorneys who are em-**  
30 **ployees of the Oregon Public Defense Commission, attorneys employed**

1 by a nonprofit public defense organization that contracts with the  
2 commission to provide public defense services and attorneys who con-  
3 tract with the commission to provide public defense services.

4 “(b) ‘Contractor’ means all appointed counsel other than attorneys  
5 who are employees of the commission.

6 “(2) On a quarterly basis, the commission shall calculate the aver-  
7 age caseload during the preceding quarter for each appointed counsel  
8 providing public defense services within this state.

9 “(3) For any appointed counsel whose quarterly average caseload  
10 calculated under subsection (2) of this section is below 95 percent of  
11 the caseload limits described in section 2 of this 2025 Act, who has not  
12 demonstrated to the commission compelling circumstances warranting  
13 a reduced level of work during that period and whose work is pre-  
14 dominantly performed in a judicial district with a total population of  
15 more than 100,000, or in which there were more than 20 unrepresented  
16 defendants on January 1, 2025, the commission shall adjust the com-  
17 pensation paid to the appointed counsel as follows:

18 “(a) The commission shall calculate the percentage by which the  
19 appointed counsel’s average caseload during the preceding quarter fell  
20 below the caseload limit described in section 2 of this 2025 Act;

21 “(b) The commission shall multiply the percentage determined in  
22 paragraph (a) of this subsection by the amount of compensation the  
23 commission paid to the appointed counsel during the preceding quar-  
24 ter; and

25 “(c) The commission shall reduce the appointed counsel’s compen-  
26 sation for the subsequent quarter by the dollar amount calculated  
27 under paragraph (b) of this subsection.

28 “(4) For any appointed counsel whose compensation is reduced un-  
29 der subsection (3) of this section who is:

30 “(a) A trial-level attorney employed by the commission, the com-

1 mission shall carry out the reduction by reducing funds available for  
2 the commission's trial division.

3 “(b) An attorney employed by a nonprofit public defense organiza-  
4 tion, the commission shall carry out the reduction by reducing the  
5 total funds paid to the organization.

6 “(c) Paid hourly pursuant to a contract with the commission, the  
7 commission shall carry out the reduction by reducing the hourly rate  
8 paid.

9 “(5) All contractors shall affirm in writing to the commission that  
10 funds received from the commission are used solely for the following  
11 purposes:

12 “(a) Materials and services directly related to the provision of de-  
13 fense services for cases to which counsel has been appointed, including  
14 compensation of appointed counsel;

15 “(b) Recruitment, retention and training of appointed counsel, in-  
16 cluding personnel necessary for the provision of defense services for  
17 cases to which an attorney has been appointed; and

18 “(c) Overhead expenses reasonably necessary for operation of the  
19 appointed counsel's firm.

20  
21 “OBLIGATIONS OF PRESIDING JUDGES  
22

23 “SECTION 5. (1) As used this section, ‘crisis district’ means any  
24 judicial district with a total population of more than 100,000 or in  
25 which there were more than 20 unrepresented defendants on January  
26 1, 2025.

27 “(2) The presiding judge in any crisis district shall maintain a list  
28 of all criminal defense counsel who have appeared on cases in the  
29 district in the preceding 12 months and whose principal office is lo-  
30 cated within 50 miles of the district's county courthouse.

1       “(3) Any circuit court judge in a crisis district who learns at a  
2 defendant’s arraignment that the defendant is eligible for and re-  
3 questing court-appointed counsel but is unrepresented shall promptly  
4 inform the judicial district’s presiding judge.

5       “(4) Upon learning that a defendant eligible for and requesting  
6 court-appointed counsel is unrepresented, a presiding judge shall  
7 promptly make all reasonable efforts to locate available defense  
8 counsel to represent the defendant.

9       “(5)(a) If a defendant identified as unrepresented under this section  
10 is in custody and remains unrepresented for more than five calendar  
11 days or is out of custody and remains unrepresented for more than 10  
12 calendar days, the presiding judge shall:

13       “(A) Promptly appoint a defense attorney to represent the defend-  
14 ant from among counsel on the list described in subsection (2) of this  
15 section; and

16       “(B) Establish a rate of compensation reasonably calculated to en-  
17 sure appropriate representation occurs, to be paid by the Oregon  
18 Public Defense Commission.

19       “(b) The executive director of the commission shall ensure that an  
20 attorney appointed under this subsection is paid the rate of compen-  
21 sation established by the presiding judge.

22       “(6) Counsel appointed under this section must, in the judgment of  
23 the presiding judge:

24       “(a) Have sufficient qualifications to represent the defendant;

25       “(b) Have capacity to represent the defendant under all applicable  
26 ethical standards, including but not limited to the rules of professional  
27 conduct adopted under ORS 9.490; and

28       “(c) Have a current caseload of which not more than 10 percent is  
29 composed of court-appointed counsel cases.

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1                                   **“EFFICIENCY IMPROVEMENTS**

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3       **“SECTION 6. (1) The Oregon Criminal Justice Commission shall**  
4 **establish a program to make available logistical and grant funding**  
5 **support for the purpose of implementing public defense system im-**  
6 **provements including the following:**

7       **“(a) Diversion programs for misdemeanors other than person Class**  
8 **A misdemeanors, as that term is defined in the rules of the commis-**  
9 **sion, that require a level of supervision and conditions that must be**  
10 **fulfilled;**

11       **“(b) Programs for the early resolution of misdemeanor and Class C**  
12 **felony cases that provide the opportunity for plea resolution within**  
13 **three weeks of arraignment; and**

14       **“(c) Grant programs to assist district attorneys and defense attor-**  
15 **neys to implement fully digital discovery procedures.**

16       **“(2) Eligibility for grants described in subsection (1) of this section**  
17 **is:**

18       **“(a) Limited to recipients within judicial districts with a total pop-**  
19 **ulation of more than 100,000 and less than 350,000, or with a total**  
20 **population of 100,000 or less in which there were more than 20 unrep-**  
21 **resented defendants on January 1, 2025.**

22       **“(b) Contingent on agreement by the district attorney or district**  
23 **attorneys within the judicial district, the presiding judge of the judi-**  
24 **cial district and the local public safety coordinating council.**

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26                                   **“STRUCTURAL REFORMS STUDY**

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28       **“SECTION 7. (1) The Oregon Criminal Justice Commission shall**  
29 **conduct a study assessing Oregon’s public defense system, including**  
30 **the effects of sections 2 to 7 of this 2025 Act on reducing the number**



1 of unrepresented defendants in Oregon, and shall make recommen-  
2 dations related to reform of the system. The commission shall report  
3 the results of the study to the interim committees of the Legislative  
4 Assembly related to the judiciary, and to the interim subcommittee  
5 of the Joint Committee on Ways and Means related to public safety,  
6 in the manner provided in ORS 192.245, no later than July 30, 2027.

7 “(2) For purposes of conducting the study described in this section,  
8 the commission shall convene and consult with an advisory committee  
9 that includes prosecuting attorneys, criminal defense attorneys, cir-  
10 cuit court judges and other practitioners with relevant professional  
11 experiences and qualifications.

12 “(3) The study described in this section shall include at a minimum  
13 the following:

14 “(a) An analysis of pay parity among prosecutors and criminal de-  
15 fense attorneys;

16 “(b) A review of the recommendations contained in order No.  
17 2023-024 issued by the Chief Justice of the Supreme Court;

18 “(c) A review of any audit report prepared by the Division of Audits  
19 office of the Secretary of State concerning the Oregon Public Defense  
20 Commission published between January 1, 2025, and December 31, 2026;

21 “(d) A review of input from advisory committee members; and

22 “(e) Any other relevant sources of information as determined by  
23 advisory committee members.

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25 **“REPEAL OF PROVISIONS**

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27 **“SECTION 8. Sections 1 to 7 of this 2025 Act are repealed on June**  
28 **30, 2031.**

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30 **“CAPTIONS**

1       **“SECTION 9.** The unit captions used in this 2025 Act are provided  
2 only for the convenience of the reader and do not become part of the  
3 statutory law of this state or express any legislative intent in the  
4 enactment of this 2025 Act.

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6                               **“EFFECTIVE DATE**

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8       **“SECTION 10.** This 2025 Act being necessary for the immediate  
9 preservation of the public peace, health and safety, an emergency is  
10 declared to exist, and this 2025 Act takes effect on its passage.”.

11                               \_\_\_\_\_