

Oregon Public Defense Commission

**Joint Interim
Judiciary**

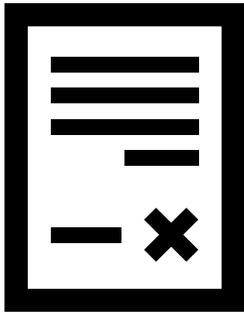
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Oregon Public Defense Commission's Comprehensive Public Defense Report



SB 337
Implementation
Progress



Financial
Projections Based
on Caseload



Public Defense
Delivery

Comprehensive Public Defense Report

SB 337 (2023) directs the agency to submit a yearly report which includes:

1. Financial projections for the Commission based on anticipated workload;
2. A description of the Commission's proposed method for providing public defense services based on anticipated workload;
3. The establishment of training and supervision requirements for public defense providers;
4. Steps taken to determine a reasonable hourly rate for appointed counsel who are not employees of the Commission or nonprofit public defense organizations that accounts for overhead expenses; and
5. Steps taken to improve oversight and enforcement of statewide objective standards for the provision of public defense.

Progress on SB 337 Implementation

Progress on SB 337 Implementation (ORS 151)

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.

In Progress

- OPDC moves to the Executive branch in January 2025.
- 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.

Financial Projections Based on Caseloads

Financial Projections Based on Caseload

Three sets of data are needed to build financial projections based on caseload:

- The Public Defense Forecast (How many cases are projected);
- Caseload and Workload (How many attorney hours are needed per case);
- Economic Study (What is the appropriate compensation for attorney and non-attorney work).

OPDC now has all three of these variables:

- DAS OEA published the Public Defense Forecast in April.
- OPDC adopted caseload and workload standards in May.
- OPDC used the economic study to adopt hourly rates in May.

Public Defense Forecast

- OEA will release the forecasts annually on April 15 and October 15.
- One case does not equal one attorney.
- Case forecast does not account for currently open cases.
- OPDC is working on using this forecast to move from a case count forecast to an attorney-needed forecast.

Case Type	25-27 Case Count Forecast
Misdemeanor	93,923
Minor Felony	33,832
Major Felony	7,682
Measure 11	4,155
Murder	303
Jessica Law	183
Probation Violation	33,993
Treatment Court	1,415
PCR	1,248
Habeas Corpus	596
Civil Commitment	4,031
Total Cases	181,361

Caseload and Workload

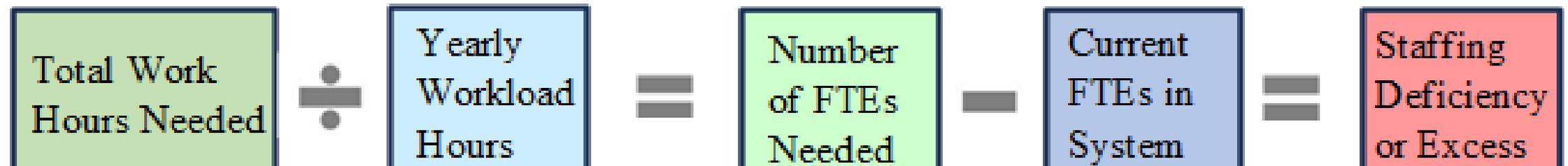
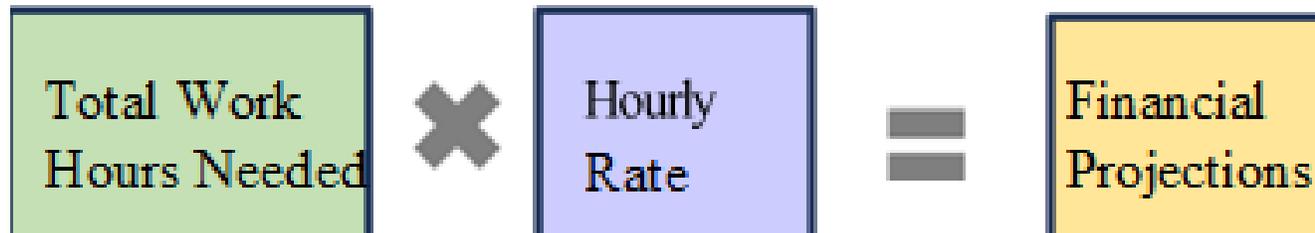
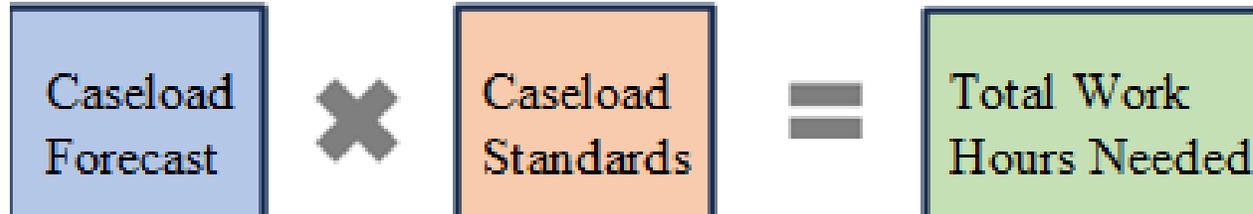
- 337 directs OPDC to adopt a workload plan based on caseload policies that align with national and regional best practices.
 - Caseloads: the number of cases an attorney could take on in a given timeframe
 - Workload: the number of hours an attorney can work per year.

Adult Workload Based on Caseload	
Parole Violation	117
Misdemeanor Low	114
Misdemeanor High	71
DUII Low	83
DUII High	48
Felony C	45
Felony B	28
Felony A	16
Measure 11	6
Jessica's Law	9
Murder	6

Economic Study

- SB 337 requires the OPDC to conduct a survey and economic analysis to establish a formula for calculating an hourly pay rate for appointed counsel, considering overhead expenses, market rates, and regional differences in the cost of living.
- The Commission adopted a formula to determine the market rate.
- This hourly rate will also inform contract rates for contracted providers.

Building Financial Projections



- These projections are currently being built by OPDC.

Six-Year Plan

- OPDC does not expect this workload model to be implemented all at once.
- We are building POPs to implement this over three biennium.
- This means these workload, caseload, and hourly rates won't go into effect in July 2025 but rather be implemented over six years.
- OPDC recognizes that while it can recommend policy and budget options, the Legislature enacts changes and funds public defense.

Public Defense Delivery

Public Defense Delivery

SB 337 states that by July 1, 2027, public defense providers in Oregon will be either

- State employees,
- Employees at a non-profit, or
- Attorneys who are paid hourly as part of a panel of qualified counsel.

- OPDC currently contracts with
 - Non-profit public defenders, who operate independently but receive training and supervision funding, and
 - Individual attorneys, law firms, and consortia or private bar attorneys.
 - OPDC plans to implement workload and caseload standards for all public defense providers.
- By July 2025, OPDC will formalize hourly private bar public defense attorneys into a structured panel.
 - Between July 2025 and July 2027, joining this panel will be voluntary, and OPDC will work with public defense providers to transition private bar public defense attorneys to the hourly panel.

State Trial Offices

- Oregon now has state-employed trial-level public defenders.
- Focus on taking in-custody unrepresented clients.
- 172 open cases.
- 86 closed cases.
- Northwest Office (Portland): 5 attorneys.
- Mid-Valley Office (Salem): 2 attorneys in Salem, 1 starting in June.
- Southern Office (Medford): 2 attorneys in Medford, 1 starting in June.
- 8 more positions open in June (HB 4002)

Oversight, Training, and Standards

- Develop and revise qualification and performance standards for all core roles in public defense.
- Becoming more proactive and data-informed through improved data collection and analysis.
- Develop training programs and partner with public defense organizations to provide tailored training programs for the public defense community.
- Develop and adopt new Key Performance Metrics that are client and outcome-focused.

Future Reporting

Future Reporting

OPDC is currently at a crucial point in implementing SB 337, which will affect the future of public defense in Oregon. The Commission is aware of the significant impact these changes will have on public defense services in the state. Moreover, OPDC remains committed to providing competent and effective legal representation to all persons eligible for a public defender, as mandated by the constitution.

Given the importance of this matter, OPDC would appreciate the opportunity to provide an update before the Legislatively mandated report in December 2025. We can provide an updated report in December 2024.

Thank You