



**Public Defender
of Marion County, Inc.**
Humanidad. Comunidad. Justicia.

Dear Co-Chair Broadman, Co-Chair Evans, & Members of the Public Safety Subcommittee,

The Public Defender of Marion County (PDMC) began taking court appointed cases in 2007 with just two attorney employees and two staff members. PDMC now employs 48 people dedicated to public defense work. As PDMC's Director, I have experience working in nonprofit offices and as co-administrator of the Clackamas Indigent Defense Corporation. While consortia may attract lawyers with years of prior defense experience, **nonprofit public defense offices are the necessary training grounds for new public defenders**. At PDMC, most of the current contract's funds were invested in training and developing new public defenders for Oregon.

OPDC's "MAC Utilization Rate" is not independently checked for accuracy or data integrity. Continued use of MAC numbers will not explain the real issues within public defense, nor will it lead to fiscally responsible solutions. For example, OPDC's dashboard cannot show that Marion County forced appointments caused a 60% public defender attrition at PDMC. PDMC suffered DEVASTATING losses when attorneys were pushed into overwhelming practice conditions by some Marion County judges, causing **13 attorneys to leave in 11 months** following Marion County forced appointments. Knowing the tremendous impact attorney attrition has on the ability to take on new clients, OPDC should separate out the attorney utilization rates for those attorneys that left PDMC.

PDMC's cumulative ACTIVE MAC attorney utilization rate is 76%. OPDC's publishes a rate of 60% because their math includes the case rates of attorneys that are no longer working at PDMC. The OPDC dashboard does not provide data for PDMC's ACTIVE attorney MAC nor an accurate picture for attorney performance under the current contract with OPDC.

The following charts show 1) the MAC utilization rate for attorneys who left PDMC & 2) the MAC utilization rate for ACTIVE attorneys at PDMC. Both charts include the qualification level for each attorney, and either the reasons for their departure or the background for the attorney. These charts are based on individual attorney data provided by OPDC, through December of 2024. The charts do not include non-case carrying FTE, such as attorneys listed under contract for supervision or specialty court assignment.

DEPARTED ATTORNEY MAC UTILIZATION RATES

Departed Attorney & Qualification	Reasons for Leaving Marion County	Prorated MAC Departed Attorneys	Reported MAC for Departed Attorneys	Departed Attorney Utilization Rate %
Major Felony	Left Public Defense	0.031	0.135	
Murder Qualified	Left Public Defense	0.862	0.233	
Major Felony	OPDC	0.17	0.005	
Murder	OPDC	0.055	0.079	
Major Felony	OPDC	0.589	0.283	

Minor Felony	Left Public Defense	1.133	0.428	
Minor Felony	Hourly-OPDC	0.931	0.308	
Major Felony	Washington	0.515	0.159	
Major Felony	Washington	0.515	0.244	
Misdemeanor	Left Public Defense	0.252	0.021	
Misdemeanor	Hourly - OPDC	0.629	0.295	
Minor Felony	Left Public Defense	0.252	0.045	
Misdemeanor	Left Public Defense	0.991	0.054	
Major Felony	OPDC	0.263	0.12	
Minor Felony	OPDC	1.197	0.717	
Departed MAC Totals		9.149	3.288	0.359383539
PDMC's Departed MAC Utilization Rate				36%

The MAC utilization rate of attorneys no longer at PDMC is 36%.

The chart below lists the current attorneys working at PDMC by qualification level and provides their background.

ACTIVE ATTORNEY MAC UTILIZATION RATES

Active Attorney & Qualification	Recruitment Background	Active Prorated MAC	Active Reported MAC	Active Utilization Rates
Murder Qualified	Washington County Consortium	0.727	0.78	
M11 & Jlaw	Already at PDMC	0.748	0.679	
Misdemeanor	New PD	1.243	0.479	
M11 & Jlaw	Already at PDMC	1.279	2.643	
M11 & Jlaw	New Mexico	0.586	0.529	
Murder Co & Jlaw	Nebraska	0.504	0.377	
Misdemeanor	California	0.485	0.271	
Murder Cocounsel	California	1.251	0.767	
Misdemeanor	New PD	0.586	0.411	
Misdemeanor	New PD	0.11	0.075	
Minor Felony to Major Felony	Already at PDMC	1.506	0.789	
Murder Qualified	Oklahoma	0.809	0.42	
Misdemeanor	New PD	0.252	0.076	
M11 & Jlaw	OJD	0.504	0.429	
Minor Felony to M11	Already at PDMC	1.506	0.538	
Misdemeanor	New PD	0.244	0.103	

Minor Felony to Major Felony	Already at PDMC	1.207	0.803	
Executive Director	Already at PDMC	0.115	0.549	
Misdemeanor	Washington Co.	0.249	0.331	
Misdemeanor to Minor Felony	Already at PDMC	1.506	0.738	
Active MAC Totals		15.417	11.787	0.764545631
PDMC's Active Attorney MAC Utilization Rate				76%

As the chart above shows, **the MAC utilization rate of current attorneys at PDMC is 76%**. OPDC says that PDMC's MAC utilization rate is approximately 60% because OPDC takes the average of the departed attorneys' MAC (36%) and the current attorneys' MAC (76%). This is misleading and not helpful.

Here are some positive things that can be gleaned from the chart above. Of the 20 attorneys currently at PDMC:

- 13 new attorneys were added to PDMC, after October of 2023.
- 5 of the 13 attorneys are new recruits from out of state.
- 5 of the 13 attorneys are from Oregon and new to public defense.
- 35% of PDMC's attorneys are only misdemeanor qualified.

In 2024, critical to our rebuilding efforts, PDMC Directors performed weekly analysis of each attorney's client representation obligation and workload duties, under the Rules of Professional Conduct. Weekly supervisory analysis of attorney workloads ensures that PDMC provides competent counsel for newly appointed clients. With ethical workload standards centered on our clients, PDMC was able to recruit, train, and rebuild our office.

Thank you for your consideration and your continued efforts to provide every accused person with ethically and constitutionally sound legal representation.

Respectfully,



Shannon Wilson,
Director of PDMC